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TO: University Policy Stakeholders  
FROM: Dan Montez  
DATE: July 30, 2025  
SUBJECT: Renumbering of Regent Laws and Policies and Associated Conforming Amendments to Administrative Policy Statements

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In November 2015, the University of Colorado Board of Regents directed a formal review of all regent laws and policies. The formal review was completed in February 2025.

As a result of the multiple law and policy revisions approved by the board during the ten-year review process, the Laws and Policies Coordinating Committee recommended renumbering several laws and policies and identified non-substantive conforming amendments needed to maintain internal consistency across regent laws and policies.

In April 2025, the board approved a resolution authorizing the administration's Laws and Policies Coordinating Committee to make necessary non-substantive conforming amendments to regent laws and policies, including renumbering and cross-reference updates.

#### Changes to Administrative Policy Statements

*Appendix A (see page 1)* and *Appendix B (see page 5)* of this memo provides a crosswalk of the regent-approved renumbering for regent laws and regent policies. No URL changes are required unless specifically noted in the crosswalk. The following table provides a list of the administrative policy statements (APSs) requiring non-substantive conforming amendments and cross-reference updates. The redline revisions to these APSs are provided in *Appendix C (see page 11)*

List of Administrative Policy Statements	Page
APS 1013: Intellectual Property Policy on Discoveries and Patents for Their Protection and Commercialization	12
APS 1014: Intellectual Property That is Educational Materials	22
APS 2027: Code of Conduct	26
APS 2028: Official University Statements	33
APS 3004: Functional and Honorary Naming of University Facilities and Programmatic Units	35
APS 5001: Equal Employment Opportunity and Affirmative Action	39
APS 5011: Student Employment Retirement Plan	42
APS 5016: Faculty Retirement Agreements	46
APS 5062: Leave	56
APS 5065: Protected Class Nondiscrimination	77

The non-substantive amendments were implemented on July 30, 2025.

## APPENDIX A: CROSSWALK OF CHANGES TO REGENT LAWS

1

Current Articles	Proposed Articles
<p><b>Article 1: UNIVERSITY OF COLORADO LEGAL ORIGIN, MISSION, POLICY FRAMEWORK AND FREEDOM OF EXPRESSION</b></p> <p>Part A: Establishment and Location</p> <p>Part B: Mission of the University of Colorado</p> <p>Part C: University of Colorado Policy Framework</p> <p>Part D: Reserved for Future Use</p> <p>Part E: Freedom of Expression</p>	<p><b>Article 1: UNIVERSITY OF COLORADO LEGAL ORIGIN, MISSION, POLICY FRAMEWORK AND FREEDOM OF EXPRESSION</b></p> <p>Part A: Establishment and Location</p> <p>Part B: Mission of the University of Colorado</p> <p>Part C: University of Colorado Policy Framework</p> <p>Part D: Freedom of Expression (Moves up from Part E)</p>
<p><b>Article 2: THE REGENTS OF THE UNIVERSITY OF COLORADO</b></p> <p>Part A: Organization and Powers</p> <p>Part B: Meetings</p> <p>Part C: University Seal</p> <p>Part D: Regents Awards</p> <p>Part E: Amendments to the Laws of the Regents</p>	<p><b>Article 2: THE REGENTS OF THE UNIVERSITY OF COLORADO</b></p> <p>Part A: Organization and Powers</p> <p>Part B: Meetings</p> <p>Part C: University Seal</p> <p>Part D: Regents Awards</p> <p>Part E: Amendments to the Laws of the Regents</p>
<p><b>Article 3: OFFICERS OF THE UNIVERSITY AND ADMINISTRATION</b></p> <p>Part A: Officers</p> <p>Part B: Officers of the University</p> <p>Part C: Officers of the Administration</p> <p>Part D: Temporary Appointment to President</p>	<p><b>Article 3: OFFICERS OF THE UNIVERSITY AND ADMINISTRATION</b></p> <p>Part A: Officers</p> <p>Part B: Officers of the University</p> <p>Part C: Officers of the Administration</p> <p>Part D: Temporary Appointment to President</p>

## APPENDIX A: CROSSWALK OF CHANGES TO REGENT LAWS

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Current Articles	Proposed Articles
<p><b>Article 4: ACADEMIC ORGANIZATION AND PROGRAM PLANNING</b></p> <p>Part A: Academic Units</p> <p>Part B: Degree Programs and Other Credentials</p>	<p><b>Article 4: ACADEMIC ORGANIZATION AND PROGRAM PLANNING</b></p> <p>Part A: Academic Units</p> <p>Part B: Degree Programs and Other Credentials</p>
<p><b>Article 5: FACULTY</b></p> <p>Part A: Faculty Governance</p> <p>Part B: Academic Freedom</p> <p>Part C: Faculty Appointments and Tenure</p> <p>Part D: Faculty Grievance</p>	<p><b>Article 5: FACULTY</b></p> <p>Part A: Faculty Governance</p> <p>Part B: Academic Freedom</p> <p>Part C: Faculty Appointments and Tenure</p> <p>Part D: Faculty Grievance</p>
<p><b>Article 6: STAFF</b></p> <p>Part A: Staff Definitions</p> <p>Part B: Staff Government</p>	<p><b>Article 6: UNIVERSITY AND CLASSIFIED STAFF</b></p> <p>Part A: Staff Definitions</p> <p>Part B: Staff Government</p>
<p><b>Article 7: STUDENTS</b></p> <p>Part A: Admissions</p> <p>Part B: Standards of Conduct</p> <p>Part C: Academic Freedom</p> <p>Part D: Student Government</p>	<p><b>Article 7: STUDENTS</b></p> <p>Part A: Admissions</p> <p>Part B: Standards of Conduct</p> <p>Part C: Academic Freedom</p> <p>Part D: Student Government</p>

## APPENDIX A: CROSSWALK OF CHANGES TO REGENT LAWS

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Current Articles	Proposed Articles
<p><b>Article 8: CONDUCT OF MEMBERS OF THE UNIVERSITY COMMUNITY</b></p> <p>Part A: Nondiscrimination</p> <p>Part B: Ethical Conduct of the University of Colorado Community</p> <p>Part C: Professional Employee Conduct</p>	<p><b>Article 8: CONDUCT OF MEMBERS OF THE UNIVERSITY COMMUNITY</b></p> <p>Part A: Ethical Conduct of the University of Colorado Community (moves from Part B)</p> <p>Part B: Professional Employee Conduct (moves from Part C)</p>
<p><b>Article 9: RESERVED FOR FUTURE USE</b></p>	<p><b>Article 9: NONDISCRIMINATION</b></p> <p>Part A: Nondiscrimination (moves from Article 8.A)</p> <p>NOTE: URL changes from <a href="https://www.cu.edu/regents/law/8">https://www.cu.edu/regents/law/8</a> to <a href="https://www.cu.edu/regents/law/9">https://www.cu.edu/regents/law/9</a></p>
<p><b>Article 10: RESERVED FOR FUTURE USE</b></p>	
<p><b>Article 11. COMPENSATION AND BENEFITS</b></p> <p>Part A: Salaries</p> <p>Part B: Insurance, Benefits and Leave</p>	<p><b>Article 11. COMPENSATION AND BENEFITS</b></p> <p>Part A: Salaries</p> <p>Part B: Insurance, Benefits and Leave</p>
<p><b>Article 12: TUITION, FEES, SCHOLARSHIPS AND LOANS</b></p> <p>Part A: Tuition and Fees</p> <p>Part B: Scholarships and Loans</p>	<p><b>Article 12: TUITION, FEES, SCHOLARSHIPS AND LOANS</b></p> <p>Part A: Tuition and Fees</p> <p>Part B: Scholarships and Loans</p>

## APPENDIX A: CROSSWALK OF CHANGES TO REGENT LAWS

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Current Articles	Proposed Articles
<b>Article 13: BUSINESS AND FINANCE</b> Part A: Finance Part B: Fiscal Authority and Responsibility of Officers Part C: Fiscal Authority and Responsibility of All Employees Part D: Financial Records	<b>Article 13: BUSINESS AND FINANCE</b> Part A: Finance Part B: Fiscal Authority and Responsibility of Officers Part C: Fiscal Authority and Responsibility of All Employees Part D: Financial Records
<b>Article 14: PROPERTY AND FACILITIES</b> Part A: Property Part B: Facilities	<b>Article 14: PROPERTY AND FACILITIES</b> Part A: Property Part B: Facilities
<b>Article 15: TREASURY OF THE UNIVERSITY</b>	

## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<p><b>1. University of Colorado Self-Governance, Guiding Principles and Freedom of Expression</b></p> <ul style="list-style-type: none"> <li>A. Preservation of Self-Governing Responsibilities</li> <li>B. Guiding Principles</li> <li style="background-color: #f2f2f2;">C. Reserved for Future Use</li> <li>D. Freedom of Expression</li> </ul>	<p><b>1. University of Colorado Self-Governance, Guiding Principles and Freedom of Expression</b></p> <ul style="list-style-type: none"> <li>A. Preservation of Self-Governing Responsibilities</li> <li>B. Guiding Principles</li> <li>C. <b>Freedom of Expression</b> (Renumbered Policy 1.D to Policy 1.C)</li> </ul>
<p><b>2. Regents of the University</b></p> <ul style="list-style-type: none"> <li>A. Conflict of Interest–Board of Regents</li> <li>B. Regent Acceptance of Money from the University</li> <li>C. Regent Committees</li> <li>D. Regents Awards</li> <li>E. Faculty, Staff, and Student Representatives to the Board of Regents</li> <li>F. Board Meetings</li> <li>G. Direct Expenditure Authorization via Board Resolution</li> <li>H. Regent Travel Policy</li> <li>I. Political and Social Expression by Regents</li> <li>J. Fiduciary Obligations</li> <li>K. Personnel Authority for Employees Exempt from the State Personnel System</li> <li>L. Public Comment at Committee Meetings of the Board</li> <li>M. Reprimand or Censure of a Board Member</li> <li>N. Approval, Revisions or Repeal of Regent Policy</li> </ul>	<p><b>2. Regents of the University</b></p> <ul style="list-style-type: none"> <li>A. Conflict of Interest–Board of Regents</li> <li>B. Regent Acceptance of Money from the University</li> <li>C. Regent Committees</li> <li>D. Regents Awards</li> <li>E. Faculty, Staff, and Student Representatives to the Board of Regents</li> <li>F. Board Meetings</li> <li>G. Direct Expenditure Authorization via Board Resolution</li> <li>H. Regent Travel Policy</li> <li>I. Political and Social Expression by Regents</li> <li>J. Fiduciary Obligations</li> <li>K. Personnel Authority for Employees Exempt from the State Personnel System</li> <li>L. Public Comment at Committee Meetings of the Board</li> <li>M. Reprimand or Censure of a Board Member</li> <li>N. Approval, Revisions or Repeal of Regent Policy</li> </ul>

## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<p><b>3. Officers of the University and Administration</b></p> <ul style="list-style-type: none"> <li>A. Definitions of Officers of the University</li> <li>B. Definitions of Officers of the Administration</li> <li>C. Searches for Officers of the University and Chancellors</li> <li>D. Searches for Officers of the Administration (except Chancellors)</li> <li>E. Appointments of Officers of the University and Officers of the Administration</li> <li>F. Evaluations for Officers of the University and Officers of the Administration</li> <li>G. Officer Emeritus/Emerita</li> <li>H. Reserved for Future Use</li> <li>I. Compensation for Administrative Officers Returning to Any Faculty Positions</li> </ul>	<p><b>3. Officers of the University and Administration</b></p> <ul style="list-style-type: none"> <li>A. Definitions of Officers of the University</li> <li>B. Definitions of Officers of the Administration</li> <li>C. Searches for Officers of the University and Chancellors</li> <li>D. Searches for Officers of the Administration (except Chancellors)</li> <li>E. Appointments of Officers of the University and Officers of the Administration</li> <li>F. Evaluations for Officers of the University and Officers of the Administration</li> <li>G. Officer Emeritus/Emerita</li> <li>H. Compensation for Administrative Officers Returning to Any Faculty Positions (Renumbered Policy 3.I to Policy 3.H)</li> </ul>
<p><b>4. Academic Organization and Program Planning</b></p> <ul style="list-style-type: none"> <li>A. Administration and Governance of Academic Units</li> <li>B. Academic Planning and Accountability</li> </ul>	<p><b>4. Academic Organization and Program Planning</b></p> <ul style="list-style-type: none"> <li>A. Administration and Governance of Academic Units</li> <li>B. Academic Planning and Accountability</li> </ul>
<p><b>5. Faculty</b></p> <ul style="list-style-type: none"> <li>A. Faculty Governance</li> <li>B. Academic Freedom</li> <li>C. Faculty Appointments</li> <li>D. Reappointment (to a tenure-track position), Tenure, and Promotion</li> <li>E. Tenured and Tenure-Track Faculty Dismissal for Cause</li> </ul>	<p><b>5. Faculty</b></p> <ul style="list-style-type: none"> <li>A. Faculty Governance</li> <li>B. Academic Freedom</li> <li>C. Faculty Appointments</li> <li>D. Reappointment (to a tenure-track position), Tenure, and Promotion</li> <li>E. Tenured and Tenure-Track Faculty Dismissal for Cause</li> </ul>

## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<ul style="list-style-type: none"> <li>F. Termination of Faculty Appointments Following Program Discontinuance</li> <li>G. Faculty Grievance</li> <li>H. Reserved for Future Use</li> <li>I. Reserved for Future Use</li> <li>J. Intellectual Property Related to Discoveries and Patents for Their Protection and Commercialization</li> <li>K. Intellectual Property that is Educational Material</li> </ul>	<ul style="list-style-type: none"> <li>F. Termination of Faculty Appointments Following Program Discontinuance</li> <li>G. Faculty Grievance</li> <li>H. Intellectual Property that is Educational Material (Renumbered Policy 5.K to Policy 5.H)</li> <li>I. Intellectual Property Related to Discoveries and Patents for Their Protection and Commercialization (Renumbered Policy 5.J to Policy 5.I)</li> </ul>
<b>6. University and Classified Staff</b> <ul style="list-style-type: none"> <li>A. Delegations of Authority</li> <li>B. Staff Recruitment</li> <li>C. Appointments of Staff</li> <li>D. Evaluations for Staff</li> </ul>	<b>6. University and Classified Staff</b> <ul style="list-style-type: none"> <li>A. Delegations of Authority</li> <li>B. Staff Recruitment</li> <li>C. Appointments of Staff</li> <li>D. Evaluations for Staff</li> </ul>
<b>7. Students</b> <ul style="list-style-type: none"> <li>A. Admissions</li> <li>B. Standards of Conduct</li> <li>C. Academic Freedom</li> <li>D. Student Government</li> </ul>	<b>7. Students</b> <ul style="list-style-type: none"> <li>A. Admissions</li> <li>B. Standards of Conduct</li> <li>C. Academic Freedom</li> <li>D. Student Government</li> </ul>
<b>8. Conduct of Members of the University Community</b> <ul style="list-style-type: none"> <li>A. Principles of Ethical Behavior</li> <li>B. Professional Employee Conduct – University Staff</li> </ul>	<b>8. Conduct of Members of the University Community</b> <ul style="list-style-type: none"> <li>A. Principles of Ethical Behavior</li> <li>B. Professional Employee Conduct – University Staff</li> </ul>



## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<p>9. Reserved for Future Use</p>	<p>9. <b>Nondiscrimination</b> (Renumbered Policy 10 to Policy 9 and renumbered Policy 10.A to Policy 9.A and Policy 10.M to Policy 9.B)</p> <p>A. <b>Diversity, Equity, and Inclusion</b></p> <p>B. <b>Disability Inclusion and Universal Design</b></p> <p>NOTE: URL changes for all the above from <a href="https://www.cu.edu/regents/policy/10">https://www.cu.edu/regents/policy/10</a> to <a href="https://www.cu.edu/regents/policy/9">https://www.cu.edu/regents/policy/9</a></p>
<p>10. <b>Nondiscrimination</b></p> <p>A. Diversity, Equity, and Inclusion</p> <p>B. Reserved for Future Use</p> <p>C. Reserved for Future Use</p> <p>D. Reserved for Future Use</p> <p>E. Reserved for Future Use</p> <p>F. Reserved for Future Use</p> <p>G. Reserved for Future Use</p> <p>H. Reserved for Future Use</p> <p>I. Reserved for Future Use</p> <p>J. Reserved for Future Use</p> <p>K. Reserved for Future Use</p> <p>L. Reserved for Future Use</p> <p>M. Disability Inclusion and Universal Design</p> <p>N. Reserved for Future Use</p> <p>O. Reserved for Future Use</p> <p>P. Reserved for Future Use</p>	<p>10. <b>Reserved for Future Use</b></p>

## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<b>11. Compensation</b> <ul style="list-style-type: none"> <li>A. Compensation Principles</li> <li>B. Faculty Salary</li> <li>C. University Staff Salary</li> <li style="background-color: #e0e0e0;">D. Reserved for Future Use</li> <li>E. Leave Policies for Employees</li> <li>F. Benefits</li> </ul>	<b>11. Compensation and Benefits</b> <ul style="list-style-type: none"> <li>A. Compensation Principles</li> <li>B. Faculty Salary</li> <li>C. University Staff Salary</li> <li>D. <b>Benefits</b> (Renumbered Policy 11.F to Policy 11.D)</li> <li>E. Leave Policies for Employees</li> </ul>
<b>12. Student Tuition, Fees, and Financial Aid</b> <ul style="list-style-type: none"> <li>A. Student Tuition</li> <li>B. Student Fees</li> <li>C. Student Financial Aid</li> </ul>	<b>12. Student Tuition, Fees, and Financial Aid</b> <ul style="list-style-type: none"> <li>A. Student Tuition</li> <li>B. Student Fees</li> <li>C. Student Financial Aid</li> </ul>
<b>13. Business and Finance</b> <ul style="list-style-type: none"> <li>A. University Investments</li> <li>B. Intercollegiate Athletics Policy</li> <li>C. Approval of the University Risk and Insurance Management Program</li> <li>D. Defense and Indemnification of University of Colorado Employees</li> <li>E. Fiscal Misconduct</li> <li>F. Gifts Benefiting the University of Colorado</li> <li>G. Contractual Indemnification of Contractors</li> <li>H. Limited Authority to Transfer Certain University Funds to Certain University Auxiliary Funds to Certain University Affiliated Entities</li> <li>I. Contracting Authority and Regent Notification</li> </ul>	<b>13. Business and Finance</b> <ul style="list-style-type: none"> <li>A. University Investments</li> <li>B. Intercollegiate Athletics Policy</li> <li>C. Approval of the University Risk and Insurance Management Program</li> <li>D. Defense and Indemnification of University of Colorado Employees</li> <li>E. Fiscal Misconduct</li> <li>F. Gifts Benefiting the University of Colorado</li> <li>G. Contractual Indemnification of Contractors</li> <li>H. Limited Authority to Transfer Certain University Funds to Certain University Auxiliary Funds to Certain University Affiliated Entities</li> <li>I. Contracting Authority and Regent Notification</li> </ul>

## APPENDIX B: CROSSWALK OF CHANGES TO REGENT POLICIES

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Current Policies	Proposed Policies
<p><b>14. Property and Facilities</b></p> <ul style="list-style-type: none"> <li>A. Use of the University Seal</li> <li>B. Use of University's Name and Marks in Advertising and Marketing by External Entities</li> <li>C. Reserved for Future Use</li> <li>D. Authorization to Form and Contract with Nonprofit Corporation(s) for Developing Discoveries and Technologies of the University of Colorado</li> <li>E. Reserved for Future Use</li> <li>F. Reserved for Future Use</li> <li>G. Reserved for Future Use</li> <li>H. Reserved for Future Use</li> <li>I. Weapons Control</li> <li>J. Naming University Facilities</li> </ul>	<p><b>14. Property and Facilities</b></p> <ul style="list-style-type: none"> <li>A. Use of the University Seal</li> <li>B. Use of University's Name and Marks in Advertising and Marketing by External Entities</li> <li>C. Naming University Facilities (Renumbered Policy 14.J to 14.C)</li> <li>D. Authorization to Form and Contract with Nonprofit Corporation(s) for Developing Discoveries and Technologies of the University of Colorado</li> <li>E. Weapons Control (Renumbered Policy 14.I to 14.E)</li> </ul>

**APPENDIX C:  
CONFORMING AMENDMENTS AND CROSS-REFERENCE UPDATES TO  
ADMINISTRATIVE POLICY STATEMENTS**

Appendix C contains the detailed redline revisions to the following administrative policy statements (APSs) which required non-substantive conforming amendments and cross-reference updates as a result of the renumbering of regent laws and policies (as listed in Appendix A and B).

<b>List of Administrative Policy Statements</b>	<b>Page</b>
APS 1013: Intellectual Property Policy on Discoveries and Patents for Their Protection and Commercialization	<b>12</b>
APS 1014: Intellectual Property That is Educational Materials	<b>22</b>
APS 2027: Code of Conduct	<b>26</b>
APS 2028: Official University Statements	<b>33</b>
APS 3004: Functional and Honorary Naming of University Facilities and Programmatic Units	<b>35</b>
APS 5001: Equal Employment Opportunity and Affirmative Action	<b>39</b>
APS 5011: Student Employment Retirement Plan	<b>42</b>
APS 5016: Faculty Retirement Agreements	<b>46</b>
APS 5062: Leave	<b>56</b>
APS 5065: Protected Class Nondiscrimination	<b>77</b>

**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Intellectual Property Policy on Discoveries and Patents for Their Protection and Commercialization

**APS Number:** 1013

**APS Functional Area:** **ACADEMIC/RESEARCH**

<b>Brief Description:</b>	This policy governs the ownership and disposition of intellectual property created by University employees.
<b>Effective:</b>	March 2, 2006
<b>Approved by:</b>	Daniel J. Wilkerson, Vice President, University Counsel and Secretary of the Board of Regents
<b>Responsible University Officer:</b>	Daniel J. Wilkerson, Vice President, University Counsel and Secretary of the Board of Regents
<b>Responsible Office:</b>	Technology Transfer Office
<b>Policy Contact:</b>	<del>David N. Allen, Associate Vice President for</del> Technology Transfer <u>Office</u> ( <del>david.allen@cu.edu</del> )
<b>Supersedes:</b>	March 2, 2003
<b>Last Reviewed/Updated:</b>	February 2011
<b>Applies to:</b>	All campuses

**Reason for Policy:** The purpose of this Administrative Policy Statement is to implement Regent Policy, "Intellectual Property on Discoveries and Patents for Their Protection and Commercialization."

## I. INTRODUCTION

Creating and disseminating knowledge is a fundamental mission for the University of Colorado. The creative environment of the University is conducive to the development of intellectual property. A clear and concise policy enhances the environment for development and commercialization of intellectual property such as inventions, patents and software.

In this policy the University of Colorado reaffirms its commitment to academic freedom. The University of Colorado also encourages and rewards its discoverers and innovators who benefit society and who create significant economic resources for themselves, their research programs and the University.

This policy shall be interpreted to be consistent with other University of Colorado policies, and federal and state statutes and regulations.

## II. POLICY STATEMENT

This policy shall be applicable to all units of the University and all included persons as that term is described below. Employees of the University are bound by this policy including those receiving salaries, scholarships, fellowships or other remuneration from the University, part-time employees, student employees, University employees on sabbatical who receive remuneration from the University, and employees on a leave of absence who partake in substantial use of

University resources. Adjunct and adjunct appointees and visitors who are collaborators with included persons and partake in substantial use of University Resources are also bound by this policy.

This policy does not change the traditional relationship between the University and employees who are creators or authors of scholarly and artistic works. 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 and unpublished manuscripts are governed by the Administrative Policy Statement (APS), "Intellectual Property that is Educational Materials."

#### A. University Ownership.

1. As required by Regent Policy, the University shall take assignment of and shall own all discoveries in which University has an interest. Every included person(s), as a condition of employment, and every collaborator participating with an included person on a discovery, will assign and hereby does assign any legal rights that may exist in such intellectual property.

The University shall have no ownership rights in the following intellectual property, which shall be owned by its creator:

- a. Intellectual property that is Educational Materials and owned by the creator as determined pursuant to the Administrative Policy Statement Intellectual Property that is Educational Materials; or
- b. Intellectual property created by a student solely for the purpose of satisfying course requirements, unless the student A) creates the intellectual property with an included person, B) assigns ownership rights in the intellectual property to the University in writing or C) must make an assignment of such ownership rights to the University as a condition for participation in a course.

Provided, however, that if the intellectual property referred to in (a) or (b) is a derivative of or otherwise uses pre-existing University-owned intellectual property, this provision shall not prevent the University from asserting its pre-existing rights.

