



# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### Policy 5.A: Faculty Governance

##### 5.A.1 Principle of Shared Governance

- (A) Colorado's Constitution vests the Regents of the University of Colorado with the governance and general supervision of the University of Colorado. In accordance with regent law (article 5, part A), and in recognition of the faculty's role in the academic functions of the university, the Board of Regents recognizes the principle of shared governance.
- (B) Tenured and tenure-track faculty with appropriate participation by instructional, research, and clinical faculty, have the principal responsibility for decisions concerning pedagogy, curriculum, research, scholarly or creative work, academic ethics, and recommendations on the selection and evaluation of faculty. The development of general academic policies shall be a collaborative effort between the faculty and administration.
  - (1) The faculty shall have the principal role in originating academic policy and standards related to: the initiation and direction of all courses, curricula, and degree offerings; admissions criteria, grading and standards for continuation; regulation of student academic conduct; and determination of candidates for honors and degrees.
  - (2) The faculty shall have the principal role in making recommendations for the selection of new faculty. Hiring decisions shall be in accordance with the authority delegated by the Board of Regents.
  - (3) Faculty members of the primary unit shall have principal responsibility for the conduct of annual faculty performance evaluations and post-tenure reviews based on procedures developed in collaboration with the administration, as stated in section 5.A.1(C)(1).
  - (4) Evaluation relating to the reappointment, tenure, and/or promotion of tenured and tenure-track faculty shall follow the procedures defined in regent policy 5.D.

In light of the differences in expectations of faculty at the Anschutz Medical Campus, particularly those with clinical responsibilities, the practice of shared governance may differ from the other campuses. The review and evaluation of faculty and how faculty and/or faculty governance groups participate in the preparation of unit budgets may differ from the other campuses and will be incorporated into bylaws, policies and procedures that will be approved at the

primary unit, school/college and campus levels using a shared governance process.

- (C) The faculty shall collaborate with the campus and system administration in making recommendations or decisions on faculty personnel policies, administrative leadership, and resource allocation.
- (1) The process for recommending policies and procedures for faculty appointment, reappointment, promotion, tenure and post-tenure review, and the appeal of decisions in these areas, shall be a collaborative effort between the faculty and administration.
  - (2) Faculty participation in the selection and evaluation of department chairs and school/college administrators below the level of dean shall be in accordance with department and school/college policies, which shall be developed through a shared governance process.
  - (3) Faculty participation in the selection of academic administrators at the level of dean or above shall be in accordance with regent policy 3.E. Faculty participation in the evaluation of academic administrators at the level of dean or above shall be in accordance with school/college and campus policy, which shall be developed through a shared governance process.
  - (4) In the preparation of campus and system budgets, the administration shall have the principal role, with early collaboration with the appropriate faculty governance group(s), subject to the ultimate authority of the Board of Regents or its designee(s).

In light of the differences in expectations of faculty at the Anschutz Medical Campus, particularly those with clinical responsibilities, the practice of shared governance may differ from the other campuses. The review and evaluation of faculty and how faculty and/or faculty governance groups participate in the preparation of unit budgets may differ from the other campuses and will be incorporated into bylaws, policies and procedures that will be approved at the primary unit, school/college and campus levels using a shared governance process.

- (D) The faculty shall collaborate with the administration in developing recommendations to the president or Board of Regents on system-level issues concerning the general academic welfare of the university.
- (E) Unless otherwise required by law, the development of new policies or policy changes with respect to matters that directly affect the faculty shall be adopted only after consultation with appropriate faculty governance bodies.

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**History:**

- Adopted: September 14, 2018 (Moved from the old article 5.A and policy 5.A); Became effective July 1, 2020.
- Revised: N/A.
- Last Reviewed: September 14, 2018.



# University of Colorado

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## BOARD OF REGENTS

### 5. FACULTY

#### **Policy 5.B: Academic Freedom**

For the purposes of discussing academic freedom, “the faculty” as referred to in policy 5.B.1 and 5.B.2, shall mean all those afforded academic freedom under regent law 5.B.

#### 5.B.1 Associated Rights

- (A) All faculty members, within the scope of their faculty responsibilities, must have freedom to study, learn, and conduct scholarship and creative work within their discipline, and to communicate the results of these pursuits to others, bound only by the control and authority of the rational methods by which knowledge is established in the field. The best method for advancing the state of knowledge is engaging with the broadest range of theories, methodologies, data, and conflicting opinions.
- (B) Faculty members shall not be subjected to direct or indirect pressures in an attempt to influence their work in a manner that would conflict with professional standards of the field. The Board of Regents and administration shall not impose such pressures or influence and shall resist such pressures or interference when exerted from outside the university.
- (C) The appointment, reappointment, promotion of all faculty, and award of tenure to tenure-track faculty, shall not be awarded or denied based on extrinsic considerations such as a faculty member’s expression of political, social, or religious views.
- (D) Subject to the responsibilities identified in section 5.B.2(C), faculty are afforded freedom in achieving the goals of their assigned courses.

