

POLICY 5. Faculty

POLICY 5.A: Approval of Sabbatical Assignments

A sabbatical is a privilege granted by the University for the advancement of the University, subject to the availability of resources. A sabbatical assignment is an important tool in developing academic scholarship and is a time for concentrated professional development. The faculty member shall use the sabbatical assignment in a manner that will enhance her/his scholarly and/or teaching competence and potential for service to the University, and advance departmental program goals.

Specific rules and procedures regarding the granting of sabbaticals:

A. Faculty members eligible as described in the Laws of the Regents seeking approval for a sabbatical must submit a specific plan. This plan must: (1) describe the project's academic objectives, including its contribution to the faculty member's professional growth and expertise; (2) provide a clear work plan; (3) demonstrate the congruence of the proposal's objectives to the academic and/or pedagogical goals of the department; (4) specify its contribution to enhancing the University's reputation; and (5) describe its contribution to the educational experience of the students.

B. Each plan must be approved by the department chair or an appropriate departmental committee, by the dean of the college or school, and by the campus's chief academic officer. If approved, the faculty member's request will be forwarded to the Vice President for Academic Affairs and Research, who will ensure that each step of the approval process has met the requirements of this policy. With the concurrence of the President, approved requests will then be submitted to the Regents for final approval.

C. During the first semester after returning to regular duties, the faculty member must file a substantive report with the dean of her/his work and overall accomplishments during the sabbatical. The Dean will evaluate the report for conformity with the sabbatical plan. Both the plan for the sabbatical and the post-sabbatical report shall be public documents. Therefore, no proprietary information reflecting intellectual property issues should be included in these documents. Copies of the plan and the report must be kept on file by the appropriate dean. The academic unit shall evaluate the sabbatical reports as part of the annual merit evaluation and post-tenure review processes.

Deans will maintain annual records of the number of sabbatical requests refused as well as those awarded.

D. To be eligible for subsequent sabbaticals, faculty members must demonstrate that they substantially met the academic goals stated in their previous sabbatical plan.

Last Amended: November 3, 2005

History:

Adopted February 24, 1968;
amended March 17, 1988, January 20, 1994, October 20, 1994, March 16, 1995; and

revised November 3, 2005. timeline for the award of tenure was incorporated into the Laws, Article 5.B.3.c.

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Policy 5.D Additional Remuneration for Extra Work

In addition to their payment for normal faculty workloads, full time faculty members may receive additional remuneration for the following:

1. Overload teaching
2. Continuing education teaching
3. University service, such as department chair or other significant workload increase, leadership, or supervisory responsibility
4. Awards
5. Summer school teaching
6. Summer sponsored research
7. Intersession teaching
8. Institutional agreements

In the case of additional remuneration for extra work by administrators (including deans), arrangements must be approved in accordance with Policy 2-K. [For university staff, see Policy 11]

History:

Adopted December 19, 1941; amended August 3, 2000; revised November 3, 2005.

The term "officer and exempt professional" was replaced with the term "university staff" effective April 17, 2015.

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POLICY 5.E: Additional Remuneration for Consultative Services

Faculty consultation work is a desirable and legitimate function, serving to keep faculty abreast of their professions and should be encouraged. Such work must not interfere with the educational processes of the University. (See Regent Policy 3 B and 3 D) With prior written approval by the dean or appropriate campus authority, faculty members shall be permitted to receive additional remuneration from sources outside the university so long as the activities generating the income do not exceed one-sixth of their time and effort. Outside work during leaves of absence shall be of concern only to the individual and the entity by which he/she is employed.

Normally, university facilities shall not be used for faculty members' outside work. However, faculty members may make contractual arrangements to rent university facilities at fair-market rates using campus-approved procedures. Faculty members shall not use university resources to advertise their availability for private consultation practice.

Separate policies may apply to faculty members in Chancellor-approved practice plans.

One-Sixth Rule activities shall not involve large amounts of consecutive time, but shall be limited to reasonably short periods of consultation.

Last Amended: November 3, 2005

History:

Adopted July 28, 1944,
corrected August 18, 1944, p. 74;
revised December 20, 1947;, p. 423, and
amended August 3, 2000 Pages 11-12, Attachment 2, and Exhibit S; revised November 3, 2005

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POLICY 5.F: Faculty Leave of Absence While Candidate for or Serving in Public Office

The recommendations of the University Senate concerning leaves of absence for faculty members who become candidates for elective office are as follows:

1. Leave of absence is not required of a faculty member who becomes a candidate for an office of a temporary or part-time nature, generally on a non-paying or token-payment basis, such as membership on a municipal charter revision convention, delegate to a state constitutional convention, a member of a board of education, a member of a city or town council, or a mayor. Election to such an office does not require a leave of absence or a reduction in time for which he is paid by the University.

Only if the duties he undertakes result in neglect of his instructional and other regular duties will the Board of Regents limit such activities of a faculty member.

There are some part-time offices, such as a member of a board of county commissioners, or assistant or associate county judge, that take such a substantial amount of time that more than token compensation is provided. In such cases, leave of absence is not required for campaigning, but after election and at the time office is assumed, the faculty member shall go on such a reduced time basis as may be recommended by his department chairman, dean and the Dean of the Faculties.

2. Leave of absence is not required of a faculty member campaigning for the state legislature or any other post requiring full-time attendance during a minor portion of the year. After election, and during legislative sessions, both regular and special, the faculty member will go on leave of absence without pay. The faculty member shall be permitted to draw his full salary and allowances from his elective position.

Such a faculty member, before taking office shall submit to the president written confirmation from his department chairman, dean and the Dean of Faculties that arrangements have been made to take care of his instructional and other duties while the legislature is in session.

3. Leave of absence is required of a faculty member who seeks public office which demands full-time service, such as Governor, U.S. Representative, or U.S. Senator. Leave without pay will become effective the day after the primary election. If the faculty member is elected, leave shall be extended for one term of office upon the recommendation of his department chairman, dean, and the Dean of the Faculties.

If the faculty member is not elected, his leave without pay ends five days after election day, provided the Department chairman has made arrangements to meet this contingency. If such arrangements have not been made, the leave of absence continues through the semester in which the leave of absence occurs.

In all cases contemplated by categories 1, 2, and 3 above, upon contribution by the faculty member of any sums due by him towards any retirement fund as the same become due, the University shall continue its contributions while the faculty member is on leave of absence.

No participation in any campaign, or service in office upon election, shall adversely affect any salary increases or other benefits to which the faculty member would otherwise be entitled.

Last Amended: January 21, 1966

History:

Adopted January 21, 1966, pp. 11-12

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POLICY 5.G: Application of Teaching Excellence Award to Base Salary

NOW THEREFORE BE IT RESOLVED that the President's Office shall modify the President's Teaching Scholars Program as follows:

(1) Every Presidential Teaching Scholar, including those already so designated, will receive an increment to his/her base salary. In assessing the long-term fiscal effects of such increments, the President's Office will attempt to achieve parity between the group of Scholars already designated and the groups yet to be named.

(2) During the first two years of a faculty member's designation as a Presidential Teaching Scholar, his/her campus shall reserve funds to be available to the Scholar for self-selected projects relating to teaching excellence. Funds shall also be available to Scholars already designated.

(3) The President's Office shall investigate the feasibility of implementing a similar increment for the Distinguished Professors.

Last Amended: December 13, 1990

History:

Adopted December 13, 1990, p. 98

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POLICY 5.H: Faculty Senate Grievance Process

I. Introduction and Authority

This policy is enacted under the authority provided by Article 5.C.3 of the Laws of the Regents. Article 5.C.3 provides:

(A) Nature of Grievances

(1) Any member of the Faculty Senate who is denied reappointment, with or without tenure, or who is denied promotion and who believes that such action is unjustified and constitutes a specific encroachment upon his or her rights may file a grievance with the Faculty Senate Committee on Privilege and Tenure.

(2) Grievance cases involving perceived violations of academic rights, privileges, or tenure, including, but not limited to, those arising during a post-tenure review process, may also be filed with the Faculty Senate Committee on Privilege and Tenure.

(B) Grievance Proceedings

(1) The Faculty Senate Committee on Privilege and Tenure shall be constituted as provided in the Faculty Senate Constitution and shall investigate, mediate and hear grievances that are submitted to it by members of the Faculty Senate in accordance with the procedures described in regent policy and in accordance with other applicable rules and procedures adopted pursuant to regent policy.

(2) Findings, conclusions, and recommendations of the Faculty Senate Committee on Privilege and Tenure shall be forwarded to the president or campus chancellor who shall, upon review thereof, take such action as is deemed to be in the best interests of the university and in accordance with these regent laws, regent policies, and applicable federal and state laws, rules and regulations. The chancellor or president shall refer the recommendations to the Board of Regents for final action as required by regent laws and policies.

(C) Mediation

Mediation shall be available during the grievance process as a means of resolving faculty grievances.

II. Applicability

As provided in Article 5.C.3 of the Laws of the Regents, this grievance process applies to grievances submitted by members of the Faculty Senate. Membership in the Faculty Senate is described in Article I.A.2.a. of the University of Colorado Faculty Senate Constitution ("Faculty Senate Constitution"), which provides:

The Faculty Senate consists of all members of the general faculty of the University of Colorado with the following titles whose appointments are fifty-percent or more: professor, associate professor, assistant professor, senior instructor, instructor, scholar in residence, artist in residence. Adjoint, attendant, clinical and research faculty with fifty-percent or more

appointments in the above ranks are also members of the Faculty Senate; visiting professors are not. The designated representative from the Retired Faculty Association to the Faculty Council shall be a member of the Faculty Senate during his/her tenure as representative. Ex officio members with the right to vote are the president of the university; the vice presidents; the chancellors; the vice chancellors; all deans; the directors of the budget, libraries and museum; and professors emeriti and emeritae.

III. Faculty Senate Privilege and Tenure Committee

A. Authority and Jurisdiction

As provided in Article 5.C.3 of the Laws of the Regents, the Faculty Senate Privilege and Tenure Committee (hereinafter "Committee") is authorized by the regents to investigate, mediate, and hear grievances submitted to it by members of the Faculty Senate. The jurisdiction of the Committee is expressly limited to the review of those grievances described in Articles 5.C.3.(A)(1) and (2) of the Laws of the Regents. Grievance cases are either (1) filed by a member of the Faculty Senate who is denied reappointment, with or without tenure, or who is denied promotion and who believes that such action is unjustified and constitutes a specific encroachment upon his or her rights; or (2) filed by a member of the Faculty Senate alleging other perceived violations of his or her academic (faculty) rights, privileges, or tenure, including, but not limited to, those arising during a post-tenure review process or as a result of suspensions or other disciplinary actions, excluding dismissal for cause (dismissal for cause cases are handled under the regent policy entitled "Faculty Dismissal for Cause Process"). The Committee shall not have jurisdiction over an administrator's grievance related to the performance of administrative duties unless there are alleged direct consequences for the administrator's faculty status, rights or privileges. Faculty tenure, privileges and rights are as enumerated in the Laws of the Regents and regent policies and must conform to the constitutions, laws, and regulations of the United States and the state of Colorado.