2. As provided in A.1., the University shall take assignment and shall own "discoveries in which the University has an interest" that are created during the course of sponsored research, consulting, or other contractual arrangements. Only the Principal Technology Officer has the legal, delegated authority to assign ownership, license, or otherwise provide legal rights to discoveries and University intellectual property.

#### B. Responsibilities of Discoverers

1. Discovery Disclosure

Involvement of discoverers in all aspects of the intellectual property protection and commercialization process is essential for successful technology transfer. Discoverers are responsible for preparing a timely written disclosure of discoveries using the University's standard discovery disclosure forms. Discoverers will cooperate with the Technology Transfer Office and take all reasonable steps to fully complete discovery disclosure forms, provide complete description of the discovery, and to execute assignments and other documents necessary for the protection of a discovery or other documents conveying rights to University intellectual property. Discoverers will also cooperate with the Technology Transfer Office in matters such as sharing contacts and leads for potential licensees, communicating or meeting with potential licensees, providing samples and information to potential licensees (when reasonably available), and other activities as reasonably requested by the Technology Transfer Office in support of efforts to secure, market and transfer University intellectual property.

2. Sponsored Programs, Corporate and Third Party Obligations

Discoverers should provide to the Technology Transfer Office timely prior written notice of any proposed publication or Sponsored Program requirement that reports or describes any discoveries. Discoverers shall inform all University and external collaborators of the terms and conditions of this policy and of any contractual agreements that might substantially affect rights to discoveries created by those collaborators. The Technology Transfer Office will assist discoverers in assessing whether or not a presentation or publication impacts patentability and in explaining this policy to collaborators.

### 3. Other Reporting Requirements

It is the responsibility of a discoverer to provide the Technology Transfer Office with current contact information and to provide the address to which the discoverer's apportionment of net receipts should be sent. It is also the responsibility of the discoverer to work with the Technology Transfer Office to create a University account for his or her research program apportionment of net receipts.

#### C. Responsibilities of the University

The Associate Vice President for Technology Transfer has the primary responsibility for the implementation of this policy on behalf of the University. Only University Officials who have specific delegated authority may undertake actions in the name of the University to execute this policy. The Principal Technology Transfer Officer will:

1. supervise the management of each case pursued by the Technology Transfer Office including complete record keeping and required reporting of all actions;
2. determine whether the University or any other party has rights to discoveries according to this policy, and if so, the basis and extent of such rights. In the absence of agreement on inventorship, the Technology Transfer Office will work with counsel to determine the actual inventors under United States Patent Law;
3. assess what steps should be taken with respect to the protection and commercialization of discoveries including patentability, licensing or use in the public domain. These decisions should consider the wishes of the discoverer whenever reasonably feasible, should be informed by commercially reasonable standards, should consider all relevant legally binding agreements and should be in the best interest of the University;
4. supervise the processes of the Technology Transfer Office for obtaining legal protection and/or arranging for licensing or other commercial development in those cases in which the University elects to pursue its rights, including preparing and prosecuting applications for patent, copyright registration, and other legal protection, or obtaining counsel or other assistance for that purpose, negotiating or assisting in negotiation of licenses and related agreements, and monitoring the collection and distribution of net receipts; and
5. review and negotiate sponsored research agreement terms which implicate discoveries and existing or future University intellectual property and in particular supervise compliance with government regulations concerning discoveries developed with government support. The Principal Technology Transfer Officer shall sign any sponsored research agreement which obligates to third parties existing or future University intellectual property.

The procedure for administration of discovery disclosures by the Technology Transfer Office will be as follows:

Upon receipt of a discovery disclosure, the Technology Transfer Office will make all reasonable efforts to work with the discoverer to promptly evaluate the discovery disclosure for patentability, technical feasibility and commercial potential and may undertake any of the following actions: 1) request additional information and data from the discoverer to complete the discovery disclosure as necessary to file a patent application; 2) proceed to file a patent application on the discovery; 3) market the University intellectual property to potential licensees prior to patent filing; or 4) formally decide not to proceed with protecting and/or marketing the University intellectual property. In making this determination, the Technology Transfer Office shall take into account licensing mechanisms for further academic research, open source licensing in the case of software, and the general missions of the University in the creation and dissemination of knowledge for the public good.

In all cases, based on reasonable cooperation by the discoverer, the Technology Transfer Office shall endeavor to make a preliminary decision on protecting the University discovery within four (4) months of receipt of a complete discovery disclosure.

Impending publication or other unique circumstances may motivate a decision sooner than the four-month period. Should the Technology Transfer Office decide not to protect or market the discovery, the Technology Transfer Office will ask the discoverer in writing if he or she desires that the University release all or a subset of its rights in the discovery to the discoverer, as allowed by law and Section H of this policy, subject to rights of sponsors and the right of the University to practice the discovery for academic use.

Only designated officials have the delegated authority to bind the University in an agreement involving University discoveries and University intellectual property. Should a University employee not possessing such delegated authority sign an assignment of intellectual property rights or an agreement seeking to bind the University, such an agreement will be null and void.

#### D. Committee on University Discoveries

The Committee on University Discoveries ("Committee") shall be composed of nine members. The Associate Vice President for Technology Transfer shall select the members in consultation with and concurrence by the Campus Chancellors who shall consult with the chair from the respective Faculty Councils. All members will serve staggered three-year terms. Each year the Committee will elect its Chair, who will serve for the following one year. Committee members may serve no more than one term of three consecutive years after which time they will be ineligible for service for one year. Members of the Committee will not participate as members in deliberations or actions of the Committee concerning matters in which they have a beneficial interest. Official actions of the Committee will require the concurrence of at least five (5) members. The Principal Technology Transfer Officer will be a permanent ex-officio member of the Committee.

#### E. Committee Responsibilities

##### 1. The Committee will:

- a. review Regent policy, "Intellectual Property on Discoveries and Patents for Their Protection and Commercialization," at least every three years;
- b. review and advise the Principal Technology Transfer Officer on the standards and procedures contained in this policy;
- c. convene at least once per year to review the procedures used in implementing and administering this policy, and where deemed necessary, develop and recommend changes in standards and procedures to the Principal Technology Transfer Officer; and
- d. serve as a board to which discoverers may appeal actions of University officers responsible for executing this policy, subject to appropriate review standards and procedures set forth in this policy.

##### 2. Discoverer Appeal Process

Discoverers or other included persons may appeal to the Committee actions of University officers responsible for executing this policy. Grounds for such appeal are alleged failure of University officers to comply with the provisions of this policy, to substantially follow implementing guidelines, or to demonstrate reasonable diligence in decision-making.

A discoverer or other included person will submit the appeal in writing to the Committee Chair who will determine whether the petitioner has made reasonable efforts to resolve the complaint with the University officer and whether the substance of the appeal appears to be within the scope of this policy. The Committee Chair shall schedule the meeting. At least five Committee members must be in attendance. Proceedings will be informal and held in confidence. All parties will have adequate notice and an opportunity to be heard. After considering all relevant information, the Committee Chair will send to the University Vice President a written report of the Committee's findings, which will include a decision on the issues raised by the petitioner and any recommended corrective action. The University Vice President will review the report and may adopt it in whole or in part and/or modify it on behalf of the University. The decision of the University Vice President shall be final.

#### F. Procedures for Receiving and Distributing Tangible Research Property

University researchers shall disclose and discuss the terms of transfer of research materials with a campus Sponsored Program Office or the Technology Transfer Office before accepting or distributing tangible research property. University researchers are also responsible for complying with campus policies and procedures on the handling of tangible research property.



### 1. Receiving tangible research property

An agreement specifying the rights and obligations in tangible research property shall be executed by the external (institutional or commercial) parties involved in the transfer. Tangible research property agreements shall be negotiated by Technology Transfer Office, as may be applicable.

The delegated authority for signing an incoming tangible research property transfer agreement is within the Technology Transfer Office. Researchers receiving tangible research property shall sign the tangible research property agreement acknowledging the terms of the agreement.

### 2. Distributing tangible research property

The delegated authority for signing non-exclusive transfer agreements providing for the distribution of tangible research property to organizations for non-commercial research and/or commercial use research is within the Technology Transfer Office.

### 3. Costs associated with the transfer of tangible research property

Tangible research property transfer agreements may provide for recovery of costs of the tangible research property to be delivered. As a general rule, ten thousand dollars (\$10,000) is the upper limit allowable for recovery of tangible research property costs. Recoverable costs are those direct costs necessary to prepare and ship the materials. According to this general rule, an agreement providing for the transfer of tangible research property involving remuneration in excess of ten thousand dollars (\$10,000) will be treated as a license agreement and the remuneration will be considered as royalty and subject to net receipts distributions.

## G. Consulting and Business Activity Related to the Transfer of Discoveries

Consulting activities have the potential to result in the loss or diminishment of University's intellectual property rights. Included persons engaging in consulting or in business activity, and those with delegated authority to approve such activities on behalf of the University, are responsible for ensuring that any agreements with external entities are not in conflict with this policy. The Technology Transfer Office will provide assistance to discoverers and those charged with approving consulting or business activity on interpreting and suggesting language in consulting and business related agreements concerning intellectual property rights subject to this policy. In some cases, the University manages consulting activities through affiliated entities (e.g., University Physicians, Inc.). Included persons are responsible for determining which entity manages its consulting activities.

Prior to engaging in consulting or business activity related to intellectual property, included persons are responsible for making their University intellectual property obligations clear to those external entities. The Technology Transfer Office will assist included persons and University officials reviewing consulting and related legal agreements to understand and appropriately revise, if need be, the intellectual property clauses of such agreements. In some cases it may be prudent for the included person to engage outside legal counsel to provide advice on such agreements concerning matters outside the scope of this policy.

University intellectual property rights and the obligations of included persons to the University shall not be diminished by the terms of included persons' consulting or business activity agreements with third parties, except as the Principal Technology Transfer Officer may specifically authorize in writing. As a general rule, consulting work that is evaluative or advisory, such as when expert opinion and scientific review are offered, is unlikely to constitute discoveries in which the University has an interest. Conversely, consulting work that is related to an included person's activities or field of expertise at the University, as articulated in a faculty member's professional plan or an employee's position description, and that has the potential for the creation of discoveries in which the University has an interest requires that procedures related to discovery disclosure in this policy be followed. Requests for authorization to remove or limit the University's rights or included persons' obligations in consulting or business activity agreements are to be submitted to the Principal Technology Transfer Officer who, upon a request by the included person, will consult with the individual's unit supervisor, University Vice President, and other relevant University officers.

## H. Transfer of Rights to Discoverers

If the University decides not to pursue a discovery in which the University has an interest, then the discoverer has the right to pursue commercialization of the discovery, subject to any rights of other parties. If the Technology Transfer Office does not exercise its rights to University intellectual property through:

1. securing or maintaining legal protection as described in Section C of this policy, or
2. licensure of rights to another party or dedication of its rights to the public, or
3. if the University chooses to protect intellectual property, but does not arrange for its commercial development or dedication to the public within a reasonable time, then, the Technology Transfer Office will inquire in writing to the discoverer if he or she desires the University to release its rights in the discovery to the discoverer.

Upon receipt of a written affirmation by the discoverer (or in the case of multiple discoverers, a written affirmation by all discoverers), the Principal Technology Transfer Officer will release to the discoverer(s) the University's rights provided the University will retain a royalty-free license to use the discovery for research, educational, and service purposes for the legal life of the discovery. Such release will also be contingent upon the approval by the company or agency that funded research from which the discovery was derived. The Technology Transfer Office will cooperate in obtaining the approval from the company or agency that funded research.

## I. Distribution of Net Receipts

In the event that a discoverer or anyone from the group of discoverers is no longer an employee of the University, that discoverer's personal share of net receipts will continue. Upon the death of a discoverer, his or her personal share of net receipts will be directed to his/her heirs or estate.

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. In the event that all discoverers related to a particular discovery, including emeriti with active research accounts as determined by the departmental chair, are no longer employed by the University, the 25 percent designated to such 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. Any disputes that are unable to be resolved through discussions of the Principal Technology Transfer Officer and interested parties related to the distribution of research accounts shall be presented to and adjudicated by the Committee on University Discoveries. Inventors who have left University employment and thereby have forfeited their 25 percent for support of discoverers' research, will be eligible to reinstate this support upon being re-employed by the University.

Net receipts amounts allocated to discoverers will be divided equally among them. However, individual discoverers may enter into agreements to reallocate such amounts either among themselves or others who contributed to the research upon which the University intellectual property is based. Participants in any apportionment also have the option of assigning their personal share to any account managed by the University. Such agreements must be in writing, signed by all of those affected and submitted to the Principal Technology Transfer Officer. In order for discoverers who desire to assign their personal share of net receipts to an account managed by the University to have no negative tax consequence, the assignment must occur before the first royalty or related payment is received by the University from the licensee. If the University does not have the discoverer's address, any net receipts amount allocated to an individual that cannot be distributed within a reasonable time will be transferred to a reserve account managed under the rules of the University's escheat property accounting policy.

When in the judgment of the Principal Technology Transfer Officer a reasonable basis exists for believing that net receipts subject to allocation and distribution under this policy may be required to be changed or otherwise expended, or that others may have a claim to such amounts, the allocation and distribution may be delayed for a reasonable period required for resolution of the matter. Payments made in good faith prior to such a resolution by the University to one or more claimants will fully satisfy any obligations on the part of the University to all

claimants for the amounts so paid. Awards, prizes, honoraria, and the like received by individuals primarily as recognition for invention achievement are not considered as net receipts.

J. Special Circumstances Concerning Scope of this Policy

The University shall have no ownership rights in discoveries created by a student solely for the purpose of satisfying course requirements, unless the student creates the discovery with an included person, or assigns ownership rights in the discovery to the University in writing or unless assignment of such ownership rights to the University is made a condition for participation in a course. The University will make no ownership claim on discoveries created by a student who is not employed by the University or has not used substantial University resources to develop intellectual property, unless the student's work is part of a discovery in which the University has an interest and is University intellectual property. If the student-created discovery is a discovery in which the University has an interest and is University intellectual property, the student will be bound by this policy, including but not limited to, rights in the distribution of net receipts. A student who holds an award such as scholarship or fellowship through the University and who creates a discovery developed during the course of the award will be bound by this policy. The lab share of any student covered by this policy shall be directed to such student's supervisor's lab account and such funds should be directed to the student inventor for the duration of the student's involvement at CU. The University will make no ownership claim on discoveries created by an included person who has not used substantial University resources to develop a discovery and who has created a discovery which is not related to his or her research activities or field of expertise as articulated in a faculty member's professional plan or an employee's position description. However, the University may exercise its rights if the employee's work is part of a discovery in which the University has an interest such as a new use or improvement of existing University intellectual property.

K. Special Circumstances Related to the Grant of a License to a Start-Up Company

The University encourages the start-up of companies based upon technology transfer of University intellectual property provided that conflicts of interest and commitment are addressed and if necessary managed. The University may license University intellectual property to companies in which included persons have a financial interest provided that conflict of interest and conflict of commitment concerns have been adequately addressed in a conflict of interest management agreement between those included persons and the University. Similarly, companies in which included persons hold a financial interest may sponsor research and if duly qualified, that included person may be an investigator, subject to an approved conflict of interest management agreement. The responsibility for preparing and enforcing the conflict of interest management agreement resides in the University employee's administrative chain of supervision or in other designated University committees, e.g., Campus conflict of interest committees and/or campus research compliance officer. Such committees or officers may request assistance from the Technology Transfer Office, the Office of University Counsel and other relevant University officers in preparing the conflict of interest management agreement.

The Technology Transfer Office, in consultation with the discoverer, will make a determination as to whether University intellectual property has the potential to be licensed as the basis of a new company. Three primary criteria for any start-up company to license University intellectual property are: 1) a business plan that sufficiently identifies the resources and steps necessary to commercialize the University intellectual property, 2) a commitment of sufficient initial capital and a reasonable chance to obtain additional capital necessary to commercialize the University intellectual property, and 3) a sufficiently experienced and available management team capable of raising capital and executing the business plan. If the company does not meet these criteria, the company may receive either a time-limited exclusive option to the University intellectual property during which period the company should work to assemble the resources and information necessary to meet these three requirements or an exclusive license conditional on at least these three criteria. Decisions about whether or not a potential licensee meets the three primary requirements for a license will be made by the Principal Technology Transfer Officer. The Principal Technology Transfer Officer may seek input on this decision from the Technology Transfer Office business advisory board as may be reasonably appropriate. Equity received as consideration for a license, by either the University or an organization designated by the University to hold such equity, will be distributed as soon as it is feasible to do so, except in special circumstances as determined by the University or by the University designee. Equity received as consideration for a license to University intellectual property will be treated as net receipts upon liquidation.

## L. Special Circumstances Related to Software

In order to determine whether or not software is within the scope of this policy, included persons will disclose all software intended for use outside of the University to the Technology Transfer Office. The Technology Transfer Office will provide a separate software discovery disclosure form. Software generally is covered by copyright protection; however, some software is patentable. To the extent the software is a part of a textbook or other education program, any non-patent eligible content contained in the program shall not be considered discoveries under this policy. Such content may be covered by the policy on Intellectual Property that is Educational Materials and the Technology Transfer Office may notify the appropriate parties of such possible coverage. If the software is determined by the Technology Transfer Office to be patentable, it will be handled as patentable intellectual property under the scope of this policy. If the disclosed software is determined by the Technology Transfer Office as not patentable, the Technology Transfer Office may either: 1) legally secure the software through copyright and market it to potential licensees, 2) distribute the software through open source licensing, or 3) assign University intellectual property in the software to the discoverer under the terms of this policy. If the open source licensing is chosen, the discoverer will work with the Technology Transfer Office to ensure that no other parties claim rights to the software, no conflicts of interest would result from the open source license, and the appropriate type of open source license and disclaimer is being utilized in the software distribution. The Technology Transfer Office will use its commercially reasonable efforts to determine these issues and recommend a course of action for disposition of software to the discoverer in a timely manner.

## III. DEFINITIONS

The terms defined in Section 3 of Regent policy, "Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization," apply to this Administrative Policy Statement. Terms used in this policy are defined below:

"collaborator" or "collaborators" means any person or persons who participate with an included person on a discovery.

"Committee on University Discoveries" means a committee of University employees empowered to oversee matters related to University intellectual property and hear appeals raised by University employees as authorized by Regent policy, "Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization."

"conflict of interest agreement" means a written agreement or management plan between the University and the discoverer(s) specifying how actual or perceived conflicts of interest or commitment are reduced or eliminated as required by Administrative Policy Statement Conflicts of Interest and Commitment.

"delegated authority" means the approval granted by the University to a University officer to execute agreements.

"discovery" or "discoveries" means any inventive idea and/or its reduction to practice which relates to, but is not limited 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 know-how supporting these inventive ideas, systems, devices, compositions, programs or processes; and any new use or improvement of existing systems, devices, compositions, programs or processes.

"discoverer" or "discoverers" means any individual or group of individuals responsible for a discovery.

"discoveries in which the University has an interest" means discoveries made while performing duties required by a University grant or contract, and/or made with 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.

"discovery disclosure" means the confidential document provided to the Technology Transfer Office by a University discoverer which specifies the nature of the discovery and which may include information useful to assess University ownership, patentability, technical feasibility and commercial viability of the discovery.

"included persons" means all faculty members and other employees (including students on appointment as University employees) employees of the University including those receiving salaries, scholarships, fellowships or other remuneration from the University, part-time employees, student employees, University employees on sabbatical who

receive remuneration from the University, and employees on a leave of absence who partake in substantial use of University resources.

"intellectual property" means any discovery for which legal protection is sought. For example, a patent, copyright, know-how, mask work, tangible research property, trademark, trade secret, proprietary and confidential information, tangible materials, and other forms of intellectual property legally recognized now or in the future.

"net receipts" means all financial consideration received by the University or its agent from the transfer, license, development, or commercial exploitation of the intellectual property, less all unreimbursed legal expenses.

"patent," "copyright," "mask work," "trade secret," "know-how," "trademark" and "service mark" have the meanings attributed to those terms by Federal statutes and case law.

"Principal Technology Transfer Officer" means the University officer primarily delegated the responsibility to perform activities to execute this policy.

"sponsored program" means a research, instruction or service activity either financially supported, authorized or managed by the University.

"substantial use of University resources" means use of University funds, programs, equipment, space or other physical assets that go above and beyond those customarily and currently provided to included persons. For purposes of this policy, offices, office equipment, library access, desktop and laptop computers, photocopy equipment, telephone, and fax machines, which are customarily provided would be excluded from determination of substantial use of University resources.

"tangible research property" means a tangible physical or biological entity that is, or may be, useful in research. Examples include models, devices, designs, avatars, computer software, storage media containing machine instructions, text, tissues, serum, fluids, organs, cell lines, antibodies, recombinant materials, chemical compounds and compositions, formulations, plant varieties, laboratory notebooks, clinical information, records and data related to discoveries. Some tangible research property may comprise discoveries in which the University has an interest.

"Technology Transfer Office" means the University unit responsible for securing, protecting, marketing, licensing and managing University intellectual property.

"University intellectual property" means a discovery in which the University has an interest and/or any legal means which the University may employ to claim ownership of intellectual property according to this policy.

"University Vice President" means the University Vice President, University Counsel and Secretary of the Board of Regents.

"unreimbursed legal expenses" means all documented legal service expenditures incurred by entities engaged by the University to analyze, prepare, file, register, record, prosecute, issue, maintain, analyze value and litigate University intellectual property, including but not limited to searches, opinions and extraordinary expenses in connection with licensing, infringement protection and collection of license income.

#### IV. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

##### A. Administrative Policy Statements (APS) and Other Policies

[Regent Policy 5.K: Policy on Intellectual Property that is Educational Material](#)  
[Regent Policy 5.H: Policy on Intellectual Property that is Educational Material](#)  
 APS: [Conflicts of Interest and Commitment](#)

##### B. Forms

[Invention Submission Forms](#)

##### C. Other Resources (i.e. training, secondary contact information)

V. **HISTORY**

Original APS adopted on January 16, 2003.

Subsequent revisions on March 2, 2003 and March 2, 2006.

Reviewed but not revised in February 2009.

Reviewed and non-substantive cleanup made in July 2010.

Reviewed and non-substantive cleanup made in February 2011.

[Non-substantive changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 5.K: Intellectual Property that is Educational Material renumbered to Regent Policy 5.H: Intellectual Property that is Educational Material\).](#)

VI. **KEY WORDS:** Royalty, technology license, material transfer agreement, equity, stock ownership, commercialization, venture, entrepreneur, Bayh-Dole Act, company



## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Intellectual Property That is Educational Materials

**APS Number:** 1014

**APS Functional Area:** **ACADEMIC/RESEARCH**

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<b>Brief Description:</b>	This policy clarifies the rights, responsibilities and rewards for the University and its employees in the development and commercialization of educational materials.
<b>Effective:</b>	July 1, 2013
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Vice President for Academic Affairs
<b>Responsible Office:</b>	Office of the Vice President for Academic Affairs
<b>Policy Contact:</b>	Office of the Vice President for Academic Affairs, 303-860-5623
<b>Supersedes:</b>	APS Intellectual Property That is Educational Materials - June 1, 2006
<b>Last Reviewed/Updated:</b>	July 1, 2013
<b>Applies to:</b>	All university employees.

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**Reason for Policy:** This policy clarifies the rights, responsibilities and rewards for the University and its employees in the development and commercialization of educational materials.

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### I. INTRODUCTION

Creating and disseminating knowledge are fundamental missions for the University of Colorado. The creative environment of the University fosters the development of intellectual property. This policy statement clarifies the rights, responsibilities and rewards for the University and its employees in the development and commercialization of educational materials. The University of Colorado in this policy, as elsewhere, reaffirms its commitment to the principles of academic freedom. The University of Colorado also reaffirms its commitment to encouraging and rewarding authors, creators, researchers and inventors who are developing intellectual property.<sup>1</sup> The University supports the creative works of authors, who will under most circumstances retain broad rights in support of their creative endeavors. This policy does not change the traditional relationship between the University and employees who, independent from using substantial University resources, retain broad rights of ownership of scholarly and artistic works. This policy functions in accord with other University of Colorado policies and federal and state statutes and regulations.<sup>2</sup>

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<sup>1</sup> Throughout this APS, the person or people who create intellectual property, including authors, creators, researchers, and inventors, shall collectively be referred to as “authors.”

<sup>2</sup> Any term defined in Regent Policy 5.H-k shall have the same meaning in this APS as it has in Regent Policy 5.H-k.

