



# University of Colorado

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## BOARD OF REGENTS

### 5. FACULTY

#### Policy 5.G: Faculty Grievance

#### Policy Outline

#### 5.G.1 FSGC Authority and Grievance Rights

#### 5.G.2 FSGC Jurisdiction

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- (B) University Employees with Academic Freedom
- (C) Role of Other Entities or Officials
- (D) FSGC recommendations shall be considered before final action; administration or Board of Regents have final authority. FSGC chair shall receive all communications.

#### 5.G.3 Filing a Grievance

- (A) Tenured and Tenure-Track Faculty
  1. Dismissal for cause
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- (A) Written Notifications
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- (H) Conditions under which FSGC chair may close a grievance case
- (I) Time limit of 90 business days: From grievance filing to investigation to final report
- (J) Other FSGC processes 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 briefing of President and Chancellors on grievance cases by FSGC chair.

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50  
51 5.G.1 Faculty Senate Grievance Committee (FSGC) Authority and Grievance Rights  
52

53 (A) The authority of the FSGC is expressly limited to the review of grievances  
54 described in regent law, article 5.D.2.  
55

56 (B) Grievance rights are specified in regent law, article 5.D.2.  
57

58 5.G.2 The Faculty Senate Grievance Committee Jurisdiction  
59

60 (A) Tenured and Tenure-Track Faculty  
61

62 (1) In grievance cases involving tenured or tenure-track faculty dismissal for  
63 cause, jurisdiction of the FSGC is specified in Regent Policy 5.E: Tenured  
64 and Tenure-Track Faculty Dismissal for Cause.  
65

66 (2) In grievance cases involving tenured or tenure-track faculty denial of  
67 reappointment, promotion, or tenure, the FSGC shall not substitute its  
68 judgment about an individual's academic merit for that of other authorized  
69 committees and administrators. The FSGC shall only consider alleged  
70 violations specified in regent law, article 5.D.2(A)(2).  
71

72 (3) In grievance cases involving termination of tenured or tenure-track faculty  
73 appointments due to program discontinuance, the FSGC shall not consider  
74 the validity of the program discontinuance decision, but rather, shall consider  
75 only whether proper procedures were followed in taking these personnel  
76 actions.  
77

78 (B) University Employees with Academic Freedom  
79

80 In grievance cases involving alleged violations of academic rights under the  
81 principles of academic freedom (see Regent Policy 5.B.1), the FSGC shall  
82 consider the merits of the matter before it, including any associated disciplinary  
83 sanctions, as well as whether proper procedures were followed.  
84

85 (C) The Role of Other Entities or Officials  
86

87 (1) In the investigation of grievances allowed under regent law, article 5.D.2,  
88 which involve findings reserved to another entity or official within the  
89 University of Colorado by law or university policy, such as the investigation of  
90 allegations of discrimination, harassment, sexual misconduct research  
91 misconduct, or fiscal misconduct, the FSGC shall not consider a grievance  
92 until these processes are completed and shall be bound by the factual and  
93 policy determinations of those investigations.  
94

95 (a) If in their investigation, the FSGC finds reliable evidence the  
96 recommendations of the investigating official or entity resulted from:  
97 (a) material and prejudicial error during the course of the investigation;  
98 (b) manifest bias upon the part of the investigating official or entity;  
99 (c) fraud, misrepresentation or misconduct by a party to the  
100 proceedings, or (d) new evidence that could not, in the exercise of  
101 reasonable diligence, have been presented in the earlier proceedings,  
102 then the FSGC shall recommend to the chancellor or president that the

103 case be remanded to the investigating official or entity to address-the  
104 perceived errors or omissions and issue a new report.

105  
106 (2) The FSGC is not bound by the recommended sanctions made by any  
107 investigating official or entity and may propose alternative sanctions with  
108 appropriate justifications, to the administration or Board of Regents.

109  
110 (D) The recommendations of the FSGC shall be considered before final action is  
111 taken; however, the ultimate authority rests with the administration or Board of  
112 Regents. In all cases, the FSGC chair shall be included in communication at all  
113 levels, to ensure awareness of progress, outcomes, and rationale for the  
114 outcomes.

