



University of Colorado

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BOARD OF REGENTS

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5. FACULTY

Policy 5.G: Faculty Grievance

Policy Outline

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(B) University Employees with Academic Freedom

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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

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(I) Time limit of 90 business days: From grievance filing to investigation to final report

(J) **Any o**ther FSGC processes **must shall** be linked in Faculty Senate constitution/bylaws

5.G.5 Findings and Recommendations

(A) Tenured and Tenure-Track Faculty

1. Dismissal for cause
2. Denial of tenure
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

(E) Annual **review briefing of P**resident and **C**hancellors on grievance cases **by FSGC chair** for **purposes of continuous improvement.**

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, including any associated disciplinary sanctions, 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,~~ sexual misconduct, ~~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.

(2) (a) ~~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~~ the FSGC shall recommend to the chancellor or president that the case be remanded to the investigating official or entity to ~~correct~~ address the perceived errors or omissions and issue a new report. ~~In making these determinations, the~~

155 Faculty Senate Grievance Committee shall not consider new evidence
156 challenging the factual and policy determinations except for evidence that could
157 not, in the exercise of reasonable diligence, have been presented in the earlier
158 proceedings. The Faculty Senate Grievance Committee shall not consider a
159 grievance until these processes are completed.

161 (5) (2) The Faculty Senate Grievance Committee FSGC is not bound by the
162 recommended ~~ed~~ ~~ation of~~ sanctions made by any investigating official or entity and
163 may propose alternative sanctions with appropriate justifications, to the
164 administration or Board of Regents.

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

172 (6)

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

176 (A) Tenured and Tenure-Track Faculty

177
178 (1) Time limits for filing a grievance with the FSGC in the case of a tenured or
179 tenure-track faculty member who has received a notice of **Dismissal for**
180 **Cause** Grievance Filings are specified in Regent Policy 5.E: Tenured and
181 Tenure-Track Faculty Dismissal for Cause.

182
183 (a) ~~If the administration is initiating dismissal for cause proceedings to~~
184 ~~terminate a tenured or tenure-track faculty member, the faculty member~~
185 ~~shall be given written notification and may request, within 10 business~~
186 ~~days of receipt of notification, that the president or chancellor refer the~~
187 ~~matter to the Faculty Senate Grievance Committee. Upon receipt of~~
188 ~~such a request, the president or chancellor shall refer the matter to the~~
189 ~~grievance committee within 5 business days. If the individual concerned~~
190 ~~does not request referral to the grievance committee within 10 business~~
191 ~~days, the faculty member shall be deemed to have forfeited the right to~~
192 ~~such proceedings.~~

193
194 (b) ~~If the faculty member files a grievance, they may respond in writing to~~
195 ~~the notice of intent to dismiss, contesting the grounds for dismissal. If~~
196 ~~the faculty member elects to respond, the response shall be provided to~~
197 ~~the grievance committee chair no later than 20 business days after~~
198 ~~receipt of the notice of the intent to dismiss.~~

199
200 (2) In cases involving **denial of tenure**, a tenure-track faculty member may first
201 submit an administrative appeal to the president of the university (also called
202 a request for third-level review) within 10 business days of notification of the
203 tenure denial by the chancellor. See **Regent Policy 5.D.6 and** Administrative
204 Policy Statement 1022, section VIII for details of administrative appeal for
205 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**, tenure, or non-reappointment, 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 faculty member's receipt of written notification of final action by the chancellor or other person with final administrative authority over the matter at issue.~~

~~(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) (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 notifications

ed of personnel actions shall occur 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. Any grievance must be filed in writing via email with the FSGC chair within the time limits stated in this policy.

(3) Communications to or from a faculty member by email is sent as part of grievance processes are considered complete when emailed.

(B) FSGC Chair Action Upon Receipt of Grievance Filing

(1) Upon receipt of a grievance filing, the FSGC chair shall determine if the FSGC has jurisdiction over the case. If there is no jurisdiction, the chair shall not accept the case and will notify the grievant. The grievant has the right to appeal the chair's decision as outlined in FSGC procedures.

(1)(2) Upon receiving notification of a acceptance of a grievance filing, 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)(3) The time for filing a grievance may be extended by the grievance committee. Given extenuating circumstances, the 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 the extenuating circumstances 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

311
 312 (4) (C) In order to provide for the expeditious review of grievances cases,
 313 grievants, all parties and administrators, and other identified individuals shall
 314 cooperate by providing current contact information, by making themselves
 315 available during investigations and hearings grievance proceedings, and by
 316 providing relevant documents as requested by the committee FSGC, and by
 317 providing relevant documents. A failure to cooperate shall be documented and
 318 considered in the evaluation of the case.

319
 320 (2) (D) The faculty member grievant shall be permitted to may have advisory
 321 legal counsel and the opportunity to present, and question witnesses according to
 322 any the rules of procedure established by the FSGC grievance committee.

323
 324 (E) Burden of Proof

325
 326 (1) In grievance cases involving tenured or tenure-track faculty dismissal for cause
 327 grievance cases, the administration shall bear the burden of proof by clear and
 328 convincing evidence. burden of proof requirements are specified in Regent Policy 5.E:
 329 Tenured and Tenure-Track Faculty Dismissal for Cause.

330
 331 (2) In all other grievance cases, the faculty member grievant shall bear the burden of proof
 332 by a preponderance of the evidence.