## II. POLICY STATEMENT

### 1. General Policy

#### 1.a. General Rights of Ownership

While current copyright law generally allocates ownership rights to the University as an employer, the University of Colorado assigns any ownership it has in Educational Materials to the person or people who create such Materials ("author(s)").<sup>3</sup> As provided in Regent Policy 5.H-k, Educational Materials include but are not limited to, textbooks, electronic media, syllabi, tests, assignments, monographs, papers, models, musical compositions, works of art and unpublished manuscripts. Exceptions to this assignment of ownership are:

1. those cases in which the production of such materials is a part of sponsored programs;
2. those cases in which the materials are created under the specifically assigned duties of employees other than faculty;
3. those cases in which substantial University resources were used in creating educational materials; and
4. those cases which are specifically commissioned by University contract, or done as part of an explicitly designated assignment made in writing, other than normal faculty scholarly pursuits.

In cases where it is not clear whether or not these exemptions apply, authors are strongly encouraged to pursue a negotiated written agreement as stipulated in Section 3(c) of this policy.

#### 1.b. 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.<sup>4</sup> University resources include such things as equipment, staff support, supplemental pay, and offloading from regular duties. Decisions about whether use of these resources is "substantial" or "customary and current" shall be determined by responsible campus administrators, as specified in Section II.2.b. The University of Colorado does not assign to the author(s) its interests in intellectual property created by University employees making substantial use of University resources.

#### 1.c. Who is Covered by This Policy

This policy is applicable to all units of the University including its colleges, schools, departments, centers, 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, student 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. The Vice President for Academic Affairs is the University officer who is authorized to approve exemptions to individuals bound by this policy.

Students are covered under this policy under the following circumstances. A student who is not employed by the University or has not used substantial University resources to develop educational materials, will own the materials she or he creates, unless the student's work is part of a larger work over which the University has rights and intends to exercise them. Students who are employed by the University will be bound by this Administrative Policy, except that students who hold awards such as scholarships or fellowships through the University on which a funding body has placed restrictions as to intellectual property will be bound by the terms of the award.

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<sup>3</sup> A separate policy applies to ownership of discoveries and patents, and nothing in this APS shall affect ownership of such intellectual property. See Administrative Policy Statement (APS), "Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization."

<sup>4</sup> As set forth in the APS, "Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization:" "[O]ffices, office equipment, library access, desktop and laptop computers, photocopy equipment, telephone, and fax machines, which are customarily provided would be excluded from determination of substantial use of University resources."



## 1.d. Rights to Educational Materials

- 1.d.1. **Rights of the person or people who create Educational Materials.** Except as provided under Section 1.a. above, educational materials created for classroom and learning programs, including electronic media, such as syllabi, assignments, and tests, shall be the property of the author.
- 1.d.2. **Rights of the University of Colorado.** While the author(s) shall own the rights to all educational materials developed pursuant to Section 1.d.1. herein, the University of Colorado shall be permitted to use such educational materials for administrative purposes, such as satisfying requests of accreditation agencies for faculty-authored syllabi, assessments and course descriptions. Such usage shall extend beyond employment with the University.

Additionally, in the event that a faculty member assigned to teach a course becomes unavailable to teach that course, the University of Colorado shall be permitted to use Educational Materials related to such course for the duration of the semester in which the course was scheduled and until all final grades in the course have been assigned.

- 1.d.3. **Copyright of Professional Journals and Books.** Consistent with the terms of this policy, the University assigns any interest and ownership claims on publication of research and/or other scholarly materials and activities that typically occur in professional/academic journals, books, and other professional resources. Nothing in this policy shall be construed to restrict or constrain these actions.

## 2. Process

- 2.a. **Duty to Disclose and 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 within exceptions to this policy enumerated in Section II.1.a. Such reporting shall be to the author's direct supervisor.
- 2.b. **Designation of responsible authority.** The campus Chancellor shall designate one or more individuals at the campus level who shall be responsible for undertaking an initial assessment of any matters relating to educational materials, including making a determination as to whether substantial University resources have been used, and whether a negotiated agreement is necessary. Such designee shall seek out appropriate assistance and expertise as may be necessary from the Office of University Counsel, Technology Transfer, Finance, and the author's academic department and School or College, and shall be responsible for developing any such written agreement. The Chancellor shall further designate a central campus repository for all educational material matters, including written agreements and the disposition of any educational material matters.
- 2.c. **Negotiated Written Agreements**

Negotiated written agreements are required under the following circumstances:

### Substantial Use of University Resources

It is the responsibility of the author to seek clarification of whether the resources being used in the development of educational materials constitutes "substantial uses of University resources." If so, the author should negotiate a written agreement with the University, by and through the person designated in Section II.2.b.

"Substantial use of University resources" in and of itself does not require that ownership rights be automatically shifted to the University. However, depending on the terms of the negotiated contract, "substantial use of University resources" may result in an obligation to share revenues, reimburse the University, or confer a license. Ownership rights specified in this policy may be altered by mutual agreement.

**Multiple Parties:** If more than one party is responsible for creating specific educational materials, a negotiated written agreement signed by all author(s) and the University shall be required. That agreement shall usually specify (1) the rights of each party to use, distribute, and sell the materials; and (2) the division of revenues between the parties. Parties may include but are not limited to individuals, research teams, external funding agencies, the University, etc.

2.c.1. A negotiated written agreement should usually specify:

1. the rights of the author(s) and the University to use, distribute, and sell the materials;
2. the division of revenues between the University and the author(s);
3. the rights of the University to use and to modify the materials during and after the period of formal association with the University; and
4. the rights of the author(s), the University, and/or external funding parties to be acknowledged or to withhold acknowledgement in the distribution or modification of the materials by the University.

2.c.2. **Modifications to Agreements.** Any negotiated written agreement made in connection with the creation of educational materials may be modified at any time upon the unanimous agreement of all signatories. Such modifications will normally be necessary when changes occur in any of the following:

1. participation of the author(s) in a continuing project;
2. the University's contribution of substantial resources; or
3. when a dispute is resolved by the Educational Materials Intellectual Property Board through adjudication.

2.c.3. **Educational Materials Intellectual Property Board**

The University shall establish a system-wide Educational Materials Intellectual Property Board composed of faculty, administrators, staff, and students, to hear and recommend resolution of disputes related to educational materials intellectual property to the Vice President for Academic Affairs, with final recourse to the University President. The Faculty Assembly from each campus shall appoint a faculty member to represent its campus on the Board. The Board also interprets and oversees the implementation of the policies stated in this document and may advise the Vice President for Academic Affairs about exemptions under this policy.

3. **Review of Policy**

The University System Faculty Council and System Administration shall jointly review the operation of this policy every three years after its adoption and shall report its effectiveness and any suggested changes to the policy to the Board of Regents.

III. **HISTORY**

Initial policy approved January 16, 2003

Revised June 1, 2006

Revised July 1, 2013

[Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Reference to Regent Policy 5.K: Intellectual Property that is Educational Material renumbered to Regent Policy 5.H: Intellectual Property that is Educational Material\).](#)

**ADMINISTRATIVE POLICY STATEMENT****Policy Title:** Code of Conduct**APS Number:** 2027**APS Functional Area:** **ADMINISTRATIVE/GENERAL**

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<b>Brief Description:</b>	This Code of Conduct states the university's commitment to upholding the highest ethical, professional, and legal standards.
<b>Effective:</b>	November 17, 2016
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Senior Vice President for Internal Operations and Chief of Staff
<b>Responsible Office:</b>	Senior Vice President for Internal Operations and Chief of Staff
<b>Policy Contact:</b>	<a href="#">Ethics and Compliance Campus Contacts</a> (See Section III)
<b>Supersedes:</b>	N/A
<b>Last Reviewed/Updated:</b>	October 2, 2023
<b>Applies to:</b>	All Employees

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**Reason for Policy:** To implement [Article 8: Conduct of Members of the University Community](#) of the Laws of the Regents and [Regent Policy 8.A: Principles of Ethical Behavior](#) and [Regent Policy 8.B: Professional Employee Conduct – University Staff](#).

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**I. INTRODUCTION**

This Code of Conduct states the university's commitment to upholding the highest ethical, professional, and legal standards. As described below, University of Colorado employees must be cognizant of and comply with the relevant policies, standards, laws, and regulations that guide their work.

**II. POLICY STATEMENT****A. The University's Mission**

[Article 1.B: Mission of the University of Colorado](#) of the Laws of the Regents articulates the university's mission as follows: "The University of Colorado is a public research university with multiple campuses serving Colorado, the nation, and the world through leadership in high-quality education and professional training, public service, advancing research and knowledge, and state-of-the-art healthcare. Each campus has a distinct role and mission as provided by Colorado law."

**B. The University's Values and Ethical Commitment**

As members of the University of Colorado community, all employees are responsible for sustaining the highest ethical standards of this institution. As articulated in [Regent Policy 8.A: Principles of Ethical Behavior](#), the University of Colorado values ethical behavior, integrity, transparency, and accountability; and strives to integrate these values into its operations.

### C. Purpose of the Code of Conduct

The University of Colorado must earn and maintain a reputation for integrity that includes, but is not limited to, compliance with laws and regulations and with its contractual obligations. ~~Article 8, Part B: Ethical Conduct of the University of Colorado Community~~[Article 8, Part A: Ethical Conduct of the University of Colorado Community](#) of the Laws of the Regents, makes members of the university community responsible for understanding and upholding the highest standards of legal and ethical conduct. The Board of Regents promulgated [Regent Policy 8.A: Principles of Ethical Behavior](#) and [Regent Policy 8.B: – Professional Employee Conduct – University Staff](#) to set forth broad ethical expectations for the University of Colorado community.

This Code of Conduct is intended to: (i) implement [Article 8: Conduct of Members of the University Community](#) of the Laws of the Regents and [Regent Policy 8.A: Principles of Ethical Behavior](#) and [Regent Policy 8.B: Professional Employee Conduct – University Staff](#); (ii) further define the expectations for university employees; and (iii) provide guidance on the resources available to guide ethical behavior. This code identifies system-level policies that directly implement the Principles of Ethical Behavior, but this code is not an exhaustive or comprehensive collection of all policies that effectuate these principles. The system administration and the administration of each campus, schools, colleges, and departments have all adopted additional policies that complement and effectuate these principles. Each university employee bears responsibility to be familiar with all policies applicable to their position.

### D. Code of Conduct

#### 1. Responsible Conduct

University of Colorado employees are expected to conduct themselves ethically, and in compliance with all applicable laws, regulations, and university policies. University employees are expected to practice and model ethical and responsible behavior in all aspects of their work. Expected conduct includes conducting fair and principled business transactions; acting in good faith; being personally accountable for individual actions; conscientiously fulfilling obligations toward others; and demonstrating ethical standards of conduct ([Regent Policy 8.A.1: Responsible Conduct](#)).

- The university demonstrates its commitment to responsible conduct beginning during the hiring process, and through multiple statements of expected conduct in the workplace. University employees are subject to background checks upon receiving an offer of employment, pursuant to [APS 5050 – Background Checks](#), and as a condition of their offers of employment, must agree to comply with university laws and policies and with state and federal laws. During their employment, university employees must follow [APS 4016 – Fiscal Code of Ethics](#) and are subject to controls on their expenditure of university funds.<sup>1</sup>

#### 2. Respect for Others

The University of Colorado recognizes that people are the most important resource in accomplishing its mission. The University of Colorado values academic freedom, diversity, and respect for all persons. The university is committed to the principle of nondiscrimination and does not tolerate harassment on any basis, including race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, marital status, political affiliation, or political philosophy. Members of the university community are expected to treat colleagues, co-workers, and students<sup>2</sup> with respect, professionalism, and dignity in all interactions and communications ([Regent Policy 8.A.2: Respect for Others](#) and ~~Regent Policy 10.A: Diversity, Equity, and Inclusion~~[Regent Policy 9.A: Diversity, Equity, and Inclusion](#)).

- The regents have enshrined the principles of academic freedom and nondiscrimination in [Article 5.B: Academic Freedom](#) and ~~Article 8.A: Nondiscrimination~~[Article 9.A: Nondiscrimination](#) of the Laws of the Regents

<sup>1</sup> As outlined in [APS 4056 - Payment Card Compliance Program](#) and the [university's procurement rules](#).

<sup>2</sup> For purposes of this policy, all references to students include trainees and other learners.

- The university has adopted [APS 5001 – Equal Employment Opportunity and Affirmative Action](#) to ensure compliance with its commitment to equal opportunity and affirmative action.
- The university has adopted [APS 5014 – Sexual Misconduct, Intimate Partner Violence, and Stalking](#) to prohibit all forms of sexual misconduct, including as required under Title IX, and related retaliation.
- The university has adopted [APS 5059 – Workplace Bullying](#) to prohibit workplace bullying, including conduct that is threatening, humiliating or intimidating, work sabotage, and any related retaliation.
- The university has adopted [APS 5065 – Protected Class Nondiscrimination](#) to prohibit protected class discrimination and harassment on the basis of race, color, national origin, sex, age, disability, creed, religion, veteran status, marital status, political affiliation, political philosophy, pregnancy or related conditions, sexual orientation, gender identity and gender expression and related retaliation.

### 3. Conflicts of Interest

As a state institution, it is imperative for both legal and ethical reasons that university employees do not improperly benefit from their positions at the university. University employees are expected to avoid actual and perceived conflicts of interest related to their work and position. Actual or potential conflicts must be appropriately disclosed in accordance with university conflict of interest and conflict of commitment policies, so that such conflicts may be reviewed, and as appropriate, managed or eliminated. To avoid such conflicts, employees are responsible for seeking appropriate guidance.

Conflicts of interest may also arise in the context of gifts, travel, and entertainment. University employees are expected to conduct themselves so as to ensure that their positions are not misused for private gain with respect to the acceptance of gifts per the state law. Members of the university community may not solicit, accept, or agree to accept any benefit that is intended to influence the employee in the performance of their university duties ([Regent Policy 8.A.3: Conflicts of Interest](#)).

- The regents have adopted [Regent Policy 2.A: Conflict of Interest – Board of Regents](#) and [Regent Policy 2.J: Fiduciary Obligations](#) to ensure that individual regents fulfill their fiduciary obligations, serve the public trust and not allow personal or financial interests to impair their decisions in the university's interest.
- The regents have also acted to ensure that officers and university staff act in the university's best interest and that they disclose their outside interests per [Regent Policy 8.B: Professional Employee Conduct – University Staff](#).
- Conflicts of interest may also occur as a result of interpersonal relationships. To address these possibilities, the university has also adopted [APS 5003 – Nepotism in Employment](#) and [APS 5015 – Conflict of Interest in Cases of Amorous Relationships](#), that govern disclosure and management of amorous relationships and of nepotism in hiring and supervision.
- University employees and students engaged in research and teaching are subject to [APS 5012 – Conflicts of Interest and Commitment in Research and Teaching](#) which requires that each campus adopt a process by which the university's researchers and teachers disclose their outside financial interests.
- Some campuses, schools, and colleges within the University of Colorado System have developed additional conflict-of-interest policies addressing interactions with industry, receipt of gifts, meals, paid travel or pharmaceutical samples, disclosures of financial ties, ghost writing and speaking engagements. Employees, students and other learners and staff members are expected to understand and comply with these additional obligations.

#### 4. Research and Academic Integrity

Members of the university community have significant responsibility to ensure that research and academic work is conducted with the highest integrity, and in compliance with federal and state laws, and university policies. Academic freedom can flourish only in a community that values intellectual integrity. University of Colorado researchers and scholars are expected to follow campus policies when conducting research with human or animal subjects; and follow and demonstrate accountability for sponsors and regulatory body requirements. In addition, all members of the university community are to ensure originality of work, accurately and fairly publish information, and fairly assign authorship credit on the basis of intellectual contributions ([Regent Policy 8.A.4: Research and Academic Integrity](#)).

- [Regent Policy 5.B.2: Associated Responsibilities](#) provides that faculty members have the responsibility to: “maintain competence; to devote themselves to developing and improving their teaching, scholarship, research, creative work, clinical activities, writing, and speaking; and to act with integrity, in accordance with the highest standards of their profession.”
- Research and academic integrity are core university values, and the university has implemented robust compliance programs to actuate them. The university has adopted [APS 5012 – Conflicts of Interest and Commitment in Research and Teaching](#) to govern researcher’s and teacher’s disclosures of outside interests. Each campus also has a policy describing campus processes for collecting such information. [APS 1007 – Misconduct in Research, Scholarship, and Creative Activities](#) articulates expectations regarding research integrity and establishes the role of a Research Integrity Officer on each campus. Accordingly, each campus has a policy on research integrity, and a process for investigating allegations of research misconduct.
- Each campus also has an academic honor code regarding expectations of integrity in student work.

#### 5. Stewardship of University Property

The university is committed to responsible stewardship of university resources, and employees are expected to ensure that university property, funds, and technology are used and disposed of appropriately. These responsibilities include using and disposing of university property, equipment, and resources only for legitimate university purposes; promoting efficient operations; following sound financial practices; and engaging in appropriate accounting and monitoring.

University property includes the university seal, name, and logo. The university regulates the use of its seal, name and related trademarks and logos in order to protect the university's reputation and to ensure that their use is related to the university's educational, research, community service, and patient care missions ([Regent Policy 8.A.5: Stewardship of University Property](#)).

##### University Property

- Pursuant to [Article 14.B.3: Campus Regulations Regarding Use](#) of the Laws of the Regents, the chancellor of each campus shall adopt procedures and regulations governing the use of university facilities on each campus.

##### University Brand

- Stewardship of the university’s brand and trademarks are addressed in multiple policies, including [APS 2025 – University Brand Identity and Logo Usage](#), [APS 2026 – University Trademarks, Trade Names and Service Marks](#), [Article 2.C: University Seal](#) of the Laws of the Regents and [Regent Policy 14.A: Use of the University Seal](#) on use of the university seal, and [Regent Policy 14.B: Use of University's Name and Marks in Advertising and Marketing by External Entities](#) on use of the university’s name in advertising.

### University Funds

- The university has vested authority for university financial accounts with the treasurer, and has provided in [APS 4004 – Bank Account and Investment Account Restrictions](#) that only the treasurer can hold such accounts in the university's name.
- The university controller has adopted [fiscal procedures](#) to govern the expenditure of university funds and the process for entering contracts. The university's chief procurement officer has adopted [procurement rules](#), and a [procurement code of ethics](#), to provide for the purchase of goods to be used in university business, and to ensure that such purchases are made in an ethical fashion.

### University Technology

- The university protects its information technology resources through multiple policies, including those provided in [APS 6005 – IT Security Program](#).

### Intellectual Property

- The university has adopted a comprehensive scheme regarding intellectual property (including educational materials) while also providing for the commercialization of discoveries and inventions. This is provided in [APS 1013 – Intellectual Property Policy on Discoveries and Patents for Their Protection and Commercialization](#), [APS 1014 – Intellectual Property That is Educational Materials](#), [Regent Policy 5.K: Intellectual Property that is Educational Material](#), [Regent Policy 5.H: Intellectual Property that is Educational Material](#) and ~~[Regent Policy 5.J: Intellectual Property on Discoveries and Patents for their Protection and Commercialization](#)~~, [Regent Policy 5.I: Intellectual Property on Discoveries and Patents for their Protection and Commercialization](#).

## 6. Contributing to a Safe Workplace

The University of Colorado is committed to protecting the health and safety of the university community and creating a safe working and learning environment. Safe workplace practices include participating in applicable training sessions, using appropriate personal safety equipment, and reporting accidents, injuries, and unsafe situations. Members of the University community are expected to conduct their activities in an environmentally responsible manner. This includes carefully handling chemical, radioactive and biological waste, and disposing of hazardous waste and other potentially harmful agents in an environmentally safe manner.

The illegal use and possession of controlled substances and the possession of firearms, explosives, and other weapons on university premises compromises the safety of the university community. The University of Colorado prohibits the unlawful manufacture, distribution, possession, or use of controlled substances and the unlawful possession of weapons in or on any premises or property owned or controlled by the University of Colorado ([Regent Policy 8.A.6: Contributing to a Safe Workplace](#)).

- Each campus has enacted a comprehensive environmental health and safety program to ensure a safe working and learning environment, programs that include extensive training components, use of appropriate personal safety equipment and practices, and avoiding and reporting injuries and unsafe conditions.
- Pursuant to [APS 7008 – Student Behaviors of Concern](#), each campus has convened a Behavioral Evaluation and Threat Assessment team to evaluate reports of concerning behaviors and to intervene where appropriate. Additionally, [Article 14.B.6: Exclusion of Persons from University Property](#) of the Laws of the Regents, directs the campus chancellors to adopt policies regarding the exclusion of individuals who may present a danger to the university community.
- The university's weapons policy appears in ~~[Regent Policy 14.I: Weapons Control](#)~~ [Regent Policy 14.E: Weapons Control](#).
- The university complies with the federal Drug-Free Schools and Communities Act, and each campus



has adopted relevant policies governing student and employee conduct to ensure a drug-free learning environment.

## 7. Privacy and Confidentiality

University employees are the creators and custodians of many types of information. Such information may relate to students, employees, alumni, donors, research sponsors, patients, and others. Employees are expected to comply with applicable legal, contractual, and policy obligations to maintain the confidentiality of such information, protect it from improper disclosure, and protect the privacy interests of individuals. To meet these responsibilities, university employees are expected to follow document preservation and retention guidelines, and maintain data security using electronic and physical safeguards ([Regent Policy 8.A.7: Privacy and Confidentiality](#)).

- The university collects and utilizes personal information for many educational and business functions, and it is committed to safeguarding such data.
- University employees and departments are expected to adhere to [APS 2006 – Retention of University Records](#). In order to secure the university’s electronic information, the university has adopted a suite of policies regarding information technology security, [APS 6005 – IT Security Program](#).
- To ensure student privacy, the university adheres to the Family Education Rights and Privacy Act (FERPA). The university also safeguards health patient data consistent with applicable provisions of the Health Insurance Portability and Accountability Act (HIPAA). In addition, the university has adopted policies governing personal data relating to students and customers ([APS 7003 – Collection of Personal Data from Students and Customers](#)) and patients ([APS 5055 – HIPAA Hybrid Entity Designation](#)).

## 8. Open and Effective Communication

Except as limited by [Regent Policy 8.A.7: Privacy and Confidentiality](#), the University of Colorado is committed to open communication and an environment of transparency. Communicating openly with both internal and external constituents improves relationships and allows the university to operate more effectively. Employees who have questions about a policy, decision, or activity are encouraged to discuss the issue with the individual(s) directly involved before discussing it with others. Supervisors are expected to respond in a timely manner to concerns and communicate with all individuals involved in the matter. The university is committed to providing the community with accurate information regarding the business and affairs of the university. For this reason, and in order to provide a coordinated, accurate, and timely response, all media and legislative inquiries should be directed to the Office of University Relations.

In furtherance of this principle, no employee of the university shall suffer punishment or prejudice in employment because of communications with members of the Board of Regents. ([Regent Policy 8.A.8: Open and Effective Communication](#)).

- The university fosters a culture of transparency in its governance and its administration. Specifically, it implements this principle through [APS 2022 – Colorado Open Records Act \(CORA\)](#) and through [Article 2.B: Meetings](#) of the Laws of the Regents, that provides for regular and open meetings of the Board of Regents.
- In addition, the university’s system administration regularly communicates about key administrative developments through available channels such as the CU Connections newsletter.

## 9. Reporting Suspected Misconduct (Whistleblower Policy)

The University of Colorado is committed to meeting federal and state legal requirements and fostering a culture of compliance. University employees are expected to report known and suspected violations of university policies, as well as violations of applicable laws and regulations to appropriate offices. The university provides several options for reporting violations. Employees are encouraged to first report any



known or suspected violations to their direct supervisor, unless reporting is required to an appropriate office. Fraud, theft, embezzlement, abuse, or waste may be reported to the University Department of Internal Audit. The university's Ethics Hotline (see below) allows individuals to anonymously report concerns involving a possible violation of law, regulation, or policy. All university employees who act in good faith in reporting known or suspected violations of law or university policy are protected from retaliation ([Regent Policy 8.A.9: Reporting Suspected Misconduct \(Whistleblower Policy\)](#)).

- The regents have articulated their expectations that employees will report suspected fiscal misconduct ([Regent Policy 13.E: Fiscal Misconduct](#)) which the administration has elaborated through [APS 4012 – Fiscal Misconduct Reporting](#).
- University employees may report suspected misconduct through multiple channels. Often, an employee can report concerns about potential misconduct directly to their supervisors. However, for certain kinds of misconduct or for concerns of a sensitive nature, the university maintains an [EthicsLine](#). Concerns about suspected fiscal misconduct can also be reported to the contacts listed [here](#). Additionally, each campus maintains procedures by which employees may submit reports of possible discrimination, harassment, bullying, sexual misconduct, intimate partner abuse, or stalking.

### III. RELATED POLICIES AND OTHER RESOURCES

#### A. Regent Laws and Policies

- Source of Authority:
  - [Article 1: University of Colorado Legal Origin, Mission, Policy Framework and Freedom](#) of the Laws of the Regents
  - [Regent Policy 8.A: Principles of Ethical Behavior](#)
  - [Regent Policy 8.B: Professional Employee Conduct – University Staff](#)
- References to multiple discrete regent laws, regent policies, and administrative policy statements are contained throughout this document.

