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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 teaching modalities shall be determined in collaboration
45 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 instructional, 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 maintain appropriate policies for the appointment, reappointment,
121 promotion, and termination of instructional, research, or clinical faculty. Campus

122 policies shall also include rights of appeal and associated procedures for
123 instructional, research, and clinical faculty. All policies shall be developed in
124 collaboration with the appropriate faculty governance bodies and must adhere to
125 state law, Regent Law and Policy, and any associated Administrative Policy
126 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 appeal in accordance with campus
162 policies. See Article 5.C.3(C). The provisions of Regent Policy 5.G shall not apply.

- 163 (D) Members of the Faculty Senate who believe their academic rights (as provided for
164 in regent law and policy) have been violated may file a grievance with the Faculty
165 Senate grievance committee, as specified in Regent Policy 5.G.
- 166 (E) Additionally, any university employees afforded academic freedom under Article 5,
167 Part B, who feels their academic freedom has been violated may file a grievance
168 with the Faculty Senate grievance committee, as specified in Regent Policy 5.G.
- 169 (F) The Faculty Senate grievance committee is authorized by the Board of Regents to
170 investigate, mediate, hear grievances, and make recommendations to the
171 administration on specific grievance cases.

172 **Policy 5.A: Faculty Governance**

173 5.A.1 Principle of Shared Governance

- 174 (A) Colorado's Constitution vests the Regents of the University of Colorado with the
175 governance and general supervision of the University of Colorado. In accordance
176 with Regent Law (Article 5, Part A), and in recognition of the faculty's role in the
177 academic functions of the university, the Board of Regents recognizes the principle
178 of shared governance.
- 179 (B) Tenured and tenure-track faculty with appropriate participation by instructional,
180 research, and clinical faculty, have the principal responsibility for decisions
181 concerning pedagogy, curriculum, research, scholarly or creative work, academic
182 ethics, and recommendations on the selection and evaluation of faculty. The
183 development of general academic policies shall be a collaborative effort between
184 the faculty and administration.
- 185 (1) The faculty shall have the principal role in originating academic policy and
186 standards related to: the initiation and direction of all courses, curricula, and
187 degree offerings; admissions criteria, grading and standards for continuation;
188 regulation of student academic conduct; and determination of candidates for
189 honors and degrees.
- 190 (2) The faculty shall have the principal role in making recommendations for the
191 selection of new faculty. Hiring decisions shall be in accordance with the
192 authority delegated by the Board of Regents.
- 193 (3) Faculty members of the primary unit shall have principal responsibility for the
194 conduct of annual faculty performance evaluations and post-tenure reviews
195 based on procedures developed in collaboration with the administration, as
196 stated in section 5.A.1(C)(1).
- 197 (4) Evaluation relating to the reappointment, tenure, and/or promotion of tenured
198 and tenure-track faculty shall follow the procedures defined in Regent Policy
199 5.D.

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

206 primary unit, school/college and campus levels using a shared governance
207 process.

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

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

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

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

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

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

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

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

242

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

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

246 5.B.1 Associated Rights

- 247 (A) All faculty members, within the scope of their faculty responsibilities, must have
248 freedom to study, learn, and conduct scholarship and creative work within their
249 discipline, and to communicate the results of these pursuits to others, bound only
250 by the control and authority of the rational methods by which knowledge is
251 established in the field. The best method for advancing the state of knowledge is
252 engaging with the broadest range of theories, methodologies, data, and conflicting
253 opinions.
- 254 (B) Faculty members shall not be subjected to direct or indirect pressures in an
255 attempt to influence their work in a manner that would conflict with professional
256 standards of the field. The Board of Regents and administration shall not impose
257 such pressures or influence and shall resist such pressures or interference when
258 exerted from outside the university.
- 259 (C) The appointment, reappointment, promotion of all faculty, and award of tenure to
260 tenure-track faculty, shall not be awarded or denied based on extrinsic
261 considerations such as a faculty member's expression of political, social, or
262 religious views.
- 263 (D) Subject to the responsibilities identified in section 5.B.2(C), faculty are afforded
264 freedom in achieving the goals of their assigned courses.