#### 5.B.2 Associated Responsibilities

- (A) 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.
- (B) While academic freedom affords faculty members wide latitude in defining their scholarly activities, their teaching, scholarship, and creative work shall be assessed by reference to the criteria of the faculty member’s primary unit(s).
- (C) Faculty members are responsible for requirements (e.g., course content, topic order, course schedule, assessment mechanisms) specified by responsible faculty bodies, such as curriculum committees.

- (D) Faculty members should be able to justify, in terms of curriculum and student learning, all materials introduced into the classroom.
  - (E) All members of the university community shall comply with the standards of ethical conduct stated in article 8, part B or regent policy 8.A.
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# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### Policy 5.C: Faculty Appointments

##### 5.C.1 Terms and Conditions

- (A) The terms and conditions of every faculty appointment shall be stated in writing and be in the possession of both the university and the appointee, whenever possible, before the appointment start date.
- (B) Faculty titles and a description of responsibilities associated with each title are provided in an administrative policy statement.

##### 5.C.2 Tenured and Tenure-Track Faculty Appointments

- (A) Tenured and tenure-track faculty typically engage in teaching, scholarly/creative work, and leadership or service, and where relevant, other activities relative to their specific units (e.g., clinical activity, librarianship).
- (B) Once tenured, a faculty member holds a continuous appointment until retirement or resignation unless tenure is revoked under provisions of regent law or policy.
- (C) Only the Board of Regents may award tenure and only the Board of Regents may revoke tenure.
- (D) Tenure resides with the university. The move of a faculty member to a new primary unit on any campus is subject to the approval of the faculty in the receiving primary unit, but does not require reconsideration of tenure by the Board of Regents. No faculty transfer can be mandated if it would result in the loss of tenure. Procedures for transferring a tenured appointment are provided in the corresponding administrative policy statement.
- (E) The process leading to the 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 performance evaluation.
- (F) As further detailed in regent policy 5.D, a recommendation on tenure shall be made after a defined probationary period and tenure-track faculty shall be evaluated in a comprehensive manner at least once during the probationary period. As noted in section 5.D.1(C) of regent policy 5.D, exceptions to this requirement have been approved for the Schools of Medicine, Pharmacy, and Public Health.
- (G) Administrative appointments do not carry the possibility of tenure, but an administrator may hold an additional appointment as a tenured faculty member.

- (H) After award of tenure, a comprehensive performance evaluation that emphasizes performance-based measurements shall be completed every five years. The purposes of the post-tenure review process are to facilitate continued faculty development, and to ensure professional accountability to the university community, the Board of Regents, and the public.
- (I) A sabbatical assignment, which is subject to approval by the Board of Regents, is an important academic scholarship and professional development tool, granted for the advancement of the university, subject to the availability of resources. A tenured faculty member shall become eligible for a sabbatical assignment after six years of service to the university. A sabbatical assignment shall not be granted more than once every seven years. Further information is provided in the corresponding administrative policy statement.
  - (1) In the case of the Anschutz Medical Campus, subject to specific school/college rules, tenure-track faculty and specialty-track members who have attained the ranks of associate professor or full professor are also eligible for sabbatical assignment after six years of service to the university.
- (J) The title of distinguished professor is extended by the Board of Regents to recognize the outstanding contributions of tenured CU faculty members to their academic disciplines. The faculty awarded this title must demonstrate accomplishments in accordance with the following criteria: (1) excellence in the promotion of learning and student attainment of knowledge and skills; (2) distinguished performance in scholarly/creative work; and (3) outstanding leadership and service to the profession and to CU and/or affiliate institutions. Further information can be found in the corresponding administrative policy statement.

### 5.C.3 Instructional, Research, and Clinical Faculty Appointments

- (A) As provided in article 5.C.3(C) of regent law, the chancellor of each campus has the responsibility to maintain the appropriate policies for the appointment, reappointment, promotion, and termination, of instructional, research, or clinical faculty. Such policies shall be developed in collaboration with the appropriate faculty governance bodies.
  - (1) Appointments are not eligible for tenure.
  - (2) The terms for promotion, reappointment, and termination of instructional, research, and clinical appointments shall be established in a letter of offer or employment agreement. They shall align with the framework established in the corresponding administrative policy statement.
  - (3) Annual performance evaluations shall be conducted consistent with regent policy 5.C.4(B).
- (B) A faculty member's workload is negotiated with the hiring unit and shall be delineated in a letter of offer or employment agreement.
  - (1) To accommodate professional development, an instructional, research, or clinical faculty member may negotiate a differential workload. This is meant

to recognize the contributions of long-serving faculty and allow them to enhance their professional knowledge, competence, and effectiveness. Such professional development opportunities are subject to the availability of funds. Eligibility criteria and application and approval processes are addressed in the corresponding administrative policy statement.

- (C) Campuses are encouraged to provide multi-year contracts to high performing faculty as permitted by state law (C.R.S. 24-19-104(1.5)(d)) and available financial resources. Additional information on eligibility for multi-year contracts is provided in the corresponding administrative policy statement.