#### B. [Ethics and Compliance Campus Contacts](#)

- C. [Principles of Ethical Behavior Website](#) – a site with links to policies, procedures, guidelines, and training related to ethical behavior at the University of Colorado.

### IV. HISTORY

- Adopted: November 17, 2016.
- Revised: October 1, 2018 (to coordinate changes implemented to APS 5014 – Sexual Misconduct, Intimate Partner Abuse and Stalking); June 18, 2020 (to update references and links related to the revisions to regent article 8 and policy 8 concerning conduct); July 1, 2020 (to update references and links related to the revisions to regent article 5 and policy 5 concerning faculty); August 14, 2020 (to reflect changes implemented to APS 5014 – Sexual Misconduct, Intimate Partner Violence, and Stalking); October 2, 2023 – Added “marital status” to section II.D.2 to comply with state law; October 30, 2024 – Updated to reflect recent changes to Regent Policy 10.A: Diversity, Equity, and Inclusion ([now regent policy 9.A](#)), APS 5014 – Sexual Misconduct, Intimate Partner Violence, and Stalking, and APS 5065 – Protected Class Nondiscrimination.
- Last Reviewed: October 2, 2023.
- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Article 8, Part B: Ethical Conduct of the University of Colorado Community renumbered to Article 8, Part A: Ethical Conduct of the University of Colorado Community; Regent Policy 10.A: Diversity, Equity, and Inclusion renumbered to Regent Policy 9.A: Diversity, Equity, and Inclusion; Article 8.A: Nondiscrimination renumbered to Article 9.A: Nondiscrimination; Regent Policy 5.K: Intellectual Property that is Educational Material renumbered to Regent Policy 5.H: Intellectual Property that is Educational Material; Regent Policy 5.J: Intellectual Property Related to Discoveries and Patents for Their Protection and Commercialization renumbered to Regent Policy 5.I: Intellectual Property Related to Discoveries and Patents for Their Protection and Commercialization; Regent Policy 14.I: Weapons Control renumbered to Regent Policy 14.E: Weapons Control\).](#)



## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Official University Statements

**APS Number:** 2028

**APS Functional Area:** **ADMINISTRATIVE/GENERAL**

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<b>Brief Description:</b>	This policy requires each campus to publish a disclaimer on its website.
<b>Effective:</b>	April 30, 2025
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	Vice President, University Counsel
<b>Responsible Office:</b>	Office of University Counsel
<b>Policy Contact:</b>	Office of University Counsel
<b>Supersedes:</b>	N/A
<b>Last Reviewed/Updated:</b>	April 30, 2025
<b>Applies to:</b>	All campuses

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**Reason for Policy:** To implement regent law and policy.

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### I. POLICY STATEMENT

State law and existing regent laws and policies establish that the Board of Regents has the sole authority to articulate the university's position on matters of social and political concern. This authority may be expressly delegated by the board to the president, and further delegated by the president to the chancellors to adopt and express such positions and opinions on behalf of a campus.

Other members of the university community, for example, shared governance bodies, may express their own opinions consistent with applicable laws, policies, and resolutions, such as [Article 1.E: Freedom of Expression](#), [Article 1.D: Freedom of Expression](#), [Regent Policy 1.D: Freedom of Expression](#), [Regent Policy 1.C: Freedom of Expression](#), and the [Regent Resolution on Statements of Public Concern](#). Each campus must post a disclaimer in a visible location on the campus website to make clear that such statements are the expression only of the individual or group of individuals authoring them and are not statements on behalf of the university or the campus.

### II. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

#### A. Related Policies and Other Resources

1. [Article 1.E: Freedom of Expression](#) [Article 1.D: Freedom of Expression](#)
2. [Regent Policy 1.D: Freedom of Expression](#) [Regent Policy 1.C: Freedom of Expression](#)
3. [Regent Resolution on Statements of Public Concern](#)

### III. HISTORY

- Adopted: April 30, 2025.
- Revised: N/A.
- Last Reviewed: April 30, 2025.

- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Article 1, Part E: Freedom of Expression renumbered to Article 1, Part D: Freedom of Expression; Regent Policy 1.D: Freedom of Expression renumbered to Regent Policy 1.C: Freedom of Expression\).](#)

## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Functional and Honorary Naming of University Facilities and Programmatic Units

**APS Number:** 3004

**APS Functional Area:** **FACILITIES**

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<b>Brief Description:</b>	This policy delegates authority and provides guidance for naming university facilities and programmatic units.
<b>Effective:</b>	February 10, 2022
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	Acting Chief Financial Officer
<b>Responsible Office:</b>	Acting Chief Financial Officer
<b>Policy Contact:</b>	Senior Director of Capital Assets, 303-860-6205
<b>Supersedes:</b>	N/A
<b>Last Reviewed/Updated:</b>	February 10, 2022
<b>Applies to:</b>	All Campuses

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**Reason for Policy:** This policy guides the process for naming university facilities and programmatic units.

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### I. INTRODUCTION AND SCOPE

Pursuant to regent policy [44-J14.C](#), honorary names for *major facilities* and *programmatic units* shall require approval of the Board of Regents. This policy provides additional criteria for naming university facilities and *programmatic units*. The policy delegates the authority for determining **functional names** for university facilities and *programmatic units* to the chancellors. The policy provides criteria for the **honorary naming** of *major facilities* and *programmatic units*. Additionally, the policy requires the campuses to create any necessary policies and procedures to govern other honorary naming opportunities beyond those outlined in regent policy [44-J14.C](#). Finally, the policy provides guidance for reversal of any of these other honorary naming decisions.

Italicized terms used in this Administrative Policy Statement (APS) are defined in regent policy [44-J14.C.5](#) and excerpted in section III: Definitions in this policy.

### II. POLICY STATEMENT

#### A. Approvals and Process for Determining Functional Names for University Facilities and *Programmatic Units*

1. The chancellors shall approve the functional name for each university facility and *programmatic unit*. Each new university facility and *programmatic unit* shall be given a functional name that is reasonably descriptive of its principal activity or purpose.
2. The chancellors shall develop a process for categorizing campus functions and for developing appropriate functional names. The campus Long-Range Facilities Master Plan may provide guidance in developing the functional names of university facilities.

## B. Honorary Naming of *Major Facilities* and *Programmatic Units*

### 1. Criteria for honorary names in recognition of service to the university.

Naming in recognition of individuals who have made substantial contributions to the university as a member of its faculty, staff, administration, or governing board; or an alumni or university stakeholder of highest distinction in an academic, professional, or public service role, who has maintained close ties to the university; is subject to the following criteria:

- a. Factors to consider when determining if it is appropriate to name a *major facility* or *programmatic unit* in recognition of service to the university include, but are not limited to:
  - i. length and quality of service to the university;
  - ii. impact on and significance to the university; and
  - iii. professional and/or academic achievement.
- b. Naming a *major facility* or *programmatic unit* in honor of a retired faculty, staff or administrator may not be proposed earlier than five years after the date of the individual's retirement. The president may approve exceptions to this criterion.
- c. If a facility is to be named for a deceased individual, a minimum of five years should pass between the date of death and the naming, so that the naming may be considered more objectively. The president may approve exceptions to this criterion.

### 2. Criteria for honorary names in recognition of benefactors to the university.

- a. The university may name a *major facility* in recognition of a benefactor who has made a substantial contribution toward the construction, renovation and/or maintenance of the facility. Because of the durable and public nature of *major facilities*, facility naming should only be offered to benefactors that act in a way that upholds values that preserve human dignity and the educational ideals of the university, as provided in regent law and policy. The following factors will be considered when naming a major university facility:
  - i. When naming a *major facility* in recognition of a gift, the size of the gift should be relative to the cost of the facility regardless of the actual source of construction or renovation funding.
  - ii. For *major facilities*, a substantial financial contribution equivalent to at least 25 percent of the replacement or construction cost of the facility is recommended. A lesser percentage may be deemed to be substantial if that contribution makes possible the construction, renovation, or maintenance of a *major facility*. A greater percentage may be required on a case-by-case basis if the facility is to be constructed entirely with private support. In addition to a financial contribution to the construction, renovation or maintenance of a *major facility*, the university may also consider the following when awarding naming opportunities for *major facilities*:
    - the value of the facility relative to other named facilities on campus;
    - the giving capacity for potential benefactors to the facility;
    - the marketability of the facility based on the use of the facility;
    - the marketability of the facility based on the age of the facility. (Named spaces are the most marketable during and directly after the construction is complete.);
    - the ability of a lead benefactor to attract additional contributions to the facility; and
    - a benefactor's lifetime giving to the relevant campus and/or *programmatic units* housed within the facility.

- iii. *Major facilities* can be named after an individual or family that is important to the success of a *corporation or organization*.
  - iv. In certain circumstances, the university may consider naming a *major facility* after a *corporation or organization*. In order to consider naming a *major facility* after a *corporation or organization*, the *corporation or organization* must have:
    - values that align with those of the university;
    - stature in its respective industry and/or community;
    - a historical reputation of the highest moral standing; and
    - anticipated longevity in the industry.
  - b. The university may name a *programmatic unit* in recognition of a benefactor who has made a substantial contribution that elevates the stature of the *programmatic unit*. Because of the constant and public nature of *programmatic unit* namings, programmatic namings should only be offered to benefactors that act in a way that upholds values that preserve human dignity and the educational ideals of the university, as provided in regent law and policy.
    - i. For *programmatic units*, namings should be offered to benefactors whose contribution is substantial enough to transform a programmatic unit and/or meaningfully enhance the stature of the unit. The determination of whether a contribution is substantial will be considered on a case-by-case basis, taking into consideration the long-term financial needs of the program, the importance of the program to the university's strategic objectives, and the levels of similar naming gifts at the relevant campus or its peer institutions.
      - *Programmatic units* may be named after individuals or families important to the success of the *corporation or organization*.
    - ii. In certain circumstances, *programmatic units* may be named for a *corporation or organization*. In order to consider naming a *programmatic unit* after a *corporation or organization*, the *corporation or organization* must have:
      - values that align with those of the university;
      - stature in its respective industry and/or community;
      - a historical reputation of the highest moral standing; and
      - anticipated longevity in the industry.
- C. Campus Policy for all Other Honorary Naming Opportunities:
- 1. The president delegates the authority to the campus chancellors for all other campus honorary naming opportunities, beyond *major facilities* and *programmatic units*.
  - 2. The campuses must develop any policies and procedures necessary to govern all other honorary naming opportunities.
  - 3. The campuses must consider the following when developing their policies and procedures:
    - a. Fund minimums established through the University of Colorado Foundation's relevant policies;
    - b. Funding amounts required to support a giving opportunity's intended purpose (i.e., scholarship, fellowships, chairs, professorships, etc.);

- c. The potential reputational impact of the honorary naming; and
- d. Other criteria, as applicable, outlined in section II.B.

D. Duration of Other Honorary Names and Changes to or Removal of Those Names

1. For physical spaces, an honorary name will generally remain for the functional life of the named space, or as is documented in the appropriate gift instrument.
2. For programmatic units, an honorary name is generally offered for as long as the program exists, or as is documented in the appropriate gift instrument.
3. When determined by the chancellor or president to be necessary, removal of an honorary name for anything other than a *major facility* or *programmatic unit* will follow the principles outlined in regent policy ~~14.J.3.D~~ [14.C.3\(D\)](#).

E. Signage

All signage associated with functional names and honorary names shall be designed consistent with campus policies and university branding standards. Some signage may also be subject to the University Design Review Board review process, as outlined in Appendix C of [APS 3002 – Capital Construction Planning and Projects](#).

### III. DEFINITIONS

*Italicized terms* used in this APS are defined in regent policy ~~14.J.5~~ [14.C.5](#) and excerpted below.

- A. *Major facilities* typically include buildings, building wings, and building additions; and may also include facilities such as recreational fields, plazas, fountains, roadways, walkways, quadrangles or other similar campus infrastructure, as determined by the president and each campus chancellor.
- B. *Programmatic units* typically include schools or colleges, institutes, and departments; and may also include units such as divisions, degree-granting interdisciplinary units, centers, or other similar operational areas of the university, as determined by the president and each campus chancellor.
- C. *Corporations and organizations* include entities engaged in business or activities separate from the university.

### IV. RELATED POLICIES

- A. ~~[Regent Policy 14.J: Naming University Facilities](#)~~ [Regent Policy 14.C: Naming University Facilities](#)

### V. HISTORY

- Adopted: February 3, 2022, became effective February 10, 2022, with the Board of Regents' approval of the revisions to Regent Policy 14.J: Naming University Facilities ([now regent policy 14.C](#)).
- Revised: N/A.
- Last Reviewed: February 10, 2022.
- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 14.J: Naming University Facilities renumbered to Regent Policy 14.C: Naming University Facilities\).](#)

## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Equal Employment Opportunity and Affirmative Action

**APS Number:** 5001

**APS Functional Area:** **HUMAN RESOURCES**

<b>Brief Description:</b>	Affirmation of the University of Colorado's commitment to ensuring equal employment opportunity in all employment practices and to take affirmative action with respect to qualified individuals from underrepresented groups.
<b>Effective:</b>	January 1, 2021
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	System Chief Human Resources Officer
<b>Responsible Office:</b>	System Chief Human Resources Officer
<b>Policy Contact:</b>	System Chief Human Resources Officer
<b>Supersedes:</b>	Affirmative Action, Title IX, and Section 504 Programs, November 27, 1989
<b>Last Reviewed/Updated:</b>	January 1, 2011
<b>Applies to:</b>	All employees of and applicants for employment at the University of Colorado

**Reason for Policy:** Affirmation of the University of Colorado's commitment to ensuring equal employment opportunity in all employment practices and achieving full equal opportunity and affirmative action for all applicants and employees. This policy outlines the responsibilities of the Affirmative Action Officers and of all levels of management on each campus and at system administration in ensuring equal opportunity and affirmative action in employment matters.

### I. INTRODUCTION

This administrative policy statement (APS) affirms the University of Colorado's commitment to ensuring equal employment opportunity in all employment practices for all employees and applicants for employment at the University of Colorado and taking affirmative action with respect to qualified individuals from underrepresented groups.

### II. POLICY STATEMENT

- A. The University of Colorado ensures equal employment opportunity for all employees and applicants for employment at the University of Colorado.

In accordance with applicable federal, state and local law, and [Article 8 of the Laws of the Regents](#) [Article 9 of the Laws of the Regents](#), the University of Colorado does not engage in employment discrimination or harassment against any employee or applicant for employment on the basis of race, color, national origin, sex, pregnancy, age, disability, genetic information, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, political philosophy, or any other characteristic protected by federal, state or local law. The University of Colorado prohibits and will not tolerate any such discrimination or harassment.

This policy extends to every phase of the employment process and to all terms and conditions of employment, including without limitation, recruiting, hiring, training, promoting, compensation, benefits, transfers, layoffs, recalls, termination, and university-sponsored programs. All employment and promotion decisions are made on the basis of job-related criteria, recognizing the principle of equal employment opportunity. All employees,



managers, supervisors, and third parties are expected to adhere to the University of Colorado's equal employment opportunity policy. Any employee who violates this policy shall be subject to appropriate disciplinary action, up to and including termination of employment.

In addition, the University of Colorado takes affirmative action to employ and advance in employment qualified women, people of color, individuals with disabilities, and veterans. The University of Colorado takes affirmative action pursuant to its obligations as a federal contractor under the following federal laws and regulations:

1. the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, and its associated regulations; and
2. Section 503 of the Rehabilitation Act of 1973, as amended, and its associated regulations.

#### B. Affirmative Action

To ensure compliance with the federal laws and regulations cited above and the success of the University of Colorado's affirmative action programs, each University of Colorado campus chancellor and the president for system administration will:

1. Assign responsibility and accountability for their campus's or system administration's affirmative action program to an individual who possesses the necessary authority and resources and the support of and access to top management. This individual, hereinafter the affirmative action officer, will be responsible for:
  - a. Developing, implementing, and updating on an annual basis a written Affirmative Action Plan (AAP) that outlines the steps that campuses or system administration will take and have taken to ensure equal employment opportunity in the employment process.
  - b. Setting affirmative action goals for the campus or system administration and monitoring the progress made toward achieving those goals.
  - c. Advising all levels of management (including division heads, deans, faculty chairs, department directors, and other employees with supervisory responsibilities) about affirmative action goals set in their areas and collaborating with management to develop action-oriented initiatives to meet those affirmative action goals.
  - d. Maintaining awareness of and ensuring compliance with this APS, and any related campus or system administration-specific policy, by faculty and staff.
  - e. Reviewing and providing guidance on employment processes, including but not limited to recruitment, selection, promotion, separation, and compensation practices, to ensure that equal access is afforded to all qualified individuals.
  - f. Serving as a liaison to and handling audits by federal enforcement agencies.
  - g. Acting as a campus or system administration resource and educator on affirmative action issues.
2. Ensure that all levels of management at each campus or system administration:
  - a. Inform their employees of the existence of this policy and any related campus or system administration-specific policies and affirm their commitment to the University of Colorado's goal of creating and maintaining a diverse workforce at each of its locations.
  - b. Make employment decisions that are consistent with this policy and any related campus or system administration-specific policy.
  - c. Work with their Affirmative Action Officer to learn about any affirmative action goals that have been set in their area and assist the Affirmative Action Officer in implementing action-oriented initiatives to meet those goals.

- d. Educate and encourage employees to bring protected class discrimination, harassment, equal employment opportunity, and affirmative action concerns to the attention of management and the individual or office at each campus or system administration charged with investigating and/or resolving complaints of this nature and ensure that no individual is subject to retaliation for bringing such concerns forward.

### III. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

#### A. EEO/Affirmative Action Campus Policies:

- CU Boulder - [Equal Employment Opportunity/Affirmative Action Policy](#)
- CU Colorado Springs - [UCCS Discrimination and Harassment Policy](#)

### IV. HISTORY

- Adopted: October 1, 1976 – Affirmative Action and Title IX Programs – Authority and Responsibility.
- Revised: November 27, 1989 – Affirmative Action, Title IX, and Section 504 Programs; January 1, 2011 – Equal Employment Opportunity and Affirmative Action; Section II.A was revised on September 17, 2013, to be consistent with changes adopted by the Board of Regents on September 17, 2013, to include gender identity, gender expression, political affiliation, and political philosophy as part of Article 10 (now Article 89) of the Laws of the Regents relating to its nondiscrimination statement; December 2, 2021, revised for changes related to the Equal Pay Act and made retroactive to January 1, 2021; May 30, 2025 - Limited Review in 2025 with revisions made related to rescindment of Executive Order 11246 only.
- Last Reviewed: January 1, 2011. (Limited Review in 2025 with revisions made related to rescindment of Executive Order 11246 only.)
- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Article 8, Part A: Nondiscrimination renumbered to Article 9, Part A: Nondiscrimination\).](#)

## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Student Employee Retirement Plan

**APS Number:** 5011

**APS Functional Area:** **HUMAN RESOURCES**

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<b>Brief Description:</b>	Describes policy and procedures for administering the student employee retirement plan.
<b>Effective:</b>	July 11, 2016
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Vice President, Employee and Information Services
<b>Responsible Office:</b>	Vice President, Employee and Information Services
<b>Policy Contact:</b>	Employee Services will provide guidance regarding interpretation of this policy.
<b>Supersedes:</b>	June 1, 2008
<b>Last Reviewed/Updated:</b>	January 8, 2018
<b>Applies to:</b>	University-wide

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**Reason for Policy:** To provide guidelines for the CU Student Employee Retirement Plan for student employees who are not exempt from participation in a retirement plan as provided by federal and state laws.

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### I. INTRODUCTION

Students employed in certain job classifications at the University of Colorado are exempt from the State Personnel System and its employee classifications by the Colorado Constitution, Section 13(2) of Article XII. Additionally, the University's Optional Retirement Plan document and Colorado Revised Statutes 24-51-310(1)(a)(I) exempt student employees from participation in the University's Optional Retirement Plan or the Public Employees Retirement Association (PERA) plan.

For employees in student job classifications at the University of Colorado who do not meet the conditions of exemption for participation in a retirement plan established by the Internal Revenue Code or Treasury Regulation, House Bill 93-1328 (Colorado statute) provides a Student Employee Retirement Plan as an alternative to social security. Representatives from the Colorado Commission of Higher Education and governing boards of higher education institutions in Colorado administer the Student Employee Retirement Plan to ensure it meets minimum federal standards to qualify as a retirement plan.

At its meeting of April 15, 1993, the Board of Regents approved the Student Employee Retirement Plan for student employees who are not exempt from participation in a retirement plan. Regent ~~ad~~ policy ~~11.F.21.D.2~~ forms the basis for this administrative policy statement and for the conditions of participation in the Student Employee Retirement Plan. The policy states: "Eligible Employees shall be enrolled in a retirement program as provided by applicable state plan or as authorized by the Board of Regents."

This administrative policy statement addresses social security tax and related withholding issues associated with employees in student job classifications. Specifically, it explains which employees are eligible for the student FICA exception and thus are not subject to the Student Employee Retirement Plan and Medicare tax withholding.

Employees at the University who qualify as students under IRS guidelines are generally exempt from mandatory alternate retirement plan withholding (i.e., the Student Employee Retirement Plan) and Medicare tax withholding.

Student employees who work for the University of Colorado may qualify as students under IRS guidelines - and exemption from the Student Employee Retirement Plan - on the basis of their employment at the University of Colorado. However, student employees who are enrolled in high school, trade school, or any schools other than the University of Colorado, are subject to the Student Employee Retirement Plan.

The Chancellors are responsible for implementing and enforcing this policy on their campuses. The campuses are responsible for monitoring employees in student job classifications on the student payroll for compliance with IRS and University guidelines. All employees in student job classifications on the student payroll must be evaluated at the end of the "add/drop" period for each academic term to verify student status during that term. Documentation of the student status evaluation will reside in the hiring department.

## **II. POLICY STATEMENT**

Students are employed by units of the University of Colorado to assist with a variety of activities in support of our missions of teaching and research. The University recognizes that all units, which hire students, do so with the commitment to recognize and support that student employees are, in fact, students first. As such, it is incumbent upon all faculty and staff to ensure that student employees are not given excessive workloads or multiple appointments that interfere with or adversely affect a student's academic progress.

## **III. PROCEDURES, FORMS, GUIDELINES AND RESOURCES**

### **A. Procedures**

Upon the date of hire of a student and/or as of the end of the "add/drop" period for each academic term, the hiring authority must make a determination regarding enrollment of the student employee(s) in the Student Employee Retirement Plan based on the following conditions:

1. If a student employee is a full-time employee whose normal weekly work schedule is 40 hours or more, the student employee will be subject to the Student Employee Retirement Plan, regardless of his or her enrollment status.
2. If the student employee does not normally work 40 or more hours per week and is enrolled in University courses that meet or exceed the credit hours for the appropriate half-time student status per semester/quarter or other equivalent academic term described below, the student employee is exempt from enrollment in the Student Employee Retirement Plan for that semester/quarter or academic term. Determination of student status will be made each pay period using the information sent to Employee Services by the campuses. The campuses shall begin to send to Employee Services information for the upcoming semester after the last semester ends. Student employees, who are enrolled in high school, trade school, or any schools other than the University of Colorado, are subject to the Student Employee Retirement Plan.
  - a. Undergraduate half-time status
    - (1) Six (6) credit hours during the fall semester
    - (2) Six (6) credit hours during the spring semester
    - (3) Six (6) credit hours during the summer semester
    - (4) Appropriate credit hours equivalent to six (6) semester credit hours during each academic term as defined by the school
    - (5) If the student employee is in the last academic term of a course of study requiring at least two academic terms to complete and is enrolled in the number of credit hours needed to complete the degree requirements, the student will qualify for exemption from the Student Employee Retirement Plan for that academic term, even if the student employee is enrolled in less than the number of hours stated in (1) through (4).
  - b. Graduate half-time status
    - (1) Three (3) credit hours during the fall semester
    - (2) Three (3) credit hours during the spring semester
    - (3) Three (3) credit hours during the summer semester

- (4) Appropriate credit hours equivalent to three (3) semester credit hours during each academic term as defined by the school
  - (5) If the student employee is in the last academic term of a course of study requiring at least two academic terms to complete and is enrolled in the number of credit hours needed to complete the degree requirements, the student will qualify for exemption from the Student Employee Retirement Plan for that academic term, even if the student employee is enrolled in less than the number of hours stated in (1) through (4).
  - (6) Dissertation or thesis - a graduate student who has completed all the academic classes required for the advanced degree, and whose remaining enrollment consists of one (1) credit hour for purposes of completion of the dissertation or thesis, will be considered as a graduate student with half-time status for purposes of the Student Employee Retirement Plan.
3. Student status may be continued during periods of enrollment inactivity if not greater than five weeks, and employment may be pursued or continued in University-defined student employee job classifications. However, these students must be enrolled in the Student Employee Retirement Plan if either of the following conditions exists:
    - a. New students with intentions of pursuing a course of study with the institution at the next available scheduled opportunity may pursue employment with the University one academic term prior to enrollment. The student must provide the hiring authority with proof of acceptance by the institution to enroll or have an enrollment confirmation for the next academic term.
    - b. Continuing students following prescribed institution schedules for their pursuit of study may seek or continue employment with the University for one academic term. For example, this condition is intended to address those students not enrolled or attending the summer semester but who will continue their study in the fall semester.
  4. Upon graduation or receipt of a professional license or certification, the status of student, as defined, is terminated as of the end of that semester/quarter academic term. Further employment by the hiring authority must be accomplished through regular University employee classifications and hiring procedures.