265 5.B.2 Associated Responsibilities

- 266 (A) Faculty members have the responsibility to maintain competence; to devote
267 themselves to developing and improving their teaching, scholarship, research,
268 creative work, clinical activities, writing, and speaking; and to act with integrity, in
269 accordance with the highest standards of their profession.
- 270 (B) While academic freedom affords faculty members wide latitude in defining their
271 scholarly activities, their teaching, scholarship, and creative work shall be
272 assessed by reference to the criteria of the faculty member's primary unit(s).
- 273 (C) Faculty members are responsible for requirements (e.g., course content, topic
274 order, course schedule, assessment mechanisms) specified by responsible faculty
275 bodies, such as curriculum committees.
- 276 (D) Faculty members should be able to justify, in terms of curriculum and student
277 learning, all materials introduced into the classroom.
- 278 (E) All members of the university community shall comply with the standards of ethical
279 conduct stated in Article 1, Part D or Regent Policy 1.C.

280

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

282 5.C.1 Terms and Conditions

- 283 (A) The terms and conditions of every faculty appointment shall be stated in writing
284 and be in the possession of both the university and the appointee, whenever
285 possible, before the appointment start date.
- 286 (B) Faculty titles and a description of responsibilities associated with each title are

287 provided in an Administrative Policy Statement.

288 5.C.2 Tenured and Tenure-Track Faculty Appointments

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

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

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

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

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

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

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

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

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

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

328 (J) The title of distinguished professor is extended by the Board of Regents to

329 recognize the outstanding contributions of tenured CU faculty members to their
330 academic disciplines. The faculty awarded this title must demonstrate
331 accomplishments in accordance with the following criteria: (1) excellence in the
332 promotion of learning and student attainment of knowledge and skills; (2)
333 distinguished performance in scholarly/creative work; and (3) outstanding
334 leadership and service to the profession and to CU and/or affiliate institutions.
335 Further information can be found in the corresponding Administrative Policy
336 Statement.

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

338 (A) As provided in Article 5.C.3(C) of Regent Law, the chancellor of each campus has
339 the responsibility to maintain the appropriate policies for the appointment,
340 reappointment, promotion, and termination, of instructional, research, or clinical
341 faculty. Such policies shall be developed in collaboration with the appropriate
342 faculty governance bodies.

343 (1) Appointments are not eligible for tenure.

344 (2) The terms for promotion, reappointment, and termination of instructional,
345 research, and clinical appointments shall be established in a letter of offer or
346 employment agreement. They shall align with the framework established in
347 the corresponding Administrative Policy Statement.

348 (3) Annual performance evaluations shall be conducted consistent with Regent
349 Policy 5.C.4(B).

350 (B) A faculty member's workload is negotiated with the hiring unit and shall be
351 delineated in a letter of offer or employment agreement.

352 (1) To accommodate professional development, an instructional, research, or
353 clinical faculty member may negotiate a differential workload. This is meant
354 to recognize the contributions of long-serving faculty and allow them to
355 enhance their professional knowledge, competence, and effectiveness. Such
356 professional development opportunities are subject to the availability of funds.
357 Eligibility criteria and application and approval processes are addressed in
358 the corresponding Administrative Policy Statement.

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

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

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

366 (B) Annual performance evaluations for all faculty members shall be conducted by
367 each campus, using a peer evaluation process. Consistent with the faculty
368 member's duties, their contribution to teaching, scholarly/creative work, leadership
369 and service, and, where applicable, other activities specific to their unit (e.g.,
370 clinical activity, librarianship), shall be evaluated based on written performance
371 standards developed by the faculty of the academic unit (primary unit annual

372 evaluation criteria) and any additional written expectations agreed to by the faculty
373 member and the unit. Teaching evaluations shall use multiple measures, including
374 normed student feedback (e.g. Faculty Course Questionnaires), as further
375 explained in the corresponding Administrative Policy Statement. In annual merit
376 evaluations, the assigned workload of a faculty member shall be considered.

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

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

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

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

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

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

418

419

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

421 5.D.1 Tenure Probationary Period

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

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

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

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

- 444 (1) the faculty member is reappointed to a tenure-track position, or
445 (2) the faculty member is informed that they will be given a one-year terminal
446 appointment and the tenure-track appointment will not be continued.

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

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

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

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

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

464 5.D.2 Standards for Tenure

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

470 Additionally:

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

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

481 (2) In its tenure recommendations, the Colorado School of Public Health may
482 consider public health practice/clinical activity and scholarship, as further
483 defined in its bylaws.

