



# Board Policy Manual

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# TITLE 1. BOARD ADOPTED POLICIES

## Article 1: Purpose, Organization and Governance

### Part 1 - Mission Statement

#### 1-1-101 Mission Statement.

The University of Northern Colorado (the University) shall be a comprehensive baccalaureate and specialized graduate research university with selective admission standards. The University shall offer a comprehensive array of baccalaureate programs and master's and doctoral degrees primarily in the field of education. The University has statewide authority to offer graduate programs for the preparation of educational personnel.

#### 1-1-102 Vision Statement.

The University strives to be a leading student-centered university that promotes effective teaching, lifelong learning, the advancement of knowledge, research, and a commitment to service. Graduates are educated in the Liberal Arts and professionally prepared to live and contribute effectively in a rapidly changing, technologically advanced society.

**1-1-102(1) Description.** The University is a comprehensive baccalaureate and specialized graduate research university with a continuing commitment to its historical role in the preparation of educators. The University offers a broad range of undergraduate and graduate programs in the arts, sciences, humanities, business, human sciences and education. The array and quality of University programs provide a unique resource to Colorado. All students are required to study in the liberal arts tradition, which prepares them to think and act responsibly in a dynamic, diverse and global society. Multicultural content and interdisciplinary programs enrich academic experiences. University curricula are designed to improve students' competencies in critical thinking, communication, and problem solving, leadership, and technological applications.

As a Carnegie Research Intensive Institution, the University graduate programs emphasize advanced scholarship within a discipline and acquisition of professional abilities for career advancement. Graduate education includes a variety of master's degrees that complement the University's mission and purposes and a select number of doctoral programs that emphasize scholarship and research, clinical practice, pedagogy, or performance.

The University provides a full range of student support services and recreational opportunities. The James A. Michener Library and the Music Library (University Libraries) provide information resources through sophisticated technology and established collections.

**1-1-102(2) Values, Purposes and Goals.** The University provides services that support equal learning opportunities for all students. Learning occurs in an environment characterized by small classes taught by full-time faculty. University faculty, at both the graduate and undergraduate levels, subscribe to a teacher/scholar model in which excellence in instruction is complemented by activities in scholarship and service. Support for the continuous improvement of teaching, learning, scholarship and service is provided through University programs, policies and practices.

### **1-1-103 Values.**

The University believes that its distinctive service to society can only be offered in a student-centered atmosphere of integrity that is grounded in honesty, trust, fairness, respect, and responsibility. For this reason, the University is committed to promoting an environment in which:

- (1) academic integrity is valued and expected;
- (2) excellence is sought and rewarded;
- (3) teaching and learning flourish;
- (4) diversity of thought and culture is respected;
- (5) intellectual freedom is preserved; and
- (6) equal opportunity is afforded.

### **1-1-104 Purposes and Goals.**

The University is committed to the following purposes and goals. To prepare a well educated citizenry whose understanding of issues enables them to be contributing members of a rapidly changing, technologically advance, diverse society.

#### **1-1-104(1) To Prepare Undergraduate Students.**

- (a) Students will acquire a solid foundation of general knowledge in the liberal arts and sciences.
- (b) Students will develop a variety of competencies in critical thinking, communication, problem-solving and current technology.
- (c) Students will develop an appreciation for diversity, citizenship, artistic expression, and a positive, healthy lifestyle through educational, cultural, social, and recreational programs.
- (d) Students will develop a life-long commitment to scholarship and service.
- (e) Students will acquire depth of knowledge in a specialized scholarly discipline.
- (f) Students will acquire the knowledge and skills that prepare them for careers and/or advanced scholarly work.
- (g) Students will master methods of inquiry to acquire deeper understanding of their discipline.
- (h) Students will demonstrate knowledge of professional standards and practice.

#### **1-1-104(2) To Prepare Graduate Students in Specialized Fields of Study.**

- (a) Students will acquire an appreciation for and ability to work in an increasingly diverse population.

- (b) Students will engage in scholarly activity, research, and creative endeavors to advance the knowledge and practices of the discipline.
- (c) Students will acquire advanced knowledge and skills consistent with the professional preparation and standards of the discipline.
- (d) Students will develop a commitment to scholarship and life-long learning.
- (e) Students will develop those competencies essential to assuming leadership positions in their professional fields.

### **1-1-105 Ethical Standards.**

Inherent within the responsibility for educating the future leaders of our society is the obligation to adhere to the highest ethical standards and principles. The University community is committed to the highest ethical standards in furtherance of our mission of teaching, research and public service. Our policies, procedures, and standards provide guidance for application of the ethical standards stated below in our daily life and work as members of this community.

#### **1-1-105(1) The University Is Committed to the Following Ethical Standards:**

- (a) we will respect the rights of others and will nurture a climate of fairness and civility while recognizing each individual's dignity, freedom and diversity;
- (b) we will conduct ourselves ethically and honestly; we will communicate openly and truthfully with University stakeholders. We will conduct ourselves with integrity in our dealings with and on behalf of the University.
- (c) we will conscientiously strive for excellence in our work. We will conduct the business of the University using sound judgment and serving the best interests of the institution and of the community;
- (d) we will exercise responsibility to each other, the University and the University's stakeholders as appropriate to our position for both our actions and our decisions not to act. We will be accountable for our ethical conduct and for compliance with applicable laws, regulations, policies and procedures;
- (e) we will use University resources carefully in order to achieve our mission. We will not use University resources for personal benefit or gain.

[Also see Board Policy Manual 1-1-502 (General Personnel/Conflict of Interest Policy), 2-3-410 and 411 (Outside Activities and conflict of Interest), 1-1-508 (Equal Opportunity), 2-1-301 and 302 (Student Rights and Responsibilities), 2-1-501 (University Standards of Conduct), 2-2-201 et seq. (Discrimination Review Procedures); and University Regulations 3-3-401 and 402 (Outside Activities and Conflict of Interest), 3-8-106 (Scientific Misconduct)].

## **Part 2 Governance.**

### **1-1-201 Board of Trustees (BOT).**

The BOT of the University is an entity charged by the Colorado General Assembly as the official and final governing authority of the University. The BOT reserves all rights, powers, and privileges attendant to that authority except as specifically delegated herein. Where the BOT has delegated authority to the President

or to other University employees or agents, and regardless of whether that authority has been further sub-delegated, the BOT reserves the right to amend, modify, rescind or adopt any action taken by such employee or agent prior to it becoming a final action of the BOT.

**1-1-201(1) Board of Trustees' By-Laws.** The BOT shall adopt and maintain by-laws for the orderly conduct of BOT business. The by-laws may be amended or modified from time to time as the BOT sees fit. It is the BOT responsibility, with the assistance of the Office of the President, to assure the by-laws are in compliance with all federal, state, and local laws, rules, regulations and executive orders, including without limitation the Colorado open meetings and open records acts. If at any time a conflict is found to exist between the by-laws and the requirements of law, the law shall control and the offending provision of the by-laws shall be modified or repealed as necessary to comport with the law.

**1-1-201(2) Presidential Search.** The selection of the President of the University is a function and responsibility of the BOT. The BOT will seek the advice of faculty, staff, students and friends of the University in identifying and evaluating presidential candidates. The BOT will establish guidelines and procedures for a presidential search as needed.

**1-1-201(3) Budget Process.** The BOT shall annually adopt and administer a budget in conformance with the following requirements:

- (a) the proposed budget for each fiscal year shall be summarized by the Administration and compared to the Funding Priority Guidelines set forth in 1-1-201(4) when the proposed budget is presented to the BOT for consideration;
- (b) significant variations from the funding priorities guidelines must be identified and justified by the administration during the budgetary process, and approved by the BOT as a part of the final budget document;
- (c) the administration shall report to the BOT during its fall meeting each year, expenditures by functional category during the past fiscal year. The actual expenditure should be compared to the original budget and the Funding Priorities Guidelines set forth in 1-1-201(4);
- (d) during the budget preparation and its administration during the fiscal year the President is directed to take all reasonable measures to prevent the practice of forward funding and running deficit accounts. At the close of each fiscal year the President will report to the BOT any University accounts that retain a negative balance more than thirty (30) days after the close of the fiscal year.

**1-1-201(4) University Funding Priorities Guidelines.** The fiscal year budget shall conform to the following guidelines. Variations may be approved by the BOT pursuant to 1-1-201(3).

Instruction	55.00%
Research	1.25%
Public Service	0.10%
Academic Support	14.75%

Student Services	7.00%
Institutional Support	10.25%
Operation & Maintenance of Plant	8.25%
Scholarships & Fellowships	3.30%
Transfers	0.10%

### **1-1-202 Administrative Organizational Structure.**

The organizational structure of the University shall be provided for by regulations and procedures maintained by the President. The President is authorized to describe the relationships between and among the principle executive and administrative offices of the University and the distribution of authority from the BOT to these offices. These offices shall have such authority as is expressly provided for by the President as well as such implied authority as is necessary and appropriate to carry out that which is expressly granted. All authority is subject to the right of superintendence and preemption which is reserved to those offices which are superior in line of authority and subject to policies, regulations, and procedures governing the exercise of that authority. Duties, responsibility and authority distributed may be delegated to subordinates unless otherwise restricted herein, provided, that the delegator shall be ultimately responsible for the proper exercise of such delegated duties, responsibility and authority.

### **1-1-203 President.**

The President shall be the chief executive and administrative officer of the University. He/She shall direct and administer all operations and activities of the University subject to the right of superintendence and preemption of the BOT. The President shall have the following specific duties and responsibilities, as well as others as may be assigned by the BOT from time to time:

- (1) represent the interest of the University in matters under the purview of the Legislative or Executive branches of the government of the State of Colorado and the United States;
- (2) prepare and present to the BOT annually a financial budget for the operation of the University within the limit of available funds;
- (3) hire, sever and administer the employment relationship of all University employees;
- (4) present a report at each regularly scheduled BOT meeting of all changes in employment status occurring between BOT meetings, such report to include hirings, severances, retirements, faculty promotions and exempt staff compensation changes;
- (5) prepare, maintain and provide to each member of the BOT a compilation of University policies, regulations, and procedures;
- (6) maintain University operations and activities in compliance with applicable federal, state and local governmental unit and agency laws and regulations;
- (7) prepare and maintain an inventory of all physical assets of the University;

- (8) adopt such regulations and procedures in furtherance of BOT policy as are necessary and appropriate to the proper conduct of the operations and activities of the University;
- (9) recommend to the BOT the adoption of such policies as are necessary and appropriate to the proper governance of the University;
- (10) prepare and maintain an inventory of courses, programs, and degrees offered by the University;
- (11) recommend to the BOT the establishment of tuition and fees;
- (12) recommend to the BOT the establishment of programs of study and degrees;
- (13) secure the assets of the University, both tangible and intangible against loss, theft, unauthorized use and infringements;
- (14) represent the interests of the University to the University of Northern Colorado Foundation.

The duties and responsibilities of the President may be provisionally delegated to other University officers, agents or employees as the President deems necessary and appropriate to the proper direction and administration of the University except the authority to hire and sever exempt staff and the responsibility to make recommendations to, or advise the BOT on matters set forth in items 2, 9, 11, and 12 above. Any such delegation shall not relieve the President of ultimate responsibility for the proper exercise of such delegated duties or responsibilities.

#### **1-1-204 University Counsel.**

The University Counsel shall act as attorney and general counsel to the University and shall report directly to the BOT. The University Counsel shall be responsible for the administration and management of litigation, requests for advice and counsel, and the preventive liability programs of the University. While the University Counsel's ultimate responsibility and ethical obligations are to the BOT, the position will be available to advise and counsel the President and other administrators and staff as necessary to assist in the effective management of the University. Specific duties and responsibilities of the position shall include, without limitation, the following:

- (1) serve ex officio as a member of the Executive Staff and Cabinet;
- (2) provide administrative assistant to the President and the BOT;
- (3) advise and counsel with regard to University policies, regulations and procedures;
- (4) advise and counsel with regard to the administration of instruments of a contractual nature;
- (5) conduct in-service workshops, seminars, and classes for faculty, staff and students regarding legal issues affecting the University and higher education in general;
- (6) manage all administrative and court proceedings involving the University;
- (7) perform such other duties as directed by the BOT.

**1-1-205 Internal Auditor.**

The Internal Auditor shall be the principal coordinator of the University's auditing activities. He/she shall be responsible for monitoring internal control systems, accounting systems, related computer systems, and compliance with University salary models. The position shall report to the BOT, but shall function under the supervision and control of the President.

**1-1-206 Faculty.**

The faculty of the University are authorized to participate in the development and recommendation of educational policy and the governance of the University consistent with all federal, state, and local law and in a manner consistent with the specific authority granted by BOT policy, by regulations and procedures promulgated by the President, and by a faculty constitution authorized by this policy.

Any provision of BOT policy, University regulations and procedures or the faculty constitution notwithstanding, the BOT of the University retains final decision-making authority in all matters affecting governance of the University.

**1-1-206(1) Faculty Constitution and By-Laws.** The faculty of the University may adopt and maintain a constitution prescribing a structure for faculty governance and representation. The constitution must be approved by the BOT and may be amended from time to time subject to prior BOT approval. The constitution shall define and recognize faculty voting rights and shall call for the election of a Faculty Senate. The Faculty Senate shall be the sole representative body of the faculty.

The Faculty Senate (Senate) shall adopt and maintain by-laws for the orderly conduct of faculty business. The Senate may appoint appropriate advisory councils/boards in order to assist the Senate in its duties. BOT policies and University regulations and procedures of an academic nature or those affecting faculty, should be developed and approved with the collegial participation, advice and comment of the faculty through the Senate.

In addition to the duties and powers stated above, the Senate, as the delegate assembly of the voting faculty of the University, shall have the authority to:

- (a) act for the voting faculty on all matters within the scope of this policy and the faculty constitution as approved by the BOT;
- (b) receive and consider reports and recommendations from members of the University community as it sees fit;
- (c) initiate or review policies pertaining to the general welfare of the University, its faculty or students;
- (d) transmit resolution regarding any manner concerning the University to the President and/or the BOT, and to the faculty for their consideration and/or further action.

### **1-1-207 University Committees.**

The President, through the ordinary governance process, is authorized to develop and define the role and authority of University-wide committees through the promulgation of regulations and procedures for the benefit and good governance of the University. Such Committees will be advisory in nature. Membership on committees shall be by appointment of the President, and service on such committees by employees shall be considered to be an appropriate adjunct to regularly assigned duties.

