



University of Colorado

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BOARD OF REGENTS

1 5. FACULTY

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

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33 5.G.5 Findings and Recommendations

34 (A) Tenured and Tenure-Track Faculty

- 35 1. Dismissal for cause
- 36 2. Denial of tenure
- 37 3. Denial of reappointment or promotion
- 38 4. Termination of tenured or tenure-track appointment due to program discontinuance

39 (B) University Employees with Academic Freedom

40 (C) See Appendix A for summary of time limits for findings and recommendations

41 (D) Chancellor, President, Regents shall act in best interest of university and in accordance with the law

49 5.G.1 Faculty Senate Grievance Committee (FSGC) Authority and Grievance Rights

50

51 (A) The authority of the FSGC is expressly limited to the review of grievances
52 described in regent law, article 5.D.2.

53

54 (B) Grievance rights are specified in regent law, article 5.D.2.

55

56 (A) As provided in article 5, part D, and further articulated in regent policy 5.E, a faculty
57 member on a tenured or tenure-track appointment who is facing dismissal for
58 cause has the right to file a grievance with the Faculty Senate Grievance
59 Committee.

60

61 (B) As provided in article 5, part D, and further articulated in regent policy 5.D, any
62 tenured or tenure-track faculty member who is denied reappointment, tenure, or
63 promotion and believes that there have been serious procedural or factual errors in
64 the case, or the denial occurred through the material violation of the laws of the
65 regents or regent policies, may file a grievance with the Faculty Senate Grievance
66 Committee.

67

68 (C) As provided in article 5, part D, any member of the Faculty Senate may file a
69 grievance for perceived violations of their academic rights (as delineated in regent
70 law or policy) including, but not limited to, those arising during an annual evaluation
71 or post tenure review process.

72

73 (D) As provided in article 5, part D, any individual afforded the right of academic
74 freedom may file a grievance for perceived violations of academic freedom.

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

76

77 (A) The authority granted to the Faculty Senate Grievance Committee by the Board of
78 Regents is the result of a collaborative process between the faculty, administration,
79 and regents to ensure an appropriate role for faculty governance in disciplinary
80 actions taken against faculty members and in addressing violations of a faculty
81 member's academic freedom or academic rights.

82

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

87

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

92 5.G.32 The Faculty Senate Grievance Process Committee Jurisdiction

93

94 (A) JurisdictionTenured and Tenure-Track Faculty

95

96 (1) The jurisdiction of the Faculty Senate Grievance Committee is expressly
97 limited to the review of those grievances described in section 5.G.1.

101 (1) In grievance cases involving tenured or tenure-track faculty dismissal for
 102 cause, jurisdiction of the FSGC is specified in Regent Policy 5.E: Tenured
 103 and Tenure-Track Faculty Dismissal for Cause.

105 (2) In grievance cases involving tenured or tenure-track faculty denial of
 106 reappointment, promotion, or tenure, The committee FSGC shall not
 107 substitute its judgment about an individual's academic merit for that of other
 108 authorized committees and administrators. The committee FSGC shall only
 109 consider alleged violations specified in regent law, article 5.D.2(A)(2)whether
 110 proper procedures were followed.

112 (3) In grievance cases involving termination of tenured or tenure-track faculty
 113 appointments due to faculty personnel decisions resulting from program
 114 discontinuance, the committee FSGC shall not consider the validity of the
 115 program discontinuance decision, but rather, The committee shall consider
 116 only whether proper procedures were followed in taking these personnel
 117 actions.

119 (B) University Employees with Academic Freedom

121 In grievance cases involving alleged violations of academic rights under the
 122 principles of academic freedom (see Regent Policy 5.B.1), the FSGC
 123 In disciplinary matters, the committee shall consider the merits of the matter
 124 before it, as well as the processwhether proper procedures were followed.