B. Organization

According to Article II.D. of the Faculty Senate Constitution, the Committee is a committee of the Faculty Senate. The Committee is organized and its members are appointed as described in Article II.D.1. of the Faculty Senate Constitution and Section II.D.1. of the Bylaws of the Faculty Senate of the University of Colorado ("Faculty Senate Bylaws"). Members of the Committee shall be members of the Faculty Senate.

The Committee is organized as investigative panels. A panel shall consist of five (5) members who serve as investigators and a chair, who shall be the presiding officer of the panel. A quorum of the panel for the purpose of conducting business shall be three investigator members and the panel chair. The number of panels for each senate year shall be determined by the chair of the Committee (hereinafter "Committee Chair").

Members of the Committee who are designated as investigators shall carry out level-1 investigations and shall act as members of hearing panels in level-2 hearings. No investigator shall serve as a level-1 investigator and as a member of a level-2 hearing on the same grievance.

Members of the Committee designated as mediators shall be trained and neutral individuals who facilitate communication, promote understanding, focus the parties in a grievance on their interests, and assist the parties in developing options for reaching an informed resolution.

Committee mediators shall carry out mediations consistent with published professional mediation standards. In consultation with the panel chair and with the consent of the parties, the Committee Chair shall assign a Committee mediator to a panel on a case-by-case basis to handle the mediation of a grievance. Committee mediators shall not be present during committee discussions of grievances or participate in investigations or hearings.

The Committee shall annually elect a Committee Chair, a vice chair (hereinafter "Committee Vice Chair") and panel chairs.

The Committee Chair shall be the spokesperson for the Committee. The Committee Chair shall not serve as a panel chair or vote on panel reports or recommendations. The Committee Chair shall perform such functions as are required by the grievance procedures and by internal administrative rules, including:

- a. acting as the liaison between the Committee and all parties in a grievance;
- b. facilitating the grievance process, including, but not limited to, notifying the parties of grievance procedures, explaining the scope of confidentiality and assuring that the grievance moves forward in a timely manner;
- c. assigning grievance cases to panels and teams of investigators;
- d. designating a member of the committee to perform the panel chair's responsibilities if, during a level-1 or level-2 proceeding, a panel chair becomes unable to perform those responsibilities;
- e. coordinating investigations, hearings and mediation efforts;
- f. delegating any or all of the Committee Chair's duties to the Committee Vice Chair in individual cases;
- g. collecting official documents and audio recordings related to Committee grievance and dismissal for cause cases and ensuring that these are deposited in the permanent case file in the Committee archives.

The Committee Vice Chair shall perform the duties of the Committee Chair when the Committee Chair is unable to do so or as assigned by the Committee Chair.

The panel chairs shall perform such functions as are required by these procedures, including:

- h. coordinating investigations, hearings and mediation efforts in a timely manner;
- i. acting as hearing officers in level-2 hearings;
- j. voting only in case of a tie.

A hearing officer shall be the panel chair of the panel to which a level-2 hearing is assigned and shall preside at the hearing and perform such functions as are required by procedures herein for a level-2 hearing.

C. Functions

In grievance cases, the Committee functions in accordance with the Laws of the Regents and this policy. The Committee shall have the authority to compose internal administrative rules consistent with regent laws and policy, the Faculty Senate Constitution and the Faculty Senate Bylaws.

IV. General Definitions and Procedural Requirements

A. General Definitions

The parties to a grievance (hereinafter "Parties") shall be the faculty member filing the grievance and the administrator(s) whose action or failure to take action is the basis for the grievance. If the administrative Party is the chancellor, the chancellor may designate another administrator to serve as the Party in her/his place.

The record of the case, as used in these procedures, shall include:

- a. all documents provided to the level-2 panel;
- b. audio recording(s) of the hearing(s);
- c. the level-2 panel report(s) and the Parties' responses to the report(s);
- d. all formal post-hearing communications, including the chancellor's and president's responses, if any, and the panel's reply, if any.

B. General Procedural Requirements

1. The Committee's review of grievances shall proceed as expeditiously as possible. Ordinarily, level-1 investigations shall be concluded and reports submitted to the Committee Chair within 90 calendar days after the filing of a grievance and level-2 hearings shall be concluded and recommendations made to the chancellor within 90 calendar days after the transmission of the level-1 panel report to the chair of the second panel.
2. Time limits within which grievance statements must be received by the Committee Chair shall only be extended as provided in VI.A.5. Other time limits specified in these procedures shall be met unless the Committee Chair or panel chair, as appropriate, should determine that good cause shown justifies an extension. Time limits not specified in these procedures shall be established by the Committee Chair or panel chair, as appropriate, with the goal of concluding the Committee's review in a timely manner and consistent with the time limits established herein.
3. Written notification, provided pursuant to these procedures, shall be deemed to have been received when any one of the following has occurred:
 - a. when delivered, if the notice is sent by personal delivery;
 - b. when 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. five (5) business days following the mailing date, if the notice is sent by United States Postal Service to the last address provided to the Committee Chair; or

d. five (5) business days following the shipping date, if the notice is sent by alternative delivery service to the last address provided to the Committee Chair.

4. In cases involving salary, promotion, non-reappointment and post-tenure review, the Committee shall not substitute its judgment about an individual's academic merit for that of other authorized committees and administrators. In cases involving faculty personnel decisions resulting from program discontinuance, the Committee shall not consider the validity of the program discontinuance decision. In all of the above cases, the Committee shall consider only whether proper procedures were followed in taking these personnel actions. In disciplinary matters, the Committee shall consider the merits of the matter before it as well as the process.

5. In all grievance cases, the faculty member shall bear the burden of proof by a preponderance of the evidence.

6. The Committee Chair shall provide a list of Committee members to the grievant. The grievant may request that specific Committee member(s) be excluded from participation in the grievance process, and shall provide a rationale for the request. The Committee Chair shall consider this information in selecting level-1 and level-2 panels for the case.

7. At any point in a grievance process, a grievant may withdraw the grievance and the case will be closed.

8. In order to provide for the expeditious review of grievances, faculty members and administrators shall cooperate by providing current contact information, by making themselves available during investigations and hearings as requested by the Committee and by providing relevant documents as requested by the Committee and the other Party. A failure to cooperate shall be documented and considered in the evaluation of the case.

9. In accordance with the confidentiality expected of the grievance process and as permitted by law, the Parties, the other participants in the grievance process and the Committee members shall maintain the confidentiality of the grievance proceeding.

10. Upon the request of the panel chair to the Committee Chair, the Committee advisory lawyer shall be made available to a panel for consultation at any point during the grievance process.

V. Mediation Principles and Procedures

Attempts should be made to resolve a grievance at the earliest stage in the grievance process. The settlement of a grievance through mediation may be accomplished using Committee mediators, using other University of Colorado mediation resources, such as ombuds offices, or using mediation resources from outside the university.

The Committee Chair shall encourage the Parties to engage in mediation after the determination of jurisdiction but before the initiation of a level-1 investigation, and after a level-1 investigation but before a level-2 hearing. At the discretion of the panel chair, mediation may occur during an investigation or hearing and the proceeding may be suspended temporarily while mediation occurs.

If the Parties agree to pursue mediation, the Committee Chair shall propose to the Parties a mediation process using Committee or other university resources and shall help the Parties agree upon a mediation process and a mediator. The Committee Chair may propose using mediation resources from outside the university. Reasonable costs of outside mediation shall be paid by the university.

If an accommodation satisfactory to the Parties is achieved by mediation, the Parties shall enter into a written settlement agreement. Upon reaching a settlement agreement, the Parties shall report to the Committee Chair that a settlement has been reached, and the Committee Chair shall close the case.

The Parties are expected to maintain the confidentiality of the mediation process. At the beginning of the mediation process, the Parties shall be informed by the Committee Chair that communications made during the mediation process are confidential and shall sign a confidentiality agreement before the mediation begins. Committee mediators shall maintain the standard of confidentiality required of professional mediators and shall not be called to testify as a witness in university proceedings or in outside administrative or judicial proceedings.

Mediation shall be undertaken in an expeditious manner and shall not delay or extend the time limits described in these procedures unless the Parties and the Committee Chair or panel chair, as appropriate, agree.

VI. Level-1 Proceedings (First (1st) panel)

A. The Grievance Statement

1. A grievance shall be initiated by a written grievance statement submitted to the Committee Chair. Faculty members are encouraged to contact the Committee Chair prior to submitting the grievance statement.
2. In cases involving promotion, tenure, or non-reappointment, grievance statements shall be received by the Committee Chair within 60 calendar days following the 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.
3. In cases involving suspension and other disciplinary actions, excluding dismissal for cause, grievance statements must be received by the Committee Chair within 30 calendar days after the faculty member's receipt of written notification of the action.
4. In cases of other alleged violations of academic rights or privileges, grievance statements must be received by the Committee Chair within 30 calendar days after the faculty member is advised of the administrative action or decision, which is the basis of the complaint.
5. The time for filing may be extended by the Committee Chair for up to an additional 60 calendar days 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.
6. The grievance statement shall:
 - a. describe the alleged violation(s) of the grievant's academic rights, privileges or tenure;

- b. provide a statement as to whether this matter or a related matter has been previously considered by the committee in a grievance proceeding;
- c. provide a summary of the case, including relevant background information and attached available supporting documentation, arranged chronologically with a table of contents;
- d. provide a statement by the grievant as to whether the involvement of a Committee member with a diverse perspective relevant to the claim is desired; and
- e. provide a statement, which specifies what administrative action is expected to provide relief from the alleged grievance.