## **Part 3 Faculty.**

### **1-1-301 Faculty Contracts.**

Faculty contracts are of four types and are denominated, adjunct, contract-renewable, tenure-track and tenure. The basic, but not exclusive, distinctions between these contracts are as follows:

**1-1-301(1) Adjunct.** An adjunct contract is typically made when there is an unexpected need for a faculty member's services during a semester. Faculty in adjunct positions are not considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures]. Adjunct positions are not faculty budget line positions. Employment under an adjunct contract automatically terminates at the end of the contract period. [See also 2-3-202(1) Adjunct].

No ranks are available to adjunct faculty.

**1-1-301(2) Contract-Renewable.** A contract for a contract-renewable position is for a designated period not to exceed one year and automatically terminates upon the expiration of that period. Contract-renewable positions are used when there is an expectation of an on-going need for the services provided outside of a tenure-track appointment, or for Clinical Faculty, Visiting Faculty, Research Faculty, or Professionals-in-Residence [See 2-3-305 academic Titles]. Individuals in contract-renewable positions, except Lecturers and Visiting Faculty, are eligible for consideration for promotion to the next higher rank if they meet the minimum requirements for that rank [See 2-3-302 Rank Requirements]. Contract-renewable positions may be converted to tenure-track positions according to 3-3-201(1) Contract-renewable Faculty). Re-employment of an employee after termination of a contract for a contract-renewable position is solely within the discretion of the University. However, faculty in contract-renewable positions are considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures]. Contract-renewable positions are funded through faculty budget lines. [See also 2-3-201 Faculty Contracts.]

**1-1-301(3) Tenure-Track.** A tenure-track contract is for a designated period not to exceed one academic year and automatically terminates upon the expiration of that period. Employment under a tenure-track contract entitles an employee to written notice in accordance with University policy if the University determines not to rehire the employee during the subsequent academic year. [See also 2-3-201(2) Tenure-Track.] Faculty in tenure-track positions are considered to be continuing faculty for the purposes of distribution in any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

**1-1-301(4) Tenure.** A tenure contract is for an academic year and gives the faculty member the contractual right to be employed for succeeding academic years until the faculty member resigns,

retires (voluntary or mandatory), is discharged for cause, or is terminated pursuant to a reduction in force approved by the BOT, or becomes permanently disabled or dies. This contract is subject to the terms and conditions of employment which exist from academic year to academic year but such terms shall not be inconsistent with this policy nor shall a faculty member be reduced in rank except for just cause or pursuant to a reduction in force approved by the BOT. For purposes of this policy, academic year means that period of time encompassed by fall and spring semesters unless otherwise specifically defined in an individual employment contract. [See also 2-3-201(3) Tenure.] Faculty in tenure positions are considered to be continuing faculty for the purposes of distribution in any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

### **1-1-302 Academic Rank and Titles.**

Academic ranks used for faculty shall consist of lecturer, instructor, assistant professor, associate professor and professor. These ranks and titles shall be granted in accordance with University regulations and procedures adopted and maintained by the President in accordance with the ordinary governance process, and shall be subject to the final approval of the BOT. Minimum standards for academic rank shall be established as a means of aiding the University to obtain qualified personnel and to encourage continued professional growth through recognition of the individual's accomplishments in the classroom, in research, in professional activities or in other pursuits for the best interests of the University. These standards do not necessarily in and of themselves constitute qualifications for hiring or promotion. The common minimum standard involves the academic background as determined by the highest degree earned by the individual. Other criteria, when applicable, may be considered by the University in lieu of formal degree requirements. Although faculty ranks are limited to lecturer, instructor, assistant professor, associate professor, or professor, academic titles may be used for some faculty. Titles may include but are not limited to visiting Faculty, Clinical Faculty, Research Faculty, and Professional-in-Residence (e.g., Artist-in-Residence, Executive-in-Residence, etc.). [See also 2-3-301, et seq., Academic Ranks and Titles.]

### **1-1-303 Faculty Responsibilities and Conditions of Employment.**

The President, through the ordinary governance process, shall adopt and maintain regulations and procedures governing faculty employment, faculty teaching responsibilities, compensation, course loads, conflicts of interest, leaves, and other matters affecting faculty duties. [See also 2-3-401, et seq., Faculty Responsibilities and Conditions of Employment.]

**1-1-303(1) Faculty Workload Policy.** The faculty workload policy is designed to establish guidelines for assignments of faculty workload. The Chief Academic Officer (CAO) is responsible for monitoring college workload assignments and providing appropriate reports in accordance with University policy, State law, and Colorado Commission on Higher Education requests.

### **1-1-304 Curriculum.**

The BOT recognizes that curriculum design is within the purview of the faculty. The BOT authorizes a curriculum approval process in which changes to academic programs and courses are initiated by the concerned programs, schools, or colleges and are reviewed from the point of view of academic desirability by faculty committees at the program area, school, and college levels. After such faculty approvals, questions of implementation are to be determined by the appropriate school director, dean, and by the (CAO). Changes to undergraduate academic programs that result in requirements which

exceed maximum credit hours required by the State of Colorado require the approval of the BOT.

### **1-1-305 Academic Freedom and Professional Ethics.**

Academic freedom is the right to pursue and share ideas, information and knowledge without institutional or governmental interference. Faculty members are entitled to academic freedom. Implicit in the right to academic freedom in their teaching, their scholarly and artistic activities, and in the dissemination of the results of those activities. Also implicit in the right to academic freedom is faculty adherence to professional ethics.

Faculty members recognize the special responsibilities placed upon them. Their primary responsibility to their discipline is to seek and to state the truth as they see it. To this end they spend energy on developing and improving their scholarly competence. They accept the obligation of exercising critical self-discipline and judgment in using, extending and transmitting knowledge. They practice intellectual honesty.

As teachers, faculty members encourage the free pursuit of learning in their students and hold before them the best scholarly standards of their discipline. They demonstrate respect for students as individuals and serve as their intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to assure that evaluations reflect the true merit of student work. They respect the confidential nature of the teacher-student relationship and avoid any exploitation of students for private advantage and acknowledge significant assistance from them. Faculty members protect the students' academic freedom.

As a colleague, the faculty member has obligations that derive from common membership in the community of scholars:

- 1) to respect and defend the free inquiry of associates
- 2) to show due respect for the opinions of others in the exchange of criticism and ideas
- 3) to acknowledge academic debts and to strive to be objective in the professional judgment of colleagues
- 4) to accept a share in the faculty responsibilities for the governance of the institution.

As members of an academic institution, faculty members seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided these do not contravene academic freedom, they maintain the right to criticize and seek revision. When considering the interruption or termination of their service, faculty members recognize the effect of this decision upon the program of the institution and give due notice of their intentions.

As members of society, faculty members have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their discipline, to students, to the profession, and to the institution. When speaking or acting as private persons, faculty members avoid creating the impression of speaking or acting for the University. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

**1-1-306 Faculty Salaries.**

The President, through the ordinary governance process shall adopt regulations and procedures establishing an equitable process for recommending faculty compensation and salary distribution. However, the final authority over compensation, distribution and amounts budgeted for faculty salaries is reserved to the discretion of the BOT. [See also 3-3-701, et seq., Faculty Salaries.]

**1-1-307 Faculty Evaluation.**

**1-1-307(1) Purposes and Intent of Evaluation.** The purpose and intent of faculty evaluations are:

- (a) to provide a regular, systematic evaluation of performance
- (b) to encourage professional development and renewal
- (c) to assess progress toward tenure and promotion
- (d) to encourage individual excellence and achievement
- (e) to encourage activities that contribute to the mission and goals of the University, the colleges and the departments/schools.
- (f) to provide a basis for merit salary increases
- (g) and to help those who are not achieving at satisfactory levels to do so.

The intent of the procedures is that the evaluation be done by peers in the discipline. The evaluation process should encourage excellence in both traditional and innovative approaches to teaching, scholarly and other professional activities, and service. [See also 2-3-801 Faculty Evaluation and 3-3-801 Faculty Evaluation.]

**1-1-307(2) General Principles.**

- (a) individuals will be evaluated according to their documented responsibilities and job description which may cover teaching, scholarly and other professional activities, and service. These expectations are to be defined by the evaluatee's program area with school, college, and University consideration of the mission and goals.
- (b) the evaluation shall be based upon personal observations of performance and the documentation provided.
- (c) evaluations must be consistent with principles of academic freedom, due process, and principles of tenure (for tenured faculty).
- (d) at all levels of the review process, the evaluatee will be given the opportunity to provide commentary and additional supporting documentation.
- (e) faculty members may appeal the results of the review process using established faculty grievance procedures.

**1-1-307(3) Post-Tenure Review.** All faculty at the University are subject to annual review and comprehensive post-tenure review. Faculty review and evaluation at the University has long included a comprehensive, summative, multi-year requirement, as well as an annual review process. Both of these review procedures meet the guidelines developed by the Colorado Commission for Higher Education for post-tenure review. The review process at the University is based on a faculty peer review system within discipline areas.

Review will provide regular and systematic evaluation of performance of faculty in the areas of teaching, scholarly and other professional activities, and service. Assessment of faculty performance in these areas will review their established responsibilities as determined by workload assignment. Faculty will consult with their department chair/school director regarding their individual assignment areas. This will allow the adjustment of their activities as goals for individuals and the University change. Such consultation will provide for the encouragement of professional development and renewal, and individual excellence and achievement. Post-tenure review will encourage faculty to engage in activities that contribute to the mission and goals of the University, the colleges, departments, schools, and program areas. Review will ensure that faculty members are fulfilling their University responsibilities, and will assist faculty who are not achieving at satisfactory levels to do so. Evaluations must be consistent with principles of academic freedom, the tenure system, due process, and other protected rights.

#### **1-1-308 Promotion.**

Promotion at the University provides a mechanism for the recognition of personal contributions of faculty members to the mission of the University and reputation as well as a professional contribution of the advancement of the state of the art and the society at large. While judgment of potential contributions must necessarily be based on past performance, it is expected that persons achieving a given rank will continue to take initiatives which are valued by the institution.

Although the administration of promotion policies at the University must be equitable, it must not be perceived as implying identical standards for types of contributions by each individual faculty member. The promotion policy must facilitate the recognition of diverse potentials which harmonize individual competence and initiative with institutional needs and values. The promotion policy attends to both the quality and quantity of contributions, with greater emphasis on the former.

Specific academic or professional qualifications and performance guidelines shall be established by program area faculty in consultation with the department chair/school director. These must be written and maintained in consultation with the departments/schools of the respective college and shall be approved by the appropriate dean and the Chief Academic Officer. [See also 2-3-901, et seq., Promotion and Tenure Guidelines.]

#### **1-1-309 Faculty Leaves.**

The sabbatical leave program is designed to provide an opportunity for growth and renewal for tenured faculty members. Sabbatical leaves must be for the manifest, demonstrable benefit of the University in meeting its responsibilities of teaching, scholarly and other professional activities, service and the advancement of knowledge and must contribute to the further development of an individual as a teacher-scholar. Sabbatical leaves are limited by fiscal resources of the institution and staffing considerations. These leaves, therefore, are competitive in nature and will be approved on the basis of specific requests, including outlines of proposed activities to be pursued during the course of the leave.

The President, through the ordinary governance process, shall adopt and maintain regulations and procedures for administering sabbatical leaves. [See also 2-3-1001, et seq., Faculty Leaves.]

### **1-1-310 Disciplinary Action of Tenured Faculty.**

**1-1-310(1) Internal Review.** The President, through the ordinary governance process, shall adopt and maintain regulations and procedures for reviewing and making recommendations upon allegations of conduct constituting just cause for dismissal of tenured faculty from the University. Such regulations and procedures shall, at a minimum, contain the following steps:

- (a) hearing before an appropriately constituted faculty review panel;
- (b) an opportunity for advice and comment on the committee's recommendations by the Faculty Senate or an executive sub-group thereof;
- (c) review by the President.

Final authority regarding dismissal of charges against a tenured faculty member or discipline short of termination shall reside with the President. Final authority regarding the termination of a tenured faculty member is reserved to the BOT. The BOT will review a Presidential recommendation for dismissal in order to determine that sufficient evidence of just cause exists and that the faculty member was given a fair and reasonable opportunity to contest or respond to the allegations against him/her and/or to present mitigating circumstances. If the President recommends termination of a tenured faculty member, the affected faculty member may file with the BOT a written request for the BOT to review the findings and recommendations of the President within ten calendar days after receipt of a copy thereof. If the affected faculty member fails or neglects to file such a request with the BOT within ten days, the BOT may deem the findings and recommendations to be uncontested and may take whatever final action they may deem appropriate. If the affected faculty member files a written request for review with the BOT within ten days, the BOT shall conduct a review in accordance with procedures it deems appropriate to the circumstances of the case and in the best interests of the affected faculty member and the University. The BOT may adopt, modify, or reject the findings or recommendations of the President. A written copy of the formal action taken by the Trustees shall be given to the affected faculty member or the counsel of record. The decision of the BOT shall be based on the above standards and shall be final.

**1-1-310(2) Suspension.** In exceptional cases which in the judgment of the President threaten direct and immediate injury to the public reputation or essential functions of the University, the President may authorize the suspension of a person complained against pending a determination of the charges. [See also 2-3-1101(3)(a) Initiation of Proceedings.]

**1-1-310(3) Dismissal.** Faculty members holding tenure can be dismissed if there is a reduction in force following the procedures prescribed in 2-3-1301(5), Reduction in Force; or for cause, meaning either:

- (a) unsatisfactory performance determined according to the procedures prescribed in 2-3-801, et seq., Faculty Evaluation, or
- (b) acts or failures to act which are reasonably likely to harm or threaten harm to any person, or

- (c) unlawful acts which are reasonably likely to affect performance at the University or the welfare of the University community. Any dismissal for cause shall follow the procedures set forth 2-3-1101(3), et seq., Dismissal.

Before a recommendation is made to the BOT to dismiss any faculty member for cause, the due process procedures prescribed in this section shall be followed.

These procedures are not applicable to cases involving voluntary resignations and do not preclude informal consultations among the President, the (CAO), academic deans, directors, chairs of departments, and members of the University faculty which may result in resignation or a resolution of the case.