#### 5.C.4 Other Terms and Conditions of Faculty Appointments

- (A) Faculty may hold more than one faculty appointment (e.g., museum faculty) beyond the primary appointment.
- (B) Annual performance evaluations for all faculty members shall be conducted by each campus, using a peer evaluation process. Consistent with the faculty member's duties, their contribution to teaching, scholarly/creative work, leadership and service, and, where applicable, other activities specific to their unit (e.g., clinical activity, librarianship), shall be evaluated based on written performance standards developed by the faculty of the academic unit (primary unit annual evaluation criteria) and any additional written expectations agreed to by the faculty member and the unit. Teaching evaluations shall use multiple measures, including normed student feedback (e.g. Faculty Course Questionnaires), as further explained in the corresponding administrative policy statement. In annual merit evaluations, the assigned workload of a faculty member shall be considered.
  - (1) At the Anschutz Medical Campus, annual faculty evaluation processes may vary from those described in section 5.C.4(B). A peer evaluation process shall be used where appropriate and normed student feedback shall be considered in the evaluation process whenever possible.
- (C) Tenured and tenure-track faculty workloads may be negotiated consistent with the university's commitment to teaching, scholarly/creative work, leadership and service, and where applicable, other activities specific to a unit (e.g., clinical activity, librarianship) based on 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 school/college and campus.
  - (1) Faculty governance leadership and service shall be considered in the annual merit evaluation as in other evaluation processes. Differential workloads may also be negotiated when faculty governance roles exceed the time normally expected for leadership and service. Appropriate compensation within the limits of system administration and campus policies shall be negotiated for the leadership and service of faculty governance officers and committee chairs.
- (D) The Board of Regents recognizes that full-time tenured and tenure-track 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.

Subject to university policy on conflicts of interest and commitment, and with the approval of the dean or dean's designee, outside consultation, research, clinical, and other work is allowed provided that it does not interfere with the faculty member's performance of assigned university responsibilities and does not involve more than one-sixth of their time (commonly referred to as the "one-sixth rule"). This holds for faculty with both 9-month and 12-month appointments. Faculty members involved in outside work are permitted to receive outside remuneration for this work and shall not suffer a reduction in their regular university salaries. Outside work by faculty members in schools or colleges that have alternative compensation plans approved by the Board of Regents or other contractual requirements limiting their ability to perform services for compensation shall be governed by those plans or contracts.

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

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# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### Policy 5.D: Reappointment (to a tenure-track position), Tenure, and Promotion

##### 5.D.1 Tenure Probationary Period

- (A) A recommendation on tenure shall be made after a probationary period of continuous full-time or full-time equivalent service as a professor, associate professor, or assistant professor. The probationary period shall not exceed seven years, unless an extension has been approved by the dean and chancellor or the chancellor's designee. If an individual's professional accomplishments warrant, the probationary period may be waived and tenure may be recommended upon hire.
  - (1) A faculty member may apply for leave during their probationary period. The Provost shall decide whether the leave is granted and whether it affects the probationary period (except in the case of Parental Leave, see section 5.D.1(A)(2)). Any change to the probationary period because of leave will be in increments of one year.
  - (2) A faculty member who utilizes parental leave during the tenure probationary period will be granted a one-year extension of the tenure probationary period. 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.
- (B) Each tenure-track faculty member shall be evaluated in a comprehensive manner at least once during the tenure probationary period apart from the review for award of tenure. The comprehensive review typically occurs during the fourth year of full-time service. The comprehensive review results in one of two outcomes:
  - (1) the faculty member is reappointed to a tenure-track position, or
  - (2) the faculty member is informed that they will be given a one-year terminal appointment and the tenure-track appointment will not be continued.
- (C) In the Schools of Medicine, Pharmacy and Public Health, promotion and tenure are separate processes, but may occur concurrently.
  - (1) 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-

The faculty member shall be informed in writing of the results of the comprehensive review.

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.

- (2) School of Medicine, Pharmacy 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.

#### 5.D.2 Standards for Tenure

- (A) Tenure may be awarded only to faculty members with demonstrated meritorious performance in each of the three areas of: teaching (or librarianship), scholarly/creative work, and leadership and service (to the university, profession and/or public); and demonstrated excellence in either teaching, or scholarly/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).

Professional/administrative leadership and 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) In its tenure recommendations, the Colorado School of Public Health may consider public health practice/clinical activity and scholarship, as further defined in its bylaws.
  - (3) In the School of Pharmacy, tenure may be awarded only to faculty members who have demonstrated excellence in scholarship and demonstrated excellence in, and dedication to, teaching (as further defined in the appointment, reappointment, promotion and tenure policy of the School of Pharmacy).
  - (4) Candidates at the University of Colorado Colorado Springs may also be evaluated on professional practice, in which case they shall also demonstrate meritorious performance in that area.
- (B) A recommendation of tenure based on excellence in scholarly/creative work shall include evidence of impact beyond the institution. A recommendation for tenure based on excellence in teaching shall include multiple measures of teaching evaluation and demonstrated achievement at the campus, local, national, and/or international level which furthers the practice and/or scholarship of teaching and learning beyond one's immediate instructional setting.

