



TO: Board of Regents Governance Committee
FROM: Michael Lightner, Vice President for Academic Affairs
Jill Taylor, Director of Academic Program and Policy Analysis
DATE: May 7, 2018
RE: Recommended Changes to Article 5 and Related Policies

Review and Revision Process

As part of a larger effort to review all Regent laws and policies, the administration, in collaboration with the faculty, has undertaken a thorough review of Article 5 and the related policies. In September 2017, an initial document was released to solicit input on substantive changes that were being proposed for Article 5. This document addressed broad principles, but did not present draft policy language. The first complete draft of Article 5 and Policies 5A through 5G was released on December 8, 2017. Faculty and other interested parties were given 60 days to provide comment. A second draft followed on March 2, 2018 with a 30-day review period. The document being presented to the Governance Committee is the result of that iterative process.

At each stage in the process, proposed changes were discussed with the Faculty Council, the Faculty Council Educational Policy and University Standards (EPUS) committee, and the faculty assemblies on each campus. All documents were also posted on a [public website](#) that allowed individuals to submit direct feedback. More than 200 different, and occasionally contradictory, comments were received.

The evaluation of all comments received, consideration of appropriate responses, and development of each draft, was conducted by a team including the provosts of each campus, specific advisory personnel for the provosts, and members of the system office of academic affairs. The final set of recommendations to the board reflects consensus on some issues, but also compromise or lack of consensus on other issues.

The revisions ultimately adopted by the Board of Regents will likely require changes to existing Administrative Policy Statements (APSs) and the creation of new APSs. This work will be completed before the approved changes to regent law and policy will take effect. Any changes affecting tenure and promotion will only apply to faculty hired after the effective date of the new or revised laws and policies and administrative policy statements – estimated to be completed July 1, 2019. Additionally, it is likely that changes will be needed in the Faculty Senate constitution.

Guiding Principle

The regent laws and policies review project is driven by the guiding principle that laws should capture only high-level statements on governance and policies should include the necessary elaborations of law. The goal is to focus on the powers and responsibilities of the Board of Regents while assigning operational procedures to APS or campus policy. This goal was pursued while considering protections currently afforded to the faculty.

Adherence to the guiding principle resulted in a draft document that represent significant changes to both the structure and content of current laws and policies. As a result, a redlined version is unreadable. This memo is intended to provide full transparency regarding the substantive changes being recommended, but it does not capture all editorial changes.

Recommendations

Faculty Governance

The role of faculty in the shared governance of the university is currently captured in Article 5, Part E. The draft document addresses faculty governance in Article 5, Part A and Regent Policy 5A.

Issues and Recommendations

- Definition of the Faculty, Faculty Senate Membership, Participation in Shared Governance
 - Faculty are currently defined based on a long (and outdated) list of faculty job titles. This definition of the “general faculty” defines Faculty Senate membership and voting rights, which, in turn, determines the right of faculty to participate in shared governance.
 - Proposed revisions allow the Faculty Senate to define its membership but give voting rights (and therefore formal participation in system-level shared governance) to all members with an appointment of 0.5 FTE or greater.
- Faculty Governance versus Faculty Government
 - Current regent law conflates the role of faculty government with the shared governance role of all faculty. While the two are related, they are not the same.
 - The draft law and policy attempt to clarify the role of faculty government (i.e., Faculty Council and campus faculty assemblies) in representing the faculty before the administration and Board of Regents, while recognizing the role of the faculty, as a whole, in making decisions related to academic policy and standards.
- Structure of Faculty Government
 - Current regent law defines the membership of the Faculty Senate, names the representative body (Faculty Council), and states the role of the campus faculty assemblies.
 - The proposed revisions would give greater flexibility to the faculty to determine the structure and operations of faculty government, at the system and campus levels, while working within broad parameters established by the regents.
 - The draft adds to regent policy a requirement that each school/college/library have a governance body, although it does not define the structure or function of that body. This addition is in response to feedback received from faculty.
- The Role of Faculty in Determining the Curriculum and Developing Academic Policy
 - Current regent law outlines the principal responsibilities of the faculty and the administration in making decisions related to curriculum, academic standards, academic policy, budget, and a number of other specific issues. Much of this language remains appropriate; however, some points warrant clarification.
 - The proposed revisions affirm the principal role of the faculty over curricular matters, while noting that collaboration with the administration is required in the development of

general academic policies, and decisions concerning the academic calendar, course scheduling, and teaching modality.