B. Determination of Jurisdiction

1. The Committee Chair shall make an initial determination as to whether the grievance is within the Committee's jurisdiction as described in III.A. above. In addition to determining jurisdiction on other grounds, the Committee Chair may determine that a grievance is not within the jurisdiction of the Committee on the grounds that the substance of the grievance has been reviewed for the same faculty member in a prior Committee grievance proceeding.
2. The Committee Chair shall make this determination of jurisdiction within 10 business days of receipt of the grievance statement.
3. If the Committee Chair determines that a grievance is not within the jurisdiction of the Committee, the faculty member shall be notified and shall be provided an opportunity to request review of the Committee Chair's determination, as described below in VI.B.6.
4. If the Committee Chair or the review panel determines that the grievance is within the jurisdiction of the Committee and if the Parties do not agree to mediation or if mediation is not successful, the Committee Chair shall assign the case to a level-1 investigation.
5. If, during the grievance process, the grievant presents additional grievance(s) not previously filed with the Committee, the Committee Chair shall first decide whether such additional grievances have a sufficiently close and substantial relationship to the current grievance to justify inclusion in that grievance. If the Committee Chair does not find such a close and substantial relationship, the Committee Chair shall not authorize the grievant to add such new grievance(s). The Committee Chair's decision can be reviewed as described below in VI.B.6. The grievant shall also have the option of submitting a new grievance.
6. In cases where the Committee Chair has determined that a matter is not within the jurisdiction of the Committee or that additional grievances may not be included in the original grievance, the Committee Chair's decision can be reviewed at the request of the grievant. Such request for review shall be in writing and submitted to the Committee Chair within 10 business days of the grievant's receipt of notification of the Committee Chair's decision. If the grievant should request review, the Committee Chair's determination shall be reviewed by a review panel consisting of the Committee Vice Chair and the panel chairs. The decision of the review panel shall ordinarily be made within 10 business days of the review panel's receipt of a request for review and shall be final.

C. Conducting Level-1 Investigations (First (1st) Panel)

1. The purpose of a level-1 investigation is to establish whether or not reasonable grounds exist for believing that a violation of the academic rights, privileges or tenure of the grievant may have occurred.

2. The Committee Chair shall assign each grievance to an investigative panel. If, for any reason, panel members recuse themselves or are unavailable, or if a panel decides that one or more of its assigned members should not participate in the case assigned to the panel, or if the Committee Chair decides to exclude a panel member at the grievant's request, the Committee Chair may assign replacement members from another panel. When expertise is available on one panel that may facilitate an investigation assigned to another panel, the Committee Chair may assign the Committee member with the expertise to serve on the latter panel on a one-time basis. In cases where the grievance statement includes a request for the inclusion of diverse perspectives, the Committee Chair shall, when such a perspective is available on the Committee, appoint an appropriate member of the Committee to the panel.

3. The Committee Chair shall select two investigators to investigate the grievance for the panel. One of the investigators shall be a member of the Committee. The other may be from outside the Committee but shall have training, qualifications and experience as will, in the judgment of the Committee Chair, facilitate the investigation. Ordinarily, the outside investigator should have prior investigative experience. The assignment of an outside investigator shall be made by the Committee Chair on a case-by-case basis as the Committee Chair deems necessary to facilitate the grievance process. The outside investigator may be compensated and shall not participate in the deliberations of the panel or have a vote.

4. Copies of the grievance statement, along with the Committee's grievance procedures, shall be sent to the Parties, the chancellor, the panel chair and the assigned investigators.

5. The assigned investigators shall investigate the case and provide a draft of a level-1 panel report on the case to the panel chair. The level-1 panel report shall include:

a. the grievance statement;

b. a list of witnesses interviewed;

c. factual findings, including the bases for the findings and references to relevant documents or witness statements;

d. conclusion(s) as to whether there are reasonable grounds for believing that a violation of academic rights, privileges or tenure may have occurred, and a rationale for the conclusion(s);

e. recommendations for resolution of those alleged grievances for which reasonable grounds are found to exist; and

f. appendices containing documents referred to in the report and not attached to the grievance statement.

6. The panel chair shall distribute copies of the draft report to the panel members for review, discussion and vote. The panel may reject the draft report and require additional investigation, modify the draft report, or approve the report as is. Upon the panel's approval of the draft report, the panel chair shall send the level-1 panel report to the Committee Chair. Ordinarily, the panel shall approve the report and transmit it to the Committee Chair within 15 days of the panel

chair's receipt of the draft report from the investigators. The Committee Chair shall forward copies of the approved level-1 panel report to the Parties and the chancellor.

7. If the panel determines that there are not reasonable grounds for believing that a violation of the academic rights, privileges or tenure of the grievant may have occurred, the Committee Chair shall terminate the grievance proceedings, close the case and so notify the Parties and the chancellor.

8. If the panel determines that there are reasonable grounds for believing that a violation of the academic rights, privileges or tenure of the grievant may have occurred with respect to one or more of the allegations in the grievance statement, the Committee Chair shall request a response from the chancellor.

9. Upon motion of either Party, and upon agreement of both Parties, the panel may close the case.

D. Post-investigation Procedures for Level-1 Proceedings

1. Within 10 business days after receipt of the level-1 panel report finding reasonable grounds, the chancellor shall inform the Committee Chair in writing of any proposed actions to resolve the grievance and the reasons for such. The Committee Chair shall consult with the grievant to determine whether, in the grievant's view, such proposed action would satisfactorily resolve the grievance. The grievant shall respond to the chancellor's proposed action(s) within 10 business days of the date the grievant is informed of the proposal.

2. If the grievant determines that the chancellor's proposed action would satisfactorily resolve the grievance, the case shall be closed upon the chancellor's taking the proposed action.

3. If the grievant does not agree that the chancellor's proposed action would be adequate, the Committee Chair shall refer the matter to the level-1 investigative panel for reconsideration by the panel in light of the chancellor's proposed action. If the panel then determines that the chancellor's proposed action is adequate to resolve the grievance, the chancellor and the Parties shall be so advised. The grievance proceedings shall be terminated, and the case shall be closed upon the chancellor's taking the proposed action.

4. If the chancellor fails to respond within 10 business days or responds that he/she intends to take no action, or if the panel, upon reconsideration, determines that further action other than that proposed by the chancellor is warranted, the Committee Chair shall transmit a copy of the level-1 panel report to the chair of a second panel for a level-2 hearing, and shall so notify the Parties and the chancellor. The level-1 panel report shall not be distributed to other members of the second panel, since those members are required to receive information about the grievance through the level-2 proceedings described below.

5. If the chancellor proposes to take action, the time between the grievant's response and either the closing of the case or referral to a level-2 hearing shall be no more than 15 business days. If the chancellor does not propose to take action or fails to respond to the panel report within 10 business days, the time between the chancellor's receipt of the level-1 panel report and referral to a level-2 hearing shall be no more than 15 business days.

VII. Level-2 Proceedings (Second (2nd) panel)

A. Election of an Informal or Formal Hearing

1. A grievant may elect to have either an informal or a formal hearing.

2. Following are the differences between informal and formal hearings:

a. Procedures applicable only to informal hearings:

i. Neither Party shall be represented by counsel or other spokesperson.

ii. Only the following persons may be present at the hearing:

1. the members of the panel;

2. the hearing officer;

3. the Parties;

4. the Committee advisory lawyer;

5. a witness, only during the time he/she is giving testimony.

b. Procedures applicable only to formal hearings:

i. Upon receipt of the grievant's election of a formal hearing, the Committee Chair shall notify university counsel of that election as well as the Parties and the chancellor.

ii. Each Party may be represented by counsel, who may act on the Party's behalf throughout the formal hearing proceeding. To the extent that a Party is permitted to take, or is prohibited from taking, an action, the Party's counsel is likewise permitted to take, or prohibited from taking, such action on the Party's behalf.

iii. Only the following persons may be present at the hearing:

1. the members of the panel;

2. the hearing officer;

3. the Parties and their counsel;

4. the Committee advisory lawyer;

5. a witness, only during the time he/she is giving testimony.

3. Within five (5) business days after receiving notice of the transmittal of the grievance to a second panel chair for a level-2 hearing, a grievant shall notify the Committee Chair in writing whether he/she has elected an informal or a formal hearing. If the grievant fails to so notify, the grievant shall be assumed to have elected an informal hearing.

4. Upon receipt of the grievant's election of a formal or an informal hearing (or default to an informal hearing), the Committee Chair shall notify the Parties and the chancellor whether the

hearing will be informal or formal. The Committee Chair shall send copies of the Committee's grievance procedures, if not already provided, to the Parties, the chancellor, and the panel members.

B. Conducting Level-2 Proceedings

1. The panel chair is the hearing officer and shall preside at the hearing.
2. The hearing officer, in consultation with the Parties, shall set all hearing dates and times and shall notify the Parties. Ordinarily, the date set by the hearing officer for the commencement of the hearing shall be within 30 business days after the date that the level-1 panel report is transmitted to the chair of the hearing panel. Once the date for the hearing has been set, the hearing shall not be continued or delayed except for good cause shown. The hearing officer shall have the authority to change any hearing date or time previously set, and shall have all such other authority as is necessary and proper for the fair and expeditious conduct of the business of the panel.
3. Except in extraordinary circumstances, formal and informal hearings shall be limited to two consecutive days, ordinarily one day for each Party.
4. The hearing officer or any panel member may recuse her/himself at any time by notifying the Committee Chair of the reason for the recusal. Upon motion by either Party or upon motion of a panel member, the panel may decide that the hearing officer or a panel member should not participate in the hearing. In such an event, the Committee Chair shall designate a new hearing officer or, if there is less than a quorum of the panel, designate a new panel member, respectively.
5. There shall be no formal discovery as is ordinarily defined by judicial process for either an informal or formal hearing. Specifically, the hearing officer shall not compel depositions, interrogatories, requests for production of documents, or requests for admissions. There shall be an opportunity for the exchange of relevant documentation, as reasonably requested by the Parties from each other.
6. In order to provide guidance for both informal and formal hearings, the hearing officer, in consultation with the Parties, shall develop a hearing order at the earliest practicable time. In order to assist in the development of the hearing order, the hearing officer may call for a meeting with the Parties. The hearing order shall be distributed to the Parties and the panel members no less than 10 business days prior to the commencement of a hearing. The hearing order should contain the following:
 - a. a concise statement of the grievant's allegations for which reasonable grounds have been found to exist, including:
 - i. the particular administrative action(s) or inaction(s) alleged to have violated the grievant's rights;
 - ii. the reasons why said administrative action(s) or inaction(s) is alleged to have violated the grievant's rights; and
 - iii. the relief to which the grievant believes her/himself to be entitled;

- b. a concise statement of the other Party's response to the allegations at issue;
- c. a brief statement of the issues to be considered at the hearing;
- d. a list of the documentary and demonstrative evidence that each Party intends to present;
- e. a list of the witnesses to be presented by each Party;
- f. a statement of the order in which witnesses shall be presented at the hearing; and
- g. such additional information as the hearing officer may deem appropriate.