- (1) For the School of Medicine and the School of Pharmacy, which require excellence in both teaching and scholarship, at least one area, as specified in the primary unit criteria, must show evidence of impact beyond the institution.
- (C) Effort or promise of performance shall not be a criterion for excellence or meritorious performance. Demonstrated performance and outcomes are required for tenure.

### 5.D.3 Primary Unit Criteria for Reappointment, Tenure, and Promotion

- (A) Primary units develop criteria that define the teaching, scholarly/creative work, and leadership and service expectations for faculty, such as expectations for publications, grants for scholarly/creative work, measures of clinical excellence, etc., in terms of their scholarly field(s). These primary unit criteria are reviewed for rigor, fairness, and consistency with regent requirements and are not effective until approved by the dean and provost. In those cases where the primary unit has requested and received Board of Regents approval of specific alternative or additional criteria, those criteria shall be applied in appointment, reappointment, tenure, and promotion decisions.
- (1) If new or revised primary unit criteria have been adopted during a faculty member's tenure probationary period, the faculty member may choose to be evaluated for tenure based on the new criteria or the criteria in place at the time of appointment. When a faculty member is evaluated for promotion to full professor, the current primary unit criteria shall apply. See the corresponding administrative policy statement.
    - (a) Faculty members on the Anschutz Medical Campus who are evaluated for promotion to associate professor without a coincident evaluation of tenure may choose to be evaluated for promotion based on the primary unit criteria at the time of appointment or the current primary unit criteria (if revisions have been adopted since the date of appointment).
- (B) The merit of the candidate is the only consideration in recommendations for awarding tenure. The program requirements of the primary unit shall be considered only at the time of appointment and reappointment.
- (C) To be promoted to the rank of Professor (also referred to as "Full Professor"), an individual should have the terminal degree appropriate to their field or its equivalent, and:
- (1) A record that, taken as a whole, may be judged to be excellent; and
  - (2) A record of significant contribution to graduate and undergraduate education, unless individual or departmental circumstances can be shown to require a stronger emphasis, or singular focus, on one or the other; and
  - (3) A record since receiving tenure or promotion to Associate Professor that indicates substantial, significant, and continued growth, development, and accomplishment in teaching or librarianship, scholarly/creative work, and leadership and service.

#### 5.D.4 Mentoring

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

#### 5.D.5 Review Process

- (A) The case for reappointment, tenure and promotion of a tenure-track faculty member and promotion of a tenured faculty member is evaluated at multiple levels. The expertise of the primary unit is balanced by the broader perspective introduced at other levels of review. At each stage of the review process, the candidate should be informed of the outcome as expeditiously as possible. Detailed review procedures are provided in the corresponding administrative policy statement.
  - (1) The primary unit criteria shall be used at every level of the review process and the criteria shall be included in the candidate's dossier.
  - (2) A decision on reappointment or promotion shall be issued by the chancellor. The chancellor's decision is final, unless a denial of promotion coincides with a denial of tenure, in which case both decisions can be appealed in accordance with section 5.D.6.
  - (3) A decision to recommend or deny tenure shall be issued by the chancellor. The chancellor's decision on tenure is final if the decision is negative. (See section 5.D.6 for information on the appeals process.) The chancellor shall forward positive tenure decisions to the president for review.
    - (a) If the president concurs with a recommendation to award tenure, a positive recommendation is issued to the Board of Regents.
    - (b) If the president does not concur, the president's decision not to award tenure is final. (See section 5.D.7 for grievance rights.)

#### 5.D.6 Appeal of Decisions Regarding Tenure

- (A) Within 10 business days of receipt of notification, a candidate denied tenure by the chancellor may request a review by the president. The only grounds for a presidential review are: (1) procedural errors of sufficient magnitude that they may have affected the outcome; (2) factual errors of sufficient magnitude that they may have affected the outcome; or (3) the material violation of the laws of the regents or regent policy; or some combination of these grounds.
  - (1) The president may determine there are no grounds for appeal and uphold the decision to deny tenure. In this circumstance, the case is closed.
  - (2) If the president determines there are grounds for an appeal:
    - (a) The president may remand the case to the campus to rectify errors and require the chancellor to then revise or reaffirm the original

recommendation.

- (b) The president may overrule the campus decision and recommend tenure to the Board of Regents.
- (c) The president may convene a faculty advisory committee to review the case and issue a recommendation. Ultimately, the president will either make the final decision to deny tenure or will recommend tenure to the Board of Regents.

#### 5.D.7 Grievance Rights

- (A) If a candidate is denied reappointment, promotion, or tenure and believes that there have been serious procedural or factual errors in the case, or the denial occurred through the material violation of the laws of the regents or regent policy, the candidate may submit a grievance to the Faculty Senate grievance committee in accordance with regent policy 5.G. A grievance may not be filed until all available administrative appeals have been exhausted.