- The draft document also affords tenured and tenure-track faculty the principal responsibility for decisions concerning pedagogy, curriculum, scholarly or creative work, academic ethics, and recommendations on the selection and evaluation of faculty. It indicates that instructional, research, and clinical faculty shall participate as appropriate.
- The Role of Faculty in Selecting and Evaluating Faculty
 - Regent Law currently gives faculty the lead role in the selection and evaluation of faculty. Proposed language allows for the different practices that are in place at the Anschutz Medical Campus.
- The Role of Faculty in Selecting and Evaluating Administrators
 - Current regent law affords the faculty a collaborative role in selecting and evaluating department chairs and academic administrators, but makes no distinction in how that participation may vary for chairs versus and other administrators (who may be officers).
 - Proposed revisions clarify the role of faculty in selecting and evaluating department chairs and administrators below the level of dean versus the role of faculty in selecting and evaluating deans and administrators at higher levels (which must comply with procedures established in Regent Policy 3).
- The Role of Faculty in Budget Decisions
 - Current regent law provides multiple statements with respect to the role of faculty in developing budgets. One statement gives the administration the principal role in the preparation of budgets with “early collaboration with the appropriate faculty governance groups.” A separate statement gives the faculty a collaborative role in establishing and reviewing budget policies and plans for resource allocation and states that this includes “review for new academic degree program proposals, academic program review, and program discontinuance.”
 - The proposed draft includes a single statement with respect to the role of faculty in budget decisions, retaining the language that gives the administration principal responsibility but requires early collaboration with the faculty in developing campus and system budgets.
 - The draft document eliminates specific reference to the review of degree proposals, program review, and program discontinuance. While these have budgetary implications, they are academic decisions and, as such, the faculty should have primary responsibility.

Concerns or Points of Disagreement

- Appropriate Role of Faculty versus Administration
 - There is a perception among some faculty members that the proposed changes give the administration responsibility for decisions that should be the primary responsibility of the faculty.
 - The issue of greatest concern is course modality. Draft policy states that decisions on course modality should be a collaborative effort between the faculty and administration. Some faculty members feel that course modality is inseparable from curriculum and pedagogy and should be left to the faculty to determine.

- Faculty members also expressed the concern that faculty do not have adequate involvement in budgetary decisions.
- Role of Tenured and Tenure-Track Faculty versus Other Faculty
 - Many faculty members expressed concern about the distinction between the role of tenured and tenure-track faculty versus other faculty in making decisions related to the curriculum and academic standards. They contend that since instructional track faculty perform much of the teaching on campus, they should have an equal role in such decisions.

Academic Freedom

Academic freedom is currently discussed in Article 5, Part D. The draft document addresses academic freedom in Article 5, Part B and Regent Policy 5B.

Issues and Recommendations

- Academic Freedom versus Free Expression
 - Current regent law does not clearly distinguish between academic freedom, as recognized by the Board of Regents, and the right to free expression, as established in law.
 - The proposed revision defines academic freedom to provide clarity about when it applies and to whom it applies. The revisions separate out academic freedom for faculty into Article 5 and academic freedom for students in Article 7.
 - The proposed article specifies that academic freedom applies to all employees who, within the scope of their responsibilities, are engaged in independent teaching, or scholarly/creative work.
 - References to an individual's rights as they relate to free expression have been moved to a separate section of law and policy.
- Delineation of Rights versus Responsibilities
 - Current regent law addresses both rights and responsibilities related to academic freedom, but they are not identified as such and are incomplete.
 - Proposed language clearly indicates the rights afforded to individuals based on the principles of academic freedom, but also indicates that individuals have associated responsibilities in exercising those rights. Among those responsibilities is the need to respect the curricular decisions made by faculty via a curriculum committee or similar body. In addition, faculty members should be able to justify materials used in the classroom in terms of their relationship to the curriculum and student learning.
 - The draft document also affirms that academic freedom gives faculty members wide latitude in defining their scholarly activities, however their work will be evaluated based on their primary unit criteria.
- Grievance Rights
 - Current regent law is unclear with respect to who can file a grievance with the Faculty Senate grievance committee for a perceived violation of academic freedom.
 - Proposed revisions extend grievance rights to all employees who, within the scope of their responsibilities, are engaged in independent teaching, or scholarly/creative work.

