Article 5: Faculty [1]

PART A: DEFINITIONS AND TITLES

5.A.1 General Faculty

(A) Members of the general faculty shall be those individuals who hold the title or acting title of dean, associate or assistant dean, professor, associate professor, assistant professor, senior instructor, instructor, lecturer, artist in residence, scholar in residence, professor adjoint, associate professor adjoint, assistant professor adjoint, visiting and part-time appointments in the above-named titles, professional librarian, curator, and any other such title identified as a faculty title under applicable policies of the Board of Regents.

(B) A meeting of the general faculty may be called by the president whenever the president deems it necessary.

5.A.2 Faculty Titles

(A) Faculty titles as designated by the Board of Regents for each campus shall be used for describing and differentiating faculty members at the university, according to primary responsibilities; qualifications and accomplishments; eligibility for benefits; and other factors of employment.

(B) The following titles for museum faculty, serving without compensation, provide three additional academic titles within the museum: museum associate curator, museum curator adjoint, and museum associate.

PART B: APPOINTMENT AND EVALUATION

5.B.1 Appointment Guidelines

(A) Appointments shall be made in accordance with subsections 2.A.4(B) [2] or 3.B.1(G) [3] of these Laws.

(B) The standards, processes, and procedures* to be employed in all schools and colleges and on all campuses of the university in making recommendations for appointments, reappointments, tenure, and promotions shall conform to regent laws and policies.

(C) In its pursuit of excellence among the faculties, it shall be the general policy of the university to recruit mainly in the lower ranks, seeking those with great promise. Upon occasion, when a specific need for an established scholar is evident, appointments at higher levels shall be subject to the approval of the Board of Regents.

(D) The award of tenure, the appointment of tenured faculty, and the appointment of distinguished professors may be subject to the approval of the Board of Regents upon nomination by the president.

5.B.2 General Conditions

(A) Contracts of employment shall be by appointment. Any appointment may be terminated in accordance with applicable regent laws and policies, and applicable state and federal law.

(B) Terms of Appointment shall be either:

> (1) Tenured: appointments that continue until termination by resignation, retirement, or otherwise pursuant to applicable regent laws and policies. No faculty member shall lose tenure status as the result of an institutionally mandated intercampus transfer.
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> (2) Limited: appointments for a specified period of time.
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> (3) Indeterminate: appointments made for an indefinite period of time and whose continuance is dependent upon inclusion in the approved budget and available funding.
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> (4) At-will: appointments made for an indefinite period of time whose continuance is at-will.

(C) The terms and conditions of every appointment shall be stated in writing and be in the possession of both the university and the appointee, whenever possible, before the appointment is begun.

5.B.3 Other Terms and Conditions of Appointments

(A) Differential workloads may be negotiated consistent with the university's commitment to teaching, research/creative work, and service; individual faculty needs (e.g. career development, tenure and promotion); conventions in particular academic disciplines; academic unit program needs; and the goals and objectives of the college/school and campus. Differential workloads may also be negotiated when faculty governance roles exceed the time normally expected by the university service mission.

(B) Appropriate compensation within the limits of system administration and campus policies shall be negotiated for the service of faculty governance officers and committee chairs in the ongoing business of faculty governance.

(C) Sabbatical Assignment: A tenured faculty member shall become eligible for a sabbatical assignment after six years of service to the university. In the case of the Health Sciences Center, tenure-eligible faculty and specialty track members who have attained the ranks of

associate professor or professor are also eligible for sabbatical assignment after six years of service to the university. A sabbatical assignment, which must be approved by the Board of Regents, is considered to be an important academic scholarship and professional development tool, granted for the advancement of the university, subject to the availability of resources. A sabbatical assignment shall not be granted any more than once every seven years.

(D) The Board of Regents recognizes that full-time faculty members are expected to dedicate their professional time and effort to the university. However, outside consultation, research, clinical, and other work can serve to keep faculty in contact with real problems in their profession and expand their expertise and thus, to the extent authorized by regent laws and policies, are desirable and legitimate functions. Such work shall not interfere with the faculty member?s performance of assigned university responsibilities and shall not involve more than one-sixth of her/his time. Work outside the university in consultative, research, clinical, or other capacities is subject to the approval of the president or her/his designee. Faculty members involved in approved outside work are permitted to receive outside remuneration for this work and shall not suffer a reduction in their regular university salaries. The period of time for any approved outside commitment shall not cumulate to large amounts of consecutive time but shall be employed in such reasonably short periods as will not interfere with the faculty member?s regular university duties. Compensation for outside work by faculty members in schools or colleges that have alternative compensation plans approved by the Board of Regents shall be governed by those plans.