7. Guidelines for evidence:

a. Affidavits may be introduced in lieu of witness testimony, if the hearing officer concludes that the witness is not otherwise available to testify, either in person or by videoconference or teleconference. It is understood that affidavits may be given less weight than witness testimony because there is no opportunity for questioning by the Parties or members of the panel.

b. The hearing officer shall determine the admissibility of evidence. Evidence not ordinarily admissible in court may be admitted, at the discretion of the hearing officer, if he/she determines the evidence to be of such reliability and relevance that a reasonable person would base weighty decisions upon it.

8. The hearing officer shall appoint a recording member from the membership of the panel. The recording member shall be responsible for recording the panel hearings. At the conclusion of the hearing, copies of the recordings shall be made available to the hearing panel as requested by panel members for their deliberations; they shall also be made available to a Party upon the Party's request to the hearing officer.

9. Each Party shall have the right to present witnesses, including expert witnesses, and to be present throughout the hearing. If, after proper notification of the hearing dates, either Party fails to be present during all or any part of a hearing, the hearing may go forward in the absence of that Party.

10. The Parties and the members of the panel shall have the opportunity to question witnesses, subject to such reasonable limitations as the hearing officer may impose. Witness testimony may be presented by videoconferencing or teleconferencing, so long as both Parties and the panel members are able to participate concurrently.

11. Neither Party shall discuss the case, except for matters relating to the coordination of the proceedings, with the hearing officer, other members of the panel or the Committee advisory lawyer unless both Parties are present. Neither Party shall communicate in writing concerning the case with the hearing officer, other panel members, or the Committee's advisory lawyer unless a copy of said communication is sent to the other Party.

12. The hearing officer may permit opening, closing, and other oral arguments to be made to the panel. Each Party may submit a written argument to the panel within five (5) business days after the end of the hearing, provided that the Party indicates her/his intentions to do so at the time of the hearing. The submitting Party shall serve the other Party with a copy of written arguments.

13. The hearing officer may seek the advice of the panel with respect to any ruling or decision the hearing officer makes.

14. At the request of the hearing officer, the Committee advisory lawyer shall be present for the duration of the hearing for purposes of providing legal advice as needed to the hearing officer and panel.

15. By agreement of both Parties and the panel, the hearing procedures may be modified or waived in part. Such agreement shall be made, whenever reasonably possible, after consultation with the Committee Chair.

C. Post-hearing Procedures for Level-2 Proceedings

1. After the hearing has been completed, the members of the panel shall meet and deliberate. No person other than members of the panel may be present at this meeting, except that, upon the request of the majority of the panel members, the Committee advisory lawyer may be present to be consulted concerning questions of law. In due course, ordinarily within 30 business days after the conclusion of the hearing, the panel shall promulgate findings of fact and conclusions, and, where appropriate, recommendations to the chancellor consistent with the laws and policies of the Board of Regents. These findings, conclusions and recommendations shall be in a written report (hereinafter called the "level-2 panel report"), which shall include an explanation of the panel's findings, conclusions and recommendations. Service of the Committee advisory lawyer may be utilized in the preparation of the level-2 panel report. Any member of the panel not in agreement with any aspect of the level-2 panel report may indicate the disagreement, along with the reasons therefor, in a minority report, which shall be appended to the level-2 panel report. The panel chair shall send the level-2 panel report(s) to the Committee Chair, who shall forward copies to the Parties.

2. The Parties may respond in writing to the level-2 panel report(s), setting forth any objections to either the findings or recommendations contained in the level-2 panel report(s). A Party's response must be received by the panel chair within 10 business days after the Party's receipt of the level-2 panel report(s). Copies of the Party's response shall be sent to the other Parties; however, the Parties shall not have an opportunity to reply to each other's responses. Upon receiving these responses, the panel may choose to modify or supplement its report(s). If neither Party responds to the level-2 panel report(s) within the required period, the panel chair shall so advise the Committee Chair.

3. The panel chair shall transmit the record of the case (which includes the level-2 panel report) to the Committee Chair, who shall forward a copy to the chancellor.

4. The chancellor shall respond in writing to the level-2 panel report(s) within 10 business days after receipt of the report(s). The chancellor's response shall address each of the stated recommendations in the level-2 panel report(s), indicating what action the chancellor intends to take in response to the recommendations and an explanation for such action. The Committee Chair shall advise the panel and the grievant of the chancellor's response. The panel shall thereafter determine whether, in its judgment, the chancellor's response satisfactorily addresses the panel's recommendations. If so, the Committee Chair shall so inform the chancellor and the grievant in writing and close the case.

5. If the panel concludes that all or part of the chancellor's response does not satisfactorily address the panel's recommendations, the Committee Chair shall in writing inform the

chancellor and the grievant of the panel's disagreement and the reasons therefor. If, after further consultation between the Committee Chair and the chancellor, the disagreement is not resolved to the panel's satisfaction, the Committee Chair shall in writing report the disagreement and the basis thereof to the president, with a copy to the grievant, and shall forward a copy of the record of the case to the president. If, after 10 business days, the disagreement is not resolved to the panel's satisfaction by consultation between the Committee Chair and the president, copies of the record of the case shall be transmitted by the Committee Chair to the Board of Regents for its review.

6. If the Board of Regents should decide to review the matter, the board shall undertake the review in executive session. The panel hearing officer shall accompany the Faculty Council chair to represent the findings and recommendations of the panel to the Board of Regents. If the Board of Regents decides not to review the matter, the president's decision stands.

III. Changes to Grievance Procedures

Changes to these procedures require:

1. notice of motion to the Faculty Senate;
2. approval by a two-thirds majority of those voting at the Faculty Senate meeting following the notice of motion; and
3. approval by the Board of Regents.

Supersedes: Rules of the Faculty Senate (1978); "Panel Procedures for Processing Cases-- University Committee on Privilege and Tenure" (RA 12/16/76 and subsequent amendments

Last Amended: December 19, 2002

History:

Adopted December 19, 2002

POLICY 5. Faculty

POLICY 5.I: Faculty Dismissal for Cause Process

I. Authority and Application

This policy is enacted under the authority provided by Article 5.C.1 and 2 of the Laws of the Regents. Article 5.C.1 provides that:

A faculty member may be dismissed when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere, or sexual harassment or other conduct which falls below minimum standards of professional integrity.

Article 5.C.2 provides:

(A) General Provisions

- (1) No member of the faculty shall be dismissed except for cause and after being given an opportunity to be heard as provided in this section.
- (2) Dismissal of a faculty member shall be construed to mean the revocation of an appointment for cause and may take place at any time during a tenured appointment or at any time during a period of a limited appointment.
- (3) Nonrenewal of a limited appointment, termination of an indeterminate appointment according to its terms, or termination of an at-will appointment at any time, shall not be regarded as a dismissal.

(B) Notification of Dismissal

A faculty member whose dismissal for cause is contemplated shall be given written notification as far in advance as possible of the contemplated effective date of dismissal for cause and the reasons therefore. Such notice shall inform the faculty member of the right of review as provided in this subsection. A member of the faculty who receives such written notification may request, within 10 days of receipt of said notice, that the president or chancellor refer the matter to the Faculty Senate Committee on Privilege and Tenure. Upon receipt of said request the president or chancellor shall refer the matter to said committee within 5 days. If the individual concerned does not request referral to the privilege and tenure committee within 10 days, the individual faculty member shall be deemed to have forfeited the right to such proceedings. The individual concerned shall be permitted to have counsel and the opportunity to question witnesses as provided in the rules of procedure governing faculty dismissal proceedings. In such proceedings, the burden of proof shall be on the university administration.

(C) Faculty Senate Committee on Privilege and Tenure

The Faculty Senate Committee on Privilege and Tenure shall function in dismissal proceedings as authorized by the Board of Regents and shall conduct its hearings consistent with its rules and procedures approved by the Board of Regents.

(D) President's Recommendation

The president, upon receipt of the findings, conclusions, and/or recommendations of the Faculty Senate Committee on Privilege and Tenure and review thereof, shall recommend action deemed appropriate and forward the recommendation to the Board of Regents as required by regent policy for final action, if any.

II. General Definitions and Procedural Requirements

A. General Definitions

According to Article II.D. of the University of Colorado Faculty Senate Constitution ("Faculty Senate Constitution"), the Privilege and Tenure Committee ("Committee") is a committee of the Faculty Senate. The Committee is organized and its members are appointed as described in Article II.D.1. of the Faculty Senate Constitution and Section II.D.1. of the Bylaws of the Faculty Senate of the University of Colorado ("Faculty Senate Bylaws"). Members of the Committee shall be members of the Faculty Senate.

The chair of the Committee ("Committee Chair") shall be elected annually as an officer of the Committee and shall perform such functions as are required by these procedures and by the Committee's internal administrative rules. The Committee Chair shall not serve as a panel chair or vote on panel reports or recommendations. The Committee Chair shall be responsible for collecting official documents, audio recordings and transcripts related to Committee dismissal for cause cases and for ensuring that these are deposited in the permanent case file in the Committee archives. The Committee Chair may delegate any or all of her/his duties to the Committee vice chair in individual cases.

The dismissal for cause panel shall be a separate panel of the Committee and shall be appointed by the Committee Chair for the primary purpose of hearing dismissal for cause cases. The panel shall consist of five Committee members and a panel chair, who shall be the presiding officer of the panel. A quorum of the panel for the purpose of conducting business shall consist of three members and the panel chair. The panel chair shall vote only in case of a tie.

The hearing officer shall be the panel chair of the panel to which a hearing is assigned and shall preside at the hearing and perform such functions as are required by procedures herein for a hearing.

The parties to a contemplated dismissal for cause case ("Parties" or individually a "Party") shall be the chancellor or the administrator authorized by the chancellor to issue the notice of intent to dismiss the faculty member and the faculty member to whom the notice is issued. If the chancellor issues the notice of intent to dismiss, the chancellor may designate another administrator to serve as the Party in her/his place.

As used in this policy, "days" shall mean business days.

The record of the case for a dismissal for cause shall include:

- a. all documents provided to the dismissal for cause panel;
- b. a transcript of the hearing;
- c. the dismissal for cause panel report(s) and the Parties responses to the report(s);

d. all formal post-hearing communications, including the president's response, if any, and the panel's reply, if any.

B. General Procedural Requirements

1. The Committee's review of dismissals for cause shall proceed as expeditiously as possible. Hearings should be concluded and recommendations made to the president within 80 days after referral to the dismissal for cause panel by the Committee Chair.

2. The time limit within which the faculty member must request referral from the president or chancellor may not be extended. Other time limits specified in Section III of these procedures shall be met unless the Committee Chair or panel chair, as appropriate, should determine that demonstrably extraordinary circumstances^[1] justify an extension. Time limits not specified in these procedures shall be established by the Committee Chair or panel chair, as appropriate, with the goal of concluding the Committee's review in a timely manner and consistent with the time limits established herein.