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# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### Policy 5.E: Tenured and Tenure-Track Faculty Dismissal for Cause

##### 5.E.1 General Provisions

- (A) In accordance with regent law (article 5, part C), a faculty member with a tenured or tenure-track appointment may be terminated at any time during the appointment for one of the following reasons:
  - (1) Demonstrable professional incompetence; conviction, whether by a plea or a verdict of guilty or following a plea of nolo contendere, for any felony or any offense involving moral turpitude; violation of university policies pertaining to discrimination, sexual misconduct, or fiscal misconduct; violation of the weapons control policy; material or repeated neglect of duty; or other conduct that falls below minimum standards of professional integrity.
- (B) No faculty member with a tenured or tenure-track appointment shall be dismissed for cause without the opportunity to be heard according to the provisions of this policy (5.E). The provisions of this policy only apply to tenured and tenure-track faculty.
- (C) Termination of a tenured appointment under the provisions of this policy is contingent upon the subsequent revocation of tenure by the Board of Regents.
- (D) A tenured or tenure-track faculty member who has been dismissed for cause, or who has been notified that dismissal for cause proceedings will be initiated, has the right to file a grievance with the Faculty Senate grievance committee, according to the procedures specified in regent policy 5.G.

##### 5.E.2 Dismissal for Cause Procedures

- (A) A recommendation to dismiss a faculty member for cause shall be issued by the dean and the provost to the chancellor.
- (B) The chancellor shall take action on the recommendation of the dean and the provost to dismiss the faculty member.
  - (1) If the chancellor disagrees with the recommendation of the dean and provost to dismiss, the decision is final.
  - (2) If the chancellor concurs with the recommendation to dismiss, the faculty member shall be given written notice of the decision. The written notice shall state the specific reasons the action is being taken and shall inform the faculty member of the right to file a grievance within 10 business days.

- (a) If the faculty member elects to file a grievance, the filing and investigation shall follow the processes and timelines specified in regent policy 5.G.
- (3) If the case was investigated by the Faculty Senate grievance committee, the chancellor shall review the findings, conclusions, and recommendations of that committee. Within 10 business days of receipt of the final report from the committee, the chancellor's final decision shall be provided in writing to the faculty member, committee chair, and panel chair. The chancellor shall give substantial weight to the committee's recommendation and include a rationale for any decision that is inconsistent with the recommendation.
- (4) If the chancellor maintains the original decision to dismiss, and the case involves a tenured faculty member, the action to dismiss shall be contingent upon the revocation of tenure by the Board of Regents. See section 5.E.3.
- (5) When dismissal is approved by the chancellor, the faculty member shall have the right to appeal to the president.
  - (a) If the faculty member requests a presidential review, an appeal must be filed with the Office of the President within 20 business days of being notified of the chancellor's decision to dismiss.
- (C) If the faculty member appeals the chancellor's decision to dismiss, the president shall review the merits of the case.
  - (1) The faculty member shall be provided an opportunity to present their case to the president.
  - (2) The chancellor shall have an opportunity to respond to the faculty member's presentation.
  - (3) If the case has been reviewed by the Faculty Senate grievance committee, the panel chair or designee shall be the spokesperson for the committee before the president. The president shall consider and give substantial weight to any recommendation from the Faculty Senate grievance committee.
  - (4) The president shall have an opportunity to ask questions but, ordinarily, the president will not hear new evidence.
  - (5) The president may decide to adopt the chancellor's recommendation to dismiss for cause or may end the action against the faculty member.
    - (a) If the president disagrees with the recommendation to dismiss, the decision is final.
    - (b) If the president concurs with the chancellor's recommendation and approves dismissal, and the case involves a tenured faculty member, the action to dismiss shall be contingent upon the revocation of tenure by the Board of Regents. See section 5.E.3.

- (c) If the president concurs with the chancellor's recommendation and approves dismissal, and the case involves a tenure-track faculty member, the president's decision is final and the case shall be closed.
- (6) If the case has been reviewed by the Faculty Senate grievance committee, within 10 business days of the final decision, the president's decision shall be provided in writing to the faculty member, chancellor, committee chair, and panel chair. If the president and panel do not concur, the president's recommendation to the board shall include the reasons for the president's disagreement with the panel.

### 5.E.3 Tenure Revocation

- (A) If a dismissal for cause case involves a faculty member with tenure, the revocation of tenure, based on the case for dismissal for cause, is subject to approval by the Board of Regents upon recommendation by the president.
  - (1) If the president recommends tenure revocation, the faculty member shall be notified concurrently with the transmittal of the recommendation to the Board of Regents.
  - (2) All supporting documentation shall be forwarded to the Board of Regents. The president's recommendation shall include the rationale for tenure revocation.
- (B) Action by the Board of Regents
  - (1) The chair of the Board of Regents shall notify the faculty member when the board receives a presidential recommendation for tenure revocation. If the case has been reviewed by the Faculty Senate grievance committee, the chair of the Board of Regents shall also notify the panel chair of the president's recommendation for tenure revocation.
  - (2) Within 20 business days of receiving notice from the chair of the Board of Regents, the faculty member shall be given an opportunity to respond in writing to the president's recommendation to revoke tenure. In that response, the faculty member shall indicate if they request a hearing before the board. If the faculty member requests a hearing before the board, the hearing shall be held in executive session.
    - (a) The faculty member shall be provided an opportunity to present their case to the Board of Regents during the hearing.
    - (b) The administration shall have an opportunity, as directed by the board, to respond to the faculty member's presentation.
    - (c) If the case has been reviewed by the Faculty Senate grievance committee, the panel chair or designee shall be the spokesperson for the committee before the Board of Regents.