115  
116 5.G.3 Filing a Grievance

117  
118 (A) Tenured and Tenure-Track Faculty

119  
120 (1) Time limits for filing a grievance with the FSGC in the case of a tenured or  
121 tenure-track faculty member who has received a notice of dismissal for cause  
122 are specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty  
123 Dismissal for Cause.

124  
125 (2) In cases involving denial of tenure, a tenure-track faculty member may first  
126 submit an administrative appeal to the president of the university (also called  
127 a request for third-level review) within 10 business days of notification of the  
128 tenure denial by the chancellor. See Regent Policy 5.D.6 and Administrative  
129 Policy Statement 1022, section VIII for details of administrative appeal for  
130 denial of tenure.

131  
132 (a) If the president upholds the chancellor's decision to deny tenure, the  
133 faculty member may *then* file a grievance with the FSGC chair within 20  
134 business days of receipt of written notification of the president's  
135 decision.

136  
137 (3) In cases involving denial of reappointment or promotion, a tenured or tenure-  
138 track faculty member may file a grievance with the FSGC chair within 20  
139 business days following their receipt of written notification of final action by  
140 the chancellor.

141  
142 (4) In cases involving termination of a tenured or tenure-track faculty  
143 appointment due to program discontinuance, a faculty member may file a  
144 grievance with the FSGC chair within 20 business days following their receipt  
145 of written notification of their personnel action by the chancellor.

146  
147 (a) The faculty member may only grieve that there were serious procedural  
148 errors with their personnel action, and not the program discontinuance  
149 itself.

150  
151 (b) See Regent Policy 5.F and Administrative Policy Statement 1015 for  
152 further details on termination of faculty appointments due to program  
153 discontinuance.

154

155 (B) University Employees with Academic Freedom

156  
157 In cases of alleged violations of academic rights under the principles of academic  
158 freedom, any university employee afforded academic freedom, may file a  
159 grievance with the FSGC chair within 20 business days following advisement of the  
160 administrative action or decision, which is the basis of the complaint.

161  
162 (C) See Appendix A for a summary of time limits for filing a grievance.

163  
164 5.G.4 Grievance Proceedings

165 (A) Written Notifications

166  
167 (1) Electronic communication is the official means of communicating to  
168 employees within the university (see [Administrative Policy Statement 6002:](#)  
169 [Electronic Communications](#)). As such, notifications of personnel actions shall  
170 occur via university email unless otherwise agreed.

171  
172 (2) Any grievance must be filed in writing via email with the FSGC chair within  
173 the time limits stated in this policy.

174  
175 (3) Communications sent as part of grievance processes are considered  
176 complete when emailed.

177  
178 (B) FSGC Chair Action Upon Receipt of Grievance Filing

179  
180 (1) Upon receipt of a grievance filing, the FSGC chair shall determine if the  
181 FSGC has jurisdiction over the case. If there is no jurisdiction, the chair shall  
182 not accept the case and will notify the grievant. The grievant has the right to  
183 appeal the chair's decision as outlined in FSGC procedures.

184  
185 (2) Upon acceptance of a grievance filing, the FSGC chair shall provide written  
186 notice to the chancellor that a grievance has been filed. In cases involving a  
187 president's decision to uphold a denial of tenure decision made by a  
188 chancellor, the FSGC chair shall notify the president. In either scenario,  
189 notification shall occur within 10 business days of the FSGC chair's receipt of  
190 the grievance filing.

191  
192 (3) Given extenuating circumstances, the FSGC chair may grant an extension of  
193 up to an additional 20 business days for filing a grievance. Verification of the  
194 extenuating circumstances may be required.

195  
196 (C) In order to provide for the expeditious review of cases, grievants, administrators,  
197 and other identified individuals shall cooperate by providing current contact  
198 information, by making themselves available during grievance proceedings, and by  
199 providing relevant documents as requested by the FSGC. A failure to cooperate  
200 shall be documented and considered in the evaluation of the case.