#### **1-1-311 Faculty Grievance.**

The President, through the ordinary governance process, shall adopt and maintain regulations and procedures for the review and redress of faculty grievances. Final authority over the resolution and/or redress of grievances shall rest with the President. It is in the best interest of and the responsibility of all faculty to attempt resolution of alleged or perceived grievances in a collegial fashion through the use of the grievance process prior to asserting claims against the University through outside agencies or the use of State or federal courts. [See also 2-3-1201, et seq., Faculty Grievance.]

### **Part 4 - Student Government**

Students of the University of Northern Colorado are authorized to participate in the development and recommendation of educational and student policies and the governance of the University consistent with all federal, state, and local law and in a manner consistent with the specific authority granted by BOT Policy, by regulations and procedures adopted by the President, and by a student constitution authorized by this policy. Any provision of BOT policy, University regulations and procedures or the student constitution notwithstanding, the BOT for the University retains final decision-making authority in all matters affecting governance of the University.

#### **1-1-401 Student Constitution and By-Laws.**

The students of the University of Northern Colorado may adopt and maintain a constitution prescribing a structure for student governance and representation. The Constitution must be approved by the BOT and may be amended from time to time subject to prior BOT approval. The constitution shall define and recognize student voting rights and shall call for the election of a Student Senate. The Student Senate shall be the sole representative body of the students. The Student Senate shall adopt and maintain by-laws for the orderly conduct of student business. The Student Senate may appoint appropriate advisory councils/boards in order to assist the Council in its duties. BOT policies and University regulations and procedures of an academic nature or affecting students should be developed and approved with the collegial participation, advice and comment of the students through the Student Senate. In addition to the duties and powers stated above, the Student Senate, as the delegate assembly of the voting students of the University, shall have the authority to:

- (1) act for the voting students on all matters within the scope of this policy and the student constitution as approved by the BOT;
- (2) receive and consider reports and recommendations from members of the University

community as it sees fit;

- (3) initiate or review policies pertaining to the general welfare of the University, its faculty or students;
- (4) transmit resolution regarding any manner concerning the University to the President and/or the BOT, and to the students for their consideration and/or further action; and
- (5) to represent the student body in the development of policy and recommendation for the allocation and management of all student fees, with the advisement of the President and subject to the approval of the BOT.

#### **1-1-402 General Policy.**

The President, with the advice and assistance of the appropriate, shall be responsible for development and maintenance of a Student Handbook. The Student Handbook shall contain:

- (1) the policies prescribed in this Part 4,
- (2) other BOT policies which in the judgment of the President are relevant or helpful to students,
- (3) regulations and procedures adopted to implement those policies; and
- (4) such additional information or regulations and procedures as the President sees fit to promulgate for the benefit of the students and the University (i.e., registration, academic standards, degree requirements, academic appeals, financial policies, student classification, University premises, health insurance, immunization, Greek recognition, etc.).

The Student Handbook shall be updated regularly and distributed to every new student.

#### **1-1-403 Application and Admission.**

The full range of opportunities at the University is available to all students the maximum extent required by law without regard to race, religion, gender, age, national origin, disability, sexual orientation, military service, or political affiliation. The University seeks to create a stimulating and diverse environment reflecting the thoughts and contributions of the many cultures of our world. The University's admission requirements will be selective. The University reserves the right to deny admission, continued enrollment or re-enrollment to any applicant or student whose personal history and background reasonably suggest that his or her presence may pose a threat or endanger the health, safety, welfare or property of members of the campus community or interfere with the orderly and effective performance of the University's functions. The President shall adopt and maintain regulations and procedures establishing admission requirements, safety criteria and review procedures to help ensure that students admitted to the University are academically qualified, do not pose a safety threat, and are of good moral character.

#### **1-1-404 Equal Opportunity for Students.**

The University, in accordance with law, is committed to providing equal educational opportunities and benefits to all students without regard to race, religion, gender, age, national origin, disability, sexual orientation, military service, or political affiliation. Special efforts are made to recruit members of protected

classes, and the University's Equal Opportunity Policy is emphasized in all information sent to prospective students.

#### **1-1-405 Student Financial Aid.**

The University will seek to offer a broad range of financial aid to its students in order to assist students in financial need, to encourage and improve academic standing and performance, and to diversify the campus and ensure equal opportunity.

#### **1-1-406 Student Fees.**

All general, mandatory student fees shall be established by the BOT. The President shall adopt procedures to limit and reduce mandatory student fees by means of efficiencies, reorganizations and consolidations, considering the needs and resourcefulness of the students, consistent with the following:

- (1) mandatory student fees shall be used to fund activities and services open to all students and,
- (2) student involvement in and awareness of fee issues shall be encouraged and increased.

#### **1-1-407 The Drug and Alcohol Policy.**

The University strives to create a healthy environment, one in which the high risk use of alcohol and the use of illicit drugs does not interfere with learning, performance, or development. Substance abuse disrupts this environment and places at risk the lives and well-being of the members of the University community as well as the potential of students for contribution to society. It is important for all members of the University community to take responsibility for preventing the illegal or high risk use of alcohol or other drugs from negatively affecting the community's learning environment and the academic, physical and emotional well-being of its students. The University prohibits the unlawful possession, use, or distribution of drugs, alcohol, and other controlled substances by all members of the University community (students, faculty, staff, alumni, and guests). Individuals who violate this policy shall be subject to discipline, termination, dismissal, debarment, arrest, or citation as applicable. Additionally, employees or students who violate this policy may be required to participate satisfactorily in drug abuse education, counseling, or rehabilitation programs approved by the University.

**1-1-407(1) Policy on Alcohol.** The University of Northern Colorado neither encourages nor discourages the use of alcoholic beverages, (including 3.2 and 6% beer, vinous or spirituous liquor), but does condemn the misuse/abuse and illegal use of alcoholic beverages. All members of the University community (students, faculty, staff, alumni, and guests) are responsible for making decisions about their behavior within the context of Colorado and the City of Greeley laws and University regulations. In addition, individuals must always be aware of and respect the rights of others within the University and local community.

**1-1-407(2) Policy on Drugs.** The University prohibits the unlawful or unauthorized manufacture, distribution, dispensing, possession, consumption, sale or use of controlled substances on or in University-owned or controlled property or in the course of University business or at University activities. Individuals or entities including, but not limited to, students, employees, contractors, agents, volunteers, invitees, or student organizations who violate this policy shall be subject to discipline, termination/dismissal, debarment, arrest or citation, as applicable. Additionally, employees or students who violate this policy may be required to participate satisfactorily in a drug abuse

assistance or rehabilitation program approved by the University.

**1-1-407(3) Enforcement of Policy.** Any member of the University Community who observes a violation of this policy or becomes aware of an individual with an alcohol/drug/substance abuse problem on campus is encouraged to seek assistance from the appropriate resources: Drug Prevention/Education Program, Health Center, Counseling Center, Police Department, Housing Officials, or Colorado State Employee Assistance Program.

**1-1-408 Family Educational Rights and Privacy.**

The Family Educational Rights and Privacy Act of 1974, (as amended the "Act"), is a federal law which states that (a) a written institutional regulation must be established and (b) a statement of adopted procedures covering the privacy rights of students must be made available. The University shall maintain the confidentiality of student education records in accordance with the provisions of the Act and shall accord all the rights under the Act to eligible students who are or have been in attendance at the University to the maximum extent authorized by law. The President shall adopt and maintain regulations and procedures implementing the Act as amended and as it may be amended in the future.

**1-1-409 Investigation of University Premises.**

The University reserves the right to inspect University premises occupied by students. A visual room inspection can be made by an agent of the University if accompanied by a student. Normally, premises occupied by students will not be searched. A room may be searched; however, by not less than two appointees by the appropriate Vice President when there is evidence that a search is reasonable. Authorization for room searches will be made by a Vice President of the University or his or her designee. The authorization will be written and must contain a statement of the specific objectives of the search and a summary of the evidence on which the authorization was granted. Under emergency conditions, waiver of the written authorization requirement may occur when immediate action is deemed necessary and appropriate by a Vice President of the University or his or her designee.

For premises not controlled by the institution, the ordinary requirements for lawful search are to be followed.

**1-1-410 Peaceful Assembly.**

The University of Northern Colorado acknowledges the rights and privileges of individuals or groups to gather on public property for the purpose of peaceful assembly. The University expects the rights and privileges of all persons to be respected at such gatherings.

- (1) Peaceful assembly is defined as any purposeful gathering on campus, in or outside of a University building or facility, by one or more persons whose conduct is peaceful and is in accordance with the University rules, and law. Peaceful assembly includes meetings, speeches, debates, demonstrations, marches, vigils, sit-ins, rallies, protests, and similar meetings or gatherings that do not: threaten or violate policies and rules; interfere with the conduct of University business, regular schedules, or events; infringe on the rights of others; endanger the health and safety of others; or damage or destroy property.
- (2) The University requires that persons engaged in such assemblies on campus conduct themselves in a manner that will not impair the health or safety of any individual, disrupt the

normal conduct of University affairs, or damage and destroy property. Any act by Student demonstrators that interferes with the rights of others, disrupts or impairs the normal functioning of the University, damages or destroys property, or impairs health or safety is grounds for suspension or dismissal from the University.

- (3) Persons planning or initiating such assemblies to be conducted on the University campus are required to identify their groups and to state their purposes in advance to the appropriate University personnel. Areas may be reserved, if available, for the accommodation of such assemblies. Arrangements for any assembly which involves the use of University buildings must be made with the appropriate person. The organization sponsoring a speaker, or conducting an assembly, assumes the responsibility for maintaining the University policies on peaceful assembly and student freedom of expression.
- (4) Staff assistance is available in the planning of such events in ways to eliminate or minimize the possibility of disruption. University security can be requested to assure that the rights of all concerned are protected.
- (5) Demonstrations are prohibited in classrooms during hours they are scheduled for use, or at any site when conducted in a manner which interferes with educational function. Demonstrations are further prohibited in any special use facility. Demonstrators refusing to vacate such premises when directed by the instructor in charge or by authorized staff are subject to immediate disciplinary action and arrest under applicable city and state laws.

#### **1-1-411 Health Insurance.**

It is University policy that students who register for at least nine (9) academic hours during the regular academic year (fall, and spring semesters) must have health insurance. Students currently enrolled in a health and accident insurance program acceptable to the University may request a waiver of the UNC student health insurance plan. The deadline for such waivers is determined at the beginning of each academic year. The University does not require students registered for summer term only to purchase the University's student health insurance or demonstrate possession of an acceptable insurance plan in lieu of that offered by the University. However, any student who enrolls in the University's health insurance while also registered for nine (9) or more academic hours during spring semester is automatically covered by that insurance during summer term with no additional premium required.

#### **1-1-412 Student Discipline.**

Final authority regarding the imposition of disciplinary action on students is reserved to the President of the University or to the appropriate Vice President if delegated by the President. The President or the appropriate Vice President may review recommendations regarding discipline in order to determine that there is sufficient support for the charges and to ensure that the student was given a fair and reasonable opportunity to respond to the allegations against him and/or to present evidence of mitigating circumstances. The President's or the appropriate Vice President's decision regarding appropriate discipline shall be final.

**1-1-413 Campus Activities.**

All officially recognized UNC student activities are open to all students without regard to race, religion, gender, age, national origin, disability, sexual orientation, military service, or political affiliation, except those organizations exempted by Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, or other exemptions allowed by law. New organizations must submit their constitutions to a student committee and the appropriate Vice President for review to ensure they meet Student Senate constitutional requirements and Affirmative Action/Equal Opportunity requirements.

**1-1-414 Student Housing.**

All University-owned housing is available to university students in compliance with federal and state non-discrimination laws. Necessary accommodations will be made for disabled students. Before landlords may list off-campus housing units with the University Residence Life, they must agree to comply with federal and state nondiscrimination laws. Complaints related to off-campus housing are submitted to the Off-Campus Renters Information Service coordinator or the Greeley Human Rights Council.

**Part 5 Personnel: General.****1-1-501 General.**

The specific obligations of University employees may vary by position. All employees, however, are expected to perform the duties and responsibilities of their positions and programs in compliance with the laws of the land, in a professionally competent and skillful manner, in accordance with the highest ethical standards, and the Policies, regulations and procedures of the BOT and of the University.

**1-1-502 Conflict of Interest.**

A University employee shall disclose to his or her immediate supervisor all facts and circumstances related to any University transactions, activities, contracts or other dealings in which they are involved or may become involved on behalf of the University which might directly or indirectly involve them in a duality or conflict of interest. Such disclosure shall be made in writing as soon as is reasonable after the conflict or potential conflict comes to the knowledge of the employee. A duality or conflict of interest shall be deemed to exist at any time when an interest held by the employee, or relationship maintained, prohibits or inhibits, or potentially prohibits or inhibits, the employee from exercising independent judgment in the best interests of the University. A duality or conflict of interest shall exist whenever an employee is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any non-governmental entity participating in a transaction with the University. The immediate supervisor to whom a report of a duality or conflict of interest of potential duality or conflict of interest is given shall directly report the matter to the jurisdictional vice president who shall have the authority to administer the interest of the University in the situation subject to the superintendence and pre-emption of the President and the BOT.

**1-1-503 Amorous Relationships.**

Members of the University Community, whether faculty members, students, supervisors, or supervisees put academic and professional trust and ethics at risk when they engage in an amorous romantic/sexual relationship with persons whom they have a direct evaluative relationship. Because these relationships may give rise to the perception on the part of others that there is favoritism or bias in academic or

employment decisions, the university discourages such relationships. The atmosphere created by such appearances of bias or favoritism has the potential to undermine the spirit of trust and mutual respect essential to a healthy work and academic environment. Even when the parties have initially consented to such relationships, they can render the parties and the institution vulnerable to possible later allegations of sexual harassment in light of the power differential that may exist. All members of the University Community are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. When an amorous romantic/sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student or employee. Failure to take such steps shall constitute a violation of BOT Policy 1-1-502, Conflict of Interest.

#### **1-1-504 Nepotism.**

It shall be deemed to be a conflict of interest for an employee to serve in a supervisory capacity over a relative or dependent. For the purposes of this policy “relative” shall be deemed to be any person within the 5th degree of consanguinity and “dependent” shall be defined in the Internal Revenue Code.

#### **1-1-505 Outside Activities.**

Employees are required to conduct their activities on behalf of the University with the utmost good faith and loyalty. Employees may not compete with the University or convert business opportunities of the University to their personal gain or advantage or the gain or advantage of another. Employees may not convert confidential information or trade secrets of the University to their personal gain or advantage or the gain or advantage of others. [See also University Regulations 3-3-401, et seq.]