126 (4) (C) The Role of Other Entities or Officials

128 (1) In the investigation of certain matters may be grievances allowed under
 129 regent law, article 5.D.2, which involve findings reserved to another entity
 130 or official within the University of Colorado by law or university policy,
 131 such as the investigation of allegations of discrimination, and harassment
 132 by the relevant campus office that deals with matters of equity and
 133 discrimination, the investigation of allegations of research misconduct by
 134 the Standing Committee on Research Misconduct, or the investigation of
 135 fiscal misconduct by the Internal Audit department. In those cases, the
 136 Faculty Senate Grievance CommitteeFSGC shall defer to these offices to
 137 complete their investigations not consider a grievance until these
 138 processes are completed and shall be bound by the factual and policy
 139 determinations of those investigations.

141 (5) (2) However, if in their investigation, the FSGC finds reliable evidence the
 142 recommendations of the investigating official or entity absent reliable evidence that those
 143 determinations resulted from: (a) material and prejudicial error during the course of the
 144 investigation; (b) manifest bias upon the part of the investigating official or entity; or (c)
 145 fraud, misrepresentation or misconduct by a party to the proceedings, or (d) new
 146 evidence that could not, in the exercise of reasonable diligence, have been presented in
 147 the earlier proceedings, then they shall recommend the case be remanded to the
 148 investigating official or entity to correct the perceived errors or omissions and issue a
 149 new report. In making these determinations, the Faculty Senate Grievance Committee
 150 shall not consider new evidence challenging the factual and policy determinations except
 151 for evidence that could not, in the exercise of reasonable diligence, have been presented
 152 in the earlier proceedings. The Faculty Senate Grievance Committee shall not consider

153 a grievance until these processes are completed. The Faculty Senate Grievance
154 Committee is not bound by the recommendation of sanctions made by any investigating
155 official or entity and may propose alternative sanctions to the administration or Board of
156 Regents.

157
158 (6) (D) The recommendations of the Faculty Senate Grievance CommitteeFSGC shall
159 be considered before final action is taken; however, the ultimate authority rests with the
160 administration or Board of Regents. In all cases, the FSGC chair shall be included in
161 communication at all levels, to ensure awareness of progress, outcomes, and rationale
162 for the outcomes. a report shall be issued to the grievance committee chair that
163 identifies the final action taken and the rationale for such action.

164
165 (B) 5.G.3 Time Limits for Filing a Grievance

166
167 (A) Tenured and Tenure-Track Faculty

168
169 (1) Time limits for filing a grievance with the FSGC in the case of a tenured or
170 tenure-track faculty member who has received a notice of Dismissal for
171 Cause Grievance Filings are specified in Regent Policy 5.E: Tenured and

172 Tenure-Track Faculty Dismissal for Cause.

173
174 (a) If the administration is initiating dismissal for cause proceedings to
175 terminate a tenured or tenure-track faculty member, the faculty member
176 shall be given written notification and may request, within 10 business
177 days of receipt of notification, that the president or chancellor refer the
178 matter to the Faculty Senate Grievance Committee. Upon receipt of
179 such a request, the president or chancellor shall refer the matter to the
180 grievance committee within 5 business days. If the individual concerned
181 does not request referral to the grievance committee within 10 business
182 days, the faculty member shall be deemed to have forfeited the right to
183 such proceedings.

184
185 (b) If the faculty member files a grievance, they may respond in writing to
186 the notice of intent to dismiss, contesting the grounds for dismissal. If
187 the faculty member elects to respond, the response shall be provided to
188 the grievance committee chair no later than 20 business days after
189 receipt of the notice of the intent to dismiss.

190
191 (2) In cases involving denial of tenure, a tenure-track faculty member may first
192 submit an administrative appeal to the president of the university (also called
193 a request for third-level review) within 10 business days of notification of the
194 tenure denial by the chancellor. See Administrative Policy Statement 1022,
195 section VIII for details of administrative appeal for denial of tenure.

196
197 (a) If the president upholds the chancellor's decision to deny tenure,
198 the faculty member may then file a grievance with the FSGC chair within
199 20 business days of receipt of written notification of the president's
200 decision.