Concerns or Points of Disagreement

- Definition of Academic Freedom and Associated Rights and Responsibilities
 - Given the importance of academic freedom, there was considerable debate about how to best define it and articulate the associated rights and responsibilities. The proposed language seeks to establish reasonable parameters, while giving faculty the appropriate degrees of freedom in conducting their work. The language in the draft document attempts to recognize the many concerns that were expressed, but will not satisfy all individuals.
- Liberal Education
 - Current regent law states that the university “was created and is maintained to afford men and women a liberal education in the several branches of literature, arts, sciences, and the professions.”
 - In the draft revision, this statement has been modified and the word “liberal” has been removed, as it is not accurate in all cases, particularly in graduate and professional education, which are focused on a specific discipline. There are eight faculty members on the UCCS campus who provided opinions that strongly oppose the removal of “liberal” as they feel it undermines the long-held tradition of universities to provide a liberal arts education.

Faculty Appointments

Faculty titles, and the terms and conditions of faculty appointments, are currently discussed in Article 5, Parts A and B and in Regent Policies 5A, 5D, 5E, and 5L. The draft document significantly restructures these sections and presents information on faculty appointments in Article 5, Part C and Regent Policy 5C.

Issues and Recommendations

- Tenure Home and Faculty Transfer
 - Although regent law clearly states that the Board of Regents awards tenure, it is silent on the issue of tenure “home” – whether tenure resides in the university, a campus, or an academic unit. As a result, there is no clear process for addressing tenure when a faculty member moves between campuses or academic units.
 - The draft document states that tenure resides with the university and further states that the move of a faculty member to a new unit (within the same campus or at a different campus) requires the approval of faculty within the receiving unit, but does not require reconsideration of tenure by the board. It calls for transfer procedures to be stated in APS.
- Faculty Appointments and Faculty Titles
 - Article 5 currently defines the “general faculty” based on a listing of faculty titles, and states the types of appointments that may be held by faculty (tenured, limited, indeterminate, or at-will). Regent Policy 5.L provides approved faculty titles within a number of broad faculty categories.
 - Proposed revisions remove the definition of the general faculty, and remove definitions of faculty appointments and faculty titles from regent law and policy. The draft language retains broad parameters for faculty appointments, but requires an APS to address terms

and conditions of appointments, and faculty categories and titles. This more easily allows for variations that exist across campuses due to their different roles and missions, while still providing a system-level framework. This is particularly relevant to faculty off the tenure track (referred to in the draft document as instructional, research, and clinical faculty).

- Tenured Appointments
 - Current law allows an assistant professor, senior instructor, or instructor to hold a tenured appointment “under exceptional circumstances.” This does not reflect current practice.
 - The draft document states that a tenured appointment may only be held by an individual with the rank of professor or associate professor.
- Rights and Privileges for Instructional, Research, and Clinical Faculty
 - Because tenure is awarded by the Board of Regents, and the appointment of tenured and tenure-track faculty represents a long-term financial commitment by the university, requirements for tenured and tenure-track appointments, and the rights afforded to these faculty members are articulated in regent policy. There are few statements addressing instructional, research, and clinical faculty.
 - The draft document requires campus policies to address the appointment, reappointment, promotion, termination, and grievance rights of instructional, research, and clinical faculty. This will provide transparency and a much-needed framework, while allowing an appropriate level of flexibility across campuses.
 - Proposed language explicitly allows instructional, research, and clinical faculty to negotiate a differential workload to accommodate professional development. It also encourages campuses to provide multi-year contracts to high performing faculty as permitted by state law and as resources allow. Finally, though not addressed in the draft document, the administration has committed to providing a second promotional opportunity for instructors (to be addressed in the APS on faculty titles).
- Annual Performance Evaluations versus Annual Merit Review
 - Current regent policy conflates the annual performance evaluation process with the annual merit review. The two are related, but distinct. Annual performance evaluations are required of all faculty. The result of that evaluation is considered when allocating the annual merit pool (base salary increases must be based on merit); however, the annual performance evaluation is also used when considering poor performance and elements of post-tenure review. Accordingly, annual performance evaluations are conducted in years when there is no merit pool. In short, they are two separate processes with different implications.
 - Proposed revisions to Article 5 and Policy 5.C. clarify language related to annual performance evaluations. The merit review process is addressed in another section of regent law and policy (still to be reviewed).
- Faculty Recruitment
 - Current regent law states that it is the general policy of the university to recruit faculty mainly in the lower ranks.
 - The draft document removes this statement. Although it is common practice to hire new faculty at the lower ranks, units need flexibility to meet specific program needs or take advantage of opportunities to hire accomplished faculty.