5.B.4 Tenured Appointments

(A) A tenured appointment may normally be held only by a professor or associate professor. Under exceptional circumstances, a tenured appointment can be held by an assistant professor, senior instructor, or instructor.

(B) Tenure may be awarded only to faculty members with demonstrated meritorious performance in each of the three areas of teaching, research or creative work, and service, and demonstrated excellence in either teaching, or research or creative work. Additionally:

> (1) In the School of Medicine, tenure may be awarded only to faculty members with national and international reputations for academic excellence who are among the best in their field of academic endeavor and who have demonstrated excellence in scholarship and demonstrated excellence in, and dedication to, teaching (as further defined in the rules of the School of Medicine).
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> Professional/administrative service and/or clinical activities should be weighed into any decision regarding tenure, but such activities in the absence of significant accomplishments in both teaching and scholarship are not an adequate basis for tenure.
>
> (2) The Colorado School of Public Health may consider in its tenure recommendations public health practice/clinical activity and scholarly activity, as further defined in its bylaws.

(C) The process leading to award of tenure is an evaluation of a faculty member's cumulative performance and is a process that is separate and distinct from the annual merit performance

evaluation.

(D) Tenure Probationary Period

(1) Unless waived by the faculty member and approved by the dean and chancellor, a decision upon a tenured appointment as a member of the university faculty shall be made after a maximum probationary period of seven years of continuous full-time service as a professor, associate professor, or assistant professor. Normally, the tenure review for a faculty member will commence at the beginning of the seventh year of service.

(2) In the Schools of Medicine and Public Health, promotion and tenure are separate processes, but may occur concurrently.

(a) Unless waived by the faculty member and approved by the dean and chancellor, a decision regarding promotion to associate professor shall be made after a maximum probationary period of seven years of continuous full-time service at the rank of assistant professor. Normally, the promotion review of a faculty member will commence at the beginning of the seventh year of service.

(b) School of Medicine and Public Health tenure track faculty members in the rank of associate professor or professor are eligible for consideration for tenure. There will be no maximum time limit for the award of tenure; however, the faculty member who is turned down for tenure may not be reconsidered for three years.

(3) The tenure probationary period shall begin when the faculty member is first appointed to the rank of assistant professor or a higher rank. However, a faculty member appointed to the rank of assistant professor without a terminal degree may decide at the time of initial appointment whether the probationary period will begin at the time of initial appointment or upon receipt of the terminal degree. Such a decision shall be made in writing and must be approved by the dean and the chancellor. Up to three years of full-time service in the ranks of assistant professor, associate professor, or professor at other institutions may be included in the probationary period.

(4) Under special circumstances, tenure may be awarded by the Board of Regents in less than seven years.

(E) Notification and conditions of appointment and reappointment, notice of tenured appointment and promotion, and notice of non-reappointment shall be given in writing in accordance with regent policy.

(F) Tenure remains in effect regardless of promotion to higher rank.

(G) Administrative positions do not carry the possibility of tenured appointments, but an administrator holding an eligible academic rank may be granted a tenured appointment in that

rank as a faculty member.

5.B.5 Appointment, Reappointment, Tenure, and Promotion Criteria and Standards for Tenure-Track and Tenured Faculty

(A) Criteria

(1) Every primary unit and reviewing body or person making recommendations concerning appointment, reappointment, tenure, and promotion shall follow and apply the procedures and standards described in regent policy.

(2) In order to provide a fair and unbiased evaluation, each primary unit shall develop specific written criteria and procedures for measuring the performance of candidates in that primary unit, which are consistent with regent policy. The primary unit criteria shall be used by every level of review, and a copy of the written criteria shall be included in the candidate?s dossier. In those cases where the Board of Regents has approved specific alternative or additional criteria, those criteria shall be applied in appointment, reappointment, tenure, and promotion decisions.