3. Written notification, provided pursuant to these procedures, shall be deemed to have been received when any one of the following has occurred:

a. For notification of dismissal to the faculty member:

1. when delivered, if the notice is sent by personal delivery;
2. when 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;
3. 5 days following the mailing date, if the notice is sent by United States Postal Service to the last address provided to the Committee Chair; or
4. 5 days following the shipping date, if the notice is sent by alternative delivery service to the last address provided to the Committee Chair

b. For subsequent notices in the dismissal for cause proceeding unless a Party should request otherwise, 5 days following delivery by electronic mail of the notice as an attached document file to the Party's official designated electronic mail address.

c. For notice to a Party who requests that subsequent notices not be delivered by electronic mail, when delivered by one of the forms of delivery described in 3.a. above.

4. In order to provide for the expeditious review of dismissals for cause, faculty members and administrators shall cooperate by providing current contact information, by making themselves available during hearings as requested by the Committee and by providing relevant documents as requested by the Committee and the other Party.

5. In accordance with the confidentiality expected of the dismissal for cause process and as permitted by law, the dismissal for cause panel members shall maintain the confidentiality of the proceeding.

6. Upon the request of the panel chair to the Committee Chair, the Committee advisory lawyer shall be made available to a panel for consultation at any point during the process.

III. Dismissal for Cause Proceedings

A. Commencement of Dismissal for Cause Proceedings

1. As provided in the Laws of the Regents, a dismissal for cause proceeding shall be initiated by the issuance to a faculty member of a written notice of intent to dismiss. The notice of intent to dismiss shall be issued by the chancellor or the administrator authorized by the chancellor to issue the notice.
2. A faculty member who has received written notification of intent to dismiss may request, within 10 days of receipt of said notice, that the president or chancellor refer the matter to the Committee.
3. The president or chancellor shall refer the matter to the Committee Chair within 5 days of a receipt of request for referral and shall provide the Committee Chair with a copy of the notice of the intent to dismiss, including its attached documentation. The Committee Chair shall notify the Parties and the chancellor that he/she has received the contemplated dismissal for cause case.
4. The faculty member 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 Committee Chair no later than 20 days after receipt of the notice of intent to dismiss.
5. In contemplated dismissal for cause cases, the Committee process begins with a hearing, which can be formal or informal.

B. Committee Hearing Procedures

1. Election of an Informal or Formal Hearing

a. Upon receipt of the dismissal for cause case, the Committee Chair will ask the Parties to elect an informal or a formal hearing. The hearing shall be informal unless either Party elects a formal hearing in writing within 10 days of the request from the Committee Chair.

b. Following are the differences between informal and formal hearings:

1. Procedures applicable only to informal hearings:

- i. Neither Party shall be represented by counsel or other spokesperson.
- ii. Only the following persons may be present at the hearing:

1. the members of the panel;
2. the hearing officer;
3. the Parties;
4. the Committee advisory lawyer;
5. a witness, only during the time he/she is giving testimony.

2. Procedures applicable only to formal hearings:

a. Each Party may be represented by counsel, who may act on the Party's behalf throughout the formal hearing proceeding. To the extent that a Party is permitted to take, or prohibited from taking, an action, the Party's counsel is likewise permitted to take, or prohibited from taking, such action on the Party's behalf.

b. Only the following persons may be present at the hearing:

1. the members of the panel;
2. the hearing officer;
3. a registered professional reporter;
4. the Parties and their counsel;
5. the Committee advisory lawyer;
6. a witness, only during the time he/she is giving testimony.

c. The Committee Chair shall notify the Parties and university counsel whether the hearing will be informal or formal.

2. Conducting Dismissal for Cause Hearings Before the Committee

a. Within 3 days after the Committee Chair receives a dismissal for cause case, the Committee Chair shall provide a list of committee members, including the dismissal for cause panel members, to the faculty member. Within 5 days after receiving the list of committee members, the faculty member may request that specific committee member(s) be excluded from the dismissal for cause panel and shall provide a rationale for the request. The Committee Chair shall consider this information and may replace the dismissal for cause panel member(s).

b. Within 15 days after the Committee Chair receives a dismissal for cause case, the Committee Chair shall refer a contemplated dismissal for cause case to the dismissal for cause panel, convened to hear the case. If the dismissal for cause panel is not available for a timely hearing because of other cases, the Committee Chair shall refer the case to another panel, which shall sit as a dismissal for cause panel.

c. The Committee Chair shall send copies of the Committee's dismissal for cause procedures, if not already provided, to the Parties and the panel members.

d. The Committee Chair shall forward copies of the notice of intent to dismiss and any response by the faculty member to the panel chair and the panel members. The panel chair shall use this documentation to assist in the preparation of the hearing order.

e. The panel chair is the hearing officer and shall preside at the hearing.

f. The hearing officer, in consultation with the Parties, shall set all hearing dates and times and shall notify the Parties. Once the date for the hearing has been set, the hearing shall not be continued or delayed except for demonstrably extraordinary circumstances. The hearing officer shall have the authority to change any hearing date or time previously set, and shall have all such other authority as is necessary and proper for the fair and expeditious conduct of the business of the panel.

g. In any case, the hearing shall be commenced within 30 days after the date that the case is referred to the dismissal for cause panel. The hearing shall be concluded within 40 days after the date that the case is referred to the panel.

h. Except in extraordinary circumstances, formal and informal hearings shall be limited to two consecutive days, ordinarily one day for each Party.

i. The hearing officer or any panel member may recuse her/himself at any time by notifying the Committee Chair as to the reason for the recusal. Upon motion of a panel member, the panel may decide that the hearing officer or a panel member should not participate in the hearing. In such an event, the Committee Chair shall designate a new hearing officer or, if there is less than a quorum of the panel, designate a new panel member, respectively.

j. There shall be no formal discovery as is ordinarily defined by judicial process for either an informal or formal hearing. Specifically, the hearing officer shall not compel depositions, interrogatories, requests for production of documents, or requests for admissions. There shall be an opportunity for exchange of relevant documentation, as reasonably requested by the Parties from each other.

k. In order to provide guidance for both informal and formal hearings, the hearing officer, in consultation with the Parties, shall develop a hearing order at the earliest practicable time. In order to assist in the development of the hearing order, the hearing officer may call for a meeting with the Parties. The hearing order shall be distributed to the Parties and the panel members no less than 10 days prior to the commencement of a hearing. The hearing order should contain the following:

1. the notice of intent to dismiss, with its supporting documentation, and the faculty member's response, if any;
2. a brief statement of the issues to be considered at the hearing;
3. a list of the documentary and demonstrative evidence that each Party intends to present;
4. a list of the witnesses to be presented by each Party;
5. a statement of the order in which witnesses shall be presented at the hearing; and
6. such additional information as the hearing officer may deem appropriate.

I. Guidelines for evidence:

1. Affidavits may be introduced in lieu of witness testimony if the hearing officer concludes that the witness is not otherwise available to testify, either in person or by videoconference or teleconference. It is understood that affidavits may be given less weight than witness testimony because there is no opportunity for questioning by the Parties or members of the panel.

2. The hearing officer shall determine the admissibility of evidence. Evidence not ordinarily admissible in court may be admitted, at the discretion of the hearing officer, if he/she determines the evidence to be of such reliability and relevance that a reasonable person would base weighty decisions upon it.

m. The hearing officer shall appoint a registered professional reporter to record the hearing. At the conclusion of the hearing, copies of the recordings shall be made available to the hearing panel as requested by panel members for their deliberations; they shall also be made available to a Party upon the Party's request to the hearing officer. A transcript of the hearing shall be prepared and shall be included with the record of the case.

n. In cases of contemplated dismissal for cause, the dismissal for cause panel shall evaluate the allegations underlying the notice of intent to dismiss.

o. The administration shall bear the burden of proof by clear and convincing evidence and shall present its case first.

p. Each Party shall have the right to present witnesses, including expert witnesses, and to be present throughout the hearing. If, after proper notification of the hearing dates, either Party fails to be present during all or any part of a hearing, the hearing may go forward in the absence of that Party.

q. The Parties and the members of the panel shall have the opportunity to question witnesses, subject to such reasonable limitations as the hearing officer may impose. Witness testimony may be presented by videoconferencing or teleconferencing so long as both Parties and the panel members are able to participate concurrently.

r. Neither Party shall discuss the case, except for matters relating to the coordination of the proceedings, with the hearing officer, other members of the panel or the Committee advisory lawyer unless both Parties are present. Neither Party shall communicate in writing concerning the case with the hearing officer, other panel members, or the Committee's advisory lawyer unless a copy of said communication is sent to the other Party.

s. The hearing officer may permit opening, closing, and other oral arguments to be made to the panel. Each Party may submit a written argument to the panel within 5 days after the end of the hearing, provided that the Party indicates his/her intentions to do so at the time of the hearing. The hearing officer may impose limitations on the length of the written argument. The submitting Party shall serve the other Party with a copy of written arguments.

t. The hearing officer may seek the advice of the panel with respect to any ruling or decision the hearing officer makes.

u. At the request of the hearing officer, the Committee advisory lawyer shall be present for the duration of the hearing for purposes of providing legal advice as needed to the hearing officer and panel.

v. By agreement of both Parties and the panel, the hearing procedures may be modified or waived in part. Such agreement shall be made, whenever reasonably possible, after consultation with the Committee Chair.

C. Post-hearing Procedures

1. After the hearing has been completed, the members of the panel shall meet and deliberate. No person other than members of the panel may be present at this meeting, except that, upon the request of the majority of the panel members, the Committee advisory lawyer may be present to be consulted concerning questions of law. Within 10 days after the conclusion of the hearing, the dismissal for cause panel shall issue an initial written report containing findings of fact, conclusions, and recommendations consistent with the laws and policies of the Board of Regents. Service of the Committee advisory lawyer may be utilized in the preparation of the panel report. Copies of the initial dismissal for cause panel report(s) shall be sent to the Parties.

2. The Parties may respond in writing to the initial dismissal for cause panel report(s), setting forth any objections to either the findings or recommendations contained in the report(s). A Party's response must be received by the hearing officer within 5 days after the Party's receipt of the dismissal for cause panel report(s). Copies of the Party's response shall be sent to the other Parties; however, the Parties shall not have an opportunity to reply to each other's responses. Upon receiving these responses, the panel may choose to modify or supplement its report(s). Within 5 days after receiving both Parties' responses, or 5 days after the deadline for

receipt of both Parties' responses, the Panel shall prepare its final report, and the hearing officer shall forward a copy of the record of the case to the president. Any member of the panel not in agreement with any aspect of this panel report may indicate disagreement, along with the reasons therefore, in a minority report, which shall be appended to the Panel report. The hearing officer shall send a copy of the Panel report, with the minority report, if any, to the Committee Chair who shall forward copies to the Parties.