- Sabbatical Assignments and Outside Work
 - The draft document retains regent approval of sabbatical assignments, but eliminates from regent policy the specific rules and procedures governing sabbaticals. These are currently stated in APS.
 - The draft document gives the Dean (or dean's designee) approval authority for outside work, known as the 1/6th rule. Current regent law requires presidential approval. The draft retains the language that requires outside work not exceed one-sixth of the faculty member's time and not interfere with the faculty member's assigned university responsibilities.

Concerns or Points of Disagreement

- Faculty Appointments and Faculty Titles
 - Some faculty members expressed concern that moving faculty titles to APS would too easily allow faculty titles (and descriptions) to be added or changed.
- Rights and Privileges for Instructional, Research, and Clinical Faculty
 - Many faculty members would prefer to see policies related to the appointment, reappointment, promotion, termination of non-tenure track faculty members more fully articulated in Regent Law and Policy. They believe this would provide a higher level of protection than they are currently afforded.
- Tenure-eligible Faculty
 - Three schools on the Anschutz Medical Campus (Medicine, Pharmacy, and Public Health) have different processes related to tenure and promotion. There is no specified timetable for faculty evaluation for tenure, and, thus, no probationary period. These faculty members are inconsistently referred to as tenure-eligible, rather than tenure-track. Current regent law notes the differences in the tenure process, but does not identify tenure-eligible faculty as such. They are considered tenure-track. The draft document retains this approach. Some faculty feel it is important to clearly distinguish tenure-eligible and tenure-track faculty, while some strongly oppose this distinction.

Reappointment, Tenure, and Promotion of Tenured and Tenure-Track Faculty

The rules and procedures for reappointment, tenure, and promotion of tenured and tenure-track faculty are currently captured in Article 5, Part B and Regent Policy 5M. The draft document addresses reappointment, tenure, and promotion in Article 5, Part C and Regent Policy 5D.

Issues and Recommendations

- Standards for Tenure
 - To be considered for tenure, a faculty member demonstrate, at a minimum, meritorious performance in teaching, research/creative work, and leadership and service and excellence in either teaching or research/creative work (with a few clearly stated exceptions). Standards of excellence are established in primary unit criteria.
 - Proposed revisions require a demonstration of external impact to warrant excellence in teaching or scholarly/creative work. The manner in which external impact can be demonstrated is to be specified in the primary unit criteria.

- Although not required in regent law, primary unit criteria generally require external impact for excellence in scholarly work. The same is not true for teaching. The recommendation would introduce a level of consistency and make external impact a regent requirement. Many instructors excel in the classroom, yet cannot be considered for tenure. Therefore, awarding tenure for teaching excellence without requiring broader impact is unjustified.
- The draft document includes a statement that effort cannot be a criterion for excellence or meritorious. This is commonly articulated in primary unit criteria, but is not currently articulated in regent policy.
- Changes to Primary Unit Criteria
 - If new primary unit criteria are adopted or criteria are revised during a faculty member's tenure probationary period, current practice is to allow the faculty member to choose whether to be evaluated based on the current criteria or those in place at the time of appointment. If a faculty member is evaluated for promotion to professor, current criteria apply. Although these practices are well established on campus, regent law and policy are silent on the issue.
 - Proposed revisions would codify current campuses practices in regent policy and eliminate the possibility for uncertainty or inconsistency in how these rules are applied.
- Appeals Processes
 - Current regent law and policy allow a faculty member to appeal to the president if denied reappointment or tenure. Law and policy conflict with respect to the appeal of negative decisions on promotion – regent law allows an appeal to the president, while regent policy gives final authority to the chancellor.
 - Proposed revisions would only allow a presidential review of negative tenure decisions. The chancellor would have final approval of decisions on reappointment and promotion.
 - If a negative decision on tenure is appealed to the president, current regent policy requires the president to convene a faculty advisory committee to review the case. This is typically not current practice.
 - The draft document states that the president may convene a faculty advisory committee, but does not require it.
- Tenure Review
 - Current regent law states that, under special circumstances, tenure may be awarded by the Board of Regents in less than seven years.
 - The proposed language permits early tenure but does not explicitly address it. The ability to shorten the standard probationary period is currently stated clearly in APS.