333
 334
 335
 336 (3) (F) In accordance with the confidentiality expected of the grievance process and as
 337 permitted by law, all parties in the grievance process and the committee FSGC members
 338 shall maintain the confidentiality of the grievance proceeding.

339
 340 (4) (G) Mediation shall be available during the grievance process as a means of
 341 resolution vng faculty grievances. Mediation shall not unreasonably delay the resolution
 342 of a case.

343
 344 (H) If tThe grievance committee FSGC chair shall close the case and notify all parties
 345 under any of the following conditions:

346
 347 (5) (1) The chair determines that the Faculty Senate Grievance Committee FSGG
 348 does not have jurisdiction over the case, the chair shall close the case and notify
 349 all parties.

350
 351 (6) (2) (1) If aAn investigative panel of the grievance committee FSGC concludes
 352 that there are no reasonable grounds for believing that a violation of academic
 353 rights, privileges or tenure has occurred, the alleged violation has occurred the
 354 chair shall close the case and notify all parties.

355
 356 (7) (3) (2) If tThe faculty member and the administration parties to the case reach a
 357 resolution at any point during the grievance process, the grievance committee chair
 358 shall close the case.

359
 360 (4) (3) A faculty member grievant who fileds a grievance may withdraws
 361 withdrew the complaint at any time during the course of the grievance process, at
 362 which point the committee chair shall close the case.

363
364 (I) The FSGC shall complete its investigation and provide its findings and recommendations
365 to all parties within 90 business days of the initial grievance filing unless the FSGC chair grants
366 an extension of up to 20 business days. The chair shall notify the parties within five business
367 days of granting an extension, but no later than business day 85, and shall provide
368 justification(s) for this decision.

369
370 ~~(8)~~ (J) Per regent law, article 5.D, other processes of the FSGC shall be linked as
371 appropriate in the Faculty Senate constitution and bylaws.

372
373 5.G.45 Findings and Recommendations

374
375 (A) Tenured and Tenure-Track Faculty

376
377 (1) Processes and timelines regarding findings and recommendations in
378 grievance cases involving tenured and tenure-track faculty **dismissal for cause**
379 are specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty Dismissal
380 for Cause.

381
382 ~~(A) Grievance Cases Involving Dismissal for Cause~~

383
384 ~~(1) At the conclusion of grievance proceedings, the Faculty Senate Grievance~~
385 ~~Committee will share its final report with all involved parties and forward its~~
386 ~~findings and recommendations to the president or chancellor.~~

387
388 ~~(a) Findings and recommendations shall be sent to the president or~~
389 ~~chancellor within 90 business days of referral to the faculty grievance~~
390 ~~committee chair, unless an extension has been granted by the president~~
391 ~~or chancellor.~~

392
393 ~~(2) Decisions shall be made in accordance with regent policy 5.E.~~

394
395 ~~(B) All Other Grievance Cases~~

396
397 ~~(1)~~ (2) At the conclusion of grievance proceedings **for denial of tenure**, the
398 grievance committee FSGC chair will share the committee's findings and final
399 recommendations with all other parties to the grievance case the president and the
400 faculty member grievant.

401
402 ~~(a) Findings and recommendations shall be sent to the chancellor no more~~
403 ~~than 120 business days after the grievance statement has been~~
404 ~~received by the grievance committee chair. The president shall~~
405 ~~consider the recommendations of the FSGC but retains authority for the~~
406 ~~final decision.~~

407
408 (b) Within 10 business days of receipt of the FSGC findings and
409 recommendations, the president shall provide a written response to the
410 FSGC chair. The president's response shall address the FSGC's
411 recommendations, indicating what action the president intends to take in
412 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 grievant 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.

(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 , who will acknowledge receipt and review.

(b) i. The president shall consider the recommendations of the FSGC but retains authority for the final decision.

ii. 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.

(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. Any individual recommendation for tenure revocation as a result of a decision to discontinue a program will not proceed to the Board of Regents for action until after any associated process violations have been addressed by the campus.

(4) —

(B) University Employees with Academic Freedom

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

469
470 (C) See Appendix A for a summary of timelines related to findings and
471 recommendations.

472
473 (D) In all cases, the chancellor, president, or Board of Regents shall take such action
474 deemed to be in the best interests of the university and in accordance with regent
475 laws and policies, and applicable federal and state laws, rules and regulations.

476
477 ~~(C)~~(E) Annually, the FSGC chair shall brief the president and chancellors on shall
478 review all completed grievance cases, including FSGC reports, together with the
479 chancellors to share learnings, best practices, and to improve university policy and
480 procedures.

481
482 **History:**

- 483 • Adopted: September 14, 2018 (Moved from the old article 5.C and policy 5.H); Became
484 effective July 1, 2020.
 - 485 • Revised: June 20, 2024.
 - 486 • Last Reviewed: June 20, 2024.
- 487

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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 |
| | Extension during the investigation process | Up to an additional 20 business days granted at the discretion of the FSGC chair. Chair shall notify the parties within five business days of granting extension and no later than business day 85. |
| 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 |
| President's Review & Response | Denial of tenure; denial of reappointment or promotion; termination due to program discontinuance; or alleged violations of academic freedom: President reviews the record of the case, makes final decision, and provides written response to FSGC chair | Within 10 business days of receiving record of the case from FSGC chair |
| | Extension during the president's review and response process | Up to an additional 20 business days may be invoked by the president as needed for additional time to respond |

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