3. The president shall review the case and decide whether to recommend dismissal to the Board of Regents.

4. If the president decides not to recommend dismissal, the case shall be closed.

5. If the president decides to recommend dismissal, that decision and all supporting documentation, including copies of the record of the case, shall be forwarded to the Board of Regents ("Board") by the president. The president's recommendation shall include the president's rationale. If the president and the Panel do not concur, the president's recommendation to the Board shall include the reasons for the president's disagreement with the Panel.

6. Within 10 days after the president's receipt of the record of the case from the hearing officer, the president shall forward to the Parties, the hearing officer, and the Committee Chair the president's recommendation for dismissal or decision to close the case. If the president recommends dismissal, the president's notification of the Parties, the hearing officer and the Committee Chair shall occur concurrently with the president's transmittal of the president's recommendation to the Board.

IV. Action by the Board of Regents

The chair of the Board shall notify the faculty member and the hearing officer when the Board receives a presidential recommendation to dismiss the faculty member. The faculty member shall be given an opportunity, of no less than 20 days after receipt of notice from the Board chair, to respond in writing to the president's recommendation. The faculty member shall indicate, in the response, if the faculty member requests a hearing before the Board.. If the faculty member requests a hearing before the Board, the hearing shall be held in executive session. The faculty member shall be provided an opportunity to present her/his case to the Board during the hearing. The administration shall have an opportunity, as directed by the Board, to respond to the faculty member's presentation. The Panel hearing officer or designee shall be the spokesperson for the Panel's report before the Board. All presentations shall be based upon the record of the case, including the transcript of the proceedings before the Panel. The members of the Board shall have an opportunity to ask questions of the faculty member, the administration, and the hearing officer but, ordinarily, the Board will not receive additional evidence.

Upon conclusion of the hearing before the Board and after consideration of all of the information provided to it, the Board shall take action, which may include adoption or modification of the president's recommendation or dismissal of the action against the faculty member. The Board's action, which must be taken in a public meeting, is final.

V. Changes to Dismissal for Cause Procedures

Changes to these procedures require:

1. notice of motion to the Faculty Senate;
2. approval by a two-thirds majority of those voting at the Faculty Senate meeting following the notice of motion; and
3. approval by the Board of Regents.

Supersedes: Rules of the Faculty Senate (1978); "Panel Procedures for Processing Cases-- University Committee on Privilege and Tenure" (RA 12/16/76 and subsequent amendments

[1] "Demonstrably extraordinary circumstances" include, but are not limited to, for a Party, verified circumstances which would support a non-discretionary leave, e.g. funeral, military, or sick leave, or circumstances which result in the closure of the campus facility in which the Party works. Under such circumstances, the extension granted shall not exceed the duration of the leave or other event on which the extension is based. "Demonstrably extraordinary circumstances" shall not include the unavailability of counsel for either Party due to counsel's other caseload.

Last Amended: March 22, 2007

History:

adopted December 19, 2002;
amended March 22, 2007

POLICY 5. Faculty

POLICY 5.J: Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization

Objectives

This policy of the University of Colorado has been established to accomplish the following objectives:

- To encourage the faculty and staff employees of the University to make all discoveries available for public use and benefit as efficiently and quickly as possible;
- To protect the University's primary role of teaching and research by regulating the involvement of the University, its faculty, staff employees, and all collaborators in the development of discoveries;
- To protect the potential equities of the University, its faculty and staff employees in discoveries; and
- To advance and encourage research within the University by providing a method of using royalty income from discoveries for research purposes.

Definitions

- The term "discovery" or "discoveries," as used in this policy, shall mean any inventive idea and/or its reduction to practice which relates to: new processes or methods of producing a new and useful industrial result; any composition of matter, including chemical and biological compounds; any new devices; any new plant; any new design in connection with the production or manufacture of an article, any new computer hardware and/or software programs; any knowledge supporting these inventive ideas, systems, devices, compositions, programs or processes; and any new use or improvement of existing systems, devices, compositions, programs or processes.
- The term "discoverer" or "discoverers" shall refer to any individual or group of individuals responsible for a discovery.
- The term "included persons" shall refer to all faculty members and other employees (including students on appointment as University employees).
- The term "collaborator" or "collaborators" shall refer to any person or persons who participate with an included person on a discovery.
- The term "substantial use of University resources" means use of University funds, programs, equipment, space or other physical assets that goes above and beyond those customarily and currently provided to included persons.
- The term "discoveries in which the University has an interest" shall include discoveries made while performing duties required by a university grant or contract, and/or made with the substantial use of University resources, and/or made as a result of the use of sponsored program funds supplied or administered by the University, and/or made in fulfillment of an included person's work responsibilities.

Scope of Policy

- This policy shall apply to all included persons of the University.
- This policy shall apply to any other persons using University facilities.

- This policy shall apply to any person not in an above-mentioned category who collaborates with included persons in a discovery.
- Should the terms of a University approved third-party grant or contract, including consultation agreements approved by the University, be in conflict with the terms of this policy, the terms of the approved third-party grant or contract shall control.

Responsibilities of Participating Parties

Every included person, as a condition of employment, or of his/her education, and every user of University facilities shall comply with this policy and hereby agrees as follows:

- To inform all collaborators of the terms and conditions of this policy;
- To report to the Technology Transfer Office, in writing, all discoveries in order for the Technology Transfer Office to determine whether or not the University has an interest in the invention. Such report shall be made within a reasonable time after the discovery is made and within reasonable time prior to its submission for publication;
- To cooperate with the Technology Transfer Office in deliberations and activities, as provided herein;
- To assign to the University, its designee, or a sponsoring agency if required under agreements governing research, any and all rights in and to discoveries in which the University has an interest, as determined by the terms of this policy;
- To execute all documents necessary to complete a patent, license, or other commercial application, and all documents necessary to accomplish a licensing agreement or other agreement for commercial development; and
- To cooperate reasonably with the Technology Transfer Office in obtaining, protecting, and maintaining rights necessary to the commercial development of discoveries in which the University has an interest. It will be the responsibility of the University to disseminate the policy to all included persons and to all other users of University facilities. However, the failure of the University to do so shall, in no way, affect the rights and obligations of the University or of included persons under the terms of this policy.

Committee on University Discoveries

The Committee on University Discoveries (CUD) is made up of faculty and staff of the University. The CUD shall advise the Principal Technology Transfer Officer on matters related to this policy and shall serve as the appeals board. The CUD shall also provide such other technical advice and expertise as the Technology Transfer Office or its designee, or the University, may request, or as initiated by the CUD itself.

Principal Technology Transfer Officer

The University shall employ and appoint a member of its staff to serve as the Principal Technology Transfer Officer to perform such duties and responsibilities, as it shall prescribe.

Division of Receipts

The Technology Transfer Office agrees to share and distribute net receipts received from the commercialization of any discovery developed under the terms of an agreement as follows:

- 25 percent to discoverer(s) personally;
- 25 percent to a University campus account for support of discoverer's(s') research;

- 25 percent to an account for the benefit of the University; and
- 25 percent to the Campus Chancellor, which will be directed to research with technology transfer potential and distributed on a percentage basis as determined at each individual campus.

The Campus Chancellors' Offices will make information regarding this distribution readily available. Net receipts for each discovery shall be defined as all sums received by the Technology Transfer Office from the development and commercial exploitation of the discovery after first deducting all unreimbursed legal expenses incurred by the Technology Transfer Office in securing the intellectual property protection of that particular discovery or bundle of discoveries if licensed as a group. The above distribution schedule shall not apply when it is in conflict with the terms and conditions of an approved third-party grant or contract with the University. In such case, the terms of the approved third-party grant or contract will control. In the event that a discoverer is no longer employed by the University, the 25 percent designated to his/her research account shall be divided 10% to an account for the benefit of the University and 15% to the Campus Chancellor, which will be distributed in a manner identical to the Campus Chancellor share mentioned above.

Last Amended: March 2, 2006

History:

05/19/83, 06/20/85, 04/21/94, 01/16/03, 03/02/06

POLICY 5. Faculty

POLICY 5.K: Rights of Ownership to Intellectual Property that is Educational Material

Ownership of intellectual property is held by its authors, creators, researchers or innovators, except under the special circumstances as described in this policy and in the policy on discoveries, patents and software. Ownership and copyrights in scholarly and artistic works--including, but not limited to, textbooks, electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art, unpublished manuscripts, and the like--will be the sole and exclusive property of the creator or author. Educational materials created for classroom and learning programs, including electronic media, such as syllabi, assignments, and tests, shall remain the property of the author, creator, researcher and innovator. Exceptions are: (1) those cases in which the production of such materials is a part of a sponsored program, (2) those cases in which the materials are created under the specifically assigned duties of employees other than faculty, or (3) those cases in which substantial university resources were used in creating educational materials.

Substantial Use of Resources

"Substantial use of resources" means use of university resources that goes above and beyond those that are customarily and currently provided to University employees. University resources include such things as equipment, staff support, supplemental pay, and offloading from regular duties. Substantial use of University resources gives the University of Colorado a claim to ownership, in part or in whole, of the intellectual property created by University employees.

Work for Hire

Works specifically commissioned by university contract (also known as "work for hire") or undertaken as part of an explicitly designated job assignment, other than standard teaching responsibilities, shall be the property of the University.

Scope of Policy

This policy is applicable to all units of the University including its colleges, schools, departments, centers, and institutes, and hospitals, and to all University employees including faculty, instructors, and staff. Employees receiving salaries or other remuneration from the University, including part time employees, University employees on sabbatical who receive remuneration from the University, and employees on a leave of absence who are using substantial University resources are bound by this policy. Students are covered in this policy if employed by the University or if they have used substantial University resources to develop educational materials. Students will own the materials they create, unless their work is part of a larger work over which the University has rights and intends to exercise them.

The University of Colorado shall be permitted to use educational materials for administrative purposes, such as satisfying requests of accreditation agencies for faculty-authored syllabi, assessments and course descriptions.

Copyright of Professional Journals and Books

Publication of research and/or other scholarly materials and activities typically occurs in professional/academic journals, books, and other professional resources and traditionally

requires that the author(s) sign over the copyright to the publisher. Nothing in this policy shall be construed to restrict or constrain these traditions.