Concerns or Points of Disagreement

- Standards for Tenure
 - The recommendation to require external impact for excellence in teaching is controversial. Faculty members expressed concern about how this might be demonstrated and whether it is an appropriate expectation. Many see it as a barrier to tenure.

Dismissal for Cause

Dismissal for cause procedures are currently captured in Article 5, Part C and Regent Policy 5I. The draft document addresses dismissal for cause in Article 5, Part C and Regent Policy 5E.

Issues and Recommendations

- Grounds for Dismissal
 - The grounds for dismissal are inconsistent between current law and policy. In addition, the language in both law and policy is at times unclear and inconsistent with that used in current conduct policies.
 - The draft document provides consistency between law and policy. It also clarifies grounds for dismissal (without making substantive changes) and modifies language to be consistent with other university policies (sexual harassment was replaced with sexual misconduct).
 - Current regent policy includes insubordination as grounds for dismissal, although this is not in current regent law. The draft document does not include insubordination, as perceived insubordination does not justify termination. If actions result in the failure to meet minimum standards of professional integrity or lead to the material or repeated neglect of duty, dismissal proceedings can be initiated on those grounds.
- Dismissal versus Tenure Revocation
 - Currently, all dismissal for cause cases are brought to the board for final action. Regent law and policy do not distinguish between the termination of a faculty appointment and the revocation of tenure. This is incongruent with the board's role in appointing and terminating faculty. Regents award tenure, but do not have a direct role in the appointment of faculty and, aside from dismissal cases, are not involved in decisions to terminate an appointment.
 - The draft document allows the chancellor to make the decision on a recommendation to dismiss a tenured or tenure-track faculty member. If the case involves a tenured faculty member, the action to dismiss is contingent upon the revocation of tenure by the Board of Regents. In such cases, the faculty member may request a hearing before the board. Cases involving tenure-track faculty members would not be heard by the board. In *all* cases, faculty members retain the right to appeal to the President and file a grievance with the Faculty Senate grievance committee.
- Application of Dismissal for Cause Policy
 - Current law and policy state that any faculty member with a tenured or limited appointment may be dismissed for cause.
 - The draft document states that any tenured or tenure-track faculty member may be dismissed for cause and provides the associated procedures. It is recommended that policies related to termination of non-tenure track faculty (including those on limited appointments) be addressed in campus policy.
- Conflation of Dismissal Procedures and Grievance Procedures
 - Current regent policy conflates dismissal for cause proceedings with the proceedings of the Faculty Senate grievance committee. While it is likely that faculty members facing dismissal proceedings will submit a grievance, it is not required, and the processes are separate. Before taking action to dismiss a faculty member, the chancellor must allow the

grievance committee to complete its work and consider the committee's recommendations, but the dismissal and grievance processes should not be co-mingled in policy.

- The draft document removes all grievance procedures from the policy on dismissal for cause. The policy clearly states the faculty member's right to file a grievance and the administration's obligation to consider the recommendations of the grievance committee, but it refers to the grievance policy for procedural requirements. This provides clarity and removes duplication.

Concerns or Points of Disagreement

- Grounds for Dismissal
 - The Privilege and Tenure Committee expressed concern over changes to the grounds for dismissal that would allow a case to be based on the "violation of university policies pertaining to discrimination, sexual misconduct, or fiscal misconduct." The concern is that a case could be made for relatively minor violations of university rules as opposed to serious *acts* of discrimination or misconduct.
 - Some within the administration opposed eliminating insubordination as a grounds for dismissal.

Termination of Faculty Appointments Following Program Discontinuance

Termination of faculty appointments following program discontinuance is currently captured in Appendix 4.1. The draft document addresses the termination of faculty following program discontinuance in Regent Policy 5F.