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

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

492 (B) A recommendation of tenure based on excellence in scholarly/creative work shall
493 include evidence of impact beyond the institution. A recommendation for tenure
494 based on excellence in teaching shall include multiple measures of teaching
495 evaluation and demonstrated achievement at the campus, local, national, and/or
496 international level which furthers the practice and/or scholarship of teaching and
497 learning beyond one's immediate instructional setting.

498 (1) For the School of Medicine and the School of Pharmacy, which require
499 excellence in both teaching and scholarship, at least one area, as specified in
500 the primary unit criteria, must show evidence of impact beyond the institution.

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

504 5.D.3 Primary Unit Criteria for Reappointment, Tenure, and Promotion

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

514 (1) If new or revised primary unit criteria have been adopted during a faculty
515 member's tenure probationary period, the faculty member may choose to be
516 evaluated for tenure based on the new criteria or the criteria in place at the
517 time of appointment. When a faculty member is evaluated for promotion to
518 full professor, the current primary unit criteria shall apply. See the
519 corresponding Administrative Policy Statement.

520 (a) Faculty members on the Anschutz Medical Campus who are evaluated
521 for promotion to associate professor without a coincident evaluation of
522 tenure may choose to be evaluated for promotion based on the primary
523 unit criteria at the time of appointment or the current primary unit
524 criteria (if revisions have been adopted since the date of appointment).

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

528 (C) To be promoted to the rank of Professor (also referred to as "Full Professor"), an
529 individual should have the terminal degree appropriate to their field or its
530 equivalent, and:

- 531 (1) A record that, taken as a whole, may be judged to be excellent; and
532 (2) A record of significant contribution to graduate and/or undergraduate
533 education, unless individual or departmental circumstances can be shown to
534 require a stronger emphasis, or singular focus, on one or the other; and
535 (3) A record since receiving tenure or promotion to Associate Professor that
536 indicates substantial, significant, and continued growth, development, and
537 accomplishment in teaching, research/creative work, and leadership and
538 service.

539 5.D.4 Mentoring

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

545 5.D.5 Review Process

546 (A) The case for reappointment, tenure and promotion of a tenure-track faculty
547 member and promotion of a tenured faculty member is evaluated at multiple levels.

548 The expertise of the primary unit is balanced by the broader perspective introduced
549 at other levels of review. At each stage of the review process, the candidate should
550 be informed of the outcome as expeditiously as possible. Detailed review
551 procedures are provided in the corresponding Administrative Policy Statement.

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

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

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

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

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

566 5.D.6 Appeal of Decisions Regarding Tenure

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

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

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

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

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

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

585 5.D.7 Grievance Rights

586 (A) If a candidate is denied reappointment, promotion, or tenure and believes that
587 there have been serious procedural or factual errors in the case, or the denial

588 occurred through the material violation of the Laws of the Regents or Regent
589 Policy, the candidate may submit a grievance to the Faculty Senate grievance
590 committee in accordance with Regent Policy 5.G. A grievance may not be filed
591 until all available administrative appeals have been exhausted.

592

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

594 5.E.1 General Provisions

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

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

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

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

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

614 5.E.2 Dismissal for Cause Procedures

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

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

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

621 (2) If the chancellor concurs with the recommendation to dismiss, the faculty
622 member shall be given written notice of the decision. The written notice shall
623 state the specific reasons the action is being taken and shall inform the
624 faculty member of the right to file a grievance within 10 business days.

625 (a) If the faculty member elects to file a grievance, the filing and
626 investigation shall follow the processes and timelines specified in
627 Regent Policy 5.G.

628 (3) If the case was investigated by the Faculty Senate grievance committee, the
629 chancellor shall review the findings, conclusions, and recommendations of
630 that committee. Within 10 business days of receipt of the final report from the