201  
202 (D) The grievant may have advisory legal counsel according to any rules of procedure  
203 established by the FSGC.  
204  
205

- 206 (E) Burden of Proof  
207  
208 (1) In grievance cases involving tenured or tenure-track faculty dismissal for  
209 cause, burden of proof requirements are specified in Regent Policy 5.E:  
210 Tenured and Tenure-Track Faculty Dismissal for Cause.  
211  
212 (2) In all other grievance cases, the grievant shall bear the burden of proof by a  
213 preponderance of the evidence.  
214  
215 (F) In accordance with the confidentiality expected of the grievance process and as  
216 permitted by law, all parties in the grievance process and the FSGC members shall  
217 maintain the confidentiality of the grievance proceeding.  
218  
219 (G) Mediation shall be available during the grievance process as a means of  
220 resolution. Mediation shall not unreasonably delay the resolution of a case.  
221  
222 (H) The FSGC chair shall close the case and notify all parties under any of the  
223 following conditions:  
224  
225 (1) An investigative panel of the FSGC concludes that there are no reasonable  
226 grounds for believing that the alleged violation has occurred.  
227  
228 (2) The parties to the case reach a resolution at any point during the grievance  
229 process.  
230  
231 (3) A grievant who filed a grievance withdraws ~~withdrew~~ the complaint during the  
232 course of the grievance process.  
233  
234 (I) The FSGC shall complete its investigation and provide its findings and  
235 recommendations to all parties within 90 business days of the initial grievance filing  
236 unless the FSGC chair grants an extension of up to 20 business days. The chair  
237 shall notify the parties within five business days of granting an extension, but no  
238 later than business day 85, and shall provide justification(s) for this decision.  
239  
240 (J) Per regent law, article 5.D, other processes of the FSGC shall be linked as  
241 appropriate in the Faculty Senate constitution and bylaws.  
242

#### 243 5.G.5 Findings and Recommendations

##### 244 (A) Tenured and Tenure-Track Faculty

- 245  
246  
247 (1) Processes and timelines regarding findings and recommendations in  
248 grievance cases involving tenured and tenure-track faculty dismissal for  
249 cause are specified in Regent Policy 5.E: Tenured and Tenure-Track Faculty  
250 Dismissal for Cause.  
251  
252 (2) At the conclusion of grievance proceedings for denial of tenure, the FSGC  
253 chair will share the committee's findings and final recommendations with the  
254 president and the grievant.  
255  
256 (a) The president shall consider the recommendations of the FSGC but  
257 retains authority for the final decision.

- 258 (b) Within 10 business days of receipt of the FSGC findings and  
259 recommendations, the president shall provide a written response to the  
260 FSGC chair. The president's response shall address the FSGC's  
261 recommendations, indicating what action the president intends to take  
262 in response.  
263
- 264 (3) At the conclusion of grievance proceedings for denial of reappointment or  
265 promotion, the FSGC chair will share the committee's findings and final  
266 recommendations with the chancellor and the grievant.  
267
- 268 (a) Within 10 business days of receipt of the FSGC findings and  
269 recommendations the chancellor shall provide a written response to the  
270 FSGC chair. The chancellor's response shall address each of the  
271 grievance committee's recommendations, indicating what action the  
272 chancellor intends to take in response to the recommendations and an  
273 explanation for such action.  
274
- 275 (b) If the FSGC determines that the chancellor's response satisfactorily  
276 addresses the committee's recommendations, the chair shall notify all  
277 parties and close the case.  
278
- 279 (c) If the FSGC is not satisfied with the chancellor's response, the chair  
280 shall, within 10 business days, report the disagreement and the basis  
281 thereof and forward a copy of the record of the case to the president for  
282 review.
- 283 i. The president shall consider the recommendations of the FSGC but  
284 retains authority for the final decision.  
285
- 286 ii. Within 10 business days of receipt of the FSGC findings and  
287 recommendations, the president shall provide a written response to  
288 the FSGC Chair. The president's response shall address the  
289 FSGC's recommendations, indicating what action the president  
290 intends to take in response.  
291
- 292
- 293 (4) At the conclusion of grievance proceedings related to a termination of a  
294 tenured or tenure-track faculty appointment due to program discontinuance,  
295 the steps in section 5.G.5(A)(3) apply. Any individual recommendation for  
296 tenure revocation as a result of a decision to discontinue a program will not  
297 proceed to the Board of Regents for action until after any associated process  
298 violations have been addressed by the campus.  
299
- 300 (B) University Employees with Academic Freedom  
301
- 302 At the conclusion of grievance proceedings in cases of alleged violations of  
303 academic rights under the principles of academic freedom, the steps in section  
304 5.G.5(A)(3) apply.  
305
- 306 (C) See Appendix A for a summary of timelines related to findings and  
307 recommendations.  
308