#### **B. Educational Resources**

Announced on the Employee Services website and in other campus outreach activities.

### **IV. DEFINITIONS**

Italicized terms used in this Administrative Policy Statement are defined in the Administrative Policy Statement [Glossary](#). Underlined terms specific to this policy, which are not found in other Administrative Policy Statements, are defined below.

For the purpose of this administrative policy statement, the following definitions are provided:

1. Career employee: an individual performing services for the University of Colorado who is classified by the University as a career employee; or is eligible to participate in any retirement plan described in Section 401(a) of the Internal Revenue Code (other than the Student Employee Retirement Plan described herein) that is established or maintained by the University, or would be eligible to participate if age and service requirements were met; or is eligible for reduced tuition (other than tuition remission provided pursuant to Section 117(d)(5) of the Internal Revenue Code to a teaching or research assistant who is a graduate student).
2. Full-time employee: A full-time employee is one who is classified as full-time by the University under the University's standards and practices or whose normal weekly work schedule is 40 hours or more. An employee's normal work schedule is not affected by increases in hours worked caused by work demands unforeseen at the start of an academic term. An employee's work schedule during academic breaks is not considered.
3. Graduate or professional student: a student who:
  - a. Is enrolled at the University for the purpose of obtaining a degree, certificate, or other recognized educational credential above the baccalaureate level or is enrolled in a program leading to a professional degree;

- b. Has completed the equivalent of at least three years of full-time study at an institution of higher education either prior to entrance into the program or as part of the program itself; and
  - c. Is not a postdoctoral student, postdoctoral fellow, medical resident, or medical intern.
4. Hiring authority: the person(s) or department delegated authority by the campus Chancellor or by the University President for employing a student(s) in University designated student employee job classifications and who is responsible for initiating the necessary information to pay the students(s).
  5. Semester/quarter: provides students with a progressive and continuously defined course of study to achieve educational goals. The University provides and operates three consecutive semesters and/or four quarters annually.

The University defines the duration of each semester/quarter, the periods of student class attendance, study, examination, and intermittent breaks within each semester/quarter.

6. Student: a person enrolled or pursuing enrollment for the purpose of pursuing a course of study by obtaining course credit, a degree, a certificate, and/or a license within set academic standards defined by the institution.

Course curriculum, as defined by each school or college within the institution, will determine whether the student is required to regularly attend class, pursue study independently, perform internships, and/or complete residency requirements.

7. Student employee: an individual who is not a career employee and performs service for the University as an incident to and for the purpose of pursuing a course of study. Employment in student employment job classifications as defined by the University is predicated on student status.
8. Student Employee Retirement Plan: a 403(b) Defined Contribution Plan (as described in section 403(b) of the Internal Revenue Code). Contributions to the Plan are 7.5% of the student employee's wages.

## V. HISTORY

Initial Policy Effective: May 1, 1993

Revised: May 15, 1994

Revised: January 1, 1999

Revised: June 1, 2008

Non-substantive edits: June 1, 2013

Revised and renamed July 11, 2016

Reviewed and Non-substantive edits: January 8, 2018

[Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 11.F: Benefits renumbered to Regent Policy 11.D: Benefits\).](#)

## VII. Key Words

Student, retirement, tax

**ADMINISTRATIVE POLICY STATEMENT****Policy Title:** Faculty Retirement Agreements**APS Number:** 5016**APS Functional Area:** **HUMAN RESOURCES**

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<b>Brief Description:</b>	Authorizes the chancellors to approve retirement incentives for faculty and describes the requirements of these agreements.
<b>Effective:</b>	January 1, 2021
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	Chief Human Resources Officer and Associate Vice President of Employee Services
<b>Responsible Office:</b>	Chief Human Resources Officer and Associate Vice President of Employee Services
<b>Policy Contact:</b>	Chief Human Resources Officer and Associate Vice President of Employee Services
<b>Supersedes:</b>	February 24, 2012
<b>Last Reviewed/Updated:</b>	July 1, 2014 (Limited review in 2021 and revisions made related to the Equal Pay Act only)
<b>Applies to:</b>	All campuses

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**Reason for Policy:** Implements the October 6, 2005, and March 12, 2009, Board of Regents resolutions authorizing the president to expand retirement incentive options available to faculty.

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**I. INTRODUCTION**

This policy authorizes the chancellors to approve retirement incentive agreements for faculty and describes the requirements of these agreements. The policy resulted from the work of the Ad Hoc Committee on Faculty Retirement Options (Committee). The Committee included faculty governance representatives from all campuses, system and campus administrators, and a representative from the Retired Faculty Association. The Committee issued a report on April 9, 2004, in response to concerns raised by the Faculty Council that the University of Colorado improve and expand the retirement options available to faculty. The Committee's report recommended lowering the age and years of service requirements for both normal and early faculty retirement, expanding retirement incentives for faculty, and introducing greater flexibility into the phased retirement program.

The 2010 revision to this policy incorporates a new, 2010 incentive program for faculty, which is described in section IV.B.6. The 2011 revision to this policy adds an additional incentive program, which is described in section IV.B.7.

On October 6, 2005, the Board of Regents passed a resolution authorizing the president to expand retirement incentive options available for faculty so long as they are consistent with regent laws and policies, university administrative policy statements, and the laws and fiscal rules of the state of Colorado.

On March 12, 2009, the Board of Regents approved a second related resolution to authorize the president to develop retirement incentive options for faculty in addition to those in effect at that time.

## II. POLICY STATEMENT

- A. The chancellor of each campus is authorized to approve individual retirement incentive agreements for faculty on the chancellor's campus who are not retiring under the Public Employees Retirement Association (PERA) retirement plan. The chancellor may delegate this authority to the campus vice chancellor for academic affairs or provost. The reference to "chancellor" throughout this document includes the chancellor's designee, if any.
- B. An individual retirement incentive agreement is authorized only if it complies with the requirements below. The chancellor has discretion over whether to approve a retirement incentive agreement. The chancellor may limit the number of faculty on the campus entering into retirement incentive agreements in any given year based on the needs of the affected unit, the school or college, and the campus. Before approving a retirement incentive agreement, the chancellor must be satisfied that the agreement meets the overall needs of the university. No faculty member has a right to such an agreement. Except as otherwise expressly provided in the retirement incentive agreement, the faculty member's employment during the term of the agreement shall be subject to all applicable university policies and procedures.
- C. Faculty members who wish to retire with the benefits available under normal retirement policies shall not be required to execute retirement incentive agreements.

## III. ELIGIBILITY REQUIREMENTS FOR RETIREMENT INCENTIVE AGREEMENTS

- A. Faculty entering into retirement incentive agreements must meet the eligibility requirements described in this policy.
- B. A retirement incentive agreement must include the faculty member's irrevocable agreement to retire on a specified date. For retirement incentive agreements other than under the retirement incentive program inaugurated in 2010 and 2011 and described below in section IV.B.6 and 7, the specified date shall not be later than five (5) years after the effective date of the agreement. A faculty member who has entered into a phased retirement incentive agreement may withdraw their agreement to retire or change the effective date of retirement only with the written agreement of the chancellor. A faculty member who has entered into a retirement incentive agreement may terminate the agreement early without the consent of the chancellor by resigning their university employment or, if eligible to retire under normal university policies, by retiring earlier than the specified retirement date. Under such circumstances, upon such resignation or retirement, the faculty member will receive only those employment or retirement benefits provided under normal university policies.
- C. An individual retirement incentive agreement shall include only the retirement incentives authorized in this policy. An agreement may include more than one incentive, except for the 2010 retirement incentive program.
- D. As appropriate to the faculty member's workload assignment during the term of a retirement incentive agreement, the faculty member may be required to release in an orderly manner the research or laboratory space they occupy. Ordinarily, the retirement incentive agreement should include provisions for the manner and timing of this release, except for the 2010 and 2011 retirement incentive program.
- E. The faculty member shall agree to relinquish their tenure on the date which shall be specified in the retirement incentive agreement. No other waiver of rights is required for a retirement incentive agreement.
- F. Each retirement incentive agreement must be signed by the faculty member and the chancellor prior to its effective date.
- G. Each retirement incentive agreement must be reviewed and approved for legal sufficiency by the Office of University Counsel before being signed.
- H. A copy of the completed retirement incentive agreement must be forwarded to Employee Services for processing prior to the effective date of the agreement.
- I. Costs associated with implementing retirement incentive agreements must be funded within existing campus or unit budgets, as determined by the chancellor.



#### IV. RETIREMENT INCENTIVES FOR TENURED AND TENURE-TRACK FACULTY

##### A. Eligibility

Faculty who are tenured or tenure track and who are employed at 50% time or greater and meet at least the minimum combined age and years of service requirements contained in ~~Regent Policy 11.F.3(B) – Faculty and University Staff Enrolled in the 401(a) ORP~~ [Regent Policy 11.D.3\(B\) - Faculty and University Staff Enrolled in the 401\(a\) ORP](#) are eligible for retirement incentive agreements under the terms of this section. In the School of Medicine, Clinical Practice Series faculty members at the ranks of associate professor or professor are also eligible to participate in these retirement incentive agreements, subject to the age and service requirements contained in ~~Regent Policy 11.F.3(B) – Faculty and University Staff Enrolled in the 401(a) ORP~~ [Regent Policy 11.D.3\(B\) - Faculty and University Staff Enrolled in the 401\(a\) ORP](#).

##### B. Authorized Incentives

###### 1. Negotiated Differentiated Workload

- a. An eligible faculty member who is interested in retiring may negotiate a differentiated workload for a specified period in exchange for the faculty member's agreement to retire at the end of the period. A faculty member who is working under a negotiated differentiated workload would continue to be eligible for benefits based on the faculty member's position at the time of this agreement.
- b. The following provide additional authority for this incentive: 1) Administrative Policy Statement, "Differentiated Annual Workloads for Faculty," July 1, 2007, which permits the assignment of differentiated workloads for faculty on an annual basis; 2) Subsection (1) of [Regent Policy 11.B.2\(C\) - Relevant Policies](#), which permits evaluation of faculty based upon the assigned differentiated workload; and 3) In subsection (E) of [Article 11.A.1 of the Laws of the Regents: Determination of Salaries for Faculty, Officers, and University Staff](#).

###### 2. Post-retirement University Employment or Consulting Opportunities

- a. The chancellor may set aside one year of the faculty member's pre-retirement base salary and agree to contract with the faculty member for consulting services after the date of retirement for a fee up to the amount of the set-aside. The consulting contract may be a multi-year contract so long as adequate funds are reserved to pay fees for the entire term of the contract and the faculty member meets the tests required to establish that the faculty member is performing consulting services as an independent contractor.
- b. The chancellor may set aside one year of the faculty member's pre-retirement base salary and agree to enter into an employment contract with the faculty member for services after retirement. The compensation provided under the employment contract may be up to the amount of the set-aside.
  - i. If the employment contract is for research services, the contract may be for a term, but generally the term should not exceed two years.
  - ii. If the employment contract is for services other than research services (e.g., teaching, student advising, administering departmental or campus centers, or filling a service role), the faculty member must be an at-will employee in the post-retirement position. The chancellor may not commit to a term contract for services other than research services, and the employment contract must clearly state that the faculty member is an employee at-will.
- c. While the agreed-upon period of the post-retirement consulting or employment must be limited in the retirement incentive agreement, this limitation is not intended to preclude subsequent employment of a retired faculty member after the agreed-upon period if both the chancellor and the retired faculty member agree to such subsequent employment.

###### 3. Increase in Base Salary

- a. The chancellor may agree to increase the faculty member's base academic year faculty salary for two years preceding the faculty member's retirement date. The agreed-upon increase may be up to 6% over and above the average faculty salary increment for the faculty member's campus.

- b. [Regent Policy 11.B.2\(F\) - Salary Increase as a Term of a Retirement Incentive Agreement for Tenure or Tenure-Track Faculty](#) provides additional authority for this incentive.

4. Phased Retirement Program

The chancellor may agree to a phased retirement program for an eligible faculty member for a period of up to five (5) years as described in [Appendix A](#).

5. Any of the additional benefits and salary provided to eligible faculty may result in increased taxes. The university will comply with tax withholding rules for federal, state, and local government.

6. Tax-deferred Retirement Incentive Program

- a. In exchange for the tenured faculty member's agreement to immediately retire and relinquish their tenure rights, the chancellor may agree to a retirement incentive equal to twice the professor's base salary and supplemental pay, if any, at the time the agreement is executed. Such incentive payment typically shall take the form of annual university payments into a 403(b)-retirement plan over a five-year period, up to annual limits established by the Internal Revenue Service.
- b. The retired faculty member forfeits the right to any benefits under their retirement incentive agreement if they subsequently become an employee of the university during any year in which they are receiving the five annual incentive contributions into their 403(b)-retirement account (the "Restricted Period"). No taxable income of any kind may be received by the faculty member during the Restricted Period, including accrued sick and vacation leave payments. In addition, the faculty member shall make no elective deferral into the University of Colorado 403(b) Plan that is allocable to any calendar year during the Restricted Period.
- c. These agreements are subject to numerous restrictions imposed by the IRS because they involve contributions to the 403(b) plan and, potentially, deferred compensation subject to Internal Revenue Code Section 409A. Accordingly, any requested changes must be reviewed and approved. Campus human resources offices should seek approval from the associate vice president for human resources who, with the assistance of university counsel, will review and approve any requested changes.
- d. Eligibility criteria contained in III. ELIGIBILITY REQUIREMENTS FOR RETIREMENT INCENTIVE AGREEMENTS, apply to the 2010 and 2011 Retirement Incentive Program unless otherwise noted.

7. Cash Payment Taxable Retirement Incentive Program

- a. In exchange for the tenured faculty member's agreement to immediately retire and relinquish their tenure rights, the chancellor may agree to a retirement incentive that shall not exceed twice the faculty member's base faculty salary at the time the agreement is executed. Such incentive payment shall take the form of a one-time, taxable cash payment to be paid on or after the retirement date, but no later than December 31 of the calendar year in which the retirement date occurs.
- b. The incentive agreement may include the opportunity to continue after retiring in a faculty teaching, research, and/or creative activities role as needed for a defined period of time at the discretion of the chancellor in consultation with the provost and dean.

V. **RETIREMENT INCENTIVE AGREEMENTS FOR NON-TENURE TRACK FACULTY**

The authorized incentive for non-tenure track faculty is the phased retirement program described in [Appendix B](#).

VI. **INFORMATION AND EDUCATION**

- A. The president's office shall issue an annual report documenting: (1) the number of faculty retiring in the previous fiscal year; (2) the number retiring under individual retirement incentive agreements by campus; and (3) the categories of faculty.
- B. The Office of Employee Services shall periodically provide educational sessions for faculty related to retirement options.

## VII. INTERPRETATION

Questions concerning the policy and its interpretation should be directed to the campus human resources, university counsel, provost's offices or to the associate vice president for employee services.

## VIII. HISTORY

- Adopted: July 1, 1999.
- Revised: January 28, 2000; June 6, 2007; July 1, 2011; February 24, 2012; The term *civil union partner* was added in May 2014 to reflect new State law regarding Civil Unions; Minor revision to [Appendix A](#) effective July 1, 2014; The policy was updated on October 4, 2017, to clarify that Clinical Practice Series faculty members at the ranks of associate professor or professor in the School of Medicine are eligible to participate in these retirement incentive agreements, subject to the age and service requirements contained in ~~R~~regent ~~P~~policy 11.F.3 ([now regent policy 11.D.3](#)); Non-substantive updates were made to Appendix A on July 1, 2020, to reflect Regent-approved changes to Article 5: Faculty. A full review was not completed at this time; September 2, 2021, revised for changes related to the Equal Pay Act and made retroactive to January 1, 2021; May 1, 2022, minor revisions made to remove out-of-state health plan language to align with current health plan benefits.
- Last Reviewed: July 1, 2014 (Limited review in 2021 and revisions made related to the Equal Pay Act only).
- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 11.F: Benefits renumbered to Regent Policy 11.D: Benefits\).](#)

## IX. KEY WORDS

Faculty, incentive, retirement, benefits

## APPENDIX A

### PHASED RETIREMENT PROGRAM FOR TENURED AND TENURE-TRACK FACULTY

#### I. Eligibility

All tenured and tenure-track faculty members who are employed at 50% time or greater and: 1) will be at least 55 years of age by the end of the term of the phased retirement agreement; and 2) whose age and years of half time or greater service at the university total at least 65<sup>1</sup> are eligible to participate in this phased retirement program ("Program"). At the School of Medicine, associate professors and professors in the Clinical Practice Series may also participate in this phased retirement program, subject to the conditions listed above.

#### II. Terms and Provisions

##### A. Term of the Program

The agreed term of a Program for an eligible faculty member may be from one semester to up to five academic years. At the joint request of the department chair (or primary unit/division head) and the faculty member, and with the concurrence of the dean (if not the primary unit/division head specified above) and the chancellor, a Program with an initial term of less than five academic years may be renewed beyond the initial term for up to a maximum of five academic years total (including both the initial term and subsequent renewals). The faculty member shall agree to relinquish their tenure at the end of the term of the Program. In order for the Program to be renewed beyond the initial term, the chancellor and the faculty member must agree to change the previously agreed upon retirement date.

##### B. Workload and Duties

1. Workload commitments and duties during the term of the Program must be described in the retirement incentive agreement.
2. Pay level and workload must remain at an average of 25% or higher over the term of the Program. Additionally, the faculty member must be paid at least 25% of full-time salary for each semester. The following are examples of acceptable pay and workload agreements.
  - a. The faculty member may work 25% time at 25% pay during each academic year of the Program.
  - b. The faculty member may work 50% time in year one, 0% time in year two and 25% time in year three at 25% of pay each academic year during a three-year term. (Under such an arrangement, the faculty member must be paid at 25% of full-time salary for each academic year. The faculty member may not be paid 50% in year one and 0% in year two).
  - c. The faculty member may work 75% time each academic year at 75% pay.
  - d. The faculty member may work full time (100%) in the fall semester and be relieved of all responsibilities during the spring semester, averaging a 50% workload and 50% pay over the academic year. (Under such an arrangement, the faculty member would be paid at 50% of full pay for the entire academic year. The faculty member may not be paid 100% in the fall semester and 0% in the spring semester.)
3. Faculty members may not be paid in advance for work not yet performed. For example, the faculty member may not work 0% time in the first academic year of the Program and 100% time during the second academic year and be paid at 50% of full-time salary for the first year. In any case where the faculty member receives a greater

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<sup>1</sup> The faculty member is only eligible to retire once their combined age and years of service total at least 70. If the phased retirement period ends prior to the individual's age and years of service totaling 70, the faculty member will not receive the University of Colorado retirement benefits available to those who do meet the minimum established age and years of service requirements.

percentage of pay than workload for any semester or year, the faculty member must have had a corresponding greater percentage of workload than pay in a previous year or semester.

4. Agreed-upon duties may include teaching, clinical, research, and service/administrative duties. Ordinarily, duties should include both classroom teaching and service duties.
5. Workload commitments and duties during the term of the Program must be approved by the department chair (or primary unit/division head), the dean of the academic unit (if not the primary unit/division head specified above), and the chancellor. The percent workload and agreed upon duties may be renegotiated on an annual basis with the consent of the faculty member, the chancellor, the department chair (or primary unit/division head), and the dean of the academic unit (if not the primary unit/division head specified above). The retirement incentive agreement must be modified to reflect agreed upon changes to the percentage of workload and duties.
6. Faculty members who otherwise meet the eligibility requirements for a sabbatical assignment under [Regent Policy 5.C.2 - Tenured and Tenure-Track Faculty Appointments](#) may, with the approval of their department chair (or primary unit/division head), the dean of the academic unit (if not the primary unit/division) and the chancellor, include a sabbatical as part of their proposed workload commitments and duties during the term of the Program. The same processes and criteria for approval of sabbaticals shall apply as enumerated in [Regent Policy 5.C.2 - Tenured and Tenure-Track Faculty Appointments](#) and [APS 1024-Approval of Sabbatical Assignments](#). The one difference in treatment of faculty on sabbatical as part of the Program is that instead of the requirement that the faculty member return to the university for a least one full year after the sabbatical, a faculty member in the Program shall return for as many years as required to complete the equivalent of one year of full-time work following the sabbatical.

#### C. Benefits

1. The retirement plan contributions by the university (ordinarily 10% of full-time salary) will be paid to faculty in Programs at two times the negotiated workload percentage (e.g., a faculty member working at a reduced workload of 40% will receive a university retirement contribution based on 80% of salary, equaling an 8% university contribution). In no case will a faculty member receive an employer contribution in excess of 10% of full-time salary.<sup>2</sup>
2. University contributions to group insurance plans (including health, dental, and life insurance provided by the university) during the term of the Program shall continue as if the faculty member were at 100% time.
3. Upon reaching age 59½, when entered in a Program, the employee may begin retirement plan distributions as permitted under the terms of the retirement plan and IRS regulations.

#### D. Additional Terms and Conditions

1. A request for participation in a Program should be filed with the department chair (or primary unit/division head) by December 1 for a Program to begin in the following fall semester. A request should be made by May 1 for a Program to begin the following spring semester. The chancellor should notify the faculty member whether the request is granted or denied by no later than March 31 for the fall semester or September 30 for the spring semester (or later for requests not filed by the due dates). Requests filed after the due dates may be considered untimely.
2. During the term of a Program, the university must continue to be the faculty member's primary professional commitment. A faculty member on phased retirement may not accept a full-time position with another employer or a tenured part-time position at another education institution.
3. Faculty in Programs must continue to participate in annual evaluations, post-tenure review (unless waived in the retirement agreement), and other applicable faculty personnel processes.

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<sup>2</sup> If the salary for the faculty member is paid from grant funds, this benefit is not guaranteed and will be paid only if permitted and funded by the funding agency.

4. Should a program be terminated prior to the end of its term, the faculty member shall be compensated for work already performed if in excess of salary received but shall not receive additional compensation or benefits under the Program.

## APPENDIX B

### PHASED RETIREMENT PROGRAM NON-TENURE TRACK FACULTY

#### I. Eligibility

All non-tenure track faculty members who are employed at 50% time or greater and: 1) will be at least 55 years of age by the end of the period of the phased retirement program (“Program”); and 2) whose age and years of half time or greater service at the university total at least 65<sup>3</sup> are eligible to participate in the Program.

#### II. Terms and Provisions

##### A. Term of the Agreement.

The agreed term of a Program for a non-tenure track faculty member may be from one semester to up to one academic year.

##### B. Workload and Duties.

1. Workload commitments and duties during the term of the Program must be described in the retirement incentive agreement.
2. Pay level and workload must remain at an average of 25% or higher over the term of the Program. Additionally, the faculty member must be paid at 25% of full-time salary for each semester. The following are examples of acceptable pay and workload agreements.
  - a. The faculty member may work 25% time at 25% pay during each semester;
  - b. The faculty member may work 50% time in the first semester and 0% time in the second semester (Under such an arrangement, the faculty member must be paid at 25% of full-time salary during each semester. The faculty member may not be paid 50% in the first semester and 0% in the second semester);
  - c. The faculty member may work 75% time each semester at 75% pay; and
  - d. The faculty member may work 100% time in the fall semester and be relieved of all responsibilities during the spring semester, averaging a 50% workload and 50% pay over the academic year. (Under such an arrangement, the faculty member must be paid at 50% of full-time salary for the entire academic year. The faculty member may not be paid 100% in the fall semester and 0% in the spring semester.)
3. Faculty members may not be paid in advance for work not yet performed. For example, the faculty member may not work at 0% in the fall semester and 100% in the spring semester and be paid at 50% of full-time salary in the fall semester. In any case where the faculty member receives a greater percentage of pay than workload for any semester, the faculty member must have had a corresponding greater percentage of workload than pay in a previous semester.
4. Unless falling within a specific exception described in Colorado law, Colorado law requires that non-tenure track faculty be at-will employees. All retirement incentive agreements for non-tenure track faculty must explicitly state those facts and reserve the university’s right to terminate at-will faculty members’ employment and their Programs at any time.