- 631 committee, the chancellor's final decision shall be provided in writing to the
632 faculty member, committee chair, and panel chair. The chancellor shall give
633 substantial weight to the committee's recommendation and include a
634 rationale for any decision that is inconsistent with the recommendation.
- 635 (4) If the chancellor maintains the original decision to dismiss, and the case
636 involves a tenured faculty member, the action to dismiss shall be contingent
637 upon the revocation of tenure by the Board of Regents. See section 5.E.3.
- 638 (5) When dismissal is approved by the chancellor, the faculty member shall have
639 the right to appeal to the president.
- 640 (a) If the faculty member requests a presidential review, an appeal must
641 be filed with the Office of the President within 20 business days of
642 being notified of the chancellor's decision to dismiss.
- 643 (C) If the faculty member appeals the chancellor's decision to dismiss, the president
644 shall review the merits of the case.
- 645 (1) The faculty member shall be provided an opportunity to present their case to
646 the president.
- 647 (2) The chancellor shall have an opportunity to respond to the faculty member's
648 presentation.
- 649 (3) If the case has been reviewed by the Faculty Senate grievance committee,
650 the panel chair or designee shall be the spokesperson for the committee
651 before the president. The president shall consider and give substantial weight
652 to any recommendation from the Faculty Senate grievance committee.
- 653 (4) The president shall have an opportunity to ask questions but, ordinarily, the
654 president will not hear new evidence.
- 655 (5) The president may decide to adopt the chancellor's recommendation to
656 dismiss for cause or may end the action against the faculty member.
- 657 (a) If the president disagrees with the recommendation to dismiss, the
658 decision is final.
- 659 (b) If the president concurs with the chancellor's recommendation and
660 approves dismissal, and the case involves a tenured faculty member,
661 the action to dismiss shall be contingent upon the revocation of tenure
662 by the Board of Regents. See section 5.E.3.
- 663 (c) If the president concurs with the chancellor's recommendation and
664 approves dismissal, and the case involves a tenure-track faculty
665 member, the president's decision is final and the case shall be closed.
- 666 (6) If the case has been reviewed by the Faculty Senate grievance committee,
667 within 10 business days of the final decision, the president's decision shall be
668 provided in writing to the faculty member, chancellor, committee chair, and
669 panel chair. If the president and panel do not concur, the president's
670 recommendation to the Board shall include the reasons for the president's
671 disagreement with the panel.

672 5.E.3 Tenure Revocation

- 673 (A) If a dismissal for cause case involves a faculty member with tenure, the revocation
674 of tenure, based on the case for dismissal for cause, is subject to approval by the
675 Board of Regents upon recommendation by the president.

- 676 (1) If the president recommends tenure revocation, the faculty member shall be
677 notified concurrently with the transmittal of the recommendation to the Board
678 of Regents.
- 679 (2) All supporting documentation shall be forwarded to the Board of Regents.
680 The president's recommendation shall include the rationale for tenure
681 revocation.
- 682 (B) Action by the Board of Regents
- 683 (1) The chair of the Board of Regents shall notify the faculty member when the
684 board receives a presidential recommendation for tenure revocation. If the
685 case has been reviewed by the Faculty Senate grievance committee, the
686 chair of the Board of Regents shall also notify the panel chair of the
687 president's recommendation for tenure revocation.
- 688 (2) Within 20 business days of receiving notice from the chair of the Board of
689 Regents, the faculty member shall be given an opportunity to respond in
690 writing to the president's recommendation to revoke tenure. In that response,
691 the faculty member shall indicate if they request a hearing before the board.
692 If the faculty member requests a hearing before the board, the hearing shall
693 be held in executive session.
- 694 (a) The faculty member shall be provided an opportunity to present their
695 case to the Board of Regents during the hearing.
- 696 (b) The administration shall have an opportunity, as directed by the
697 board, to respond to the faculty member's presentation.
- 698 (c) If the case has been reviewed by the Faculty Senate grievance
699 committee, the panel chair or designee shall be the spokesperson for
700 the committee before the Board of Regents.
- 701 (d) The members of the board shall have an opportunity to ask questions
702 of the faculty member, the administration, and the panel chair but,
703 ordinarily, the board will not hear new evidence.
- 704 (3) Upon conclusion of the hearing before the board and after consideration of all
705 of the information provided to it, the board shall take action.
- 706 (a) The board may decide to adopt the president's recommendation to
707 revoke tenure or may end the action against the faculty member.
- 708 (b) If the board votes to revoke tenure, the board may, at its discretion,
709 also vote to grant one year of severance pay.
- 710 (c) In taking any action, the board shall consider any recommendation
711 from the Faculty Senate grievance committee.
- 712 (4) The board's action, which shall be taken in a public meeting, is final.
713

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

715 5.F.1 Academic Unit or Degree Program Discontinuance

- 716 (A) In accordance with Regent Policy 4.B.4, the Board of Regents may discontinue an
717 academic unit or degree program for educational, strategic, realignment, resource
718 allocation, or financial reasons, or a combination of these reasons.