201
202 (2) All other Grievance Filings

203

204 (a)

205 (3) In cases involving denial of reappointment or promotion, tenure, or non-
206 reappointment, a tenured or tenure-track faculty member may file a grievance with
207 the statements must be received by the grievance committee FSGC chair within 40
208 20 business days following their faculty member's receipt of written notification of
209 final action by the chancellor or other person with final administrative authority over
210 the matter at issue.

211 (b) In cases involving suspension and other disciplinary actions, excluding
212 dismissal for cause, grievance statements must be received by the
213 grievance committee chair within 20 business days after the faculty
214 member's receipt of written notification of the action.

215 (4) In cases involving termination of a tenured or tenure-track faculty
216 appointment due to program discontinuance, a faculty member may file a
217 grievance with the FSGC chair within 20 business days following their receipt
218 of written notification of their personnel action by the chancellor.

219 (a) The faculty member may only grieve that there were serious
220 procedural errors with their personnel action, and not the program
221 discontinuance itself.

222 (b) See Regent Policy 5.F and Administrative Policy Statement 1015
223 for further details on termination of faculty appointments due to
224 program discontinuance.

225 (B) University Employees with Academic Freedom

226 In cases of alleged violations of academic freedom or academic rights under
227 the principles of academic freedom, any university employee afforded
228 academic freedom, may file a grievance statements must be received by with the
229 grievance committee FSGC chair within 20 business days following after the
230 faculty member is advised of the administrative action or decision, which is
231 the basis of the complaint.

232 (C) See Appendix A for a summary of time limits for filing a grievance.

233 (e)

234 5.G.4 Grievance Proceedings

235 (A) Written Notifications

236 (1) Electronic communication is the official means of communicating to
237 employees within the university (see Administrative Policy Statement 6002:
238 Electronic Communications). As such, faculty members shall be notified of
239 personnel actions via their university email unless otherwise agreed.

240 (2) If the faculty member chooses to file a grievance with FSGC, they must
241 provide a written request to the FSGC chair via email within the time limits
242 stated in this policy.

243 (3) Communication to or from a faculty member by email is considered complete
244 when emailed.

256
257 (B) FSGC Chair Action Upon Receipt of Grievance Filing

259 (1) Upon receiving notification of a grievance, the FSGC chair shall provide
260 written notice to the chancellor that a grievance has been filed. *In cases involving*
261 *a president's decision to uphold a denial of tenure decision made by a*
262 *chancellor, the FSGC chair shall notify the president.* In either scenario,
263 notification shall occur within 10 business days of the FSGC chair's receipt of the
264 grievance filing.

265
266 (d) (2) The time for filing a grievance may be extended by the grievance
267 committee FSGC chair may grant an extension of for up to an additional 40 20
268 business days for filing a grievance if the faculty member is not reasonably able
269 to file the grievance within the prescribed period. Verification of the faculty
270 member's inability to file may be required.

271
272 (e) The grievance committee chair shall notify the chancellor, in
273 writing, that a grievance has been filed. This notification shall occur
274 within 10 business days of receiving the grievance request.

275
276 (3) In all cases, the faculty member's receipt of notification is determined by:

277
278 (a) the date of delivery if the notice is sent by personal delivery;
279
280 (b) the date acknowledged by signature on a receipt if the notice is sent by
281 certified or registered mail, return receipt requested, or by alternative
282 delivery service, with signature required for delivery;
283
284 (c) 5 business days following the mailing date if the notice is sent by U.S.
285 Postal Service to the last address on record;
286
287 (d) 5 business days following the shipping date if the notice is sent by
288 alternative delivery service to the last address on record.

289
290 (C) Grievance Proceedings

291
292 (1) (C) In order to provide for the expeditious review of grievances, grievants-all
293 parties and administrators shall cooperate by providing current contact information,
294 by making themselves available during investigations and hearings as requested
295 by the committee FSGC, and by providing relevant documents. A failure to
296 cooperate shall be documented and considered in the evaluation of the case.