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<sup>3</sup> The faculty member is only eligible to retire once their combined age and years of service total at least 70. If the phased retirement period ends prior to the individual’s age and years of service totaling 70, the faculty member will not receive the University of Colorado retirement benefits available to those who do meet the minimum established age and years of service requirements.

5. Workload commitments and duties during the term of the Program must be approved by the department chair (or primary unit/division head), the dean of the academic unit (if not the primary unit/division head specified above), and the chancellor.

C. Benefits

1. The retirement plan contributions by the university (ordinarily 10% of full-time salary) will be paid to faculty in Programs at two times the negotiated workload percentage (e.g., a faculty member working at a reduced workload of 40% will receive a university retirement contribution based on 80% of salary, equaling an 8% university contribution). In no case will a faculty member receive an employer contribution in excess of 10% of full-time salary.
2. University contributions to group insurance plans (including health, dental, and life insurance provided by the university) during the term of the Program shall continue as if the faculty member were at 100% time.
3. Upon reaching age 59½, when entered in a Program, the employee may begin retirement plan distributions as permitted under the terms of the retirement plan and IRS regulations.

D. Additional Terms and Conditions

1. A request for participation in a Program should be filed with the department chair (or primary unit/division head) by December 1 for a Program to begin in the following fall semester. A request should be made by May 1 for a Program to begin the following spring semester. The chancellor should notify the faculty member whether the request is granted or denied by no later than March 31 for the fall semester or September 30 for the spring semester (or later for requests not filed by the due dates). Requests filed after the due dates may be considered untimely.
2. Non-tenure track faculty in Programs must continue to participate in annual evaluations and other applicable faculty personnel processes.
3. Should a retirement incentive agreement be terminated prior to the end of the term of the Program, the faculty member shall be compensated for work already performed if in excess of salary received but shall not receive additional compensation or benefits under the Program.



**ADMINISTRATIVE POLICY STATEMENT****Policy Title:** Leave**APS Number:** 5062**APS Functional Area:** **HUMAN RESOURCES****Brief Description:**

This administrative policy statement (APS) outlines or references all university employee leave-related policies. Each leave type listed below may apply to different employee groups and may be controlled by either regent policy, this APS or other state rules and regulations (as noted). In addition, effective dates may vary by section.

Leave Type	See	Effective Date	Applies to
Vacation	<a href="#">Section 1</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
Sick	<a href="#">Section 2</a>	August 3, 2023	All employees.
Administrative	<a href="#">Section 3</a>	January 1, 2024	See Section 3 for details.
Bereavement	<a href="#">Section 4</a>	August 3, 2023	<i>University staff</i> and faculty on 12-month appointments.
Court and Jury	<a href="#">Section 5</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
Furloughs	<a href="#">Section 6</a>	April 2, 2020	All university employees.
Job-Related Illnesses and Injuries	<a href="#">Section 7</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
Leave Sharing	<a href="#">Section 8</a>	April 2, 2020	<i>University staff</i> , faculty on 12-month appointments and classified staff.
Leave Without Pay	<a href="#">Section 9</a>	January 1, 2025	All university employees.
Military	<a href="#">Section 10</a>	February 1, 2024	<i>University staff</i> and faculty on 12-month appointments.
Parental	<a href="#">Section 11</a>	January 1, 2025	All employees.
Paid Sick Leave During a Public Health Emergency	<a href="#">Section 12</a>	April 2, 2020	All university employees.
Faculty Serving in Elected Office	<a href="#">Section 13</a>	January 1, 2021	Faculty members on all campuses.

**Effective:** January 1, 2025 (See table above for applicable effective dates by section)

**Approved by:** President Mark R. Kennedy (sections updated after July 1, 2021, were approved by President Todd Saliman)

**Responsible University Officer:** Vice President and Chief Human Resources Officer

**Responsible Office:** Office of Employee Services

**Policy Contact:** Office of Employee Services

**Supersedes:** APS 5062-Leave, February 1, 2024 (effective dates may vary by section)

**Last Reviewed/Updated:** January 1, 2025

**Applies to:** See above. Each leave type will specify who it applies to.

**Reason for Policy:** To consolidate leave policies to comply with state and federal law regarding university employee leave-related policies. Sick and vacation accruals and compensation information can be found in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#) [Regent Policy 11.E: Leave Policies for Employees](#).

## APS 5062-LEAVE

### Policy Overview: Leave

#### I. INTRODUCTION

This administrative policy statement (APS) outlines or references all university employee leave-related policies. Each leave type listed below may apply to different employee groups and may be controlled by either regent policy, this APS or other state rules and regulations (as noted). In addition, effective dates may vary by section.

Leave Type	See	Effective Date	Applies to
Vacation	<a href="#">Section 1</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
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Administrative	<a href="#">Section 3</a>	January 1, 2024	See Section 3 for details.
Bereavement	<a href="#">Section 4</a>	August 3, 2023	<i>University staff</i> and faculty on 12-month appointments.
Court and Jury	<a href="#">Section 5</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
Furloughs	<a href="#">Section 6</a>	April 2, 2020	All university employees.
Job-Related Illnesses and Injuries	<a href="#">Section 7</a>	April 2, 2020	<i>University staff</i> and faculty on 12-month appointments.
Leave Sharing	<a href="#">Section 8</a>	April 2, 2020	<i>University staff</i> , faculty on 12-month appointments and classified staff.
Leave Without Pay	<a href="#">Section 9</a>	January 1, 2025	All university employees.
Military	<a href="#">Section 10</a>	February 1, 2024	<i>University staff</i> and faculty on 12-month appointments.
Parental	<a href="#">Section 11</a>	January 1, 2025	All employees.
Paid Sick Leave During a Public Health Emergency	<a href="#">Section 12</a>	April 2, 2020	All university employees.
Faculty Serving in Elected Office	<a href="#">Section 13</a>	January 1, 2021	Faculty members on all campuses.

#### II. RELATED POLICIES AND OTHER RESOURCES

##### A. Administrative Policy Statements (APS) and Other Policies

- ~~Regent Policy 11.E: Leave Policies for Faculty and Staff~~ [Regent Policy 11.E: Leave Policies for Employees](#)

##### B. Other Resources (i.e., training, secondary contact information)

- Educational information and resources are available on the employee services website: <https://www.cu.edu/employee-services>

#### III. DEFINITIONS

Italicized terms used in this Administrative Policy Statement (APS) are defined in the [APS Glossary of Terms](#) or are defined in this section.

*University staff* - University staff are employees who are exempt from the rules, procedures and regulations that govern the state of Colorado personnel system per Section 24-50-135, C.R.S. University staff positions are subject to all other applicable federal and state law and regulations, as well as laws and policies set forth by the University of Colorado Board of Regents and other University policies. (The term “officer and exempt professional” was replaced with the term “university staff” effective April 17, 2015.)

#### IV. HISTORY

- A. Effective April 2, 2020, the following policies were combined into the APS 5062-Leave policy. Individual APS history for each is listed below:
- APS 5019-Parental Leave Benefits for Faculty and Staff
    - Initial policy effective: January 18, 1990.
    - Rescinded April 2, 2020.
  - APS 5021-Paid Administrative Leave for *University Staff* and Faculty on Twelve-Month Appointments
    - Initial policy effective: January 23, 2004.
    - Rescinded April 2, 2020.
  - APS 5049-Leave Sharing for *University Staff*, Faculty on Twelve-Month Appointments and Classified Staff
    - Initial policy effective: January 1, 2008.
    - Rescinded April 2, 2020.
- B. APS 5062-Leave was the result of combining leave policies maintained in other APSs and policies while keeping sick and vacation accruals and compensation in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#)[Regent Policy 11.E: Leave Policies for Employees](#).
- Initial policy effective: April 2, 2020.
  - Revised: April 1, 2021, with a retroactive date of January 1, 2021, to add new section on paid sick leave during public health emergencies; merging the policy on leave for faculty serving in elected office (previously APS 5063) into a new section in APS 5062; and other revisions to conform with legislative changes from SB 20-205 known as the “Healthy Families and Workplaces Act”; June 13, 2022, Non-substantive change to subsection II.B.2.a. of Section 11-Parental to clarify that university paid parental leave is not in addition to the State of Colorado Paid Family Medical Leave (PFML) program for classified staff; August 24, 2022, Section 3-Administrative of this policy was updated to comply with Executive Order D 2022 036 “Authorization of Administrative Leave For State Employees Acting as Volunteer Firefighters and First Responders” which was signed by the Governor on July 20, 2022; August 3, 2023, Updated Sections 2-Sick and 4-Bereavement to incorporate changes from Senate Bill 23-017; January 1, 2024, Updated Section 3-Administrative, to provide clarity on when the administrative leave can be moved to accommodate work schedules, Section 10-Military to incorporate changes from HB 23-1045, and Section 11-Parental to incorporate the State of Colorado Family and Medical Leave Insurance (FAMLI) and the university’s private FAMLI plan; February 1, 2024 – Updated Section 10-Military Leave; January 1, 2025 – Updated Section 9-Leave Without Pay and Section 11-Parental for clarification purposes; July 2, 2025 – Administrative update to Section 10-Military Leave to comply with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).
  - [Non-substantive Change: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 11.F: Benefits renumbered to Regent Policy 11.D: Benefits; and title references to Regent Policy 11.E: Leave Policies for Faculty and Staff changed to 11.E: Leave Policies for Employees\).](#)
  - Last Reviewed: January 1, 2025.
- C. Effective January 1, 2021, the following policy was combined into the APS 5062-Leave. The individual history is listed below:
- APS 5063-Leave for Faculty Serving in Elected Office
    - Initial policy effective: July 1, 2020.
    - Rescinded: January 1, 2021.

## APS 5062-LEAVE

### Section 1: Vacation Leave

**Applies to:** *University staff* and faculty on 12-month appointments.

#### SECTION 1 – VACATION LEAVE

##### I. INTRODUCTION

The intention of this policy is to define vacation leave benefits listed in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#) [Regent Policy 11.E: Leave Policies for Employees](#) for each employment classification.

##### II. POLICY STATEMENT

###### A. *University Staff* and 12-Month Faculty

1. **Usage.** Upon approval by the supervisor, vacation may be taken after the close of the pay period in which the leave is earned.

The appointing authority may establish periods of time when vacation leave will not be allowed, or must be taken, based on business necessity for the specific department or division. These periods cannot create a situation where the employee does not have a reasonable opportunity to use requested leave.

2. **Accrual.** Per regent policy 11.E, eligible full-time staff and faculty on twelve-month appointments are eligible to receive twenty-two (22) working days (176 hours) of paid vacation annually, earned as 14.67 hours per month. An eligible employee who works part time (less than 100% appointment) accrues vacation on a pro-rated basis. Accrual may not exceed forty-four (44) days (352 hours) on July 1 of every year.
3. **Transfer between Leave Eligible Appointments and Non-Leave Eligible Appointments.**
  - a. Employees in a leave eligible appointment (e.g., *university staff* and 12-month faculty) who transfer or return to a non-leave eligible appointment (e.g., nine-month faculty) shall be paid for earned unused vacation leave in accordance with this policy upon termination of the employee's leave eligible appointment so long as the employee meets the other criteria described in this policy.
  - b. An employee in a non-leave eligible appointment (e.g., nine-month faculty) transferring into a leave eligible appointment (e.g., 12-month faculty or *university staff*) will start accruing per this policy upon the effective date of the leave eligible appointment.
4. **Holidays.** When a holiday occurs during a vacation, the holiday is not considered a day of vacation time.
5. **Leave Without Pay.** There is no vacation accrual during periods of leave without pay or on short work breaks, except for military leave without pay and furloughs.
6. **Compensation.** If an employee has multiple appointments, the compensation rate for the payout upon retirement or termination may be the average of the hourly rates on all active, leave eligible appointments, unless the leave balances were tracked and maintained separately for each appointment.

###### B. Classified Staff

1. Vacation leave benefits for classified staff are governed by the State of Colorado Personnel Board Rules.

## Section 2: Sick Leave

**Applies to:** All employees

### SECTION 2 – SICK LEAVE

#### I. INTRODUCTION

The intention of this policy is to define sick leave benefits listed in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#) [Regent Policy 11.E: Leave Policies for Employees](#) for each employment classification. The provisions of this University Sick Leave Policy are intended to be interpreted in conjunction with the Family Medical Leave Act (FMLA), Sick Leave and FMLA leave shall run concurrently, if applicable.

#### II. POLICY STATEMENT

##### A. Usage for all employment classifications

1. **Usage.** Sick leave is earned when eligible employment begins. If the employee has sick leave available, it may be used in the following circumstances:
  - a. When the employee has a mental illness or a physical illness or injury (not covered by workers' compensation), or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care.
  - b. When the employee needs to care for a family member who has a mental or physical illness, injury, or health condition; needs a medical diagnosis, care, or treatment related to such illness, injury, or condition; or needs to obtain preventive medical care.
  - c. When the employee needs to grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member, as defined in II.A.2 below.
  - d. When the employee or family member has been the victim of domestic abuse, sexual assault, or harassment and needs to be absent from work for purposes related to such crime.
  - e. When the employee needs to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the closure of the family member's school or place of care.
  - f. When the employee needs to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.
  - g. When the employee needs to be absent from work due to a public official closing the employee's place of business or the school or place of care of the employee's child during a public health emergency.
  - h. When the employee is on Parental Leave under section 11 of this APS.
  - i. When the employee is on Family Medical Leave or Family and Medical Leave Insurance (FAMLI) leave.
2. **Family member.** For purposes of section 2 and section 12, an employee's family member means a person who is related by blood, marriage, civil union, domestic partner, or adoption to the employee; a child to whom the employee stands or stood in loco parentis; and a person for whom the employee is responsible for providing or arranging health or safety-related care.

3. **Rehire.** If an employee separates from employment and is rehired within six months after the separation, the employee shall be entitled to any paid sick leave that the employee accrued but did not use during the employee's previous employment with the university and that had not been converted to a monetary compensation to the employee at the time of separation from employment.
4. **Holidays.** When a holiday occurs during sick leave, the holiday is not considered sick leave.
5. **Leave without Pay.** There is no sick leave accrual during periods of leave without pay or when on short work break, except for military leave without pay and furloughs.
6. **Documentation.** Documentation may be required from an employee if four or more consecutive days of paid sick leave are taken.
7. **Disability.** If sick leave extends beyond six months, the employee may consider disability coverage, if eligible.

B. Nine-Month Faculty

1. **Accrual.** Per regent policy 11.E, eligible nine-month faculty on 100% appointment accrue eleven (11) days (88 hours) of paid sick leave annually. Faculty who are on a part-time (less than a 100%) appointment will accrue sick leave on a pro-rated basis. Accrual begins on the first day of eligible appointment. There is no limit on how much sick leave a nine-month faculty member may accrue.
2. **Usage.** Sick leave may be required to be used when the university must replace the eligible faculty member in the classroom, or when the dean or other administrative superior, after consultation with the department concerned, shall so decide. Although nine-month faculty members do not accrue sick leave during summer appointments, they may use accrued sick leave during summer appointments.
3. **Compensation.** No compensation for unused sick leave shall be paid upon separation from employment with the university.

C. *University Staff* and 12-Month Faculty

1. **Accrual.** Per regent policy 11.E, eligible full-time *university staff* and faculty on twelve-month appointments are eligible to receive fifteen (15) working days (120 hours) of paid sick leave annually, earned as 10 hours per month. Eligible employees who are on a part-time (less than 100%) appointment accrue sick leave on a pro-rated basis. Accrual begins on the date that eligible employment begins. There is no limit on how much sick leave an employee may accrue.
2. **Compensation.**
  - a. An employee may be eligible for sick leave compensation based on meeting retirement eligibility, per [Regent Policy 11.F: Benefits](#)[Regent Policy 11.D: Benefits](#).
  - b. Upon payout due to CU retirement eligibility, the employee's remaining sick leave balance will be removed, leaving the accrued sick balance at zero (0) hours.
  - c. If an employee has multiple appointments, the compensation rate for the payout upon retirement may be the average of the hourly rates on all active, leave eligible appointments, unless the leave balances were tracked and maintained separately for each appointment.
3. **Transfer between Appointments.**
  - a. Employees in *university staff* and 12-month faculty appointments who transfer or return to a nine-month faculty or other appointment that does not allow sick leave payouts are eligible to receive payment for earned, unused sick leave if eligible for early or full CU retirement at the time of transfer according to the maximums in [Regent Policy 11.E: Leave Policies for Faculty and Staff](#)[Regent Policy 11.E: Leave Policies for Employees](#).

- b. If the employee transferring from a *university staff* or 12-month faculty appointment to another university appointment that does not allow sick leave payouts is not eligible for early or full CU retirement, the sick leave balance, beyond 48 hours of retained sick leave, is forfeited upon transfer to the other appointment.

D. All Other Faculty on Contracts (including applicable student faculty)

1. **Accrual.** Per regent policy 11.E, faculty on a 100% appointment in this category, are eligible to receive three (3) days (24 hours) of sick leave per semester but no more than nine (9) days (72 hours) annually. Accrual begins on the date the appointment begins. Faculty who are on less than a 100% appointment, will accrue sick leave on a pro-rated basis. Accrual may not exceed six (6) days (48 hours) on July 1 of every year. Up to six (6) days (48 hours) of accrued sick leave may carryover from year to year.
2. **Usage.** Sick leave will be granted on the dates noted and may be used immediately.
3. **Compensation.** No compensation for unused sick leave shall be paid upon termination from the university.

E. All Other Paid Employees (including non-contract temporary employees, student employees, and applicable student faculty)

1. **Accrual.** Per regent policy 11.E, employees paid monthly or hourly are eligible to accrue 0.034 hour of sick leave for every hour worked. Accrual begins on the first day of eligible appointment. An eligible employee who works part time earns sick leave on a prorated basis. Accrual may not exceed six (6) days (48 hours) on July 1 of every year. Up to six (6) days (48 hours) of accrued sick leave may carryover from year to year.
2. **Usage.** Sick leave will be earned upon hire date and accrued at the end of each payroll cycle. An employee is not entitled to use more than six (6) days (48 hours) of sick leave annually.
3. **Compensation.** No compensation for unused sick leave shall be paid upon termination from the university.
4. **Accrual Mechanism.**
  - a. **Monthly.** Accrual will be accrued after each monthly payroll process.
  - b. **Biweekly.** Accrual will be calculated after each biweekly payroll process.

F. Secondary Appointments

Secondary appointments are primarily used to compensate employees for additional duties over and above their full-time appointment. If an employee has a full-time or 100% appointment and a secondary appointment, no additional sick leave shall accrue under the secondary appointment. If an employee has a less than full-time or 100% appointment and a secondary appointment, sick leave may accrue under the secondary appointment, but the total sick leave accruals under both appointments is limited to the maximum annual accrual for the primary appointment. No employee shall be eligible for more than fifteen (15) working days of paid sick leave annually, earned as 10 hours per month.

G. Classified Staff

1. Sick leave benefits for classified staff are governed by the State of Colorado Personnel Board Rules.

## APS 5062-LEAVE

### Section 3: Administrative Leave

#### SECTION 3 – ADMINISTRATIVE LEAVE

##### I. INTRODUCTION

Short-term paid administrative leave is permitted for eligible employees. The president or chancellor may authorize paid administrative leave for employees during an approved campus closure or other emergency. Classified staff administrative leave is governed by the State Personnel Board rules.

##### II. POLICY STATEMENT

###### A. Extended Paid Administrative Leave (applies to all *university staff* and faculty on 12-month appointments)

If a *university staff* or faculty member on a 12-month appointment is the subject of disciplinary action or an investigation, extended paid administrative leave may be authorized for such employee for a reasonable period of time. In such circumstances, a reasonable period of time will be determined based upon the length of time it takes to complete an investigation. Only the president or chancellors, or their designees, may authorize extended paid administrative leave for *university staff* and 12-month faculty for investigative purposes.

However, the president or chancellors, or their designees, reserve the right to place *university staff* or faculty on a 12-month appointment on extended leave without pay.

In the event of an approved campus closure or other emergency, the president or chancellor may authorize extended paid administrative leave sufficient to address the immediate crisis.

###### B. Short-Term Paid Administrative Leave (applies to all *university staff* and faculty on 12-month appointments)

Short-term paid administrative leave is not an entitlement or benefit. Authorization of short-term paid administrative leave for eligible employees rests within the sole discretion of their supervisors as exercised within the guidelines described in this policy.

###### 1. Supervisor Granted Short-Term Paid Administrative Leave

Supervisors may authorize short-term paid administrative leave for eligible employees for reasons determined to be for the good of the university and the state. Supervisors shall consider prudent use of taxpayer dollars and the business needs of the university in determining whether such leave is for the good of the state. Such reasons include, but are not limited to, incentive rewards, coursework directly related to employment, and participation in school or community volunteer activities.

Short-term paid administrative leave may also be authorized for eligible employees whose workloads (e.g., specific long- or short-term projects) require them to work significantly beyond their normal work schedules (as established by their individual supervisors) for prolonged periods of time when such leave is found to be necessary to maintain employee performance or morale or in recognition of extraordinary work performance.

Use of short-term paid administrative leave is not required for eligible employees for the purpose of attending or participating in professional or academic seminars or conferences, participation in official activities of university employee organizations or other similar events, or supervisor required training. These activities are considered to be work time for which leave is not required.

Supervisors of eligible employees may authorize short-term paid administrative leave for the purposes described in this policy. A maximum of ten (10) days or eighty (80) hours of short-term administrative leave may be granted per fiscal year.



Ordinarily, eligible employees must have their supervisor's authorization prior to taking short-term paid administrative leave. In exceptional circumstances, short-term paid administrative leave may be authorized retroactively.

## 2. Chancellor, President and/or Governor's Short-Term Paid Administrative Leave

The campus chancellor, CU president or Colorado Governor may grant administrative leave for campus closures or additional holidays. Each closure decision will articulate if the campus is fully closed or limited to administrative offices only to allow for academic, clinical, and research activity to continue.

If an employee is required to work on a designated administrative leave day, the employee may utilize the administrative leave hours at another time that is agreed upon between the employee and supervisor.

## 3. Inclement Weather Short-Term Paid Administrative Leave

The chancellor and presidents, or their designees, may issue a campus closure due to inclement weather. Each campus follows a distinct inclement weather process and communication is campus specific.

If an employee is required to work on a designated inclement weather administrative leave day, the employee may not utilize the administrative leave hours at another time as this leave is granted for safety purposes.

## C. Volunteer Firefighter and First Responder Required Paid Administrative Leave (applies to all non-temporary employees)

Per State of Colorado Executive Order D 2022 036, CU is required to grant five (5) days of additional administrative leave (8 hours each day, pro-rated for part time) per fiscal year, in support of non-temporary employees responding to a fire as a volunteer firefighter or volunteer first responder. This time may not be used to train for voluntary firefighter or first responder duties.

## D. Reporting Requirements

All use of paid administrative leave for eligible employees, except in situations of campus closures, must be reported by use of the university's time collection procedures.

# III. INTERPRETATION

The Office of the Chief Human Resources Officer and Associate Vice President of Employee Services shall interpret this policy.

## APS 5062-LEAVE

### Section 4: Bereavement Leave

**Applies to:** *University staff* and faculty on 12-month appointments.

## SECTION 4 – BEREAVEMENT LEAVE

### I. POLICY STATEMENT

*University staff* and faculty on 12-month appointments may receive up to five working days of paid leave for each death to arrange for and attend the funeral and other affairs of a member of the employee's immediate family when they would otherwise have to work.

Bereavement leave is not intended to be used for end-of-life care.

For purposes of bereavement leave, immediate family members include spouse, children, parents, grandparents, grandchildren, brothers, sisters, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, sons-in-law, and daughters-in-law, and any other person who is a member of the employee's established household. A supervisor may allow an employee to receive up to five paid working days of bereavement leave for an equally significant other person not included in this definition.

While all employees may utilize sick leave for bereavement purposes, per section 2 of this policy, university staff and faculty on 12-month appointments can exhaust bereavement leave allocation prior to utilizing sick leave.

Supervisors have the discretion to ask for documentation when leave abuse is suspected. Please work with Human Resources.

## APS 5062-LEAVE

### Section 5: Court and Jury Leave

**Applies to:** *University staff* and faculty on 12-month appointments.

#### SECTION 5 – COURT AND JURY LEAVE

##### I. POLICY STATEMENT

- A. *University staff* and faculty on 12-month appointments are granted jury leave with full pay for the period of jury duty. When an employee appears as a witness under subpoena or direction of the proper authority, the employee is granted paid court leave for such service. Compensation received by employees for jury duty or as a witness may be retained by the employee.
- B. If an employee appears in court in an individual capacity without being served a subpoena, the employee will use vacation leave or leave without pay. Compensation received by the employee may be retained by the employee.