- 719 (1) Termination of faculty appointments, including tenured and tenure-track
720 appointments, may occur as the result of formal discontinuance of an
721 academic unit or degree program.
- 722 (B) Upon a decision by the Board of Regents to terminate an academic unit or degree
723 program, the chancellor shall develop a plan for discontinuance, including the
724 disposition of faculty appointments.
- 725 (1) Decisions on termination of appointments of individual faculty members due to
726 degree program or academic unit discontinuance will be made by the
727 chancellor in consultation with appropriate faculty members and
728 administrators.
- 729 (C) The termination of a tenured faculty appointment is contingent upon Board of
730 Regents approval of the revocation of tenure.
- 731 (D) One year's formal notice will be provided to tenured and tenure-track faculty
732 members whose appointments are to be terminated.
- 733 (E) One year's formal notice will be given to all instructional, research, and clinical
734 faculty members whose appointments are to be terminated, provided they have at
735 least seven years of continuous half-time (0.5 FTE) service to the university.
- 736 (F) Obligations to Tenured Faculty
- 737 (1) Unless there is a compelling academic reason to do otherwise, no tenured
738 faculty member will be considered for termination until the appointments of
739 faculty members in the unit without tenure have been considered for
740 termination.
- 741 (2) Before terminating a tenured appointment due to program discontinuance,
742 reasonable efforts will be made to find another suitable position for the faculty
743 member within the university. Inter-departmental or inter-campus transfers
744 may be made only if mutually acceptable. Retraining for faculty members
745 during the notice year should be provided under the sponsorship of the
746 campus where the program is discontinued if, in the judgment of the campus
747 and the faculty member, such retraining will prepare the faculty member for
748 another suitable University of Colorado position. Any retraining opportunities
749 shall not interfere with the faculty member's assigned teaching and other
750 professional obligations during the notice year. Faculty members meeting age
751 and service requirements as specified in university policy have the option to
752 retire.
- 753 (3) After exhaustion of efforts to find another suitable position within the
754 university, a tenured appointment may be terminated with applicable
755 severance pay. Faculty members who elect to resign or retire from the
756 university are not eligible to receive severance pay.
- 757 (a) Upon termination, severance pay equal to the individual's base salary
758 for one academic year will be provided to faculty members with 9-
759 month contracts and one fiscal year to faculty members with 12-month
760 contracts.

761 (4) If a program is reinstated within three years at the campus where it was
762 discontinued, tenured faculty members whose appointments were terminated
763 will have a right to reinstatement with tenure, provided positions are available
764 and the position is substantially similar in responsibilities to the one previously
765 held by the faculty member.

766 (G) Rights of All Faculty

767 (1) A faculty member who is terminated for reasons of program discontinuance
768 will be eligible to participate in the university group insurance program for 18
769 months following the date of termination under the conditions of the
770 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) if the
771 faculty member is enrolled in the university's group insurance program at the
772 time of termination.

773 (2) Faculty members will be provided counseling regarding employment
774 opportunities outside of the university if they request it.

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

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

781

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

783 5.G.1 Grievance Rights

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

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

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

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

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

- 801 (A) The authority granted to the Faculty Senate grievance committee by the Board of
802 Regents is the result of a collaborative process between the faculty, administration,
803 and regents to ensure an appropriate role for faculty governance in disciplinary
804 actions taken against faculty members and in addressing violations of a faculty
805 member's academic freedom or academic rights.
- 806 (B) The Faculty Senate grievance committee shall be constituted as provided in the
807 Faculty Senate constitution and shall investigate, mediate and hear grievances
808 submitted by members of the faculty and make recommendations to the
809 administration on specific grievance cases, consistent with regent law and policy.
- 810 (C) The committee shall have the authority to develop its internal administrative rules
811 consistent with regent law and policy. The policies and procedures of the Faculty
812 Senate grievance committee shall be provided in the Faculty Senate constitution
813 and bylaws.