297
298 (2) (D) The faculty member shall be permitted to have counsel and the
299 opportunity to present and question witnesses according to the rules of procedure
300 established by the grievance committee FSGC.

301
302 (E) Burden of Proof

303
304 (1) In dismissal for cause grievance cases, the administration shall bear the
305 burden of proof by clear and convincing evidence.

307 (3) (2) In all other grievance cases, the faculty member shall bear the burden of
308 proof by a preponderance of the evidence.

310 (4) (F) In accordance with the confidentiality expected of the grievance process and as
311 permitted by law, all parties in the grievance process and the ~~committee~~FSGC members
312 shall maintain the confidentiality of the grievance proceeding.

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

316 (H) ~~If t~~The grievance committeeFSGC chair shall close the case and notify all parties
317 under any of the following conditions:

318 (6) (1) ~~The chair~~ determines that the ~~Faculty Senate Grievance Committee~~FSGC
319 does not have jurisdiction over the case, ~~the chair shall close the case and notify
320 all parties~~.

321 (7) (2) ~~If a~~An investigative panel of the ~~grievance committee~~FSGC concludes
322 that there are no reasonable grounds for believing that ~~a violation of academic
323 rights, privileges or tenure has occurred, the alleged violation has~~ ~~the chair shall
324 close the case and notify all parties~~.

325 (8) (3) ~~If t~~The faculty member and the administration parties to the case reach a
326 resolution at any point during the grievance process, ~~the grievance committee chair
327 shall close the case~~.

328 (4) A faculty member who fileds a grievance may withdraw withdrew the complaint at
329 any time during the course of the grievance process, at which point the committee
330 chair shall close the case.

331 (I) The FSGC shall complete its investigation and provide its findings and recommendations
332 to all parties within 90 business days of the initial grievance filing.

333 (9) (J) Per regent law, article 5.D, other processes of the FSGC shall be linked as
334 appropriate in the Faculty Senate constitution and bylaws.

335 5.G.45 Findings and Recommendations

336 (A) Tenured and Tenure-Track Faculty

337 (1) Processes and timelines regarding findings and recommendations in
338 grievance cases involving tenured and tenure-track faculty dismissal for cause
339 are specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty Dismissal
340 for Cause.

341 (A) Grievance Cases Involving Dismissal for Cause

342 (1) ~~At the conclusion of grievance proceedings, the Faculty Senate Grievance
343 Committee will share its final report with all involved parties and forward its
344 findings and recommendations to the president or chancellor.~~

359
360 (a) ~~Findings and recommendations shall be sent to the president or~~
361 ~~chancellor within 90 business days of referral to the faculty grievance~~
362 ~~committee chair, unless an extension has been granted by the president~~
363 ~~or chancellor.~~

364 (2) ~~Decisions shall be made in accordance with regent policy 5.E.~~

365
366 (B) All Other Grievance Cases

367 (1) (2) ~~At the conclusion of grievance proceedings for denial of tenure, the~~
368 ~~grievance committee~~FSGC chair will share the committee's findings and final
369 recommendations with the president and all other parties to the grievance case.

370
371 (a) ~~Findings and recommendations shall be sent to the chancellor no more~~
372 ~~than 120 business days after the grievance statement has been~~
373 ~~received by the grievance committee chair. The president shall~~
374 ~~consider the recommendations of the FSGC but retains authority for the~~
375 ~~final decision.~~

376
377 (b) ~~Within 10 business days of receipt of the FSGC findings and~~
378 ~~recommendations, the president shall provide a written response to the~~
379 ~~FSGC chair. The president's response shall address the FSGC's~~
380 ~~recommendations, indicating what action the president intends to take in~~
381 ~~response.~~

382
383 (3) At the conclusion of grievance proceedings for denial of reappointment or
384 promotion, the FSGC chair will share the committee's findings and final
385 recommendations with the chancellor and all other parties to the grievance
386 case.