Issues and Recommendations

- Separation of the Program Discontinuance Process and the Personnel Decisions that Follow
 - Regent law and policy includes procedures for program discontinuance in Article 4 (Academic Organization and Program Planning) and Policy 4.B (Academic Planning and Accountability). Before changes were approved in 2017, procedures for discontinuance and the disposition of faculty were addressed in the same policy. Personnel decisions were included in the program discontinuance plan. The new policy requires board approval of program discontinuance before the chancellor issues recommendations on the termination of faculty appointments. Personnel decisions are now a separate process.
 - With the changes approved in 2017, statements related to the disposition of faculty were moved to an appendix (4.1) until they could be incorporated into a policy within Article 5. This was determined to be a more appropriate placement, as it pertains to the rights of faculty facing possible termination.
 - The draft policy on addressing the termination of faculty appointments following program discontinuance incorporates the statements currently in Appendix 4.1, with some modifications. If the policy is adopted, Appendix 4.1 will be eliminated.
- Approval of Faculty Terminations
 - Current policy requires board approval of all faculty terminations.

- Proposed revisions would require only presidential approval of the termination of individual faculty appointments (based upon the recommendations of the chancellor). The board would only approve the revocation of tenure.
- Notice Given to Faculty Affected by Program Discontinuance
 - Current regent policy guarantees that tenured and tenure-track faculty members whose appointments are to be terminated will be given one-year's notice. Proposed revisions would also require one-year's notice to full-time instructional faculty with at least seven years of continuous service to the university.
- Grievance Rights
 - Current regent policy allows a faculty member to grieve "denial of specific rights" to the Faculty Senate grievance committee, but "specified rights" are not clearly defined.
 - The draft document refers to the grievance policy, which states that the grievance committee can only consider whether proper procedures were followed in taking personnel actions.
- Reassignment of Faculty Members
 - Current regent policy states that retraining shall be provided to a displaced faculty member if it will prepare the faculty member for another suitable position at the university.
 - The draft document retains the requirement to assist faculty members in finding another suitable position, but eliminates the statement specific to retraining.
 - The draft document also eliminates the statement that directs the Faculty Council Personnel Committee to monitor efforts to find other opportunities for displaced faculty members.

Concerns or Points of Disagreement

- Order of Termination
 - Regent policy (current and proposed language) provides that "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." Some faculty oppose allowing tenured faculty to be terminated before non-tenured faculty and feel that the "compelling academic reason" clause is too broad to provide adequate protection.
- Notice Given to Faculty Affected by Program Discontinuance
 - Some faculty members advocated for providing one-year's notice to all faculty whose appointments are to be terminated.

Faculty Grievance

Faculty grievance rights and procedures are currently captured in Article 5, Part C and Regent Policy 5I. The draft document addresses grievance rights and procedures in Article 5, Part D and Regent Policy 5H.

Issues and Recommendations

- **Grievance Rights**
 - Current policy allows any member of the Faculty Senate to grieve the denial of reappointment, promotion, or tenure.
 - The draft document specifies that only tenured and tenure-track faculty may grieve these decisions before the Faculty Senate grievance committee. This is current practice, but not current policy. As stated previously, proposed revisions would require that the grievance rights of faculty off the tenure track be addressed in campus policy.
- **Appeals Process**
 - Current policy allows the grievance committee chair to appeal to the president if not satisfied with the chancellor's response to a case. If the committee chair is not satisfied with the president's response, the chair can request a review by the Board of Regents.
 - Proposed revisions would require that the grievance process for non-dismissal cases end with the president, eliminating the opportunity for these cases to be heard by the Board of Regents.
- **Faculty Senate Grievance Committee Procedures**
 - Current regent policy includes very detailed procedural requirements of the Faculty Senate grievance process.
 - Proposed revisions would retain statements on grievance rights and key requirements of the faculty grievance process, including those related to required action by all parties, deadlines, reporting, and limits of authority. However, the draft document eliminates all procedural details of the grievance process, allowing the Faculty Senate grievance committee to determine internal processes and procedures.
- **Integration of Grievance Statements Related to Dismissal for Cause Cases**
 - As stated previously, grievance procedures relating to dismissal for cause cases are currently included in the regent policy on dismissal for cause.
 - The proposed revisions would incorporate necessary statements into the broader grievance policy, while clearly identifying where processes differ for dismissal versus other grievance cases.
- **Role of the Grievance Committee Relative to Other Investigative Bodies**
 - Current regent policy does not address the role of the Faculty Senate grievance committee relative to other investigative bodies established by the administration (e.g., the Office of Institutional Equity and Discrimination).
 - The draft document requires that the Faculty Senate grievance committee allow other investigative offices to complete their work and be bound by the factual and policy determinations of those investigations (with some specific exceptions). The draft document also states that the grievance committee shall not consider new evidence. The

grievance committee is not, however, bound by the recommendations of sanctions made by another investigative body and may propose alternative sanctions.