- (d) The members of the board shall have an opportunity to ask questions of the faculty member, the administration, and the panel chair but, ordinarily, the board will not hear new evidence.
- (3) Upon conclusion of the hearing before the board and after consideration of all of the information provided to it, the board shall take action.
- (a) The board may decide to adopt the president's recommendation to revoke tenure or may end the action against the faculty member.
- (b) If the board votes to revoke tenure, the board may, at its discretion, also vote to grant one year of severance pay.
- (c) In taking any action, the board shall consider any recommendation from the Faculty Senate grievance committee.
- (4) The board's action, which shall be taken in a public meeting, is final.

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**History:**

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# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### **Policy 5.F: Termination of Faculty Appointments Following Program Discontinuance**

##### 5.F.1 Academic Unit or Degree Program Discontinuance

- (A) In accordance with regent policy 4.B.4, the Board of Regents may discontinue an academic unit or degree program for educational, strategic, realignment, resource allocation, or financial reasons, or a combination of these reasons.
  - (1) Termination of faculty appointments, including tenured and tenure-track appointments, may occur as the result of formal discontinuance of an academic unit or degree program.
- (B) Upon a decision by the Board of Regents to terminate an academic unit or degree program, the chancellor shall develop a plan for discontinuance, including the disposition of faculty appointments.
  - (1) Decisions on termination of appointments of individual faculty members due to degree program or academic unit discontinuance will be made by the chancellor in consultation with appropriate faculty members and administrators.
- (C) The termination of a tenured faculty appointment is contingent upon Board of Regents approval of the revocation of tenure.
- (D) One year's formal notice will be provided to tenured and tenure-track faculty members whose appointments are to be terminated.
- (E) One year's formal notice will be given to all instructional, research, and clinical faculty members whose appointments are to be terminated, provided they have at least seven years of continuous half-time (0.5 FTE) service to the university.
- (F) Obligations to Tenured Faculty
  - (1) Unless there is a compelling academic reason to do otherwise, no tenured faculty member will be considered for termination until the appointments of faculty members in the unit without tenure have been considered for termination.
  - (2) Before terminating a tenured appointment due to program discontinuance, reasonable efforts will be made to find another suitable position for the faculty member within the university. Inter-departmental or inter-campus transfers may be made only if mutually acceptable. Retraining for faculty members during the notice year should be provided under the sponsorship of the

campus where the program is discontinued if, in the judgment of the campus and the faculty member, such retraining will prepare the faculty member for another suitable University of Colorado position. Any retraining opportunities shall not interfere with the faculty member's assigned teaching and other professional obligations during the notice year. Faculty members meeting age and service requirements as specified in university policy have the option to retire.

- (3) After exhaustion of efforts to find another suitable position within the university, a tenured appointment may be terminated with applicable severance pay. Faculty members who elect to resign or retire from the university are not eligible to receive severance pay.
  - (a) Upon termination, severance pay equal to the individual's base salary for one academic year will be provided to faculty members with 9-month contracts and one fiscal year to faculty members with 12-month contracts.
- (4) If a program is reinstated within three years at the campus where it was discontinued, tenured faculty members whose appointments were terminated will have a right to reinstatement with tenure, provided positions are available and the position is substantially similar in responsibilities to the one previously held by the faculty member.

(G) Rights of All Faculty

- (1) A faculty member who is terminated for reasons of program discontinuance will be eligible to participate in the university group insurance program for 18 months following the date of termination under the conditions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) if the faculty member is enrolled in the university's group insurance program at the time of termination.
- (2) Faculty members will be provided counseling regarding employment opportunities outside of the university if they request it.
- (3) A tenured or tenure-track faculty member whose appointment is terminated for reasons of program discontinuance has the right to file a grievance with the Faculty Senate grievance committee under established policies and procedures. See regent policy 5.G.3(A)(3).

(H) Detailed procedures on program discontinuance can be found in the corresponding administrative policy statement.

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**History:**

- Adopted: September 14, 2018 (Moved from the old Appendix 4.1); Became effective July 1, 2020.
- Revised: N/A.
- Last Reviewed: September 14, 2018.



# University of Colorado

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## BOARD OF REGENTS

### 5 FACULTY

#### Policy 5.G: Faculty Grievance

##### 5.G.1 Grievance Rights

- (A) As provided in article 5, part D, and further articulated in regent policy 5.E, a faculty member on a tenured or tenure-track appointment who is facing dismissal for cause has the right to file a grievance with the Faculty Senate grievance committee.
- (B) As provided in article 5, part D, and further articulated in regent policy 5.D, any tenured or tenure-track faculty member who is denied reappointment, tenure, or promotion and believes that there have been serious procedural or factual errors in the case, or the denial occurred through the material violation of the laws of the regents or regent policy, may file a grievance with the Faculty Senate grievance committee.
- (C) As provided in article 5, part D, any member of the Faculty Senate may file a grievance for perceived violations of their academic rights (as delineated in regent law or policy), including, but not limited to, those arising during an annual evaluation or post-tenure review process.
- (D) As provided in article 5, part D, any individual afforded the right of academic freedom, may file a grievance for perceived violations of academic freedom.