## APS 5062-LEAVE

### Section 6: Furloughs

**Applies to:** All university employees.

#### SECTION 6 – FURLOUGHS

##### I. POLICY STATEMENT

Furloughs are unpaid leaves that may be voluntarily requested or mandated by the president or a chancellor when budgetary circumstances require a specific reduction in personnel costs. Employees on furlough continue to accrue annual and sick leave at the same rates as when such employees are on paid leave or engaged in university work during regularly scheduled business hours.

## Section 7: Leave for Job-Related Illnesses and Injuries

**Applies to:** *University staff* and faculty on 12-month appointments.

### SECTION 7 – LEAVE FOR JOB-RELATED ILLNESSES AND INJURIES

#### I. POLICY STATEMENT

*University staff* and faculty on 12-month appointments who suffer an injury or illness in the line of duty covered by workers' compensation are granted up to ninety (90) work days of paid injury leave. These benefits replace the more limited coverage of workers' compensation insurance which is waived by the employee during the ninety (90) days of injury leave.

If an employee is unable to return to work after that time, the employee is eligible to take accrued vacation and sick leave in addition to workers' compensation. Workers' compensation leave runs concurrently with FMLA.

## APS 5062-LEAVE

## Section 8: Leave Sharing

**Applies to:** *University staff*, faculty on 12-month appointments and classified staff.

### SECTION 8 – LEAVE SHARING

#### I. INTRODUCTION

This administrative policy statement (APS) affirms the availability of leave sharing for all *university staff*, faculty on 12-month appointments and classified staff, and provides guidance regarding minimum procedural standards in its application, as may be further developed in campus and system policy.

#### II. POLICY STATEMENT

A. The president and chancellors may establish leave sharing programs for their organizations for the purpose of allowing donated vacation leave to be used by their *university staff*, faculty on 12-month appointments and classified staff. For classified employees, such leave sharing programs may be further developed in accordance with applicable State Personnel Board Rules, subject to the following:

##### 1. Donations

- a. Only donations of accrued vacation leave are permitted; sick leave cannot be donated. Vacation leave donations must be documented in writing and approved by the donating employee's department to assure sufficient accrued leave exists to support the amount of leave donated.
- b. Donations may include vacation leave that would otherwise be in excess of accrual limits permitted beyond June 30 of each year.
- c. Depending on the campus leave sharing program, donations may be made generally to a "leave sharing program" or to a specific person.

## 2. Procedures

- a. Campuses must implement written procedures that provide information to employees regarding leave sharing eligibility criteria, how eligibility and leave amount determinations are made, and how employees may donate or make a request for leave sharing. Such written procedures shall include sample forms for employees to use when donating vacation leave and requesting leave sharing hours.

## 3. Leave Sharing Discretionary

- a. The granting of leave sharing hours is discretionary, is not an employee's entitlement and cannot be grieved or appealed. Additionally, donated vacation leave is not subject to payout upon termination of employment. All requests should be treated in a highly confidential manner.

## III. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- A. CU Boulder – [Leave Sharing Policy](#)
- B. CU Colorado Springs – [Leave Sharing Policy](#)
- C. CU Denver | Anschutz Medical Center – [Leave Sharing Administrative Policy](#)
- D. CU System Administration - [Leave Sharing Policy](#)

# APS 5062-LEAVE

## Section 9: Leave Without Pay

**Applies to:** All University employees.

### SECTION 9 – LEAVE WITHOUT PAY

#### I. POLICY STATEMENT

University employees may be granted leave without pay for valid reasons for a period of up to 12 months. Such leaves must be approved by the employee's supervisor and the hiring authority. Leave without pay, except for military leave without pay and furloughs, will not be granted until all vacation leave (if eligible), sick leave (if reason for absence is listed in APS 5062 Section 2 or FMLA covered), and any additional accumulated paid leave is exhausted, unless otherwise requested by the employee and approved by the supervisor.

Extensions beyond the initial 12-month period must be approved by the applicable hiring authority in consultation with a human resources office. During periods of leave without pay or short work break, except for military leave and furloughs, the employee does not accrue vacation and sick leave.

## Section 10: Military Leave

**Applies to:** *University staff* and faculty on 12-month appointments.

### SECTION 10 – MILITARY LEAVE

#### I. POLICY STATEMENT

##### A. Reservist or National Guard

Use of military leave shall be consistent with state and federal laws. Upon presentation of proper military orders, *university staff* or faculty on a 12-month appointment who is a reservist or member of the National Guard with the United States Military is granted up to 21 calendar days of paid leave (prorated for current appointment percent of time) per fiscal year with pay to attend training and/or active-duty service ordered. This leave is not charged to vacation leave.

If military service continues beyond 21 calendar days, the employee may utilize and exhaust their vacation leave. Once the employee exhausts vacation leave or chooses not to utilize vacation time, the employee will be placed on military leave without pay for any remaining period of required military service. An employee on military leave continues to accrue vacation and sick leave.

##### B. Active Duty

A department head may authorize pay equal to the difference between the employee's university monthly pay and the sum of the monthly military pay and allowances for an employee called to active military duty. Such differential pay shall not exceed 90 calendar days and applies after exhaustion of the 21 calendar-day paid military leave. To receive differential pay, the employee must furnish a copy of the call-to-duty order and proof of military pay and allowances. This differential pay does not apply to regular military obligations such as the annual encampment and training.

*University staff* or faculty on a 12-month appointment who voluntarily enters military service are granted military leave without pay until the end of the initial period of service, plus any period of additional service imposed by law.

## Section 11: Parental Leave

**Applies to:** All employees.

### SECTION 11 – PARENTAL LEAVE

#### I. INTRODUCTION

The intention of this policy is to set forth the leave that a *parent* may take and define parental leave benefits for each employment classification.

#### II. POLICY STATEMENT

##### A. Parental Leave Benefits by Employment Classification

The provisions of this University Parental Leave Policy are intended to be interpreted in conjunction with the Federal Family Medical Leave Act (*FMLA*) and State of Colorado Family and Medical Leave Insurance Act (*FAMLI*). Parental Leave, *FAMLI* leave, and *FMLA* leave shall run concurrently. Thus, parental leave counts as part of, and is not in addition to, the 12 weeks of leave guaranteed by the *FMLA* and *FAMLI*.

CU parental leave is granted to care for the birthing parent immediately after birth (6-8 weeks) and/or to care for the employee's *child* within 12 months of the birth, adoption, foster care placement, or guardianship of a *child*. The employee shall inform the appropriate supervisor as early as possible of the intent to request parental leave.

During unpaid parental leave, employees are required to adhere to any leave without pay policies.

If an employee is in a paid status, they will receive holiday pay in lieu of other compensation types. During consecutive leave periods, the holiday hours are included in the time off calculation and do not extend the leave period.

At no time will compensation equal more than an employee's full salary, regardless of funding source. All leave program hour entitlements will be prorated based on the appointment percent of time.

For compliance and consistency, employees shall submit a leave application to Employee Services to utilize *FAMLI*, *FMLA*, and Parental Leave.

##### 1. Nine-Month Faculty (non-temporary)

- a. Time off options – programs run concurrently
  - i. Faculty Parental Leave:
    - 1) Entitled to up to 18 weeks of parental leave.
    - 2) Eligible on first day of employment if date of hire precedes first day of qualifying event.
  - ii. *FAMLI*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FAMLI* leave.
    - 2) Eligible on first day of employment if work occurs in Colorado.
  - iii. *FMLA*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FMLA* leave.
    - 2) Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.

- b. Compensation options for the 18 weeks based on eligibility for each leave program
  - i. Faculty parental leave:
    - 1) Entitled to 50% compensation for 18 weeks of parental leave. Faculty parental leave will supplement *FAMLI* wages, to at least 50% of pay.
    - 2) If there is no *FAMLI* available or becomes unavailable, Faculty parental leave compensates up to 50% of pay for up to 18 weeks.
    - 3) Eligible on first day of employment if date of hire precedes first day of qualifying event.
  - ii. *FAMLI*:
    - 1) Entitled to a percentage of weekly wages, for up to 12 weeks (480 hours).
    - 2) Eligible on first day of employment if work occurs in Colorado.
  - iii. Sick leave:
    - 1) Allowed to supplement compensation and combine with *FAMLI* and/or faculty parental leave for 18 weeks to provide an employee's full compensation.
  - iv. Short-term disability for birth *parent* only (optional plan, paid for by employee):
    - 1) Allowed to supplement compensation and combine with *FAMLI* and/or faculty parental leave.
    - 2) Must exhaust sick leave prior to utilization.
- 2. University Staff and Twelve-Month Faculty (non-temporary)
  - a. Time off options – programs run concurrently
    - i. Parental Leave:
      - 1) Entitled to 26 consecutive weeks of unpaid parental leave.
      - 2) Eligible on first day of employment if date of hire precedes first day of qualifying event.
    - ii. *FAMLI*:
      - 1) Entitled to up to 12 weeks (480 hours) of *FAMLI* leave.
      - 2) Eligible on first day of employment if work occurs in Colorado.
    - iii. *FMLA*:
      - 1) Entitled to up to 12 weeks (480 hours) of *FMLA* leave.
      - 2) Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.
  - b. Compensation options for up to 26 weeks based on eligibility for each leave program
    - i. Paid parental leave (PPL):
      - 1) Entitled to 100% compensation for the first 6 weeks (240 hours) of parental leave. Paid parental leave will supplement *FAMLI* wages, not to exceed 100% of pay.
      - 2) If *FAMLI* is not available or becomes unavailable, PPL compensates up to 100% of pay for up to 6 weeks.
      - 3) Eligible on first day of employment if date of hire precedes first day of qualifying event.
    - ii. *FAMLI*:
      - 1) Entitled to a percentage of weekly wages, for up to 12 weeks (480 hours).
      - 2) Eligible on first day of employment if work occurs in Colorado.
    - iii. Sick leave:
      - 1) Use alone and/or allowed to supplement compensation with *FAMLI* to provide an employee's full compensation.
    - iv. Vacation leave:
      - 1) Use alone and/or allowed to supplement compensation with *FAMLI* to provide an employee's full compensation once sick leave is exhausted.
    - v. Holiday pay that falls within the leave period if employee is in paid status.

- vi. Short-term disability for birth *parent* only (optional plan, paid for by employee):
  - 1) Allowed to use in addition to *FAMLI*.
  - 2) Must exhaust sick leave prior to utilization.

vii. Leave without pay.

### 3. Classified Staff (non-temporary)

- a. Time off options – programs run concurrently
  - i. Parental Leave:
    - 1) Entitled to 26 weeks of unpaid parental leave.
    - 2) Eligible on first day of employment if date of hire precedes first day of qualifying event.
  - ii. *FAMLI*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FAMLI* leave.
    - 2) Eligible on first day of employment if work occurs in Colorado.
  - iii. *FMLA*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FMLA* leave.
    - 2) Eligible after 12 months of state service.
  - iv. State Family Medical Leave:
    - 1) Entitled to up to an additional 40 hours subsequent to *FMLA* leave.
- b. Compensation options for up to 26 weeks
  - i. *FAMLI*:
    - 1) Entitled to a percentage of weekly wages, for up to 12 weeks (480 hours).
    - 2) Eligible on first day of employment if work occurs in Colorado.
  - ii. State of Colorado Paid FML (PFML):
    - 1) Entitled to up to 160 hours of PFML.
    - 2) Eligible after 12 months of state service.
  - iii. Paid parental leave (PPL):
    - 1) Entitled to 100% compensation for the first 6 weeks (240 hours) of parental leave. Paid parental leave will supplement *FAMLI* and PFML wages, not to exceed 100% of pay.
    - 2) If *FAMLI* or PFML is not available or becomes unavailable, PPL compensates up to 100% of pay for up to 6 weeks.
    - 3) Eligible on first day of employment if date of hire precedes first day of qualifying event.
  - iv. Sick leave:
    - 1) Use alone and/or allowed to supplement compensation with *FAMLI* to provide an employee's full compensation.
  - v. Vacation leave:
    - 1) Allowed to supplement compensation and combine with *FAMLI* to provide an employee's full compensation once sick leave is exhausted.
  - vi. Holiday pay that falls within the leave period if employee is in paid status.
  - vii. Short-term disability for birth *parent* only (mandatory plan, paid for by university):
    - 1) Allowed to use in addition to *FAMLI*.
  - viii. Leave without pay.

### 4. All other employees

Regular employees in appointments less than 50%, temporary faculty, temporary staff, student employees, graduate students on appointment, residents, and any other employee not listed in sections above. *Note that*



individuals in job codes 3201-3209 (on unique stipends and fellowships) are not considered CU employees and are not subject to the *FAMLI* premium and are not entitled to *FAMLI* benefits. 72

- a. Time off options – programs run concurrently
  - i. *FAMLI*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FAMLI* leave.
    - 2) Eligible for *FAMLI* beginning on first day of employment.
  - ii. *FMLA*:
    - 1) Entitled to up to 12 weeks (480 hours) of *FMLA*.
    - 2) Eligible if worked at CU for at least 12 months and at least 1,250 hours over the past 12 months.
- b. Compensation Options
  - i. *FAMLI*:
    - 1) Entitled to a percentage of weekly wages, for up to 12 weeks (480 hours).
    - 2) Eligible on first day of employment if work occurs in Colorado.
  - ii. Sick leave:
    - 1) Allowed to supplement compensation and combine with *FAMLI* to provide an employee's full compensation.
  - iii. Vacation:
    - 1) Allowed to supplement compensation and combine with *FAMLI* to provide an employee's full compensation once sick leave is exhausted if employee earns vacation time.

## B. Parental Leave Components

### 1. University Paid Parental Leave (PPL) Benefit Program

- a. The university grants 100% compensation for the first 6 weeks (240 hours) of parental leave to eligible employees (see section II.B.1.b). Paid parental leave will supplement *FAMLI* and PFML wages, not to exceed 100% of pay, and cannot be utilized without *FAMLI* unless *FAMLI* has been exhausted in the current year or for out-of-state employees.
  - i. Parental leave must be taken and completed within one year of the birth, adoption, foster care placement, or guardianship of a *child*. A department may require blocks of time (i.e. full shifts, days or weeks) for bonding and request the employee make a reasonable effort to schedule leave as not to unduly disrupt operations.
  - ii. There is no cash value for paid parental leave upon termination from the university and leave cannot be rolled forward for future use.
  - iii. University paid parental leave is calculated on the employee's base salary only and is subject to taxes and withholdings.
  - iv. Eligible employees are only entitled to one paid parental leave period per year from the date the first paid parental leave begins.
  - v. University paid parental leave is not in addition to the State of Colorado Paid Family Medical Leave (PFML) program for classified staff.
- b. Eligibility for University Paid Parental Leave Program
  - i. A regular, non-temporary 12-month faculty member, university staff, or classified staff member must have a regular appointment of 50% or greater on the date of birth, adoption, foster care placement, or guardianship of a *child* to be eligible for paid parental leave.

## 2. Family and Medical Leave Insurance (*FAMLI*)

*FAMLI* is a state law that guarantees Colorado workers 12 weeks per year of partial wage replacement and leave to attend to certain family and medical needs, including a *child's* birth, adoption, foster care placement, or guardianship of a *child*.

- a. An employee may receive up to an additional 4 weeks if complications pertaining to the birthing *parent's* health occur and are documented on a medical certification form.
- b. Employees are eligible for job protection through *FAMLI* after 180 days of employment.
- c. If *FAMLI* is utilized for a different condition in the same year, the amount allocated for the purposes of parental leave is reduced accordingly.
- d. The university shall inform all employees who are covered by *FAMLI* of their *FAMLI* rights regarding leave for pregnancy or for the birth, adoption, foster care placement, or guardianship of a *child*, and shall administer *FAMLI* leave in accordance with CU's *FAMLI* Plan and university policies.

## 3. Family Medical Leave Act (*FMLA*) for Parental Leave

The *FMLA* is a federal law that guarantees certain workers 12 weeks per year of unpaid leave to attend to certain family and medical needs, including a *child's* birth, adoption, foster care placement, or guardianship of a child.

- a. If *FMLA* is utilized for a different condition in the same year, the amount allocated for the purposes of parental leave is reduced accordingly.
- b. The university shall inform all employees who are covered by the *FMLA* of their *FMLA* rights regarding leave for pregnancy or for the birth, adoption, foster care placement, or guardianship of a *child*, and shall administer *FMLA* leave in accordance with federal law.

## 4. Alternative Leave for Birth, Adoption, Foster Care Placement, or Guardianship of a *Child*

Any faculty or staff member who does not wish to take the standard leave described in section II.A may negotiate an alternative leave arrangement with their supervisor or primary unit chair. For example: using the six-month unpaid parental leave intermittently, alternative work schedules, differentiated workloads, banked courses, etc.

The decision whether to grant such a negotiated leave arrangement shall be dictated by the needs of the unit, at the discretion of the supervisor or unit chair and in consultation with the human resources office to ensure that the decision is consistent with the *FMLA* and *FAMLI*. Negotiated leave arrangements must be in writing and, in the case of a staff member, signed by the staff member and supervisor; or, in the case of a faculty member, by the faculty member, chair, and dean.

## C. Tenure Probationary Period for Tenure-Track Faculty

Consistent with [Regent Policy 5.D.1: Tenure Probationary Period](#) and section III.A of [APS 1022 - Standards, Processes and Procedures for Reappointment, Tenure, Promotion, and Post-Tenure Review](#), leave taken pursuant to this parental leave policy, including a negotiated alternative leave, does not count as part of the tenure probationary period. Parental leave results in a "stop" on the tenure clock; such "stops" must be taken in one-year increments. However, a faculty member may irrevocably elect, no later than six months following their return to full-time service, to have the leave time count as part of the tenure probationary period. Such an election shall be made in writing and must be approved by the dean and the chancellor.

A faculty member who has experienced the birth, adoption, foster care placement, or guardianship of a *child*, but who does not take parental leave, may also irrevocably elect to stop the tenure clock for one year, provided the election is made in writing within six months of the *child's* birth, adoption, foster care placement, or guardianship of a *child*.

Absent extraordinary circumstances, a maximum of two "stops" on the tenure clock for parental leave is allowed under this policy.

#### D. Simultaneous Leave

If both *parents* are employed by the University of Colorado and both are eligible for any parental leave benefit described under this policy, paid and unpaid leaves under this policy may be taken simultaneously or may be staggered within 12 months of a *child's* birth, adoption, foster care placement, or guardianship of a *child*.

#### E. Campus Parental Leave Policies

1. A campus may adopt a campus-specific policy provided that the approved policy is referenced in section IV of this APS and the Office of University Counsel reviews any alternate policy.
  - a. A campus may provide additional parental leave benefits to its employees or to a group of its employees that are more generous than those provided in section II.A of this APS.

### III. DEFINITIONS

Italicized terms used in this section of the Administrative Policy Statement (APS) are defined in the [APS Glossary of Terms](#) or are defined in this section.

FMLA – The Family Medical Leave Act, 29 U.S.C. 2601 et seq., a federal law which guarantees unpaid, job protected leave for certain employees experiencing qualifying family and medical circumstances, including the birth, adoption, foster care placement or guardianship of a child.

FAMLI – The Family and Medical Leave Insurance Act, C.R.S. § 8-13.3-501, is a state of Colorado law with guarantees all employees experiencing a qualifying family and medical circumstance a partial wage replacement and job protected leave.

Child – A biological child, adopted child, foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and “incapable of self-care because of a mental or physical disability” at the time leave is to commence.

Parent – A biological parent, adoptive parent, foster parent, guardian or a spouse, domestic partner or civil union partner of a parent, including an employee using a surrogate/gestational carrier.

### IV. RELATED POLICIES

#### A. Campus Parental Leave Policies

- [CU Boulder](#)

#### B. ~~Regent Policy 11.E: Leave Policies for Faculty and Staff~~ [Regent Policy 11.E: Leave Policies for Employees](#)

#### C. [FAMLI Process and Procedures](#)

## APS 5062-LEAVE

### Section 12: Paid Sick Leave During a Public Health Emergency

**Applies to:** All university employees.

#### I. POLICY STATEMENT

During a public health emergency, the university will not provide supplemental sick leave for those employees who, by university policy, have the necessary amount of sick leave required by C.R.S. § 8-13.3-405(1)(a-b). If during a public health emergency, an employee does not have the necessary amount of sick leave required by C.R.S. § 8-13.3-405(1)(a-b), the university will supplement the employee's sick leave as necessary.

##### A. Supplemental sick leave

The university will supplement an employee's sick leave as necessary to ensure that an employee may take the following amount of sick leave:

- 80 hours of paid sick leave for full-time employees; or
- the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee actually works in a 14-day period for part-time employees. Unused paid sick leave described above, may be counted towards an employee's supplemental sick leave required during a public health emergency.

##### B. An employee may take paid sick leave during a public health emergency if the employee:

- is self-isolating due to a positive diagnosis, of the illness that is the cause of the public health emergency;
- is experiencing symptoms, seeking a medical diagnosis, medical treatment, or seeking preventive care with respect to the illness causing the public health emergency;
- public health officials or the employer determines it is unsafe for the employee to come to work due to the public health emergency;
- is caring for a family member in the above circumstances;
- needs to care for a child or other family member whose childcare facility is unavailable, or the child's childcare facility or school is closed due to the public health emergency;
- is unable to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the public health emergency. C.R.S. § 8-13.3-405(4)(a)-(b).

An employee may use the public health emergency sick leave for four weeks after the official termination or suspension of the public health emergency.

Employees are only eligible for supplemental paid sick leave once during the entirety of a public health emergency.

##### C. Documentation

Documentation is not required to take paid sick leave during a public health emergency, but the employee should notify the supervisor as soon as possible.

##### D. Family member

For purposes of section 12 and section 2, an employee's family member means a person who is related by blood, marriage, civil union, domestic partner, or adoption to the employee; a child to whom the employee stands or stood in loco parentis; and a person for whom the employee is responsible for providing or arranging health or safety-related care.

## APS 5062-LEAVE

### Section 13: Leave for Faculty Serving in Elected Office

**Applies to:** Faculty members on all campuses.

#### I. INTRODUCTION

The university encourages and supports public service among its faculty. The policy establishes rules to ensure that tenured faculty are provided the opportunity to serve in elected office and provisions for non-tenured faculty who wish to serve.

#### II. POLICY STATEMENT

- A. As a private citizen, a faculty member may engage in political activities, including campaigning for elected office or serving in elected office. The university shall not restrict such activity provided it does not interfere with the faculty member's responsibilities to the university. Potential conflicts of interest or commitment shall be addressed in accordance with [APS 5012: Conflicts of Interest and Commitment in Research and Teaching](#).
- B. If a tenured faculty member is elected to a paid position that requires a full-time time commitment, a leave without pay shall be requested by the faculty member and shall be granted by the university. If full-time service is required for only a specific period of time, a leave without pay shall be requested and shall be granted for the period of full-time service.
  - 1. Mandatory approval of leave without pay shall only apply to the first term of office. Leave for subsequent terms may be negotiated with the dean of the faculty member's school or college, but is not guaranteed.
- C. Non-tenured faculty may request leave to serve in elected office; however, leave is not guaranteed. The tenure probationary period for tenure-track faculty shall only be extended if leave is granted and an extended probationary period is explicitly approved as part of that agreement.
- D. A faculty member should contact Employee Services for information on the impact of a leave without pay or reduction in time (partial leave) on benefits eligibility.

#### III. RELATED POLICIES

- A. [APS 5012: Conflicts of Interest and Commitment in Research and Teaching](#)



## ADMINISTRATIVE POLICY STATEMENT

**Policy Title:** Protected Class Nondiscrimination

**APS Number:** 5065

**APS Functional Area:** COMPLIANCE

<b>Brief Description:</b>	Prohibits protected class discrimination and harassment on the basis of race, color, national origin, sex, age, disability, creed, religion, veteran status, marital status, political affiliation, political philosophy, pregnancy or related conditions, sexual orientation, gender identity and gender expression and related violations (failure to report, providing false or misleading information, interference with reporting, failing to comply with orders or sanctions and related retaliation).
<b>Effective:</b>	August 1, 2024
<b>Approved by:</b>	President Todd Saliman
<b>Responsible University Officer:</b>	<a href="#">Vice President of Compliance and Equity</a>
<b>Responsible Office:</b>	Offices of Equity
<b>Policy Contact:</b>	Offices of Equity
<b>Supersedes:</b>	N/A
<b>Last Reviewed/Updated:</b>	August 1, 2024
<b>Applies to:</b>	All campuses. The system administration is considered a campus for the purposes of this policy and is required to adopt any campus requirements stated herein.

**Reason for Policy:** This Policy is intended to comply with the requirements of all applicable federal and state civil rights and nondiscrimination laws, their implementing regulations, and the Laws of the Regents. The information contained within this Policy is intended to provide information to members of the university community and is not intended to, nor does it, create an express or implied contract between the university and community members.