387
388 (2) (a) Within 10 business days of receipt of the FSGC findings and
389 recommendations ~~t~~The chancellor shall provide a written response to the
390 ~~committee~~FSGC ~~chair~~within 10 business days of receiving the findings and
391 ~~recommendations~~. The chancellor's response shall address each of the
392 grievance committee's recommendations, indicating what action the
393 chancellor intends to take in response to the recommendations and an
394 explanation for such action.

395
396 (a) (b) If the grievance committee~~FSGC~~ determines that the chancellor's
397 response satisfactorily addresses the committee's recommendations, the
398 chair shall notify all parties and close the case.

399
400 (b) (c) If the grievance committee~~FSGC~~ is not satisfied with the chancellor's
401 response, the committee chair shall, within 10 business days, report the
402 disagreement and the basis thereof and forward a copy of the record of the
403 case to the president for review.

404
405 (c) The president's decision is final.

406
407 (3) If the grievance case relates to the denial of tenure by the president (following
408 a positive recommendation by the chancellor), the president shall consider

410
411
412
413 ~~the recommendations of the grievance committee but retains authority for the~~
414 ~~final decision.~~
415
416
417

418 ~~Upon the final resolution of a case, the president shall provide the Faculty Senate~~
419 ~~Grievance Committee chair with a written report of the final action taken. The~~
420 ~~report shall include a detailed rationale for actions inconsistent with the grievance~~
421 ~~committee's recommendation.~~

422
423 (4) At the conclusion of grievance proceedings related to a **termination of a**
424 **tenured or tenure-track faculty appointment due to program discontinuance,**
425 the steps in section 5.G.5(A)(3) apply.

426 (4) —

427 (B) University Employees with Academic Freedom

428
429 At the conclusion of grievance proceedings in cases of **alleged violations of**
430 **academic rights under the principles of academic freedom,** the steps in
431 section 5.G.5(A)(3) apply.

432 (C) See Appendix A for a summary of timelines related to findings and
433 recommendations.

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

437 **History:**

438 • Adopted: September 14, 2018 (Moved from the old article 5.C and policy 5.H); Became
439 effective July 1, 2020.
440 • Revised: June 20, 2024.
441 • Last Reviewed: June 20, 2024.

442

Appendix A – Summary of Grievance Process Timelines

443

The following table outlines the specific timelines and deadlines for the faculty grievance process as described in Policy 5.G. All timeframes are measured in business days.

444

445

STAGE OF PROCESS	GRIEVANCE TYPE OR SPECIFIC ACTION	TIMELINE / DEADLINE
Pre-Grievance Appeals	Administrative appeal to the president for denial of tenure (third-level review)	Within 10 business days of notification of tenure denial by the chancellor
Filing a Grievance	Denial of reappointment or promotion	Within 20 business days of written notification of final action by the chancellor
	Denial of tenure (may follow an administrative appeal to the president for denial of tenure)	Within 20 business days of receiving the president's decision on the administrative appeal
	Termination due to program discontinuance	Within 20 business days of written notification of personnel action by the chancellor
	Alleged violations of academic freedom	Within 20 business days of being advised of the administrative action or decision
	Extension for filing a grievance	Up to an additional 20 business days if the faculty member is not reasonably able to file within timelines stated above.
Initial Processing	FSGC chair notifies the chancellor that a grievance was filed (or president if grievance is filed after an administrative appeal to the president for denial of tenure)	Within 10 business days of receiving the grievance filing
Investigation Process	FSGC completes its investigation and provides findings and recommendations to all parties	Within 90 business days of the initial grievance filing
Response to Findings & Recommendations	Denial of Tenure: President provides a response to FSGC chair	Within 10 business days of receiving the FSGC findings and recommendations
Response to Findings & Recommendations	Denial of reappointment or promotion; termination due to program discontinuance; or alleged violations of academic freedom: Chancellor provides response to FSGC chair	Within 10 business days of receiving the FSGC findings and recommendations
FSGC Disagreement with Chancellor's Response	FSGC chair reports disagreement with chancellor's response to the president	Within 10 business days of determining the response is unsatisfactory

446