(B) Standards

(1) In making appointment, reappointment, tenure, and/or promotion recommendations, all primary units shall evaluate the candidate?s performance in the areas of teaching, research or creative work, and in university service and public service.

(2) The program requirements of the unit shall be considered at the time of appointment and reappointment. The merit of the candidate is the only consideration in recommendations for award of tenure.

(3) Candidates are entitled to submit any material or information they believe will be helpful in their evaluation at any stage of the review process. Candidates are entitled to have access to all performance evaluation documents in their own files, excluding letters of recommendation solicited from outside the primary unit, which are to be treated as confidential.

(C) Evaluation: Every candidate for tenure or promotion shall be reviewed by the primary unit (advised by its evaluation committee), the dean (advised by a college or school-level review committee), and the chief academic officer (advised by a campus-level advisory committee).

(D) Decision

(1) When the campus chief academic officer's decision concerning the award of tenure is affirmative, the campus chief academic officer shall make the final campus recommendation to the president. If the president concurs, the president shall make a final recommendation to the Board of Regents. If the president does

not concur, the president's decision not to award tenure is final. When the campus chief academic officer's decision concerning the award of tenure is negative, that decision is final unless the faculty member appeals the negative decision to the president.

(2) In cases of reappointment or promotion, the campus chief academic officer?s decision to reappoint or promote is final unless the faculty member appeals a negative decision to the president.

(E)Review of Decisions

(1) At the request of a faculty member who has been denied reappointment, tenure, or promotion the president shall determine whether to undertake a review of the decision, in accordance with regent policy.

(2) In appeal of decisions, the president shall make a final determination regarding reappointment or promotion. The president?s recommendation for tenure shall be forwarded to the Board of Regents for action.

(3) A candidate for review of tenure or promotion who believes that the procedures outlined in regent and campus policies have not been observed at any stage of the recommending or review process, is entitled to submit a grievance to the Faculty Senate Committee on Privilege and Tenure following the final decision in accordance with regent laws and policies.

5.B.6 Evaluation of Faculty

(A) Annual merit performance evaluations for all faculty members shall be conducted by each campus. A peer evaluation process shall be used at all campuses except at the Health Sciences Center. A faculty member's performance shall be evaluated based upon performance standards developed by each academic unit and any written expectations agreed to between the faculty member and the unit. In annual merit evaluations the assigned workload shall be appropriately considered. Faculty governance service shall be included for consideration in annual merit evaluation as in other evaluation processes.

(B) Comprehensive Evaluations

(1) Tenure-Track Faculty

Each tenure-track faculty member below the rank of associate professor shall be evaluated in a comprehensive manner at least once during the tenure probationary period apart from the review for award of tenure. Each faculty member shall be informed in writing of the results of the evaluation.

(2) Tenured Faculty

After award of tenure, a comprehensive performance evaluation that emphasizes performance-based measurements shall be completed every five years. The

purposes of this regular comprehensive evaluation process are: (1) to facilitate continued faculty development, consistent with the academic needs and goals of the university and the most effective use of institutional resources; and (2) to ensure professional accountability to the university community, to the Board of Regents, and to the public.

PART C: DISMISSAL FOR CAUSE AND GRIEVANCES

5.C.1 Dismissal

A faculty member may be dismissed for cause when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, gross or repeated neglect of duties, conviction of a felony, sexual harassment, or other conduct that falls below minimum standards of professional integrity. The Board of Regents may vote to grant one year of severance pay in cases of dismissal for cause. In so doing, the Board shall consider any recommendation from the Faculty Senate Committee on Privilege and Tenure.

5.C.2 Dismissal for Cause Provisions

(A) General Provisions

(1) No member of the faculty shall be dismissed except for cause and after being given an opportunity to be heard as provided in this section.

(2) Dismissal of a faculty member shall be construed to mean the revocation of an appointment for cause and may take place at any time during a tenured appointment or at any time during a period of a limited appointment.

(3) Nonrenewal of a limited appointment, termination of an indeterminate appointment according to its terms, or termination of an at-will appointment at any time, shall not be regarded as a dismissal.