##### 5.G.2 Faculty Senate Authority to Hear Grievances

- (A) The authority granted to the Faculty Senate grievance committee by the Board of Regents is the result of a collaborative process between the faculty, administration, and regents to ensure an appropriate role for faculty governance in disciplinary actions taken against faculty members and in addressing violations of a faculty member's academic freedom or academic rights.
- (B) The Faculty Senate grievance committee shall be constituted as provided in the Faculty Senate constitution and shall investigate, mediate and hear grievances submitted by members of the faculty and make recommendations to the administration on specific grievance cases, consistent with regent law and policy.
- (C) The committee shall have the authority to develop its internal administrative rules consistent with regent law and policy. The policies and procedures of the Faculty Senate grievance committee shall be provided in the Faculty Senate constitution and bylaws.

### 5.G.3 The Faculty Senate Grievance Process

#### (A) Jurisdiction

- (1) The jurisdiction of the Faculty Senate grievance committee is expressly limited to the review of those grievances described in section 5.G.1.
- (2) The committee shall not substitute its judgment about an individual's academic merit for that of other authorized committees and administrators. The committee shall only consider whether proper procedures were followed.
- (3) In cases involving faculty personnel decisions resulting from program discontinuance, the committee shall not consider the validity of the program discontinuance decision. The committee shall consider only whether proper procedures were followed in taking these personnel actions.
- (4) In disciplinary matters, the committee shall consider the merits of the matter before it, as well as the process.
- (5) The investigation of certain matters may be reserved to another entity or official within the University of Colorado by law or university policy, such as the investigation of allegations of discrimination and harassment by the relevant campus office that deals with matters of equity and discrimination, the investigation of allegations of research misconduct by the Standing Committee on Research Misconduct, or the investigation of fiscal misconduct by the Internal Audit Department. In those cases, the Faculty Senate grievance committee shall defer to those offices to complete their investigations and shall be bound by the factual and policy determinations of those investigations absent reliable evidence that those determinations resulted from: (1) material and prejudicial error during the course of the investigation; (2) manifest bias upon the part of the investigating official or entity; or (3) fraud, misrepresentation or misconduct by a party to the proceedings. In making these determinations, the Faculty Senate grievance committee shall not consider new evidence challenging the factual and policy determinations except for evidence that could not, in the exercise of reasonable diligence, have been presented in the earlier proceedings. The Faculty Senate grievance committee shall not consider a grievance until these processes are completed. The Faculty Senate grievance committee is not bound by the recommendation of sanctions made by any investigating official or entity and may propose alternative sanctions to the administration or Board of Regents.
- (6) The recommendations of the Faculty Senate grievance committee shall be considered before final action is taken; however, the ultimate authority rests with the administration or Board of Regents. In all cases, a report shall be issued to the grievance committee chair that identifies the final action taken and the rationale for such action.

(B) Time Limits for Filing a Grievance

(1) Dismissal for Cause Grievance Filings

- (a) If the administration is initiating dismissal for cause proceedings to terminate a tenured or tenure-track faculty member, the faculty member shall be given written notification and may request, within 10 business days of receipt of notification, that the president or chancellor refer the matter to the Faculty Senate grievance committee. Upon receipt of such a request, the president or chancellor shall refer the matter to the grievance committee within 5 business days. If the individual concerned does not request referral to the grievance committee within 10 business days, the faculty member shall be deemed to have forfeited the right to such proceedings.
- (b) If the faculty member files a grievance, they may respond in writing to the notice of intent to dismiss, contesting the grounds for dismissal. If the faculty member elects to respond, the response shall be provided to the grievance committee chair no later than 20 business days after receipt of the notice of the intent to dismiss.

(2) All other Grievance Filings

- (a) In cases involving promotion, tenure, or non-reappointment, grievance statements must be received by the grievance committee chair within 60 calendar days following the faculty member's receipt of written notification of final action by the chancellor or other person with final administrative authority over the matter at issue.
- (b) In cases involving suspension and other disciplinary actions, excluding dismissal for cause, grievance statements must be received by the grievance committee chair within 30 calendar days after the faculty member's receipt of written notification of the action.
- (c) In cases of alleged violations of academic freedom or academic rights, grievance statements must be received by the grievance committee chair within 30 calendar days after the faculty member is advised of the administrative action or decision, which is the basis of the complaint.
- (d) The time for filing a grievance may be extended by the grievance committee chair for up to an additional 60 calendar days if the faculty member is not reasonably able to file the grievance within the prescribed period. Verification of the faculty member's inability to file may be required.
- (e) The grievance committee chair shall notify the chancellor, in writing, that a grievance has been filed. This notification shall occur within 10 business days of receiving the grievance request.