#### **1-1-506 Copyright Law Compliance.**

All employees of the University shall conduct their activities on behalf of the University, including but not limited to any research or writing activities, in such a fashion so as to meet and comply with all requirements of the United States copyright laws and regulations (17 U.S.C; 37 C.F.R.). As a condition of employment, each employee agrees to accept responsibility for reading and understanding the requirements of the copyright law and the policy statement and guidelines of the University and for complying with those requirements and guidelines. In the event that a copyright infringement occurs as a result of the acts of an employee, if the employee is able to demonstrate compliance with the policy and guidelines of the University, as determined by the University, such actions shall be considered “good faith compliance” by the University and the employee shall not be required to indemnify the University for any damages, judgments, or costs which may be obtained against the University for the acts of the employee. If, however, an employee willfully, intentionally, negligently, or without good faith violates the copyright provisions, the employee shall be solely liable for all losses, damages, judgments, and costs of whatsoever kind or nature that may be incurred. Should the University be named in any legal or equitable action arising from such wrongful infringement, the employee agrees to save, hold harmless, and indemnify the University against all losses, damages, fees (including attorney's fees), or other penalties, monetary or otherwise, that may be incurred as a result of such conduct.

#### **1-1-507 Hazardous Materials.**

Employees who handle toxic or hazardous substances on behalf of the University are required to maintain, use and dispose of such substances in accordance with applicable UNC Hazardous Material Management Plan procedures, state, federal and local laws/regulations as a condition of their employment. The employee should obtain assistance in ascertaining his or her obligations under these

laws and regulations from the Manager of Environmental Safety or his or her designee. Any employee who violates any such laws or instructions given by the University Environmental Safety Office shall be deemed to have acted outside the scope of his or her authority.

### **1-1-508 Equal Opportunity.**

The President is charged with the implementation of the University's Equal Opportunity Policy.

**1-1-508(1) Non-Discrimination Policy.** The University will not engage in unlawful discrimination in employment or educational services against any person because of race, religion, gender, age, national origin, disability, or veteran status. It is the University's policy to prohibit discrimination in employment or educational services on the basis of sexual orientation or political affiliation. The University will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, religion, gender, age, national origin, disability, or veteran status in accordance with the laws of the United States and the State of Colorado. The University will likewise take affirmative action to ensure that student applicants and enrolled students are treated during enrollment at the University without regard to race, religion, gender, age, national origin, disability or veteran status. Such affirmative action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff, retirement, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Furthermore, the University will post in conspicuous places, notice setting forth the provisions of this University's Equal Opportunity Policy.

**1-1-508(2) Policy on Sexual Harassment.** It is the policy of the BOT of the University to maintain the University as a place of work, study, and residence, free of sexual harassment and exploitation of its students, faculty, staff, and administrators. Sexual harassment is defined as set forth in 2-2-210. Notwithstanding the foregoing, the definitions of discrimination and sexual harassment shall not include conduct, discourse, materials or methodologies which serve legitimate education purposes and are protected by the accepted tenets of academic freedom, the First Amendment, or are otherwise constitutionally protected. Violation of this policy is absolutely prohibited on the campus or in relationship to any University programs wherever located. The University is committed to take appropriate action against those who violate the University's policy prohibiting sexual harassment, including corrective and disciplinary action. In addition, the University will take all reasonable steps to prevent or eliminate sexual harassment by non-employees including customers, clients, and suppliers who are likely to have contact with University students, faculty or employees.

**1-1-508(3) Purpose.** It is the purpose of this Equal Opportunity Policy, and the Discrimination Review Procedures, 2-2-201 et seq., to encourage the development of tools for the elimination of discrimination and sexual harassment through education, information and discussion, and to provide a means for investigating complaints of those subjected to alleged acts of discrimination or sexual harassment and/or discriminatory policies and/or practices of the University alleged to discriminate in violation of law or these policies.

**1-1-508(4) Non-Retaliation Policy.** The University will not tolerate reprisal or retaliation of any kind against an individual who in good faith complains of discrimination or sexual harassment under law or these University policies, or who participates in any procedure to investigate and address a complaint regarding discrimination or sexual harassment. Any University employee, official or student who is in violation of this non-retaliation policy will be subject to discipline.

### **1-1-509 Safety.**

Employees are required to perform their duties and responsibilities in accordance with generally accepted safety standards as well as any specific safety standards applicable to their positions. It is the obligation of each employee to notify his or her supervisor of any unsafe condition on University premises, or practices of the University or any of its employees which he/she observes or becomes aware of that may affect his or her safety or the safety of any other person.

### **1-1-510 Other Duties.**

Each employee is required to perform such other duties as may be assigned by his or her supervisor from time to time. Employees are subject to reassignment of duties by the President on a temporary or permanent basis as the President determines to be in the best interest of the University.

### **1-1-511 Ordinary Governance Process.**

Ordinary governance process as used herein does not refer to any particular set of regulations or procedures, but simply embodies the expectation that interested members of the University community, through their appropriate representatives, have had a meaningful opportunity to participate in the process and advise and comment upon matters which affect them.

## **Part 6 Policies: General.**

### **1-1-601 Naming of Facilities.**

The University of Northern Colorado Board of Trustees recognize and appreciate the many people who have made and continue to make significant contributions to the University's success and desire to recognize such contributions. Prior to submission to the Board of Trustees of any nomination for recognition of entities for service contribution or financial support to the University, the President shall notify the appropriate governance groups, including the Faculty Senate, and the president of the UNC Foundation of any proposed nomination. Recognition may include, but is not limited to, the naming of physical facilities or programs in honor of an individual or organization. The Board of Trustees shall make the final determination of any such recognition. (Approved BOT 6-16-04)

### **1-1-602 Architectural Standards.**

The physical environment of the campus enhances learning and reflects the university's commitment to excellence. The physical development of the campus of the University of Northern Colorado will be governed by architectural standards and landscape architectural standards adopted by the Board of Trustees (BOT). The architectural and landscape standards will be the foundation of any capital construction plans and campus master plan adopted by the BOT.

## **Article 2: General Provisions**

### **Part 1 Definitions.**

#### **1-2-101 General Provisions.**

“Working Days,” as used in this Board Policy Manual, means all days other than (a) those designated as “university holiday,” “university closed” or “spring break” on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

## **TITLE 2. BOARD APPROVED CONSTITUTIONS AND PROCEDURES**

### **Article 1: Student Affairs**

#### **Part 1 Student Government Constitution.**

##### **2-1-101 Section 1: Name of Student Government Organization.**

The name of this organization shall be the student body.

##### **2-1-102 Membership of the Student Body.**

The membership of the student body shall include all students enrolled at the University for one or more hours of academic credit as defined by University policy.

##### **2-1-103 Rights of the Student Body.**

All members of the student body shall be entitled to equal rights and privileges as set forth in this constitution and its subsequent bylaws.

##### **2-1-104 Representative Authority of the Student Body.**

The official authority to represent the student body shall be vested in the Student Senate, hereafter referred to as Student Senate.

##### **2-1-105 Governing Authority of Student Senate.**

The Student Senate governance will be subject to policies enacted by the University BOT, Colorado law, and United States law.

##### **2-1-106 Powers of Student Senate.**

Student Senate shall be entitled to all powers granted to it by this constitution.

**2-1-106(1) Constitutional Interpretation.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall have the authority to interpret this constitution.

**2-1-106(2) Student Senate Bylaws and Policies.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall have the power to adopt, amend, and appeal bylaws, procedural rules or policies for the operation Student Senate.

**2-1-106(3) Student Fees.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall have the power to represent the student body in the development of and recommendations for the allocation and management of all student fees subject to the approval of the University BOT.

**2-1-106(4) Representative Body.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall appear on behalf of and speak for the University student body in the nation, state, city or University on all matters concerning the students of UNC. Student Senate shall have the responsibility to identify issues concerning the students of the University.

**2-1-106(5) Resolutions.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall enact resolutions deemed necessary and appropriate to address concerns or to promote the best interests of the student body. Student Senate has the responsibility to present all resolutions to the appropriate group of individuals and to work towards ensuring their success.

**2-1-106(6) Student Senate Standing and Temporary Committees.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall establish and abolish standing and temporary committees. All committees shall require a statement of purpose, a description of membership, a specified duration and a set of bylaws approved by Student Senate. All student appointments shall be administered through a Student Senate appointment process.

**2-1-106(7) University Student Senate Related Standing and Temporary Committees.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate, shall approve all student appointments to all University related Student Senate standing or temporary committees. All student appointments shall be administered through a Student Senate appointment process.

**2-1-106(8) Services.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall establish and/or sponsor services deemed useful to the needs of the student body. Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate may dissolve such Student Senate sponsored services deemed unnecessary to the needs of the student body.

**2-1-106(9) Activities of Programs.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall establish and sponsor activities and programs deemed useful to the needs of the student body and /or the University community; and, upon a two-thirds (2/3) vote of the entire voting membership, Student Senate may dissolve established activities and programs deemed unnecessary to the needs of the student body and/or University community.

#### **2-1-107 Members of Student Senate.**

The elected or appointed members of Student Senate shall consist of a President, and a Vice President for: Student Affairs, Academic Affairs, University Relations, Student Organizations, Finance, Personnel Affairs, Legislative Affairs, Graduate Students, Diverse Relations, and the Student Trustee to the Board.

#### **2-1-108 General Duties and Specific Qualifications of Student Senate Members.**

All elected and appointed members of Student Senate shall uphold the constitution of the student body of the University, Student Senate bylaws, and policies; shall be voting representatives of the student body; shall function in an open and available capacity to all members of the student body, shall obtain and maintain representatives on all Student Senate related committees, shall fulfill these obligations while maintaining an open, informed, and responsible relationship with other members of the student body, Student Senate, and the University; shall maintain communication between those committees and Student Senate; shall be required to take a class taught by the advisor of Student Senate during the 8-week session in the summer to develop leadership skills, as well as budget analysis, past Student Senate decisions, and future University goals and projects (returning members will also be exempt from taking

this class; this time of the class will be known before the spring election giving new members ample time to schedule for it, class will be flexible credits and will also be offered at the graduate level); and shall be responsible for all other duties and assignments.

**2-1-108(1) Student Senate President.** The Student Senate President shall act as the official representative of Student Senate; shall act as a chairperson at all meetings of Student Senate and vote only in the case of a tie; shall maintain communication channels with the office of the University President; secure a student voice, identify concerns, and keep both Student Senate and the student body informed on all decisions and actions affecting the student body.

**2-1-108(2) Student Senate Vice President for Student Affairs.** The Student Senate Vice President for Student Affairs shall act as coordinator of the student services for Student Senate; shall maintain communication channels with the office of the appropriate University Vice President; secure a student voice, identify concerns, and keep both Student Senate and the student body informed of all decisions and actions affecting the student body.

**2-1-108(3) Student Senate Vice President for Academic Affairs.** The Student Senate Vice President for Academic Affairs shall serve as a voting member of the Undergraduate Council to the extent permitted under the governing documents of that organization; shall maintain communication channels with the office of the (CAO); secure a student voice, identify concerns, and keep both Student Senate and the student body informed on all decisions and actions affecting the student body. The Student Senate Vice President for Academic Affairs shall maintain communication channels with the faculty portion of the University and participate as a voting member of the Faculty Senate to the extent permitted under the governing documents of that organization.

**2-1-108(4) Student Senate Vice President for Administration.** The Student Senate Vice President for Administration shall act as a budget officer for Student Senate; shall maintain communication channels with the office of the University Vice President for Administration; secure a student voice, identify concerns, and keep both Student Senate and the student body informed on all decisions and actions affecting the student body.

**2-1-108(5) Student Senate Vice President for University Relations.** The Student Senate Vice President for University Relations shall act as the public relations officer for Student Senate; shall maintain communication channels with the office of the University Vice President for University Relations; secure a student voice, identify concerns, and keep both Student Senate and the student body informed of all decisions and actions affecting the student body.

**2-1-108(6) Student Senate Vice President for Student Organizations.** The Student Senate Vice President for Student Organizations shall be responsible for the coordination and communication of all activities of the student organizations responsible to the Student Senate and shall coordinate special programs as requested by Student Senate.

**2-1-108(7) Student Senate Vice President for Personnel Affairs.** The Student Senate Vice President for Personnel Affairs shall act as the personnel officer for Student Senate; shall maintain communication channels with the classified personnel portion of the University and participate as a voting member of the State Personnel Employee's Executive Council to the extent permitted under the governing documents of that organization.

**2-1-108(8) Student Senate Vice President for Legislative Affairs.** The Student Senate Vice President for Legislative Affairs shall, as appropriate, represent the needs of the student body at the State and University level, support legislation favorable to student governance and fee issues, along with legislation favorable to the University as a whole.

**2-1-108(9) Student Senate President of Graduate Students.** The Student Senate President of Graduate Students shall maintain communication channels and advocate the interests of the graduate student of the University; shall serve as a voting member to the Graduate Council to the extent permitted under the governing documents of that organization; and must be classified as a graduate student, as defined by University policy.

**2-1-108(10) Affirmative Action/Equal Opportunity Facilitator.** The Student Rights Advocate, student body, and Student Senate; ensures that all policies and procedures affecting students are not discriminatory according to all University, State and Federal AA/EO regulations; shall act on all student complaints regarding affirmative action/equal opportunity as allowed by law and the policies of the Student Senate; shall maintain communication channels with the University Director for Affirmative Action/Equal Opportunity.

**2-1-108(11) Student Senate Vice President to the BOT.** The Student Senate Vice President to the BOT shall participate as an advisory member of the BOT of the University to the extent permitted under the governing documents of that organization; shall be enrolled as a full-time equivalent junior or senior at the University; shall have been a resident of Colorado for at least three years; shall fulfill all other requirements as outlined in the Colorado Statutes (section 23-40-104, CRS as amended); and shall serve as Student Trustees from July 1 to June 30 of each fiscal year.

**2-1-108(12) Student Senate Vice President for Diverse Relations.** The Student Senate Vice President for Diverse Relations shall work closely with the Student Senate Vice President of Personnel Affairs to increase diversity on the Student Senate and University committees; shall organize forums on issues relating to gender, race, sexual orientation, religion, and other issues as needed; shall work closely with the cultural centers; shall meet regularly with the appropriate University Vice Presidents; and shall work closely with the Student Senate AA/EO Coordinator.