- Consideration of Grievance Committee Recommendations
 - Current regent policy does not explicitly address the obligation of the chancellor or president to consider the recommendations of the grievance committee.
 - Proposed revisions to regent policy require that the chancellor and president give “substantial” weight to the recommendations and provide a rationale for decisions that are inconsistent with the committee’s recommendations.

Concerns or Points of Disagreement

- Role of the Grievance Committee Relative to Other Investigative Bodies
 - The requirement of the grievance committee to accept the factual determinations of other investigative bodies is intended to prevent the re-adjudication of cases. However, the Privilege and Tenure Committee argues that there have been notable cases where the crux of the grievance is that the university violated the grievant’s rights through the improper use of, or poorly executed processes of, other investigative bodies. It further argued that the grievance committee is the only voice the faculty senate has in the administration’s handling of discipline and dismissal and the grieving party’s only avenue toward checking unlawful, improper, or unfair administrative behavior.

Proposed Changes to the Structure of Law and Policy

Current Structure

Article 5

- Part A: Definitions and Titles
- Part B: Appointment and Evaluation
- Part C: Dismissal for Cause and Grievances
- Part D: Principles of Academic Freedom
- Part E: Faculty Government

Regent Policies

- 5A: Approval of Sabbatical Assignments
- 5D: Additional Remuneration for Extra Work
- 5E: Additional Remuneration for Consultative Services
- 5F: Faculty Leave of Absence while Candidate for or Serving in Public Office
- 5G: Application of Teaching Excellence Award to Base Salary
- 5H: Faculty Senate Grievance Process
- 5I: Faculty Dismissal for Cause Process
- 5J: Intellectual Property on Discoveries and Patents for their Protection and Commercialization
- 5K: Intellectual Property that is Educational Material
- 5L: Approved Faculty Titles
- 5M: Reappointment (to a tenure-track position), Tenure, and Promotion

Proposed Structure

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: Tenured and Tenure-Track Dismissal for Cause
- 5F: Termination of Faculty Appointments Following Program Discontinuance
- 5G: Faculty Grievance
- 5H: Intellectual Property (to be reviewed later; current 5J and 5K remain in effect until then)

Crosswalk

Current Law & Policy	New Law & Policy
Article 5, Part A	Eliminate
Article 5, Part B	Article 5, Part C; Policy 5C; Policy 5D; Policy 5E
Article 5, Part C	Article 5, Part D; Policy 5E; Policy 5G
Article 5, Part D	Article 5, Part B; Policy 5B
Article 5, Part E	Article 5, Part A; Policy 5A
Policy 5A	Policy 5C
Policy 5D	Eliminate; information repeated in Policy 11B
Policy 5E	Policy 5C
Policy 5F	Eliminate
Policy 5G	Eliminate
Policy 5H	Policy 5G
Policy 5I	Policy 5E
Policy 5J	Subject to later review; Policy 5J remains in place
Policy 5K	Subject to later review; Policy 5K remains in place
Policy 5L	Policy 5C
Policy 5M	Policy 5D
Appendix 4.1	Policy 5F

Note: Policy 5B was rescinded in 1978; Policy 5C was rescinded in 1998

Proposed Changes to Administrative Policy Statements

Administrative Policy Statements Subject to Revision

- 1006 Differentiated Annual Workloads for Faculty
- 1009 Multiple Means of Teaching Evaluation
- 1015 Implementing Program Discontinuance
- 1018 Justification for Appointment with Tenure (Outside Hire with Tenure)
- 1022 Standards, Processes and Procedures for Comprehensive Review, Tenure, Post-Tenure Review and Promotion
- 1024 Approval of Sabbatical Assignments
- 5002 Faculty Appointment Process
- 5005 Faculty Recruitment and Hiring
- 5008 Performance Ratings for Faculty
- 5053 Multi-Year Contracts for Non-Tenure-Track Faculty Members

Administrative Policy Statements to be Developed

- Faculty Appointments and Faculty Titles (or APS 5002 may be revised to include new content)
- Procedures for Transferring Tenure