### I. INTRODUCTION AND POLICY STATEMENT

At the University of Colorado (“university”), our vision pursuant to ~~regent policy 10.A~~[regent policy 9.A](#) (“Diversity, Equity, and Inclusion”) is to be a premier, accessible, and transformative public research university that has diverse and inclusive working and learning environments woven into the fabric of our entire organization. Such environments are crucial to promoting academic excellence, most notably outstanding teaching, learning, research, creative work, meaningful community engagement, and culturally responsive healthcare.

This Protected Class Nondiscrimination Policy (“Policy”) prohibits discrimination and harassment on the basis of race, color, national origin, sex, age, disability, creed, religion, veteran status, marital status, political affiliation, political philosophy, pregnancy or related conditions, sexual orientation, gender identity and gender expression consistent with ~~Regent Law Article 8.A: Nondiscrimination~~[regent law, Article 9.A: Nondiscrimination](#). This Policy is intended to ensure equal access to the academic and professional experiences at the university, defines prohibited conduct and reporting obligations, and provides information regarding campus support services for involved parties.

The university must have an office at each campus with specialized expertise to address allegations of prohibited conduct under this Policy in a manner that safeguards the dignity and rights for all involved. The Equity Offices at each

campus implement this Policy and administer related campus procedures. ***Reporting options and accommodation information (related to disability, pregnancy, and religion)*** on each campus can be found as follows:

CU Boulder  
CU Denver | Anschutz  
CU System Administration (reporting)  
CU System Administration (accommodations)  
UCCS

Anyone who encounters an issue or seeks guidance related to this Policy should consult with the campus Equity Office. University employees who are Responsible Employees (mandatory reporters) must promptly report allegations of prohibited conduct, as further outlined in the Policy. It is also critical that anyone who may have been the target of, or who has experienced, prohibited conduct in the context of university education programs, activities, or employment, feel free to report their concerns without fear of retaliation.

All members of the university community enjoy freedom of speech as guaranteed by the United States Constitution, Colorado Constitution, and ~~Regent Law, Article 1.E: Freedom of Expression~~ [regent law, Article 1.D: Freedom of Expression](#). This Policy is intended to protect members of the campus community from prohibited conduct, not to regulate protected speech. While the university may not discipline speakers for protected speech, the university retains an obligation to take other steps as necessary to ensure that no hostile environment based on any protected class persists. The university also recognizes academic freedom, as defined in [regent law, articles 5.B](#) and [7.C](#), and this Policy will not be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, research, or scholarship, or the expression of political and academic views of students and faculty.

## II. PROHIBITED CONDUCT

### A. Discrimination and Harassment

This Policy prohibits discrimination and harassment based on protected class (for definitions of protected classes see section II.B). ***To report information or make a complaint about conduct that may violate this Policy, individuals may contact their campus Equity Offices above.***

Each of the following categories are prohibited and could be charged as potential violations of this Policy in a formal adjudication:

1. ***Discrimination on the basis of protected class:*** When an individual suffers an adverse consequence on the basis of a protected class. Examples include, but are not limited to, failure to be hired or promoted; denial of admission to an academic program; or failure to provide or implement legally required accommodations (e.g., accommodations approved by the campus ADA Coordinator, Disability Services Office or other designated office) as related to an individual's disability, pregnancy/pregnancy-related conditions or religion.
2. ***Harassment on the basis of protected class:*** Unwelcome verbal, written, or physical conduct based on one's protected class that unreasonably interferes with an individual's work or academic performance or creates an intimidating or hostile work or educational environment.

***Hostile environment*** is a form of harassment. Whether a hostile environment exists is determined by evaluating whether or not an individual experienced unwelcome conduct and whether or not the unwelcome conduct was, from the perspective of a reasonable person in the alleged individual's position, sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the campus's education or employment programs and/or activities. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a single or isolated incident of conduct based on protected class may be sufficient.

## B. Discrimination and Harassment – Definitions of Protected Classes

Protected class under this Policy refers to actual or perceived unless otherwise noted below:

1. **Age:** The length of time a person has lived. An employee must be at least 40 years old to fall within the protected category. Students are protected from age discrimination in academic situations like admissions decisions and residence hall assignments, regardless of their age.
2. **Color\*:** The pigmentation of one's skin. An individual can make an allegation of color discrimination or color harassment against someone of the same race or color.
3. **Creed\*:** All aspects of religious beliefs, observances or practices, as well as sincerely-held moral and ethical beliefs as to what is right and wrong, and/or addresses ultimate ideas or questions regarding the meaning of existence, as well as the beliefs or teachings of a particular religion, church, denomination or sect. A creed does not include political beliefs, association with political beliefs or political interests, or membership in a political party.
4. **Disability:** Physical or mental impairment that substantially limits one or more major life activities of an individual.
5. **Gender:** Sex, gender identity, and gender expression including a person's gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth.
6. **Gender Expression:** How a person represents or expresses their gender to others through external appearance, characteristics, or behaviors.
7. **Gender Identity:** The internal deeply-held sense of one's gender which may be the same as or different from one's sex assigned at birth.
8. **Marital Status:** A relationship or a spousal status of an individual including, but not limited to, being single, cohabitating, engaged, widowed, married, in a civil union, or legally separated; or a relationship or a spousal status of an individual who has had or is in the process of having a marriage or civil union dissolved or declared invalid.
9. **National Origin or Shared Ancestry\*:** A person's (or a person's ancestors') place of origin or the physical, cultural, or linguistic characteristics of an ethnic group.
10. **Political Affiliation:** A person's membership or association with others in commonality of political purpose and support.
11. **Political Philosophy:** A person's belief or endorsement of any system of thought pertaining to public policy or the administration of governmental functions.
12. **Pregnancy or related conditions:** (1) Pregnancy, childbirth, termination of pregnancy or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
13. **Race\*:** How individuals may self-identify as a certain ethnic and racial category (socio-political constructs) or as multi-racial. All racial categories are protected under this Policy. Race also includes hair texture, hair type, or a protective hairstyle commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros and headwraps.
14. **Religion\*:** All aspects of religious observance, belief and practice. A person does not have to be a member or follower of a particular organized religion, sect or faith tradition to have a religion.
15. **Sex:** The labels of "male," "female," and/or "intersex" typically assigned at birth and based on anatomy and biology.
16. **Sexual Orientation:** An individual's physical, romantic, and/or emotional attraction toward people. Examples include, but are not limited to: heterosexual, bisexual, gay, lesbian, pansexual, asexual, queer, demisexual, or questioning.
17. **Veteran Status:** Refers to anyone who serves or who has served in any branch of the United States armed forces, including students in the Reserve Officer Training Corps (ROTC). Volunteers for military duty must be treated the same as those who are ordered to active duty.

*\* The university construes antisemitism, Islamophobia, and caste to be included within the university's current prohibitions on discrimination or harassment, which may be based on the protected classes of race, color, religion, creed, national origin or ancestry. All protected classes listed above encompass intersectional identities.*



### C. Related Violations

This Policy prohibits violations related to protected class discrimination and harassment. *To report information or make a complaint about conduct that may violate this Policy, individuals may contact their campus Equity Offices in section I.*

Each of the following actions are violations related to discrimination and harassment, are prohibited, and could be charged as potential violations of this Policy in a formal adjudication:

1. ***Failure to Comply with Orders or Sanctions:*** Not complying with orders of the Equity Office or other appropriate university officials related to this Policy including, but not limited to, No-Contact Orders, Exclusion Orders, and Orders for Interim Suspension. Members of the university community must abide by and complete sanctions related to prohibited conduct.
2. ***Failure to Report:*** When (1) the Responsible Employee received information that a member of the university community was subjected to or committed an act of alleged prohibited conduct, and (2) the Responsible Employee intentionally, knowingly, or recklessly disregarded the obligation to report, thus resulting in harm to a member of the university community. A Responsible Employee is defined below in section III.C.2. This provision will be applied in a manner that promotes the reporting of prohibited conduct and avoids disciplinary actions when Responsible Employees conscientiously discharge their reporting obligations.
3. ***Interference with Reporting:*** Prohibiting or interfering with a Responsible Employee or any other person's reporting to the Equity Office. A Responsible Employee is defined below in section III.C.2.
4. ***Providing False or Misleading Information:*** When a person knowingly or recklessly provides false or misleading information to an Equity Office in the course of a resolution process. Making a report or providing information in good faith, even if the information reported is not later substantiated, will not constitute a violation of this Policy.
5. ***Retaliation:*** Adverse educational or employment actions, including direct or indirect intimidation, threats, and harassment, taken against an individual because of their involvement in a complaint of prohibited conduct. An adverse educational or employment action is any conduct that would dissuade a reasonable person from reporting an allegation of, or participating in, an investigation of prohibited conduct.

## III. RESOURCES AND REPORTING

### A. Options for Assistance and Reporting Following an Alleged Incident of Prohibited Conduct

When the university receives a report of prohibited conduct against an individual, whether the conduct occurred on or off campus, the campus shall provide the individual with notification of the following, as applicable:

1. Reporting rights and options, including:
  - a. to whom and how to report an alleged offense, including campus authorities and local law enforcement authorities;
  - b. to be assisted by campus authorities in making a report; and
  - c. to decline to notify such authorities.
2. The importance of preserving evidence that may assist in proving a criminal offense occurred or may be helpful in obtaining a protective order;
3. The method by which a person can seek No-Contact Orders, orders of protection, restraining orders, or similar lawful orders issued by a court or other competent authority;
4. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available on campus or in the community; and

5. Options for, and available assistance in, changing transportation and working situations, in addition to any available academic and residential accommodations. This notification shall be made, and accommodations afforded if they are reasonably available, regardless of whether the person who reported experiencing prohibited conduct chooses to participate in any campus investigation or disciplinary proceeding or to report the crime, if any, to law enforcement.

***Reporting Options and Assistance for each campus:***

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

**B. Confidential Resources and Privacy**

1. ***Confidential Employees/Independent Notification Obligations:*** The university supports the use of confidential resources for all parties. Employees who are confidential resources are not Responsible Employees who are required to report allegations of prohibited conduct under this Policy. A confidential employee must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not responsible employees who report to the Equity Office; (2) how an individual may contact the Equity Office and make a complaint under this Policy; and (3) that the Equity Office may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process.

A person who is a confidential resource under this Policy may have an independent obligation to report some forms of criminal conduct to law enforcement officials.

2. ***Confidential Resources:*** The links below provide information on how to contact the university's confidential employees.

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

Communications of prohibited conduct to a Responsible Employee are not confidential, and these employees must report prohibited conduct to the Equity Office when it is disclosed to them.

3. ***Privacy and Information Disclosure:*** The university will not disclose the identity of any individual involved in a complaint of prohibited conduct (parties or witnesses for example) except as may be permitted by prior written consent, required by law, or to carry out an informal or formal resolution or judicial proceeding related to this Policy. This may require sharing information, including identification information, between internal university offices.
4. ***Requests Not to Proceed and Overriding Factors:*** If an individual has allegedly been subjected to prohibited conduct, but wishes to maintain privacy or requests that no resolution process be pursued nor disciplinary action taken, the Equity Office will explain that the university prohibits retaliation and explain the steps the campus will take to prevent retaliation if the individual participates in a resolution process, and that the campus will take responsive action if it occurs.

If, having been informed of the campus's prohibition of retaliation and its obligations to prevent and respond to retaliation, the individual allegedly subjected to prohibited conduct would still like to maintain privacy or requests that no investigation be conducted nor disciplinary action taken, the Equity Office will weigh that request against the university's obligation to provide a safe, non-discriminatory environment for all students, faculty, and staff. In making that determination, the Equity Office will consider a range of potentially overriding factors that would cause the campus to commence an investigation or take disciplinary action after an investigation of prohibited conduct occurred.

5. ***Findings of a Policy Violation:*** The university recognizes that third parties (either employers and/or institutions receiving transferring students) may have a legitimate interest in knowing whether a university employee or student has been found responsible for engaging in prohibited conduct. In the event that, after a grievance process and any rights of appeal have been completed, an employee or student has been found responsible for engaging in prohibited conduct, the university may confirm upon inquiry from a potential employer, or licensing or credentialing agency or institution, that the employee or student has been found responsible for violation of this Policy subject to applicable state and federal laws (e.g., Family Educational Rights and Privacy Act) regarding such disclosures. The university may also confirm upon inquiry that an investigation under this Policy is pending against an employee or student or that an employee or student resigned employment or withdrew while an investigation under this Policy was pending, again subject to applicable state and federal laws.

### C. Reporting Allegations of Prohibited Conduct

1. ***Purpose of Reporting:*** The university provides mechanisms for members of the university community to report allegations of prohibited conduct. Reporting allows the university to pursue resolution processes when appropriate, and to inform those who have been involved of support services and to facilitate access to those services. Reporting also allows the university to identify institutional risks, increase the effectiveness of its training programs, and identify the need for additional services that will protect the university community from harm. Reporting allegations of prohibited conduct is fundamental to the university's ability to provide campus environments that allows equal access to educational and employment opportunities.
2. ***Responsible Employees Must Report Prohibited Conduct to the Equity Office:*** Responsible Employees are defined as any employee who: (1) has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students; (2) has the authority to take action to redress prohibited conduct; and/or (3) has been given the duty of reporting incidents of prohibited conduct by the Equity Office. The Equity Office may designate in campus procedures that certain individuals who might otherwise not be considered Responsible Employees are subject to mandatory reporting requirements. Responsible Employees must promptly report allegations of prohibited conduct as defined by the Policy to the Equity Office. A "Failure to Report" as defined by section II.C.2 is considered Prohibited Conduct.
  - a. Any Responsible Employee who witnesses or receives a written or oral report alleging that a member of the university community has been subjected to or has committed an act of prohibited conduct must promptly report the allegations to the Equity Office. Members of the university community include students, faculty, staff, contractors, patients, visitors to campus, volunteers, regents and employees of affiliated entities. Because the university may have the ability to address or prevent future prohibited conduct, the obligation to report exists independently of whether the individual who was subjected to or accused of prohibited conduct is currently enrolled or employed at the university.
  - b. The Responsible Employee is required to promptly report to the Equity Office, all known details about the alleged prohibited conduct including:
    - i. Name(s) of the person allegedly subjected to prohibited conduct;
    - ii. Name(s) of the person allegedly accused of prohibited conduct;
    - iii. Name(s) of any alleged witnesses; and
    - iv. Any other relevant facts, including the date, time, and specific location(s) of the alleged incident.

If the Responsible Employee is unable to provide this information at the time of making an initial report, but later becomes aware of additional information, the Responsible Employee must supplement the prior report.

Responsible Employees employed by university law enforcement are required to report pursuant to this section unless the information is otherwise excluded by state or federal law (e.g., information related to juveniles).

- c. In many instances, it may not be immediately apparent whether a person is a member of the university community, whether the alleged prohibited conduct occurred on university property, or whether the alleged prohibited conduct occurred in the course of an education program or activity of the university. Rather than

conduct their own inquiries to determine whether these conditions exist, Responsible Employees should report potential prohibited conduct to the Equity Office to allow a preliminary inquiry to occur.

- d. Responsible Employees are not required to report information disclosed during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol. Institutional Review Boards (IRB) may, in appropriate cases, require researchers to provide reporting information to all subjects of IRB Research.
  - e. Responsible Employees who receive information related to prohibited conduct in the course of serving in the capacity as ombuds, as designated by the university, are not required to report to the Equity Office. Otherwise, as a confidential employee, in the capacity as an ombuds, an employee must explain to an individual alleging prohibited conduct: (1) their status as a confidential employee for purposes of this Policy and that they are not Responsible Employees who report to the Equity Office; (2) how an individual may contact the Equity Office and make a complaint under this Policy; and (3) that the Equity Office may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report alleged prohibited conduct disclosed to them when they are not serving in their capacity as ombuds.
  - f. Responsible Employees who receive information related to an allegation of prohibited conduct in the course of providing professional services within a privileged relationship, such as healthcare providers or counselors, are not required to report to the Equity Office. As confidential employees, these employees must explain to an individual alleging prohibited conduct (1) their status as a confidential employee for purposes of this Policy and that they are not Responsible Employees who report to the Equity Office; (2) how an individual may contact the Equity Office and make a complaint under this Policy; and (3) that the Equity Office may be able to offer and coordinate supportive measures, as well as initiate an informal or formal resolution process. These Responsible Employees must report allegations of prohibited conduct disclosed to them when they are not providing professional services within a privileged relationship. These Responsible Employees may also have independent professional obligations to report some forms of criminal conduct to law enforcement officials.
  - g. A Responsible Employee does not satisfy the reporting obligation by reporting allegations of prohibited conduct to a supervisor or university personnel other than the Equity Office.
  - h. Responsible Employees are not required to report allegations of prohibited conduct to which they have been personally subjected to the Equity Office but are nonetheless encouraged to report.
3. Other Employees: All employees who are not confidential employees (see section III.B.1) or Responsible Employees (see section III.C.2) must provide the following information to any person who discloses to them information about prohibited conduct: (1) the contact information of the Equity Office; and (2) information about how to make a complaint of prohibited conduct. When a person discloses a pregnancy or related condition to an employee, that employee must provide that person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to ensure that person's equal access to the university's education programs or activities.

Contact information for the Title IX Coordinator/Equity Offices and how to make a complaint for each campus are listed below:

Campus Title IX Coordinators  
 CU Boulder  
 CU Denver | Anschutz  
 CU System Administration  
 UCCS

4. Employees who are designated Campus Security Authorities (CSAs): Employees who have additional obligations under the Clery Act to report certain criminal offenses under the law that occur on university property for statistical purposes. See the links below for Clery resources and information.

CU Boulder  
CU Denver | Anschutz  
UCCS

#### IV. EQUITY OFFICE AND JURISDICTION

##### A. Designation and Responsibilities of the Equity Office

The Equity Office is responsible for overseeing complaints of prohibited conduct pursuant to this Policy and for identifying and addressing any patterns or systemic problems that arise during review of those complaints.

For all matters within the scope of this Policy, at a minimum, the Equity Office shall be specifically responsible and have delegated authority from the chancellor or president for implementing this Policy. Subject to the Equity Office's ultimate responsibility and authority, the Equity Office may further delegate responsibility and authority for the following functions:

1. Providing notice of resolution procedures to parties and ensuring that complaints of prohibited conduct are handled appropriately and in a timely manner;
2. Initiating and overseeing adequate, reliable, and impartial resolutions of complaints of prohibited conduct as appropriate and requested by the parties as applicable and ensuring that parties are treated equitably;
3. Evaluating any request for privacy by a person allegedly subjected to prohibited conduct pursuant to section III.B.4 (override provision);
4. Evaluating whether a complaint should be dismissed on jurisdictional bases pursuant to section IV.B;
5. Referring matters for further action or discipline for inappropriate or unprofessional conduct under other applicable policies or procedures even if a prohibited conduct violation is not found. No provision of this Policy shall be construed as a limitation upon the authority of the disciplinary authority, under applicable policies and procedures, to initiate disciplinary action;
6. Offering and coordinating supportive measures for all parties either before or during the resolution process as applicable;
7. Ensuring broad publication of the campus complaint process and procedures, including posting the process and procedures on an appropriate campus website;
8. Creating an annual report documenting: (1) the number of reports or complaints of alleged violations of this Policy; (2) the categories (e.g., students, faculty, and staff) of parties involved; (3) the number of Policy violations found; (4) the number of appeals taken and the outcomes of those appeals; and (5) examples of sanctions imposed for Policy violations;
9. Reviewing and confirming that the relevant policy statements of the campus Annual Security Report pursuant to the Clery Act are consistent with this Policy and campus complaint process and procedures;
10. Ensuring there is ongoing training and education regarding reporting and preventing prohibited conduct for all students, faculty, and staff;
11. Coordinating actions to prevent discrimination and ensure equal access for pregnant students, faculty and staff.
12. Ensuring that investigators and all decision-makers are thoroughly trained;

13. Maintaining records and related documentation of compliance with this Policy including, but not limited to, retaining copies of any training documentation, tracking student and employee training participation, documenting each step of the campus complaint process and procedures, including supportive measures and resolutions; and
14. Ensuring broad dissemination of the statement that the university shall not discriminate on the basis of sex in employment or in its education programs and activities.

**B. Equity Office's Jurisdiction to Conduct Preliminary Inquiry and Further Action**

1. This Policy applies to all members of the university community, including students, faculty, staff, contractors, patients, volunteers, affiliated entities, regents, and other third parties. Subject to any rights of appeal, any person found responsible for engaging in prohibited conduct as defined in this Policy may be subject to disciplinary action, up to and including expulsion or termination of employment. The university will consider what potential actions should be taken, including contract termination or property exclusion, regarding third-party conduct alleged to have violated this Policy, but those options may be limited depending on the circumstances of the affiliation.
2. This Policy applies to conduct that occurs on campus. This Policy also applies to off-campus conduct, including online or electronic conduct, in the following circumstances:
  - a. If the person accused of prohibited conduct is affiliated with the university;
  - b. If the conduct occurred in the context of an employment or education program or activity of the university; or
  - c. In all other cases not falling under (a) or (b), the Equity Office will consider the degree of the university's control over the persons(s) accused of prohibited conduct, the relationship between the parties, the affiliation of the person allegedly subjected to prohibited conduct, and assess the surrounding circumstances of the alleged conduct for the presence of the following factors:
    - i. Targets or causes harm to an individual connected with the university;
    - ii. Threatens violence against the person(s) allegedly subjected to prohibited conduct or others and there is reasonable fear that such further conduct could target or cause harm to someone connected with the university;
    - iii. Is of a violent nature or was frequent or severe;
    - iv. Prior or current similar complaints about the person(s) accused of prohibited conduct or the person(s) has a known history or record from a prior school indicating a history of violence;
    - v. Use of, or threat to use, a weapon, access to or attempts to access weapons, or a history of bringing weapons to the university;
    - vi. Multiple persons allegedly subjected to prohibited conduct or persons accused of prohibited conduct.
    - vii. The person allegedly subjected to prohibited conduct is a minor;
    - viii. Whether the alleged prohibited conduct reveals a pattern of perpetration at a given location or by a particular group; and/or
    - ix. Any other signs of predatory behavior.

If the Equity Office determines that at least one of the above factors is present, then the Equity Office may exercise jurisdiction for off-campus conduct that does not fall under (a) or (b) above.

The Equity Office is solely authorized to determine whether this Policy applies to alleged prohibited conduct and whether the university has jurisdiction to take any action pursuant to this Policy.

## V. GRIEVANCE PROCESS AND PROCEDURES

Each campus shall establish written grievance procedures providing for prompt and equitable resolution of any allegations of prohibited conduct as follows:

CU Boulder  
CU Denver | Anschutz  
CU System Administration  
UCCS

When an alleged violation of this Policy involves more than one University of Colorado campus, the campus with primary disciplinary authority over the person accused of prohibited conduct shall investigate the complaint pursuant to its applicable complaint process and procedures. The campus responsible for the investigation may request the involvement or cooperation of any other affected campus and should advise appropriate officials of the affected campus of the progress and results of the investigation.

## VI. RECORDKEEPING

The university maintains the following records for at least seven years:

- A. For each complaint of prohibited conduct, records documenting the informal or formal resolution process.
- B. For each notification the Equity Office receives of information about conduct that reasonably may constitute prohibited conduct, records documenting the actions the university took to respond promptly and effectively.

## VII. RELATED POLICIES

- A. [APS 5014 \(2024\) Sexual Misconduct, Intimate Partner Abuse, and Stalking](#) (CU AMC, CU Denver, and UCCS)
- B. [APS 5014 \(2021\) Sexual Misconduct, Intimate Partner Violence and Stalking](#) (CU Boulder and CU System Administration)
- C. [APS 5015 - Conflict of Interest in Cases of Amorous Relationships](#)

## VIII. HISTORY

- Adopted: August 1, 2024 - Supersedes Campus Discrimination and Harassment Policies (CU Boulder Discrimination and Harassment Policy, August 7, 2023; UCCS Campus Policy 300-017, Discrimination and Harassment Policy, August 7, 2023; CU Denver/Anschutz Medical Campus Policy 3054, Nondiscrimination Policy, August 24, 2023).
- Revised: N/A.
- Last Reviewed: August 1, 2024.
- [Non-substantive Changes: July 30, 2025 \(Conforming amendments made for renumbering of regent laws and policies: Regent Policy 10.A: Diversity, Equity, and Inclusion renumbered to Regent Policy 9.A: Diversity, Equity, and Inclusion; Article 1, Part E: Freedom of Expression renumbered to Article 1, Part D: Freedom of Expression; Article 8, Part A: Nondiscrimination renumbered to Article 9, Part A: Nondiscrimination\).](#)