#### **2-1-109 General Qualifications of Student Senate Members.**

Elected or appointed members of Student Senate shall be members of the student body while entering of fulfilling the term of the office. A letter of resignation shall be requested by the Student Senate President upon failure to comply with or maintain the qualifications of this article.

**2-1-109(1) Grade Point Average.** A student shall be eligible to seek office on the Student Senate who has a cumulative University of Northern Colorado or equivalent college cumulative grade point average above or equal to 2.50 on a 4.00 scale. Once in office, all student members of the Student Senate must maintain a cumulative grade point average above or equal to 2.30 on a 4.00 scale. No student shall be eligible for or hold office in Student Senate whose academic term grade point average is less than a 2.00 while in office. In courses where "S-U" grading is used, a "U" shall be classified as less than a 2.00. In the case of serious illness which has been documented by a physician or family emergency beyond a council member's control that impedes the student's ability to complete courses in which the grade of an "I" is given, any Student Senate member shall be put on a probationary period to be defined by a (2/3) vote of Student Senate. The student will be given four weeks from the first day of the new academic semester to replace the "I" with a grade of "C" or better

and still maintain a GPA of 2.3 or better. In the case of a masters or doctoral proposal, thesis, or dissertation process lasting more than one semester in which the grade of "NR" is given, the council member will have the following semester to replace this with a satisfactory grade "S". A letter documenting satisfactory progress will be required from the research advisor supervising the student.

**2-1-109(2) Credit Hours.** Each elected or appointed member of Student Senate must carry and successfully complete a minimum of ten (10) credit hours as an undergraduate student or nine (9) credit hours as a graduate student, during each academic term in office and at least three (3) credit hours during the summer academic term.

**2-1-109(3) Removal.** In order to remain eligible to hold office on Student Senate, a member must fulfill their job requirements as defined in this constitution or face removal. Such removal will be defined in the Student Senate Bylaws.

#### **2-1-110 Term of Office.**

The terms of office for the elected members of Student Senate shall commence the first week of the four week summer session and conclude at the end of the following spring semester. Student Senate shall have the option of whether or not to hold formal meetings and office hours during the four week summer session.

#### **2-1-111 Remuneration.**

The purpose of remuneration for all elected or appointed Student Senate members is to provide an equal and reasonable compensation for the term served, to improve the reliability of the council by allowing for limited outside employment, to increase that which is expected of each council member, and to ensure equal opportunity to individuals who might otherwise be unable to serve as a result of income.

**2-1-111(1) Amount of Remuneration.** Each elected or appointed member of Student Senate shall receive remuneration equivalent to the current full-time undergraduate, in-state tuition and student fees. Student Senate President for Graduate Students shall receive remuneration equivalent to the current full-time graduate, in-state tuition and student fees designated by the University for that full academic term. The rate of compensation shall be one (1) full academic term remuneration for each full academic term served.

**2-1-111(2) Period of Compensation.** The period of compensation for elected members and members appointed immediately following a regular election shall begin the academic term following the election to an office. The initial period served, for the first academic term, shall be considered "in transition" and shall not be compensated until the next transition period of the subsequent year. Should an elected Student Senate member not serve a full term of office, the transitional compensation shall be forfeited.

**2-1-111(3) Disbursement.** Final remuneration shall be disbursed following successful completion of each academic term.

**2-1-111(4) Proration.** Remuneration shall be prorated on a daily basis for all elected or appointed members of Student Senate serving less than a full academic term. Proration shall be determined from the first official day to the last official day as designated by the University, including finals week, excluding weekends and holidays.

**2-1-111(5) Funding.** This remuneration is subject to funding by student fees and is not subject to appropriated State funds. The remuneration may be terminated or reduced if the funding is canceled or reduced during the term of office.

**2-1-112 Vacancies/Leaves of Absence.**

Positions within Student Senate shall be declared vacant by the council if any member of Student Senate is removed from office by a recall election of the student body as outlined in 2-1-121(2) resignation, or failure to meet the qualifications of office as described in 2-1-109 et seq. of this Constitution.

**2-1-112(1) Leaves of Absence.** Student Senate, upon a majority vote, may grant any elected or appointed member of Student Senate a temporary leave of absence for up to one full academic term contingent upon a Student Senate approved contractual agreement between the requesting member and Student Senate.

**2-1-112(2) Vacancies.** Upon a two-thirds (2/3) vote of the entire voting membership, Student Senate shall fill all vacancies of Student Senate Vice Presidents. All candidates shall be selected through the Student Senate Hiring Procedure; the exception to this appointment process would be the position of the Vice President to the BOT which requires replacement in accordance with state statute.

**2-1-112(3) Presidential Temporary Appointment.** The Student Senate President shall have the option of recommending a temporary appointment to Student Senate, not to exceed one (1) academic term or leaving the office vacant for not more than one (1) academic term.

**2-1-113 Order of Succession.**

Should the Student Senate President be unable to fulfill the responsibilities of President having resigned or otherwise been terminated, the Student Senate Student Rights Advocate and Student Senate advisor will organize a non-biased committee to select a new president from any interested Student Senate Vice President.

**2-1-114 Non-Elected Members of Student Senate.**

The non-elected members of Student Senate shall be official representatives of the University governance groups as outlined in this article, and shall be voting members of Student Senate.

**2-1-114(1) Faculty Representative.** A Faculty Representative shall be appointed by the Faculty Senate and shall act as the official representative of the Faculty.

**2-1-114(2) Classified Personnel Representative.** A Classified Personnel Representative shall be appointed by the State Personnel Employees' Executive Council, and shall act as the official representative of the Classified Personnel.

**2-1-114(3) Professional Administrative Staff Council.** A Professional and Administrative Staff Representative shall be appointed by the Professional Administrative Staff Council and shall act as the official representative of the University's Professional Administrators.

### **2-1-115 Representative Members of Student Senate.**

The representative members of Student Senate shall include representatives from all major student councils as recognized by Student Senate policy.

### **2-1-116 Requirements of Non-Elected and Representative Membership of Student Senate.**

Non-elected and representative membership of Student Senate shall be members of their respective organization while filling the position. Qualifications, vacancies, and terms of office shall be left to the determination of the represented organization.

**2-1-116(1) General Duties.** The general duties of non-elected and representative membership shall be outlined in the Student Senate Bylaws.

### **2-1-117 Administrative Representative.**

The University President shall designate one member of the Executive Staff to serve as a non-voting, administrative representative.

### **2-1-118 Advisor.**

There will be at least one staff member employed by the University to work with Student Senate as an advisor.

**2-1-118(1) Selection of Advisor.** Selection of the advisor for Student Senate will be the responsibility of the University after consultation with Student Senate.

**2-1-118(2) Qualifications of Advisor.** The qualifications of the advisor will be determined by the University administration after consultation with Student Senate.

**2-1-118(3) Responsibilities of Advisor.** The responsibilities of the advisor for Student Senate shall include: to assist, in an advisory capacity, in the operation and viability of Student Senate and its organization's services and committees; to attend and participate as an active advisor at all Student Senate meetings; to act as an administrative liaison to both Student Senate and the University; to facilitate the resolution of issues presented to or within Student Senate; to assist the Student Senate President in personnel decisions related to the elected and appointed members of Student Senate, their evaluations, and interpersonal relations; to meet as needed with all Student Senate members; to plan with Student Senate President all scheduled retreats or in-service training as deemed necessary by Student Senate; and fulfill all other duties and responsibilities as required by the University pertaining to this position.

### **2-1-119 Official Meetings.**

Official meetings of Student Senate shall be open to the public. Meetings dealing with personnel or legal related issues may be closed.

**2-1-119(1) Regular Meetings.** Regular meetings of Student Senate shall be held once a week during each full academic term. Regular meetings falling on finals week shall be optional as determined by Student Senate. Public notice of regular Student Senate meetings shall be made at least three (3)

regularly scheduled class days prior to the meeting.

**2-1-119(2) Special Meetings.** Special meetings of Student Senate shall be called by petition of at least two percent (2%) of the members of the student body, or by Student Senate with a majority vote. Special meetings shall be held within two (2) regularly scheduled class days following the Student Senate President's receipt of a valid petition. Public notice shall be posted one (1) regularly scheduled class day prior to the date of a Special Meeting.

**2-1-119(3) Town Meetings.** Student Senate shall call a town meeting open to all members of the Student Body at least once during each academic term. Town meetings shall provide a forum for the expression of opinions and ideas relating to issues facing the student body. Public notice of all town meetings shall be posted ten (10) regularly scheduled class days prior to the date of the meeting. Special town meetings shall be called by petition of at least five percent (5%) of the members of the Student Body or by Student Senate with a majority vote. Special town meetings of Student Senate shall be held within fifteen (15) regularly scheduled class days following the Student Senate President's receipt of a valid petition.

**2-1-119(4) Quorum.** Quorum shall be defined as fifty percent (50%) plus one (1) of the voting membership of Student Senate. A quorum must be present for any official vote of Student Senate. The Chair shall be considered as a voting member of Student Senate for purposes of determining the existence of a quorum.

**2-1-119(5) Rules of Procedure.** Every member of the student body shall have the right to attend Student Senate meetings, to be recognized by the Chair, and to participate in all deliberations within procedural restrictions. Any addition to the agenda submitted to Student Senate requesting an official meeting requires either the signatures of ten percent (10%) of the members of the student body or the endorsement of at least one Student Senate member, and approval by the chair.

**2-1-119(6) Parliamentary Authority.** The most recent issue of Roberts Rules of Order of Parliamentary Procedure shall be used for all questions not contained in this constitution and the Student Senate Bylaws. The Student Senate President shall utilize the Student Senate appointment process to select a parliamentarian who shall not be a member of Student Senate.

#### **2-1-120 Public Access to Information.**

In order to ensure open and responsible information sharing, all documents of Student Senate, not dealing with student grievances, personnel, or legally related items, shall be open and available to the public on all regularly scheduled class days and during normal business hours.

#### **2-1-121 Elections.**

All regular and special elections of the student body shall be governed by a Student Senate Election Code Bylaw which shall specify all rules, regulations, procedures, dates and other information deemed pertinent to the election by Student Senate.

**2-1-121(1) Regular Elections.** Regular elections shall occur during the spring semester each year. Election of Student Senate members, outlined in the Student Senate Election Code Bylaws, shall be held during each regular election. Public Notice of regular elections shall be given not less than twenty (20) regularly scheduled class days prior to the election.

**2-1-121(2) Special Elections.** Special elections in the form of referendum, initiative, or recall on specific issues shall be called by a two-thirds (2/3) vote of the entire voting membership or by a petition containing the signatures of a minimum of ten percent of the members of the student body stating the specific issues to be resolved. Petitions involving a special election must be reviewed by the Student Legal Service Coordinator to be sanctioned as lawfully valid. Such elections shall be held not more than fifteen (15) regularly scheduled class days, excluding the last week of classes in any academic term, following the Student Senate President's receipt of the petition or a vote of the council. Public notice of special elections shall be given not less than five regularly scheduled class days prior to the election.

**2-1-121(3) Determination of Results.** All elections shall be decided by a plurality vote of the qualified student electorate votes cast in a regular or special election.

### **2-1-122 Amendments.**

Amendments to this constitution may be passed by a majority of the student body voting in a regular or special election.

### **2-1-123 Ratification and Review.**

This constitution shall be reviewed by a majority of those members of the student body voting in a constitutional election. This constitution shall require an ongoing review in not less than three years and not more than seven years and shall be reviewed both in its entirety and as amended.

## **Part 2 Academic Appeal Procedure.**

**2-1-201 Purpose.** The purpose of the procedures outlined below is to provide an easily implemented means for appealing and resolving disputes concerning an academic decision which a student considers arbitrary, capricious, or contrary to University policy.

- (1) Arbitrary, capricious: No discernible relationship between the act or decision complained of and the legitimate interests or considerations affecting or motivating such act or decision; i.e., disparate treatment of persons in essentially identical circumstances.
- (2) Violations of policy: Encompasses misinterpretations, misapplication or violations of authorized University policies.

Before initiating these procedures, or between any of the appeals steps outlined below, students may, and are encouraged to seek advice from their academic advisor or, in the case of graduate, the Dean of the Graduate School.

It is the responsibility of the student to initiate the appeals procedure at each level: faculty member, department chair or school director, dean of the college, Undergraduate or Graduate Appeals Officer, and the Academic Appeals Board. If the student fails to pursue the matter in the manner provided in this policy, after the conference with the appropriate individual identified above, the original academic decision will be final. The student should also bring to the various conferences and to the Academic Appeals Board hearing all evidence on which he or she intends to rely. Extension of the initiation deadline for each required conference can be allowed by the responsible academic officer receiving the appeal if requested by the student with good cause shown. The length of such extension shall be appropriate to

accommodate the cause of the delay. The following procedures outline the steps of the academic appeals process. It is expected that all of the parties involved at each step of the appeals process will make a good faith effort to resolve the issues.

### **2-1-202 Steps for Appeal.**

**2-1-202(1) Conference with the Faculty Member.** The student who has a specific problem or grievance shall first arrange a conference to discuss such problem or grievance with the faculty member who assigned the grade or whose action is addressed in the student's appeal by the end of the third week of the following semester, including summer, in which the student is enrolled. The faculty member must inform the student of his or her decision regarding the appeal within twenty-one calendar days of this required conference. The faculty member must be prepared to defend the decision or action(s) on the basis of University policy or sound academic policy. In matters concerning department/school policy or procedures, the student should take the problem to the department chair or school director.

In the event that the faculty member is not available, due to absence from campus, illness or non-employed status during the first three weeks of the following semester, the student will direct the appeal to the department chair/school director or director's designee if the director is not from the same discipline as the faculty member whose action is being appealed. To the extent possible, the department chair or school director will obtain information from and discuss the appeal with the faculty member who assigned the grade or whose action is addressed in the student's appeal before making a final decision on the appeal.

In the case of an appeal of a program of study termination decision, the student will begin the appeal process as in 2-1-202(3) below by requesting a conference with the dean of the college (or designee).

**2-1-202(2) Conference with the Department Chair/School Director.** If the student does not believe that the initial conference with the faculty member has resolved the problem, a request may be made for a conference with the faculty member's department chair or school director. If the director is not in the same discipline as the faculty member whose action is being appealed, the director will designate a faculty member in the same discipline to hear the student's appeal at this level. The student is responsible for initiating this required conference within twenty-one (21) calendar days of the faculty member's response if he or she wishes to pursue the appeal further. The department chair/school director shall confer with both student and faculty member. Department chair/school director's will inform their dean and the student of their decision regarding the student appeal within twenty-one (21) calendar days of this required conference. If the faculty member is the department chair/school director, the student should move to 2-1-202(3) below and schedule a conference with the faculty member's dean.