(B) Notification of Dismissal

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

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

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

5.C.3 Faculty Senate Grievance Process

(A) Nature of Grievances

> (1) Any member of the Faculty Senate who is denied reappointment, with or without tenure, or who is denied promotion and who believes that such action is unjustified and constitutes a specific encroachment upon his or her rights may file a grievance with the Faculty Senate Committee on Privilege and Tenure.
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> (2) Grievance cases involving perceived violations of academic rights, privileges, or tenure, including, but not limited to, those arising during a post-tenure review process, may also be filed with the Faculty Senate Committee on Privilege and Tenure.

(B) Grievance Proceedings

> (1) The Faculty Senate Committee on Privilege and Tenure shall be constituted as provided in the Faculty Senate Constitution and shall investigate, mediate and hear grievances that are submitted to it by members of the Faculty Senate in accordance with the procedures described in regent policy and in accordance with other applicable rules and procedures adopted pursuant to regent policy.
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> (2) Findings, conclusions, and recommendations of the Faculty Senate Committee on Privilege and Tenure shall be forwarded to the president or campus chancellor who shall, upon review thereof, take such action as is deemed to be in the best interests of the university and in accordance with these regent laws, regent policies, and applicable federal and state laws, rules and regulations. The chancellor or president shall refer the recommendations to the Board of Regents for final action as required by regent laws and policies.

(C) Mediation

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

PART D: PRINCIPLES OF ACADEMIC FREEDOM

5.D.1 Intent and Definition

(A) The University of Colorado was created and is maintained to afford men and women a liberal education in the several branches of literature, arts, sciences, and the professions. These aims can be achieved only in that atmosphere of free inquiry and discussion, which has become a tradition of universities and is called ?academic freedom.?

(B) For this purpose, ?academic freedom? is defined as the freedom to inquire, discover, publish and teach truth as the faculty member sees it, subject to no control or authority save the control and authority of the rational methods by which truth is established.

(C) Within the bounds of this definition, academic freedom requires that members of the faculty must have complete freedom to study, to learn, to do research, and to communicate the results of these pursuits to others. The students likewise must have freedom of study and discussion. The fullest exposure to conflicting opinions is the best insurance against error.

(D) Academic freedom does not give either faculty or students the right to disregard the standards of conduct outlined in part B of article 7 of these Laws.

(E) All members of the academic community have a responsibility to protect the university as a forum for the free expression of ideas.

5.D.2 Faculty Responsibility

(A) Faculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession. While they fulfill this responsibility, their efforts should not be subjected to direct or indirect pressures or interference from within the university, and the university will resist to the utmost such pressures or interference when exerted from without.

(B) Faculty members can meet their responsibilities only when they have confidence that their work will be judged on its merits alone. For this reason the appointment, reappointment, promotion, and tenure of faculty members should be based primarily on the individual's ability in teaching, research/creative work, and service and should not be influenced by such extrinsic considerations as political, social, or religious views, or views concerning departmental or university operation or administration. A disciplinary action against a faculty member, including dismissal for cause of faculty, should not be influenced by such extrinsic consideration.

(C) The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject.

(D) Faculty members are citizens, members of learned professions, and members of the academic leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members however, they should remember that the public may judge their profession and institution by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution.

PART E: FACULTY GOVERNMENT

5.E.1 Acknowledgement

(A) The faculty government exists and derives its power from the authority delegated to it by the Board of Regents.

(B) The University of Colorado Faculty Senate Constitution identifies the organizations of faculty government as the Faculty Senate, the Senate committee(s), the Faculty Council and its committees, the four campus faculty governing bodies and their committees, and the faculty in each college or school in the university.

5.E.2 Faculty Senate

(A) Membership

> (1) The Faculty Senate consists of all members of the general faculty with the following titles whose appointments are fifty-percent or more: professor, associate professor, assistant professor, senior instructor, instructor, scholar in residence, and artist in residence. Adjoint, attendant, clinical, and research faculty with fifty-percent or more appointments in the above ranks are also members of the Faculty Senate. The Faculty Senate's powers and duties are acknowledged by the Board of Regents to be vested in the Faculty Senate, the Senate committees, the Faculty Council and its committees, the campus faculty governing bodies and their committees, and the faculty in each college or school in the university.
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> (2) Ex officio members with the right to vote are the president of the university; the vice presidents; the chancellors; the vice chancellors; all deans; the directors of the budget, libraries, and museum; and professors emeritus.