814 5.G.3 The Faculty Senate Grievance Process

815 (A) Jurisdiction

- 816 (1) The jurisdiction of the Faculty Senate grievance committee is expressly
817 limited to the review of those grievances described in section 5.G.1.
- 818 (2) The committee shall not substitute its judgment about an individual's
819 academic merit for that of other authorized committees and administrators.
820 The committee shall only consider whether proper procedures were followed.
- 821 (3) In cases involving faculty personnel decisions resulting from program
822 discontinuance, the committee shall not consider the validity of the program
823 discontinuance decision. The committee shall consider only whether proper
824 procedures were followed in taking these personnel actions.
- 825 (4) In disciplinary matters, the committee shall consider the merits of the matter
826 before it, as well as the process.
- 827 (5) The investigation of certain matters may be reserved to another entity or
828 official within the University of Colorado by law or university policy, such as
829 the investigation of allegations of discrimination and harassment by the
830 relevant campus office that deals with matters of equity and discrimination,
831 the investigation of allegations of research misconduct by the Standing
832 Committee on Research Misconduct, or the investigation of fiscal misconduct
833 by the Internal Audit Department. In those cases, the Faculty Senate
834 grievance committee shall defer to those offices to complete their
835 investigations and shall be bound by the factual and policy determinations of
836 those investigations absent reliable evidence that those determinations
837 resulted from: (1) material and prejudicial error during the course of the
838 investigation; (2) manifest bias upon the part of the investigating official or
839 entity; or (3) fraud, misrepresentation or misconduct by a party to the
840 proceedings. In making these determinations, the Faculty Senate grievance
841 committee shall not consider new evidence challenging the factual and policy
842 determinations except for evidence that could not, in the exercise of
843 reasonable diligence, have been presented in the earlier proceedings. The
844 Faculty Senate grievance committee shall not consider a grievance until
845 these processes are completed. The Faculty Senate grievance committee is

846 not bound by the recommendation of sanctions made by any investigating
847 official or entity and may propose alternative sanctions to the administration
848 or Board of Regents.

849 (6) The recommendations of the Faculty Senate grievance committee shall be
850 considered before final action is taken; however, the ultimate authority rests
851 with the administration or Board of Regents. In all cases, a report shall be
852 issued to the grievance committee chair that identifies the final action taken
853 and the rationale for such action.

854 (B) Time Limits for Filing a Grievance

855 (1) Dismissal for Cause Grievance Filings

856 (a) If the administration is initiating dismissal for cause proceedings to
857 terminate a tenured or tenure-track faculty member, the faculty member
858 shall be given written notification and may request, within 10 business
859 days of receipt of notification, that the president or chancellor refer the
860 matter to the Faculty Senate grievance committee. Upon receipt of such
861 a request, the president or chancellor shall refer the matter to the
862 grievance committee within 5 business days. If the individual concerned
863 does not request referral to the grievance committee within 10 business
864 days, the faculty member shall be deemed to have forfeited the right to
865 such proceedings.

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

871 (2) All other Grievance Filings

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

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

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

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

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

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

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

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

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

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

902 (C) Grievance Proceedings

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

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

911 (3) In dismissal for cause grievance cases, the administration shall bear the
912 burden of proof by clear and convincing evidence. In all other grievance
913 cases, the faculty member shall bear the burden of proof by a preponderance
914 of the evidence.

915 (4) In accordance with the confidentiality expected of the grievance process and
916 as permitted by law, all parties in the grievance process and the committee
917 members shall maintain the confidentiality of the grievance proceeding.

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

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

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

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

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

934 5.G.4 Findings and Recommendations

935 (A) Grievance Cases Involving Dismissal for Cause

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

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

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

944 (B) All Other Grievance Cases

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

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

950 (2) The chancellor shall provide a response to the committee chair within 10
951 business days of receiving the findings and recommendations. The
952 chancellor's response shall address each of the grievance committee's
953 recommendations, indicating what action the chancellor intends to take in
954 response to the recommendations and an explanation for such action.

955 (a) If the grievance committee determines that the chancellor's response
956 satisfactorily addresses the committee's recommendations, the chair
957 shall notify all parties and close the case.

958 (b) If the grievance committee is not satisfied with the chancellor's
959 response, the committee chair shall, within 10 business days, report
960 the disagreement and the basis thereof and forward a copy of the
961 record of the case to the president for review.

962 (c) The president's decision is final.

963 (3) If the grievance case relates to the denial of tenure by the president (following
964 a positive recommendation by the chancellor), the president shall consider
965 the recommendations of the grievance committee, but retains authority for the
966 final decision.

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

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973

- (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.

APPROVED 11-8-18 BUT NOT YET EFFECTIVE