**2-1-202(3) Conference with the Dean.** If the student does not believe that the conference with the department chair/school director has resolved the problem, the student may request a conference with the dean of the college within twenty-one calendar days after notification of the department chair/school director's or director's designee's decision in 2-1-202(2) above. The dean will issue a written reply to the student within twenty-one (21) calendar days of the conference. For a graduate student appeal, a copy of the dean's response will be sent to the Dean of the Graduate School as an information item and is to be retained in the student's file.

- (a) An appeal by a student of a recommendation for termination of the student's academic

program of study will be addressed directly to the dean by submitting a letter of intent to appeal by the end of the third week of the semester following the decision. Within twenty-one (21) calendar days after notification to the student of the decision and scheduled at least one (1) week following submission of the letter of intent to appeal, the student shall also arrange a conference with the dean. The letter of intent to appeal will include:

- (I) the identification of the faculty member or department/school involved; and
  - (II) a description of the action or actions the student considers arbitrary, capricious, or contrary to University policy.
- (b) When a student initiates an appeal of a program of study termination decision with the dean, the student will be placed on suspension from his or her program and a hold will be placed on his or her registration which will not allow the student to register for additional courses until a final decision on the appeal has been reached. Any pre-registrations for future semesters will be withdrawn by the CAO for an undergraduate student and the Dean of the Graduate School for a graduate student. The student will complete any courses for which he or she is currently enrolled except when:
- (I) the student voluntarily withdraws from the course or all courses; or
  - (II) for professional or ethical reasons and based on a department or school recommendation to the (CAO) or the Dean of the Graduate School, that the student not be allowed to continue participation in a course for which he or she is currently registered.

The dean will promptly inform all involved faculty members, the department chair/school director and the director's designee if applicable and the CAO or the Dean of the Graduate School that the appeal has been filed. The dean will investigate the appeal by reviewing the evidence submitted by the student and consulting with affected parties. The dean will render a decision to support or not support the department or school recommendation within twenty-one (21) calendar days of the required conference.

If the appeal is upheld, the dean will submit a recommendation, addressed to the CAO or to the Dean of the Graduate School, with a copy to the student, to reinstate the student's program. If the dean's recommendation is endorsed by the CAO or the Dean of the Graduate School, the student will continue to pursue the degree program and any interrupted courses per stipulated conditions and agreements with the department or school described in the dean's letter of recommendation. If the CAO or the Dean of the Graduate School do not endorse the dean's recommendation and do not reinstate the student to his or her program, the student may appeal that decision directly to the (AAB) and omit 2-1-202(4) below of these procedures.

**2-1-202(4) Conference with the Undergraduate or Graduate Appeals Officer.** If the student is not satisfied with the results of the conference with the dean, an undergraduate student may file a written request with the CAO for a conference with the Assistant VP for Undergraduate Studies; a graduate student may file a written request to the Dean of the Graduate School for a conference with the Graduate Appeals Officer in the Graduate School. The written request for a conference with the Assistant VP for Undergraduate Studies or Graduate Appeals Officer must be filed within thirty calendar days of the dean's decision or the end of the semester after receipt of the dean's decision,

whichever is greater. The written request for a conference must contain:

- (a) the identification of the faculty member and academic program of study;
- (b) a rationale explaining why the student considers the decision or action(s) to be arbitrary, capricious, or contrary to University policy; and
- (c) a copy of the written response from the dean.

The Assistant VP for Undergraduate Studies or Graduate Appeals Officer will resolve the complaint. Upon completion of the investigation and no later than twenty-one calendar (21) days after the required conference with the student, the Assistant VP for Undergraduate Studies or Graduate Appeals Officer shall inform the student of a decision.

If the appeal is dismissed, the student shall be informed in writing of the reasons for dismissal. If the appeal is upheld, the CAO or Dean of the Graduate School will so advise the student and resolve the matter with the department chair/school director and dean. The Assistant VP for Undergraduate Studies or Graduate Appeals Officer's letter of response will be delivered either in person to the student by a University official or by certified mail to the student's local address.

**2-1-202(5) Request for Academic Appeals Board Hearing.** If the student is not satisfied with the results of the required conferences, the student may file a request to the chair of the Academic Appeals Board (AAB) for a formal hearing. The request for a hearing before the Board must be submitted within thirty days of hand delivery or posting by certified mail of the letter from the Assistant VP for Undergraduate Studies or Graduate Appeals Officer. An affirmative vote by three (3) members of the Board will be required to hear the appeal. If an appeal is accepted for hearing, the chair of the Board shall set a date for the hearing within ninety (90) calendar days of the decision accepting the appeal for hearing.

It is the duty of the Hearing Panel to ensure that, in the case under consideration, the action or decisions of the faculty member or department or school were not arbitrary, capricious, or contrary to University policy. All evidence considered in the case should be submitted to the Hearing Panel for review. After an impartial evaluation of that evidence, the Hearing Panel shall:

- (a) uphold the action or decision of the faculty member or department or school and dismiss the complaint; or
- (b) uphold the contention of the student by deciding that the actions or decision of the faculty member or department or school were arbitrary, capricious, or contrary to University policy. If a two-thirds (2/3) vote of the Hearing Panel supports the student's contention, the Hearing Panel shall have the authority to reverse the decision of the department or school or faculty member, i.e., the Hearing Panel can direct the Registrar to change the student's grade or can direct other appropriate action to ensure that justice is done to the student. The decision of the Hearing Panel shall be final and will be communicated, in writing, to the CAO or Dean of the Graduate School (depending on whether the appeal originated from an undergraduate or graduate student), the dean and department chair/school director. The Hearing Panel shall not disclose individual voting positions nor publish dissenting opinion.

**2-1-202(6) The Hearing.** Hearings shall be informal. The Chair of the Board shall preside over the

hearing. The hearing is not regarded as a court of law and full adversary-type procedures will not be followed. To protect the student and the faculty member or department or school, the hearing shall be both confidential and closed. A taped transcript of the proceedings shall be made and kept with the records of the hearing. All parties involved in the appeal have the right to attend the entire hearing, to be represented by academic counsel during the hearing, and to challenge testimony and evidence.

(a) **Academic Counsel.** A faculty member, fellow student or employee of the University may agree to serve as the student's academic counsel (advisor through the appeals process). In this role, the academic counsel will:

- (I) meet with the student and help guide him or her properly through university procedures;
- (II) discuss with the student the rationale for claiming the decision being appealed was arbitrary, capricious or contrary to university policy; and
- (III) be allowed to be present at any or all required conferences and the hearing before the Hearing Panel but will not be allowed to speak for the student unless approved by the University Official(s) involved in the conference or the Hearing Panel.

(b) **Academic Appeals Board.**

- (I) **Membership.** The membership of the (AAB) shall be composed of four (4) faculty members from different colleges and four (4) alternate faculty appointed by the Faculty Senate, and students to be appointed as follows: four (4) undergraduate students and four (4) undergraduate student alternates appointed by the Student Senate and four (4) graduate students and four (4) graduate student alternates appointed by the Graduate Student Association (GSA) such that each college with a graduate program is represented in the pool of eight. Four (4) undergraduate students will participate on the Board when an undergraduate appeal is to be heard. Four (4) graduate students will participate on the Board when a graduate student appeal is to be heard. The term of office for the Board members shall be for one (1) year beginning with fall term. Appointments must be made by November 1st of each year. If the colleges or Student Senate fail to act, the CAO will make temporary faculty and/or undergraduate student appointments and the Dean of the Graduate School will temporarily appoint graduate students to the Board if the GSA does not provide appointments.
- (II) **Chair.** The Chair of the Board shall be appointed by the CAO and approved by majority votes of the Faculty Senate and Student Senate. The Chair shall be a voting member and his or her term of responsibility shall be for two (2) years beginning with fall term. An alternate Chair may be appointed by the Board from its membership.
- (III) **Quorum.** A quorum shall consist of the Chair, three (3) faculty members, and three (3) undergraduate or graduate students depending upon whether the Board is deliberating an undergraduate or a graduate student appeal.

(c) **Chair Responsibilities.** The Chair of the (AAB) shall:

- (I) schedule all meetings of the hearing panel and notify all concerned parties of the time and place of the hearing;
- (II) preside over the hearing and all deliberations of the Hearing Panel;
- (III) conduct the hearing in a manner which protects academic due process;
- (IV) file a written report of the Hearing Panel's decision with the CAO and distribute copies of the report to the student, faculty member, the department chair/school director, the appropriate dean or the Dean of the Graduate School in the case of an appeal by a graduate student, and the Undergraduate or Graduate Appeals Officer in the case of an appeal by a graduate student;
- (V) maintain records of each hearing. Except when required by a legally valid subpoena or when the parties have given written consent, access to records will be confined to authorized University personnel who require access in connection with the performance of their duties; and
- (VI) forward all records of the hearing as well as the final report to the University Counsel.

**2-1-203 Graduate Student Petition for Exceptions.** Graduate students may petition for exceptions to certain procedures, rules, policies, and requirements. For specific details regarding this process, graduate students are directed to meet with the Graduate Appeals Officer in the Graduate School Office.

#### **2-1-204 Administrative Procedures.**

##### **2-1-204(1) Pre-Hearing Procedure.**

- (a) Jurisdiction of the Academic Appeals Board.** The (AAB) has jurisdiction whenever the Appeal involves an "academic decision" and the appropriate University Administrator directs the Chair of the Board to schedule a hearing.
- (b) Notice of Hearing.** Upon receipt of a request for a formal hearing and determination that the Board has jurisdiction, the Chair of the Board shall issue written notice to the student, and the identified faculty member and/or department or school of the time, place and date of the hearing, and the hearing rights as specified hereinafter.
- (c) Pre-Hearing Disclosure.** The notice of hearing shall require the student and the faculty member and/or department or school to identify, in writing at least ten (10) calendar days prior to the date of hearing, all documents which contain, and the names and current addresses of all witnesses who have, relevant knowledge of facts relating or pertaining to the issues in contention as identified by the student in his or her request for a formal hearing. Upon receipt of the written submission from the student the Chair of the Board shall transmit a copy to the faculty member and/or department or school and vice versa.
- (d) Evidence.** The Chair shall notify all witnesses which it determines may have relevant knowledge of facts or who are the custodians of documents which have, relating or pertaining to issues in contention which are within the purview of the Hearing Panel. The Chair should

also attempt to collect all identified documents prior to the hearing and have them marked and made available for each Hearing Panel member's review prior to and during the hearing.

#### **2-1-204(2) Hearing Procedure.**

- (a) Purpose.** The purpose of the hearing shall be to assist the Hearing Panel in eliciting all reliable evidence which is probative of the issues in contention. The hearing shall be essentially investigatory and not essentially adversarial. It is the Hearing Panel's obligation to investigate thoroughly all the reliable and probative evidence to the end of determining whether the actions or decisions of the faculty member and/or department or school were arbitrary, capricious, prejudiced, or contrary to University policy. The Hearing Panel is not bound to examine any or all of the issues presented by the student if they are not germane to the aforesaid standard of review. However, if during the course of its investigatory review the Hearing Panel identifies facts which raise issues which are germane; it must consider them even though they were not raised by the student. Accordingly, the Hearing Panel must not limit its investigation solely to the evidence presented by the student and faculty member and/or department or school, but must elicit all evidence from whatever sources that it deems necessary.
- (b) Record.** The record of the proceeding shall consist of a tape recording of the hearing, all documents presented and the Hearing Panel's decision.
- (c) Burden of Proof.** Although the burden of affirmatively proving an assertion rests on the person making the assertion (in this case on the student to prove arbitrary, capricious, prejudiced or violative actions or decisions), such burden does not absolve the Hearing Panel of its duty to investigate the matter fully. The Hearing Panel's task is to investigate and determine facts, not merely to adjudicate.
- (d) Preliminary Statement.** The Chair of the Board shall call the hearing to order, identify the issues and parties involved and give an overview of the hearing process and purpose and scope of the Hearing Panel's authority. The Chair shall inquire of the student and his or her counsel whether there are any objections to the time, place, notice, or other procedural matters. The Hearing Panel should deal with any legitimate procedural objections first.
- (e) Presentation of Evidence.** The presentation of evidence shall generally proceed in the following order:

  - (I) Presentation by student.
  - (II) Presentation by faculty member, department or school and/or college.
  - (III) Interrogation of witnesses called by the Hearing Panel.
  - (IV) Rebuttal presentation by student, if requested.
  - (V) Deliberation by the Hearing Panel.

The presentation of oral testimony by a witness need not be by formal interrogation. A witness may simply be asked to disclose all testimony he or she has that relates to the issue

in dispute. The Hearing Panel may reject unreliable, irrelevant or cumulative testimony. The Hearing Panel may interrogate a witness at any time on any subject it deems relevant. The (AAB) may sequester non-party witnesses (i.e., other than student and academic counsel, faculty member and academic counsel.) Documentary evidence may be accepted without a testimonial foundation but the Hearing Panel should be careful to assure authenticity. Documentary evidence, including sworn statements, should not be used as a substitute for intramural testimony unless the witness is unavailable due to reasons beyond the witnesses' and the Hearing Panel's control and then only if the evidence is deemed by the Hearing Panel to be complete and reliable.

- (f) **Cross-Examination.** Any recognized party may call any available witness for examination in his or her or their respective presentation. Hence formal cross-examination should be unnecessary but may be allowed at the discretion of the Hearing Panel. Further, the Hearing Panel may, at the request of any recognized party, question any witness on any relevant subject.
- (g) **Deliberation.** The Hearing Panel shall determine its own manner and time of deliberation, but is advised that such should be in private and conducted as soon after the hearing as is practicable.
- (h) **Closure.** The Hearing Panel may adjourn the hearing to a later date if necessary to obtain further evidence. After the Hearing Panel is satisfied that it has received or obtained all relevant evidence necessary to its determination of all issues within its purview it shall finally adjourn the hearing.
- (i) **Decision.** The Hearing Panel's decision shall take the form of findings of fact, separately stated. Each finding should encompass a single fact which, as determined by two-thirds vote of the members of the Hearing Panel, is established by a preponderance of the evidence. (Preponderance is the greater weight of evidence--that evidence which outweighs the evidence opposing it.) The decision shall also state separately each conclusion reached by the Hearing Panel based upon the facts found. The conclusions must logically follow from the facts and must relate to the standards of review; i.e., arbitrariness, capriciousness, prejudice or violations of policy. Finally, the decision shall set forth a disposition of the appeal. This decision is final.