Written Agreements

If substantial resources are used, or their use is anticipated, at any point in the creation of educational materials, then a negotiated written agreement must be signed by the creator(s) and a designated representative from the campus where the educational materials shall be created.

Reporting Requirements

Any person formally affiliated with the University shall be obligated to report in a timely manner any efforts to create educational materials that might fall under the authority of this Regent policy and other University policies, such as the conflict of interest policy, the conflict of commitment policy, and the policy on the use of the University name.

Last Amended: January 16, 2003

History:

Source: Regent Action of January 16, 2003

POLICY 5. Faculty

POLICY 5.L: Policy on Approved Faculty Titles

INTRODUCTION

The purpose of this policy is to provide an accurate description of all official, Regent-approved faculty titles. All faculty appointments must include an official faculty title. Faculty appointments shall be made according to Regent Policy 2-K, Delegation of Authority. Eligibility for benefits may vary by title; refer to the Benefits Eligibility Matrix available on the Payroll and Benefit Services website.

FACULTY TITLES

A. TENURE AND TENURE TRACK FACULTY

A tenured appointment can normally be held only by a person in the academic rank of Professor or Associate Professor. Tenure may be awarded only to faculty members who are employed by the University and who have demonstrated meritorious performance in each of the three areas of teaching, research/creative work, and leadership and service, and demonstrated excellence in either teaching or research/creative work. (Footnote: In the School of Medicine, tenure may be awarded only to faculty members with national or international reputations who have also demonstrated excellence in scholarship and teaching. See Regent Law 5.B.4.) Once attained, tenure remains in effect regardless of promotion to higher rank. Administrative positions do not carry the possibility of tenured appointments and, unless under a properly authorized term contract, are at will positions, but an administrator holding an eligible academic rank may be granted a tenured appointment as a faculty member. All tenured and tenure-track faculty members with appointments of 50% or more are members of the system-wide Faculty Senate.

Faculty members in the tenure track have limited term contracts. In the School of Medicine, tenure-eligible faculty members in the tenure track, may have limited, indeterminate or at will appointments. Once tenured, a faculty member holds a continuous appointment until retirement or resignation unless the faculty member leaves the university or is removed under provisions of the Laws of the Regents or Regent policy.

Assistant Professor: Assistant Professors appointed to tenure track positions should have the terminal degree appropriate to their field or its equivalent, plus some teaching experience. They should be well-qualified to teach at the undergraduate or graduate levels and possess qualifications for research or scholarship in a special field or clinical discipline.

Associate Professor: Associate Professors should have the terminal degree appropriate to their field or its equivalent, considerable successful teaching experience, and promising accomplishment in scholarship or in research. Normally the award of tenure accompanies appointment to or promotion to associate professor, except at the School of Medicine where tenure may be granted at any point in the faculty member's career when he/she meets the School's standards for tenure.

Professor: Professors (also called "Full Professors") should have the terminal degree appropriate to their field or its equivalent, and; (a) a record that, taken as a whole, may be judged to be excellent; (b) a record of significant contribution to graduate and/or undergraduate education, unless individual or departmental circumstances can be shown to require a stronger emphasis, or singular focus, on one or the other; and (c) a record since receiving tenure or

promotion to Associate Professor that indicates substantial, significant, and continued growth, development, and accomplishment in teaching, research/creative work, and leadership and service.

B. NON-TENURE TRACK FACULTY

The Faculty Senate Constitution determines participation in the System Faculty Governance. Eligibility for participation in campus faculty governance activities will be at the discretion of the individual campus faculty assemblies. Eligible participation in school faculty governance activities will be at the discretion of the individual school.

Instructor: Instructors usually have their master's degree or its equivalent and should be otherwise well-qualified to teach. Instructors are not tenure-eligible and their service as Instructor does not count toward the award of tenure. Instructors are usually employees at will. Only Instructors who engage in 50% or more clinical activity may be appointed to limited or indeterminate appointments. All other Instructors are at will employees except the limited number who are offered multi-year contracts as permitted by state law. Individual schools and colleges may require Instructors to perform scholarly and/or leadership and service activities, but must make clear distinctions between Instructors/Senior Instructors and tenure-track Assistant Professors in terms of job qualifications, work assignments or expectations.

Senior Instructor: The rank of Senior Instructor permits higher recognition and salary than that of Instructor. Senior Instructors are not tenure-eligible and their service as Senior Instructor does not count toward the award of tenure. Senior Instructors are usually employees at will. Only Senior Instructors who engage in 50% or more clinical activity may be appointed to limited or indeterminate appointments. All other Senior Instructors are at will employees by law. Individual schools and colleges may require Senior Instructors to perform scholarly and/or leadership and service activities, but must make clear distinctions between Instructors/Senior Instructors and tenure-track Assistant Professors in terms of job qualifications, work assignments or expectations.

Lecturer: Lecturer is the title given to individuals hired to teach on a course-by-course basis. Lecturers are qualified to teach the particular course or courses for which they have been hired. They may have graduate degrees and/or advanced experience in their profession or field of expertise. Lecturers are employees at will and are hired on a part-time basis to teach one or more courses per term.

Scholar in Residence: This title is given to individuals whose combination of academic background and career expertise in areas of business, industry, law, K-12 education, the arts or government makes them valuable contributors to the undergraduate or graduate curriculum of their primary unit. Scholars in Residence usually hold the terminal degree in their discipline but have spent much or all of their careers outside academia. They are employees at will.

Artist in Residence: This title is given to individuals whose career experience as an artist makes them valuable contributors to the undergraduate or graduate curriculum of their primary unit. Artists in Residence usually hold the terminal degree in their discipline but have spent much or all of their careers outside academia. They are employees at will.

C. CLINICAL TEACHING TRACK (C/T TRACK) FACULTY

Faculty members who hold Clinical Teaching Track titles are not eligible for tenure. Clinical Teaching Track faculty are usually employees at will. If Clinical Teaching Track faculty members are engaged in greater than 50% clinical activity, then they can be on a limited appointment. Faculty on the Clinical Teaching Track participate in a broad range of teaching and/or clinical activities and provide service to the university and the community, based upon their clinical obligations. They participate in research and scholarly activities to a limited degree. Clinical Teaching Track faculty are expected to demonstrate continued professional growth in their fields. Each school with Clinical Teaching Track faculty titles may have additional requirements for faculty holding these titles.

Instructor, Clinical Teaching Track: Instructors in the clinical teaching track usually have their master's degree or equivalent in their field and should be well qualified to teach.

Senior Instructor, Clinical Teaching Track: This title permits higher recognition for higher qualifications or experience and, where applicable, salary than that of instructor.

Assistant Professor, Clinical Teaching Track: Assistant Professors in the clinical teaching track are expected to have the terminal degree and have some successful teaching experience. They are expected to teach and/or provide clinical care.

Associate Professor, Clinical Teaching Track: Associate Professors in the clinical teaching track must have the terminal degree, be well qualified to teach and/or provide clinical care with considerable demonstrated evidence of successful teaching and demonstrated leadership and service.

Professor, Clinical Teaching Track: Full Professors in the clinical teaching track must have the terminal degree, outstanding accomplishments in teaching, and/or provide clinical care, a record of leadership in the school, and a meritorious leadership and service record.

D. CLINICAL FACULTY

Clinical faculty members include practitioners or other professionals who perform teaching, research or clinical services on a part-time (less than 0.5 FTE) or volunteer basis. Those who provide clinical care and maintain an independent health care practice must carry their own malpractice insurance which covers both their university work as well as their private practice. Clinical faculty are expected to demonstrate continued professional growth in their fields. Each school with clinical faculty titles may have additional requirements for faculty holding those titles. Clinical faculty are not eligible for tenure. These positions are at will.

Clinical Instructor: Clinical Instructors usually have their master's degree or equivalent and should be otherwise well qualified to teach and have evidence of either clinical or research experience.

Clinical Senior Instructor: Clinical Senior Instructors permits higher recognition and salary than that of Clinical Instructor.

Clinical Assistant Professor: Clinical Assistant Professors must have a terminal degree or equivalent and demonstrated professional experience to include teaching, clinical activity or research.

Clinical Associate Professor: Clinical Associate Professors must have a terminal degree or equivalent and demonstrated success in teaching, clinical activity or research.

Clinical Professor: Clinical Professors must have a terminal degree or equivalent and a record that, taken on the whole, is judged to be excellent and indicates substantial, significant and continued growth and development and accomplishment in teaching, research, clinical activity and leadership and service.

E. CLINICAL PRACTICE TRACK

Faculty members in the health sciences schools and colleges whose duties are focused primarily in direct patient care may hold titles in the Clinical Practice track if their school or college has approved the use of these titles. Faculty members in this track must demonstrate excellence in clinical care and meritorious teaching and are encouraged but not required to participate in scholarship. Each health science school and college may define additional requirements for appointment or promotion to each rank. Faculty members in the Clinical Practice track are not eligible for tenure. These appointments may be at-will, limited term or indeterminate, but must be at least 0.5 FTE.

Instructor of Clinical Practice: Instructors of Clinical Practice should have at least a master's degree or equivalent in their field and should be otherwise well qualified as clinicians in their area of specialization and qualified to teach.

Senior Instructor of Clinical Practice: This title permits higher recognition for higher qualifications or experience and, where applicable, salary than that of an instructor.

Assistant Professor of Clinical Practice: Assistant Professors of Clinical Practice should have the terminal degree or equivalent, significant clinical experience and some successful teaching.

Associate Professor of Clinical Practice: Associate Professors of Clinical Practice should have the terminal degree or equivalent and demonstrated excellence in clinical practice and successful teaching.

Professor of Clinical Practice: Professors of Clinical Practice should have the terminal degree or equivalent and a record that, taken as a whole is judged to be excellent and that indicates substantial, significant and continued growth and development in clinical practice and teaching.

F. RESEARCH FACULTY

Faculty members whose primary duties are to conduct research will be given a title within the Research Associate or Research Professor series. Faculty members who are not involved in the instructional program will be appointed within the research associate series; those who are involved in the instructional program will be given a title within the research professor series. All faculty members who carry research titles will be supported by non-general funds.

Faculty appointments to the Research Professor series must be sponsored by an academic primary unit or by research institutes that have been authorized by the campus chancellor to make such appointments. Appointments sponsored by research institutes must be co-sponsored by an academic primary unit that will be a beneficiary of the instructional contributions of the research faculty member. Faculty appointed to the research associate or research professor series are employees at will, and they are not eligible for tenure.

F.1 RESEARCH PROFESSOR SERIES

Research Professor, Research Associate Professor, Research Assistant Professor, Research Senior Instructor and Research Instructor: These titles are used for persons with qualifications similar to the Professor, Associate Professor, Assistant Professor, Senior Instructor and Instructor respectively. (See Section A for descriptions of the academic qualifications for these titles.) These faculty are involved in research and have limited involvement in the instructional programs at the University.