(B) Officers

> (1) The president of the university shall be the president of the Faculty Senate. [See also subsection 3.B.1 (F) [3] of these Laws.]
>
> (2) The vice president of the Faculty Senate shall preside at meetings of the Senate.

5.E.3 Faculty Council

The Faculty Council is the representative governing body of the Faculty Senate, consisting of members of the Senate elected according to the Faculty Senate Constitution.

5.E.4 Campus Faculty Senate and Governing Bodies

(A) The campus faculty senates consist of those members of the Faculty Senate whose appointments are seated at the campus in question and such other members of the general faculty as may be made members of that campus faculty senate by the campus faculty

constitution.

(B) Each campus faculty senate shall establish a campus faculty senate constitution, which shall be consistent with the Faculty Senate Constitution.

(C) The campus faculty assemblies are the representative governing bodies of the campus faculty senates and consist of members of that senate elected or appointed as may be provided in the campus faculty senate constitution of the campus in question. Committees of faculty assemblies shall be established as provided in the relevant campus senate constitutions.

5.E.5. Principles of Participation

It is a guiding principle of the shared governance recognized by the Board of Regents that the faculty and the administration shall collaborate in major decisions affecting the academic welfare of the university. The nature of that collaboration, shared as appropriate with students and staff, varies according to the nature of the decisions in question.

The faculty takes the lead in decisions concerning selection of faculty, educational policy related to teaching, curriculum, research, academic ethics, and other academic matters. The administration takes the lead in matters of internal operations and external relations of the university. In every case, the faculty and the administration participate in the governance and operation of the university as provided by and in accordance with the laws and policies of the Board of Regents, and the laws and regulations of the state of Colorado. The chair or other designated representative of the Faculty Council shall be the spokesperson for the faculty when addressing the Board of Regents on matters of importance to shared governance.

(A) The faculty shall have the principal role for originating academic policy and standards, including initial authorization and direction of all courses, curricula, and degrees offered, admissions criteria, regulation of student academic conduct and activities, and determination of candidates for degrees.

(B) The faculty shall have the principal role for originating scholastic policy, including scholastic standards for admission, grading (consistent with the Uniform Grading System of the University), continuation, graduation, and honors. As required by the Laws of the Regents, the deans of the colleges and schools shall have responsibility for enforcement of admissions standards and requirements.

(C) In the selection and evaluation of faculty, the faculty shall have the principal role, subject to the concurrence of the administration and the ultimate authority of the Board of Regents or its designee(s).

(D) In establishing policies and procedures for faculty appointment, reappointment, promotion, tenure and post-tenure review, and establishing policies and procedures for the appeal of decisions in these areas, the faculty shall collaborate with the campus and system administrations in the development of recommendations to the president for submission to the Board of Regents.

(E) In the selection and evaluation of department chairs and academic administrators, the faculty shall collaborate with the campus and system administrations in the development of recommendations for submission to the Board of Regents or its designee(s).

(F) In establishing and reviewing budget policies and plans for resource allocation, the faculty shall collaborate with the campus or system administration in the development of recommendations to the chancellor or the president, as appropriate, for submission to the Board of Regents. This includes review for new academic degree program proposals, academic program review, and program discontinuance.

(G) In the preparation of budgets, the administration shall have the principal role, with early collaboration with the appropriate faculty governance unit(s), subject to the ultimate authority of the Board of Regents or its designee(s).

(H) In the making of other policy concerning the general academic welfare of the university, the faculty shall collaborate with the administration in developing recommendations to the president for submission to the Board of Regents.

(I) Administrative policy changes with respect to matters listed in the Faculty Senate Constitution, Article I.B that affect faculty shall be promulgated only after consultation with appropriate faculty governance bodies.

(J) In the Faculty Senate Constitution, Articles II-IV, which defines the structure and functions of faculty governance at different university levels, other aspects of faculty participation are specified.

History: Last Amended August 21, 2008 (previously amended: 10/26/90, 05/06/93, 08/07/97, 10/16/97, 02/19/98, 03/19/98, 08/03/00, 10/10/02, 11/03/05, 04/19/07, 03/27/08, 11/09/11. Appendix A was rescinded 01/14/09.

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