### **Part 3 Student Rights and Responsibilities.**

#### **2-1-301 Student Rights.**

Students have the right to:

- (1) be informed of course requirements;
- (2) be evaluated fairly on the basis of their academic performance (their abilities and skills) as required by the instructor as part of a course;
- (3) experience free and open discussion, inquiry, and expression, both in the classroom and in conference;

- (4) experience competent instruction and advisement;
- (5) take exception to the data or views presented and reserve judgement about matters of opinion;
- (6) expect protection against professors' improper disclosure of student's views, beliefs, and political associations which may surface as a result of professors' instructing, advising, or counseling them;
- (7) expect protection, through established procedures, against prejudice or capricious evaluation.

### **2-1-302 Student Responsibilities.**

Students have the responsibility to:

- (1) inquire about course requirements if they do not understand them or are in doubt about them;
- (2) maintain the standards of academic performance established for individual courses and for programs of study;
- (3) initiate an investigation if they believe their academic rights have been violated;
- (4) learn the content of any course of study;
- (5) act in accordance with commonly accepted standards of academic conduct.

## **Part 4 Property Regulations.**

### **2-1-401 Property.**

The University reserves the right to inspect University premises occupied by students. A visual room inspection can be made by an agent of the University if accompanied by a student. Normally, premises occupied by students will not be searched. A room may be searched; however, by not less than two (2) appointees of the Division of Student Affairs when there is evidence that a search is reasonable. Authorization for room searches will be made by the appropriate Vice President of the University or his or her designee. The authorization will be written and must contain a statement of the specific objectives of the search and a summary of the evidence on which the authorization was granted. Under emergency conditions, waiver of the written authorization requirement may occur when immediate action is deemed necessary and appropriate by the appropriate Vice President of the University or his or her designee.

For premises not controlled by the institution, the ordinary requirements for lawful search are to be followed. [See also 1-1-409 Investigation of University Premises.]

## **Part 5 Student Conduct.**

### **2-1-501 University Standards of Conduct.**

Students and recognized student organizations at the University of Northern Colorado possess certain rights and responsibilities designed to promote a safe and respectful living and learning environment. The University values freedom of expression and the respectful exchange of diverse viewpoints. By choosing to attend the University of Northern Colorado, students agree to uphold standards of conduct that have

been developed to guarantee students freedom to learn and to protect the fundamental rights of others. In an effort to foster tolerance, civility, and accountability, the student conduct process aims to serve as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within both the university community and the greater community.

**2-1-501(1) Definitions.**

- (a) The term *Advisor* means a person chosen by a Complainant or Respondent to provide personal support through the conduct process. An advisor must have no other role in the hearing, such as a witness, and may not speak or otherwise represent his or her advisees.
- (b) The term *Appeal Reader(s)* means any person or persons authorized by the Dean of Students or designee to consider an appeal from a University Hearing Panel's determination as to whether a student has violated the Student Conduct Code or from the sanctions imposed by the University Hearing Officer.
- (c) The term *Chief Disciplinary Officer* means the Dean of Students of the University of Northern Colorado or a designated University official authorized on a case-by-case basis by the Dean of Students to impose sanctions upon any student(s) found to have violated the Student Code.
- (d) The term *Complainant* means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community submitted the charge itself.
- (e) The term *Faculty Member* means any person hired by the University of Northern Colorado to conduct classroom activities, whether in a classroom, laboratory, field, clinical, or virtual setting or who is otherwise considered by the University to be a member of its faculty.
- (f) The term *May* is used in the permissive sense.
- (g) The term *Member of the University Community* includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students or designee.
- (h) The term *Organization* means any number of persons who have complied with the formal requirements for University recognition/registration.
- (i) The term *Parent* means a student's parent or legal guardian.
- (j) The term *Policy* means the written regulations of the University as found in, but not limited to, the Student Conduct Code, Residence Life Handbook, the University web page and computer use policy, Graduate/Undergraduate Catalogs, and University Regulations and Board Policy.
- (k) The term *Preponderance of Evidence* means what happened is more likely than not to have happened. This shall be the standard of proof used in all conduct proceedings under this code.
- (l) The term *Respondent* means any student accused of violating this Student Code.
- (m) The term *Shall* is used in the imperative sense.

- (n) The term *Student* includes: all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies; those who withdraw after allegedly violating the Student Conduct Code; those who are not officially enrolled for a particular term but who have a continuing relationship with the University; those who have been notified of their acceptance for admission are considered *students* as are persons who are living in University housing, although not enrolled in this institution. The Student Conduct Code applies to all University of Northern Colorado students enrolled through University programs who are studying abroad or at other remote locations.
- (o) The terms *University* or *Institution* mean the University of Northern Colorado.
- (p) The term *University Hearing Officer/Panel* means any person or persons authorized by the Dean of Students or designee to determine whether a student has violated the Student Conduct Code and to recommend sanctions that may be imposed when a violation has been committed.
- (q) The term *University Official* includes any person employed by the University, performing assigned administrative or professional responsibilities. University officials may be full or part-time, or may be student staff members.
- (r) The term *University Premises* includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the University of Northern Colorado (including adjacent streets and sidewalks).
- (s) The term *University-Sponsored Activity* means any activity on or off campus which is initiated, aided, authorized or supervised by the University.
- (t) The term *Witness* means any individual who may have information relating to a conduct case.
- (u) "Working Days," as used in this Board Policy Manual, means all days other than (a) those designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

**2-1-501(2) Student Code Authority.**

- (a) The Dean of Students shall determine the composition of University Hearing Panels and determine which University Hearing Board, University Hearing Officer and Appellate Reader shall be authorized to hear each matter.
- (b) The Dean of Students or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of University Hearing Panel Hearings that are consistent with provisions of the Student Conduct Code.
- (c) Decisions made by a University Hearing Panel and/or University Hearing Officer shall be final, pending the normal appeal process.

**2-1-501(3) Student Conduct.**

The University of Northern Colorado Student Conduct Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community, poses a threat to safety of persons or property, or damages the institution's reputation or relationship with the greater community. In addition, University of Northern Colorado, in collaboration with the Greeley community, may respond to student violations of

community-based laws and ordinances designed to protect civility and quality of life. The Dean of Students or designee shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus, on a case by case basis, at his or her sole discretion.

Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if his or her conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

- (I) Acts of dishonesty, including but not limited to the following:
  - (i) Cheating, plagiarism, or other forms of academic dishonesty.
  - (i) Furnishing false information to any University official.
  - (ii) Forgery, alteration, or misuse of any instrument of identification, University document, or record.
- (II) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities when the conduct occurs on University premises.
- (III) Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens or endangers the health or safety of any person, including the student.
- (IV) Repeated conduct which would cause a reasonable person to fear for his or her safety or to alter his or her activities in response to the repeated conduct. Such repeated conduct may include, but is not limited to, any of the following: following, approaching, contacting, or placing under surveillance a person, a member of that person's family, or close acquaintance, whether or not conversation ensues.
- (V) Harassment, which consists of any verbal, visual, written or physical conduct that is sufficiently severe, persistent or pervasive that it adversely affects, or has the purpose or logical consequence of interfering with any student's educational program or creates an intimidating, hostile or offensive environment within the University community.
  - (i) Sexual Harassment, which includes, but is not limited to non-consensual verbal or physical conduct related to sex which unreasonably interferes with an individual's work, educational, or social performance or creates an intimidating, hostile, or offensive work, educational, or social environment; or is a violation of an individual's privacy, at the University, on University-owned or controlled property, at university sponsored or supervised activities, or at functions of recognized student organizations.
  - (ii) Bias-Related Harassment, which includes harassment of a person or group because of factors such as race, ethnicity, religion, gender, sexual orientation, age, creed, national origin, disability, political affiliation or veteran status.
- (VI) Sexual Misconduct, which is defined as:

- (i) Sexual contact that is without consent by any party. It is the obligation of any person to obtain active consent from the other person prior to sexual contact. Examples of misconduct include, but are not limited to, touching another's genitals/breasts without consent; having sexual contact with someone whose decision making ability is compromised (e.g. from alcohol or drug usage); or continuing sexual activity after either party has made it clear, either verbally or by conduct, that they do not wish to have physical contact.
  - (ii) Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others; deliberate observation of others for sexual purposes without their consent; taking or posting of photographs/images of a sexual nature without consent; possession or distribution of illegal pornography; or viewing or posting pornography in public venues.
- (VII) Theft of and/or damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
  - (VIII) Hazing, defined as an act which endangers the mental or physical health or safety a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
  - (IX) Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
  - (X) Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.
  - (XI) Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website, including, but not limited to, the Residence Life Handbook, Student-Athlete Handbook, UNC Computer, Internet & Electronic Communications Policies and Procedures, or any academic college policies.
  - (XII) Violations of federal, state, and municipal laws, or any other conduct not included above, which unreasonably interferes with the operations of the University, and the pursuit of its educational purposes and objectives or the rights of others, or which renders a person or organization unfit or unsuitable for continued association or affiliation with the University.
  - (XIII) Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.
  - (XIV) Public intoxication, use, possession, manufacturing, or distribution of alcoholic beverages except as expressly permitted by University regulations or by law. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.
  - (XV) Possession of firearms, ammunition, explosives, other weapons, or dangerous chemicals on University premises or use of any object in a way that harms, threatens, or causes fear to others on or off campus. Weapons include, but are not limited to, any but not limited to, all firearms, pellet guns, switchblade knives, or instruments designed to look like any of the above. Concealed weapons may only be carried by sworn law

enforcement officers. All other concealed weapons, whether carrying with a lawful permit or otherwise, are strictly prohibited on all campus premises.

- (XVI) Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- (XVII) Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- (XVIII) Conduct that is disorderly, lewd, or indecent; breach of peace or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community. Disorderly conduct also includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress.
- (XIX) Abuse of the Student Conduct System, including but not limited to:
  - (i) Failure to obey the notice from a Student Conduct Board or University official to appear for a meeting or hearing as part of the Student Conduct System.
  - (ii) Falsification, distortion, or misrepresentation of information before a Student Conduct Board.
  - (iii) Disruption or interference with the orderly conduct of a Student conduct Board proceeding.
  - (iv) Institution of a student conduct code proceeding in bad faith.
  - (v) Attempting to discourage an individual's proper participating in, or use of, the student conduct system.
  - (vi) Attempting to influence the impartiality of a member of a Student Conduct Board prior to, and/or during the course of, the Student Conduct Board proceeding.
  - (vii) Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a student conduct code proceeding.
  - (viii) Failure to comply with the sanction(s) imposed under the Student Conduct Code.
  - (ix) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.
- (XX) Intentional initiation or circulation of any false report, warning, or threat of fire, bombs, or explosives on University-owned or controlled property, at University-sponsored or supervised functions or at functions or facilities of recognized student organizations.
- (XXI) Retaliation against any individual. Retaliation is defined as any conduct which serves as a reprisal with the intent of causing physical or psychological pain. Retaliation includes, but is not limited to, unwelcome or repeated contacts by telephone, by letter, in person, or by third party; damaging or vandalizing personal property; offensive acts/gestures; overt threats, whether or not they were actually carried out; or any conduct that would instill fear and trepidation in the victim.

- (c) Students may be held independently accountable to both civic authorities and to the University for acts which constitute violations of law and/or violations of University policies, regulations, or procedures. Disciplinary action will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed, reduced, or are in process. A Colorado law states that if a person is convicted of a riot offense (inciting, arming, or engaging) he/she must be immediately suspended from a Colorado state-supported institution of higher education for a period of twelve months and will be unable to attend any other Colorado state-supported institution of higher education for that time period.

## **2-1-502 Academic Expectations Related to Student Conduct.**

In order to encourage and foster academic excellence, the University expects students to conduct themselves in accordance with certain generally accepted norms of scholarship and professional behaviors. Because of this expectation, the University does not condone any form of academic misconduct. Academic misconduct includes but is not limited to plagiarism, cheating, fabrication, and knowingly or recklessly encouraging or making possible any act of plagiarism, cheating, or fabrication. Academic misconduct is an unacceptable activity in scholarship and is in conflict with academic and professional ethics and morals.

Consequently, students who are judged to have engaged in some form of academic misconduct may be subject to (1) a zero or an "F" on the work in question, (2) an "F" in the course, (3) other academic penalties as outlined in the professor's course requirements and expectations, (4) disciplinary action as specified in the Sanctions for Misconduct section below, or (5) any combination thereof. When an instructor reports an incident of academic misconduct and related academic consequences to the Dean of Students Office, a student found responsible for such misconduct may still receive a failing grade even if he/she has withdrawn from or dropped the course. Procedural due process, including the right to appeal, is to be followed in making a determination of whether academic misconduct has occurred.

Generally, a student's intentions will not be the primary consideration in the determination of whether academic misconduct has occurred. A student's intentions will usually be considered only during the process of deciding on the appropriate sanctions or penalties.

Plagiarism is the act of appropriating the written, artistic, or musical composition of another, or portions thereof; or the ideas, language, or symbols of same and passing them off as the product of one's own mind. Plagiarism includes not only the exact duplication of another's work, but also the lifting of a substantial or essential portion thereof.

Regarding written work in particular, direct quotations, statements which are the result of paraphrasing or summarizing the work of another, and other information which is not considered common knowledge must be cited or acknowledged, usually in the form of a footnote. Quotation marks or a proper form of indentation shall be used to indicate all direct quotations.

As long as a student adequately acknowledges his or her sources and as long as there is no reason to believe that the student has attempted to pose as the originator, the student will not be charged with plagiarism even though the form of the acknowledgment may be unacceptable. However, students should be aware that most professors require certain forms of acknowledgment and some may evaluate a project on the basis of form.

Cheating is the act of using or attempting to use, in examination or other academic work, material, information, or study aids which are not permitted by the instructor. Cheating includes, but is not limited to: Using books, notes, or calculators or copying from or conversing with others during an examination (unless such external aids are permitted by the instructor); having someone else do research, write papers, or take examinations; doing research, writing papers, or taking examinations for someone else.

Prior approval of the instructor(s) is required before submission of all or part of the same work as part of the academic work for more than one course.