F.2 RESEARCH ASSOCIATE SERIES

Individuals holding titles in this series are not involved in an instructional program at the University.

Professional Research Assistant (PRA): This title is held by individuals competent to carry out research or scholarly work of a quality comparable to that produced by a graduate student research assistant. Other persons eligible to be considered for appointment to the PRA title would be individuals, such as Graduate Student Teaching Assistants, who possess professional skills and competencies that can be applied to assist the professor directly in the support of the research program. A PRA works in a collaborative role with the principal investigator and contributes substantively to the investigation and analysis of the project. As a collaborator on the project, the PRA may receive full credit as co-author of publications and technical reports, and shares responsibilities in the research setting. A bachelor's degree or equivalent experience is required for appointment to the Professional Research Assistant title.

Senior Professional Research Assistant: This title is held by individuals competent to carry out research or scholarly work of a quality comparable to that produced by an advanced Graduate Student Research Assistant. Appointment to this title is regarded as a promotion above the rank of PRA. The master's degree or equivalent experience is required for appointment as a Senior PRA.

Research Associate: This title is granted to persons holding the doctor's degree or its equivalent and whose academic qualifications may be comparable to the regular faculty ranks of Associate Professor or Assistant Professor.

Senior Research Associate: This title is granted to persons who, because of demonstrated superior service and performance, are recognized by the University as outstanding researchers in their field. Appointment to this position is to be regarded as a promotion above the existing rank of Research Associate, and may be comparable to the regular faculty rank of Professor.

Faculty Research Associate: Faculty members in the University who are temporarily assigned as "Research Associates" are given this title.

G. MUSEUM FACULTY

Museum Curator: This title refers to regular faculty rostered in the Museum, serving as heads of sections or subsections to oversee collections about which they have scholarly expertise. A Museum Curator is jointly appointed by the Museum and an academic department.

Museum Associate Curator: This title is used for regularly appointed members of the University of Colorado faculty in a department (other than the Museum) whose research interests would

normally associate them with the Museum or who have expertise necessary for the proper identification of collections. This title provides no additional remuneration.

Museum Curator Adjoint: This title is granted to individuals not employed by the University of Colorado. This title provides no additional remuneration. Holders of this title have doctoral degrees or experience that provides equivalent proficiency. Retired faculty from other universities or professionals in industry with competence in areas relevant to the museum may be appointed. Holders of this title are more involved with collections than instruction.

Museum Associate: This title is granted to individuals who have developed competence in some area of the Museum's interest and who are not eligible for other University titles. Museum Associates have the competence sufficient to be at the instructor rank. This title provides no additional remuneration.

H. TITLE PREFIXES

Adjoint: The titles Professor Adjoint, Associate Professor Adjoint, or Assistant Professor Adjoint are used to designate individuals, such as employees of the National Institute of Standards and Technology, the National Center for Atmospheric Research, or other agencies or institutions who offer courses or supervise academic programs without compensation above their regular salary. Adjoint Professors have the usual privileges and responsibilities of members of the regular faculty, except that these positions are not tenure eligible and are at will. Their academic qualifications should be similar to those of regular faculty in full Professor, Associate, or Assistant ranks.

Adjunct: Adjunct faculty status of Professor Adjunct, Associate Professor Adjunct, and Assistant Professor Adjunct is awarded to an individual who previously held the rank of full Professor, Associate, or Assistant at a comparable higher education institution. Adjunct faculty members are hired on a course-by-course, part-time, non-tenure track basis (similar to Lecturers). The title of full Professor, Associate, or Assistant Professor Adjunct will be dependent upon the last rank held by the individual in a comparable institution. If the permanent faculty believes an individual's qualifications and experience warrant an adjunct appointment even though the individual has not previously held a professorial rank, the title of Assistant Professor Adjunct normally would be recommended.

Visiting: The designation "visiting" before an academic title indicates that the faculty member has a temporary appointment for a defined period such as an academic year, semester, or summer term. The visiting title should indicate the faculty member's rank at his/her home institution or planned for at this university.

Special Visiting Professor: This title may be recommended for distinguished persons who are not regular faculty members but who serve the University in some instructional capacity.

Attendant Rank: Attendant rank titles are Professor Attendant, Associate Professor Attendant, Assistant Professor Attendant, Senior Instructor Attendant, Instructor Attendant, Museum Curator Attendant, Museum Associate Curator Attendant, Museum Associate Attendant and may be granted to persons holding University administrative or service positions. Those approved for this rank are expected to possess the same scholarly qualifications in a discipline as regular faculty members and to engage in instructional activities without compensation over and above their regular salary. Those attaining this title have the same rights and privileges

available to regular faculty members, except that they are not eligible for consideration for tenure.

I. PRESTIGE TITLES

Distinguished Professor: This title is extended by the Board of Regents to recognize the outstanding contributions of tenured CU faculty members to their academic disciplines. The faculty awarded this title must demonstrate accomplishments in accordance with the following University-wide criteria: (1) a record of excellence in both classroom teaching and supervision of individual learning; (2) a record of distinguished performance in research or creative work; and (3) a record of outstanding leadership and service to the profession and to CU and/or affiliate institutions. The title “distinguished” implies that there will be limited number of faculty members holding this title.

Endowed Chair/Endowed or Named Professor: This title is awarded to a faculty member who has been selected, by virtue of an outstanding record in an academic field, to fill a position that is endowed or funded by a donor. Holding an endowed or named chair/professorship, that is being an endowed or named professor, does not affect the faculty member’s existing University appointment. Endowed or named chairs/ professorships convey honor to their holders and provide a source of funding.

Emeritus: This distinction is awarded those faculty, in the ranks of full Professor, Associate Professor, Assistant Professor, Senior Instructor, or Instructor, upon retirement, who are nominated by their department for this distinction and whose nomination is supported through the usual personnel review process.

History: Approved 09/08/2005; revised 06/21/2013; 04/29/14

POLICY 5. Faculty

POLICY 5.M: Reappointment (to a tenure-track position), Tenure, and Promotion

Introduction

The quality of the faculty is the key to the success of the university and its students. The hiring and retention of high quality faculty members depend in part upon an open, clear, fair and rigorous process. Adherence to established processes and policies, found in Regent *Laws*, Regent Policies and administrative policy statements, ensures the fair and impartial treatment of all candidates and is vital to the integrity of the tenure and promotion process.

Levels of Review

The reappointment, tenure or promotion of a tenure-track faculty member is evaluated at multiple levels. The expertise of the primary unit is balanced by the broader perspective and commitment to excellence for the whole institution of the school/college, library, and campus levels of review.

The First Level Review is at the college, library, or school level; it includes review by the primary unit and the chair, the dean's review committee and the dean.

The Second Level Review is at the campuswide level; it includes review by the vice chancellor for academic affairs' advisory committee, the vice chancellor for academic affairs and the chancellor.

The Third Level Review is at the presidential level; it refers to review by the president of the university for both a positive recommendation for tenure to the Board of Regents and for an appeal of a negative decision for reappointment or tenure by a candidate. Promotion decisions are completed at the second level.

The final decision on the award of tenure (including outside hires with tenure) is made by the Board of Regents. Only the board has the power either to award tenure or to rescind a tenured appointment.

Standards of Performance

Regent *Law* requires that all candidates for tenure demonstrate meritorious performance in each of the three areas of teaching, research/creative work, and leadership and service (to the university, profession and public), and that candidates in health science fields demonstrate meritorious performance in clinical activity/clinical care, as well. Candidates at the University of Colorado at Colorado Springs may also be evaluated on professional practice, in which case they must also demonstrate meritorious performance in that area. In addition, candidates must demonstrate excellence in either teaching or research/creative work, except that faculty in the School of Medicine and the Colorado School of Public Health must meet the standards of the school approved by the Board of Regents.

Aided by the primary unit head, the candidate prepares a dossier containing relevant information on which the evaluation committee will base its decision.

Primary units develop criteria that explicate the teaching, research and leadership and service expectations for faculty, such as expectations for articles, books, and/or research grants, measures of clinical excellence, etc., in terms of their scholarly field. These primary unit criteria, once reviewed for rigor, fairness and consistency with regent requirements and approved by the dean and vice chancellor for academic affairs, are included in the candidate's dossier and shall guide evaluation at every level of review.

Candidates are entitled to see review committees' letters of evaluation but may not see letters from external evaluators, which are treated as confidential. Upon the completion of the review process, the candidate should be informed of the outcome as expeditiously as possible.

Integrity of the Process

Participants in the evaluation process shall familiarize themselves with and follow its policies and procedures. The integrity of reappointment, tenure, and promotion depend upon the consistent and knowledgeable application of university processes by the faculty and academic administrators. Participants are expected to have no conflict of interest in the case and to keep the deliberations of the proceedings confidential. If errors are discovered during the process, they should be remedied, if possible, before the dossier moves to the next level of review.

Mentoring

While the candidate is responsible for developing a professional record that warrants tenure, the department/unit and administration have certain obligations to mentor tenure-track faculty and to help them navigate the processes of review (comprehensive review, reappointment, tenure and promotion). Mentoring opportunities will be provided by primary units and/or colleges/schools.

Appeals

A candidate denied reappointment to a tenure-track position or tenure may request a review, within 10 working days of receipt of the denial, by the president only on the grounds of: (1) procedural errors of sufficient magnitude that they may have affected the outcome; (2) substantive errors of sufficient magnitude that they may have affected the outcome; or (3) *prima facie* evidence of discrimination; or some combination of these grounds. If the president finds that there have been such errors, he/she will convene a systemwide advisory board of faculty members to review the case. This third level review committee will advise the president, who makes the final decision.

A candidate for reappointment or tenure who is not granted a third level review or whose third level review results in the president upholding the chancellor's/chief academic officer's recommendation against tenure and still believes that there have been serious procedural errors in the review of her/his case, may file a grievance with the Faculty Senate Committee on Privilege and Tenure (P&T). (See Regent Policy 5-H.) P&T will advise the chancellor of its findings and recommendations. The chancellor informs the president of P&T's findings and recommendations and her/his response to those findings and recommendations. The president makes the final decision. Only positive decisions are forwarded to the Board of Regents for approval.

Similarly, a candidate who is denied promotion and believes that there have been serious procedural errors in the review of her/his case may submit a grievance to the Faculty Senate Committee on Privilege and Tenure. P&T will advise the chancellor of its findings and recommendations. The chancellor makes the final decision.

(Approved 01/14/09; revised 04/12/09; 04/29/14)