309 (D) In all cases, the chancellor, president, or Board of Regents shall take such action  
310 deemed to be in the best interests of the university and in accordance with regent  
311 laws and policies, and applicable federal and state laws, rules and regulations.  
312

313 (E) Annually, the FSGC chair shall brief the president and chancellors on completed  
314 grievance cases.

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316 **History:**

317 • Adopted: September 14, 2018 (Moved from the old article 5.C and policy 5.H); Became  
318 effective July 1, 2020.

319 • Revised: June 20, 2024.

320 • Last Reviewed: June 20, 2024.

321

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322 **Appendix A – Summary of Grievance Process Timelines**

323 The following table outlines the specific timelines and deadlines for the faculty grievance  
 324 process as described in Policy 5.G. All timeframes are measured in business days.  
 325

STAGE OF PROCESS	GRIEVANCE TYPE OR SPECIFIC ACTION	TIMELINE / DEADLINE
<b>Pre-Grievance Appeals</b>	Administrative appeal to the president for <b>denial of tenure</b> (third-level review)	Within <b>10 business days</b> of notification of tenure denial by the chancellor
<b>Filing a Grievance</b>	<b>Denial of reappointment or promotion</b>	Within <b>20 business days</b> of written notification of final action by the chancellor
	<b>Denial of tenure</b> (may follow an administrative appeal to the president for denial of tenure)	Within <b>20 business days</b> of receiving the president's decision on the administrative appeal
	<b>Termination due to program discontinuance</b>	Within <b>20 business days</b> of written notification of personnel action by the chancellor
	<b>Alleged violations of academic freedom</b>	Within <b>20 business days</b> of being advised of the administrative action or decision
	<b>Extension</b> for filing a grievance	Up to an <b>additional 20 business days</b> if the faculty member is not reasonably able to file within timelines stated above
<b>Initial Processing</b>	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 <b>10 business days</b> of receiving the grievance filing
<b>Investigation Process</b>	FSGC completes its investigation and provides findings and recommendations to all parties	Within <b>90 business days</b> of the initial grievance filing
	<b>Extension</b> during the investigation process	Up to an <b>additional 20 business days</b> granted at the discretion of the FSGC chair. <b>Chair shall notify the parties within five business days of granting extension and no later than business day 85.</b>
<b>Response to Findings &amp; Recommendations</b>	<b>Denial of tenure:</b> President provides a response to FSGC chair	Within <b>10 business days</b> of receiving the FSGC findings and recommendations
	<b>Denial of reappointment or promotion; termination due to program discontinuance; or alleged violations of academic freedom:</b> Chancellor provides response to FSGC chair	Within <b>10 business days</b> of receiving the FSGC findings and recommendations
<b>FSGC Disagreement with Chancellor's Response</b>	FSGC chair reports disagreement with chancellor's response to the president	Within <b>10 business days</b> of determining the response is unsatisfactory
<b>President's Review &amp; Response</b>	<b>Denial of tenure; denial of reappointment or promotion; termination due to program discontinuance; or alleged violations of academic freedom:</b> President reviews the record of the case, makes final decision, and provides written response to FSGC chair	Within <b>10 business days</b> of receiving record of the case from FSGC chair
	<b>Extension</b> during the president's review and response process	Up to an <b>additional 20 business days</b> may be invoked by the president as needed for additional time to respond

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