(3) In all cases, the faculty member's receipt of notification is determined by:

- (a) the date of delivery, if the notice is sent by personal delivery;

- (b) the date acknowledged by signature on a receipt, if the notice is sent by certified or registered mail, return receipt requested, or by alternative delivery service, with signature required for delivery;
- (c) 5 business days following the mailing date, if the notice is sent by U.S. Postal Service to the last address on record;
- (d) 5 business days following the shipping date, if the notice is sent by alternative delivery service to the last address on record.

(C) Grievance Proceedings

- (1) In order to provide for the expeditious review of grievances, grievants and administrators shall cooperate by providing current contact information, by making themselves available during investigations and hearings as requested by the committee, and by providing relevant documents. A failure to cooperate shall be documented and considered in the evaluation of the case.
- (2) The faculty member shall be permitted to have counsel and the opportunity to present and question witnesses according to the rules of procedure established by the grievance committee.
- (3) In dismissal for cause grievance cases, the administration shall bear the burden of proof by clear and convincing evidence. In all other grievance cases, the faculty member shall bear the burden of proof by a preponderance of the evidence.
- (4) In accordance with the confidentiality expected of the grievance process and as permitted by law, all parties in the grievance process and the committee members shall maintain the confidentiality of the grievance proceeding.
- (5) Mediation shall be available during the grievance process as a means of resolving faculty grievances. Mediation shall not unreasonably delay the resolution of a case.
- (6) If the grievance committee chair determines that the Faculty Senate grievance committee does not have jurisdiction over the case, the chair shall close the case and notify all parties.
- (7) If an investigative panel of the grievance committee concludes that there are no reasonable grounds for believing that a violation of academic rights, privileges or tenure have occurred, the chair shall close the case and notify all parties.
- (8) If, at any point during the grievance process, the faculty member and the administration reach a resolution, the grievance committee chair shall close the case.
- (9) A faculty member who files a grievance may withdraw the complaint at any time during the grievance process, at which point the committee chair shall close the case.

#### 5.G.4 Findings and Recommendations

##### (A) Grievance Cases Involving Dismissal for Cause

- (1) At the conclusion of grievance proceedings, the Faculty Senate grievance committee will share its final report with all involved parties and forward its findings and recommendations to the president or chancellor.
  - (a) Findings and recommendations shall be sent to the president or chancellor within 90 business days of referral to the faculty grievance committee chair, unless an extension has been granted by the president or chancellor.
- (2) Decisions shall be made in accordance with regent policy 5.E.

##### (B) All Other Grievance Cases

- (1) At the conclusion of grievance proceedings, the grievance committee chair will share the committee's findings and final recommendations with all parties.
  - (a) Findings and recommendations shall be sent to the chancellor no more than 180 calendar days after the grievance statement has been received by the grievance committee chair.
- (2) The chancellor shall provide a response to the committee chair within 10 business days of receiving the findings and recommendations. The chancellor's response shall address each of the grievance committee's recommendations, indicating what action the chancellor intends to take in response to the recommendations and an explanation for such action.
  - (a) If the grievance committee determines that the chancellor's response satisfactorily addresses the committee's recommendations, the chair shall notify all parties and close the case.
  - (b) If the grievance committee is not satisfied with the chancellor's response, the committee chair shall, within 10 business days, report the disagreement and the basis thereof and forward a copy of the record of the case to the president for review.
  - (c) The president's decision is final.
- (3) If the grievance case relates to the denial of tenure by the president (following a positive recommendation by the chancellor), the president shall consider the recommendations of the grievance committee, but retains authority for the final decision.
- (4) Upon the final resolution of a case, the president shall provide the Faculty Senate grievance committee chair with a written report of the final action taken. The report shall include a detailed rationale for actions inconsistent with the grievance committee's recommendation.



- (C) In all cases, the chancellor, president, or Board of Regents shall take such action deemed to be in the best interests of the university and in accordance with regent laws, regent policies, and applicable federal and state laws, rules and regulations.
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**History:**

- Adopted: September 14, 2018 (Moved from the old article 5.C and policy 5.H); Became effective July 1, 2020.
- Revised: N/A.
- Last Reviewed: September 14, 2018.



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**BOARD OF REGENTS**

5. FACULTY

**Policy 5.H-I:**

**RESERVED FOR FUTURE USE**

## **POLICY 5. Faculty**

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

#### **Objectives**

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

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

#### **Definitions**

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

#### **Scope of Policy**

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

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

### **Responsibilities of Participating Parties**

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

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

### **Committee on University Discoveries**

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

### **Principal Technology Transfer Officer**

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

### **Division of Receipts**

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

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

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

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

Last Amended: March 2, 2006

History:

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

## **POLICY 5. Faculty**

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

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

#### Substantial Use of Resources

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

#### Work for Hire

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

#### Scope of Policy

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

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

#### Copyright of Professional Journals and Books

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

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

#### Written Agreements

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

#### Reporting Requirements

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

Last Amended: January 16, 2003

History:

Source: Regent Action of January 16, 2003