



University of Colorado

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BOARD OF REGENTS

5. FACULTY

Policy 5.G: Faculty Grievance

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(A) Tenured and Tenure-Track Faculty

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

(B) University Employees with Academic Freedom

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

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

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

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

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

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

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

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

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

5.G.2 Faculty Senate Authority to Hear Grievances

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

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

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

5.G.3 The Faculty Senate Grievance Process Committee Jurisdiction

(A) Jurisdiction Tenured and Tenure-Track Faculty

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

- (1) In grievance cases involving **tenured or tenure-track faculty dismissal for cause**, jurisdiction of the FSGC is specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty Dismissal for Cause.
- (2) In grievance cases involving **tenured or tenure-track faculty denial of reappointment, promotion, or tenure**, the committee-FSGC shall not substitute its judgment about an individual's academic merit for that of other authorized committees and administrators. The committee-FSGC shall only consider alleged violations specified in regent law, article 5.D.2(A)(2) whether proper procedures were followed.
- (3) In grievance cases involving **termination of tenured or tenure-track faculty appointments due to** faculty personnel decisions resulting from **program discontinuance**, the committee-FSGC shall not consider the validity of the program discontinuance decision, but rather, The committee shall consider only whether proper procedures were followed in taking these personnel actions.

(B) University Employees with Academic Freedom

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

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

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

- (5) (2) However, if in their investigation, the FSGC finds reliable evidence the recommendations of the investigating official or entity ~~absent reliable evidence that those determinations~~ resulted from: (a1) material and prejudicial error during the course of the investigation; (b2) manifest bias upon the part of the investigating official or entity; ~~or~~ (c3) fraud, misrepresentation or misconduct by a party to the proceedings, or (d) new evidence that could not, in the exercise of reasonable diligence, have been presented in the earlier proceedings, then they shall recommend the case be remanded to the investigating official or entity to correct the perceived errors or omissions and issue a new report. In making these determinations, the Faculty Senate Grievance Committee shall not consider new evidence challenging the factual and policy determinations except for evidence that could not, in the exercise of reasonable diligence, have been presented in the earlier proceedings. The Faculty Senate Grievance Committee shall not consider

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

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

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

~~(A) Tenured and Tenure-Track Faculty~~

- ~~(1) Time limits for filing a grievance with the FSGC in the case of a tenured or tenure-track faculty member who has received a notice of **Dismissal for Cause** are specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty Dismissal for Cause.~~

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

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

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

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

- ~~(2) All other Grievance Filings~~

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

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

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

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

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

(B) University Employees with Academic Freedom

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

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

(e) 5.G.4 Grievance Proceedings

(A) Written Notifications

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

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

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

(B) FSGC Chair Action Upon Receipt of Grievance Filing

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

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

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

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

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

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

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

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

(C) ~~Grievance Proceedings~~

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

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

(E) Burden of Proof

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

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

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

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

(H) ~~If the grievance committee~~ FSGC chair shall close the case and notify all parties under any of the following conditions:

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

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

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

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

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

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

5.G.45 Findings and Recommendations

(A) Tenured and Tenure-Track Faculty

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

~~(A) Grievance Cases Involving Dismissal for Cause~~

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

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

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

(B) All Other Grievance Cases

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

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

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

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

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

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

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

(c) The president's decision is final.

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

~~the recommendations of the grievance committee but retains authority for the final decision.~~

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

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

~~(4)~~ —

(B) University Employees with Academic Freedom

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

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

~~(C)~~(D) 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 and policies, and applicable federal and state laws, rules and regulations.

History:

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

Appendix A – Summary of Grievance Process Timelines

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.

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