Fabrication is the invention of material or its source and its use as an authority in academic work. Fabrication includes, but is not limited to: inventing the data for a scientific experiment; inventing the title and author of a publication in order to use the invented publication as a source; or knowingly attributing material to an incorrect source.

### **2-1-503 Sanctions for Misconduct.**

The University seeks to ensure equal treatment of students and recognized student organizations that are subject to disciplinary or academic sanctions and to impose similar sanctions under similar circumstances. The prior conduct record, if any, will be taken into consideration in determining sanctions. Any sanctions imposed by the University shall be confirmed in writing. Sanctions for violations of University standards by individuals or recognized student groups include:

- (1) **Warning**—An official notice to a student or recognized student organization that the conduct is in violation of the Student Rules and Regulations. The continuation of such conduct or actions may result in further disciplinary action.
- (2) **Probation**—Disciplinary probation is a period of observation and review of conduct during which the student or recognized student organization must demonstrate compliance with the Student Rules and Regulations. Terms of this probationary period will be determined at the time probation is imposed.
- (3) **Loss of Privileges**—Denial of specified privileges for a designated period of time.
- (4) **Restitution**—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- (5) **Discretionary Sanctions**—These include, but are not limited to, recommendation for counseling, required mental health assessment, restriction of privileges, or a special educational project designed to assist the student in better understanding the overall impact of his or her behavioral infraction.
- (6) **Residence Hall Suspension**—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- (7) **Residence Hall Expulsion**—Permanent separation of the student from the residence halls.
- (8) **Interim Suspension**—Interim suspension is taken in extreme or unusual cases when there is reasonable cause to believe the continued presence of the accused student on campus presents an immediate and definite danger to himself/herself or other members of the campus community, or threatens disruption of University operations or activities. Interim suspension is immediate suspension of a student's privilege to attend the University and all of its related functions. A student who has been placed on interim suspension may not attend classes, may not participate in any University activities, and may be excluded from University property. The authority for interim suspension is vested in the Chief Disciplinary Officer. The Chief Disciplinary Officer may impose an interim suspension for a student before a hearing is held.
- (9) **University Suspension**—The suspension may be for a specified period of time or for an indefinite period of time until stated conditions are met. The student may be prevented from returning to University premises. When a student is suspended, a notation will be made on the student's academic record (transcript) as follows: "SUSPENDED (date) FOR CONDUCT." This notation will remain on the record until the terms of the suspension have been satisfied.

- (10) **Expulsion**—Expulsion is the act of terminating a student’s academic program and his or her right to future enrollment. The student may also be prevented from returning to University premises. When this action is finalized, a notation will be made on the student’s academic record (transcript) as follows: “EXPELLED (date) FOR CONDUCT.” If cause sufficient to the University is shown, this notation may be removed from the academic record at the direction of the University after five academic years have passed.
- (11) **Revocation of Admission and/or Degree**—Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- (12) **Withholding Degree**—The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
- (13) **Withdrawal Agreement**. In certain cases where a student’s behavior or mental or emotional health may render him/her unfit for continued participation within the University community, the Chief Disciplinary Officer may recommend the student withdraw from the University. Conditions for re-admittance to the University will accompany this withdrawal agreement.
- (14) **Loss of Recognition**. Recognized student organizations may lose recognition after an informal hearing before the Chief Disciplinary Officer. This action deprives the organization of the use of campus resources, the use of the University’s name, and the right to participate in campus sponsored activities. This loss of recognition may be for a specific period of time or for an indefinite period of time until stated conditions are met. Loss of recognition is subject to a formal hearing by the Vice President for Academic Affairs.

**2-1-504 Disciplinary Actions and Procedures.**

Students who violate University Standards of Conduct are subject to disciplinary action. The University has designed hearing procedures that aim to engage students and recognized student organizations in a fair, educational, and developmental process.

The Chief Disciplinary Officer of the University, located in the Dean of Student’s Office, has the primary administrative responsibility for University-wide coordination, investigation, and enforcement of student conduct standards. Based on the nature and location of the violation of University standards of conduct, student conduct cases may be acted upon by appropriate University officials as authorized by the Chief Disciplinary Officer. When a student is suspended or expelled, the decision is subject to a formal hearing before the University Hearing Officer/Panel. When a recognized student organization loses recognition, the decision is subject to formal hearing before the Vice President for Academic Affairs. The University Hearing Officer shall be a person with expertise in administrative hearing and academic issues appointed by the Vice President for Academic Affairs from a panel of qualified individuals. The responsibilities of this person shall be to conduct formal disciplinary hearings.

**2-1-504(1) Informal Procedures.**

The procedures for informal hearings shall be as follows:

- (a) When a disciplinary case is referred to or acted upon by the Chief Disciplinary Officer or designee, the procedure will normally be conducted in an informal manner. Discussion, counseling, persuasion, and other existing informal procedures will normally be used. The student or recognized student organization subject to disciplinary action will be informed at least three (3) days prior to the informal hearing of a summary of the alleged behavior and code of conduct violation and the time and place of the hearing. Pending such action, the

student or recognized student organization has the right to be present on campus, attend classes, or conduct organizational business except in cases of interim suspension.

- (b) The student or recognized student organization has the right to be assisted by an advisor if they choose, at their own expense. This advisor can be a faculty member, student, legal counsel or other individual, but can have no other role in the hearing, such as a witness. The student is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing. Should the student elect to be accompanied by legal counsel, the University reserves the same right to have legal counsel present. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the informal hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- (c) Decisions made at an informal hearing may be heard by the University Hearing Officer/Panel, or in the case of a recognized student organization, by the Vice President for Academic Affairs, if the sanction results in *suspension, expulsion, or loss of recognition*. A formal hearing must be requested by the student or recognized student organization in writing within 10 calendar days after receipt of the Chief Disciplinary Officer's decision. Such request shall be directed to the Vice President for Academic Affairs. (See Formal Hearing Procedures.)
- (d) If sanctions are imposed as a result of the informal hearing, *other than* suspension, expulsion, or loss of recognition, students have the right to appeal the decision and/or sanctions.
  - (I) Students may choose to appeal the decision based on one or more of the following:
    - (i) Due process was denied (you believe the Hearing Officer violated your student rights/ responsibilities or didn't follow the written conduct process/procedures).
    - (ii) Presence of new evidence. The presentation of the —new evidence must be considered sufficiently substantial to change the outcome in a significant manner.
    - (iii) The sanctions given were inappropriate given the nature of the violation.
  - (II) The appeal will be based on the hearing record and the facts of the case. The appeal process will not be a rehearing of the case.
  - (III) Students wishing to appeal must complete and submit the Statement of Appeal Form to the Dean of Students Office within (5) business days following the receipt of the decision letter. The written appeal is reviewed by an appeal reader, appointed by the Dean of Students and he or she may affirm or reverse the decision, or remand the case to another Hearing Officer for further deliberation.

### **2-1-504(2) Formal Hearing Procedures.**

The procedures for formal hearings shall be as follows:

- (a) The Complainant and the Respondent have the right to be assisted by an advisor if they choose, at their own expense. This advisor can be a faculty member, student, legal counsel or other individual, but can have no other role in the hearing, such as a witness. The Complainant and/or the Respondent is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak or participate directly in any hearing. Should the student elect to be accompanied by legal counsel, the University reserves the

same right to have legal counsel present. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Formal Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.

- (b) The student or recognized student organization must submit to the Hearing Officer a list of any witnesses and/or information for review twenty-four (24) hours prior to the scheduled hearing.
- (c) The University Hearing Officer, or the Vice President for Academic Affairs, as determined above, shall conduct the Formal Hearing. The Hearing Officer, in keeping with fair and reasonable guidelines, may impose limits upon the number of witnesses and the amount of information that may be introduced where proffered information is cumulative, redundant or immaterial. Rules of evidence and rules of procedure do not apply. Reasonable rules on relevancy and fairness will guide the Hearing Officer in determining the admissibility of information. In every case, the facts are to be reviewed and decisions made based upon a preponderance of evidence. The burden of establishing the basis for any disciplinary action shall be on the University.
- (d) At the discretion of the Hearing Officer, students charged with violations arising out of the same transaction or occurrence may be heard together rather than separately. In combined hearings the University may present its case once and at the same time against all of the students charged with violations. Following the presentation of the University's information, students whose cases are heard together may separately present, in turn, their information, but this presentation shall be given in the context of a single hearing.
- (e) All University disciplinary hearings will be closed to the public and nonparties. The Hearing Officer may invite observers with the consent of the parties.
- (f) At the option of the student who is the subject of the disciplinary action, the formal hearing shall be held before a Hearing Panel. In the case where more than one student is the subject of a disciplinary action and the cases are consolidated for hearing, the election of a Hearing Panel must be made by all such students, otherwise the hearing shall be conducted solely by the Hearing Officer. The Hearing Panel shall be composed of three (3) members. Two (2) of the members shall be full-time students (registered for 12 hours or more) in good standing at the University of Northern Colorado selected at random by the Hearing Officer from a list of such students submitted by the Student Senate to the Vice President for Academic Affairs. One (1) of the members shall be full-time tenure track or tenured faculty members at the University of Northern Colorado selected at random by the Hearing Officer from a list of such faculty submitted by the Faculty Senate to the Vice President for Academic Affairs.
  - (l) A Hearing Panel must be fully constituted and the hearing completed within thirty-one (31) calendar days (exclusive of continuances requested by the student(s) and granted by the Hearing Officer for good cause). After the receipt of a timely request for hearing, as determined in the reasonable discretion of the Vice President for Academic Affairs, the hearing shall be conducted solely before the Hearing Officer if, despite the exercise of reasonable diligence by the Vice President for Academic Affairs and the Hearing Officer, the Hearing Panel has not been constituted. The Hearing Panel shall serve as the deciding body, determining if a violation of the Rules and Regulations has occurred. The Hearing Panel shall hear all relevant information presented and shall deliberate and make a decision in accordance with the instructions provided by the Hearing Officer. The decision of the Hearing Panel must conform to the instructions given, and shall include a recommended sanction or other disposition of the case. The deliberations of the Panel shall commence as soon as reasonable after completion of the hearing and shall be communicated in writing on forms provided by the Hearing Officer no later than seventy-two (72) hours after completion of the hearing. The decision shall be provided to all parties.

- (II) Upon receipt of the decision and recommended sanction of the Hearing Panel, the Hearing Officer shall enter a final decision based upon the recommendation of the Hearing Panel. The Hearing Officer may set aside the decision of the Hearing Panel and enter his or her own decision or recall the Panel for further deliberations if he/she finds that the decision of the Panel fails to conform to the instructions given or was affected by fraud, collusion, or other improper influence. The Panel shall not disclose the individual voting positions of its members nor publish dissenting opinions. The decision of the Panel shall be by majority vote. The Vice President for Academic Affairs shall determine the appropriate sanction or other disposition of the case after consideration of the recommendation of the Panel and the decision of the Hearing Officer. Except as provided above, a hearing conducted with a Hearing Panel shall be under the direction and control of the Hearing Officer.
- (g) At the conclusion of the hearing conducted solely by a Hearing Officer without a Panel, the Hearing Officer shall (a) evaluate the information presented at the hearing in order to determine the validity of each of the charges, (b) determine whether or not a violation has occurred, and (c) issue a written statement of findings of fact and conclusions supporting his or her decision. The Vice President for Academic Affairs shall determine the appropriate sanction or other disposition of the case after consideration of the recommendations of the hearing officer.
- (h) Within 144 hours after the hearing, the parties shall be notified in writing of the decision. The records of disciplinary hearings are confidential. (Except when the parties have given written consent, access to records will be confined to authorized University personnel who require access in connection with the performance of their duties.)

#### **2-1-505 Further Review.**

In cases in which the sanction may result in suspension or expulsion from the University, the results of the formal hearing before the University Hearing Officer/Panel may be reviewed by the Vice President for Academic Affairs if a request for review is submitted by the student to the Vice President for Academic Affairs no later than ten (10) calendar days after receipt of the Hearing Officer's final decision. The appeal is limited to a review of the record of the hearing if the decision is in violation of University policy, procedures, regulations, or unreasonable. The Vice President may affirm or reverse the decision of the University Hearing Officer or remand the case to the University Hearing Officer for further deliberation.

#### **2-1-506 Interim Suspension Procedures.**

Interim suspension is taken in extreme or unusual cases when there is reasonable cause to believe the continued presence of the accused student on campus presents an immediate and definite danger to himself/herself or other members of the campus community, or threatens disruption of University operations or activities. Interim suspension is immediate suspension of a student's privilege to attend the University and all of its related functions. A student who has been placed on interim suspension may not attend classes, may not participate in any University activities, and may be excluded from University property. The authority for interim suspension is vested in the Chief Disciplinary Officer. The Chief Disciplinary Officer may impose an interim suspension for a student before a hearing is held.

#### **2-1-507 Special Procedures – Sexual Assault Cases.**

In all cases where a formal hearing is convened to consider an alleged violation of 2-1-501(5) the following special procedures shall apply to the extent they are applicable:

- (1) An alleged victim of sexual assault who is a witness in a formal hearing procedure with respect to discipline arising out of the alleged sexual assault shall have the right to have an individual of her

or his choice in the hearing room at all times when the alleged victim is in attendance at the hearing to provide personal support or counsel.

- (2) Subject to the consent of the parties, the Hearing Officer shall permit the alleged victim of any sexual assault out of which the disciplinary proceeding arises to attend the formal hearing as an observer under conditions which are appropriate. The University encourages the parties to allow such attendance.
- (3) The Hearing Officer shall, with appropriate adjustments, apply the provisions of Colorado Revised Statutes Section 18-3-407, as amended, to any disciplinary hearing where evidence of an alleged sexual assault victim's prior or subsequent sexual conduct, or reputation concerning same, is sought to be introduced.
- (4) In any disciplinary proceeding arising out of an alleged sexual assault, the University may present as part of its case, a sworn affidavit from the alleged victim expressing the impact of the alleged sexual assault on the alleged victim's psychological, emotional, financial, physical and social well-being. A copy of such statement shall be provided to the other party at the same time that it is presented to the Hearing Officer. This document shall be marked as an exhibit and held by the Hearing Office until the conclusion of the proceedings. If it is determined that the student or recognized student organization subject to the disciplinary action has violated 2-1-501(5), Student Conduct, then the impact statement shall be available to the Hearing Officer or the panel for consideration in determining the appropriate sanction. If such impact statement is considered, then it shall become part of the record of the case. The Hearing Officer shall establish standards for the receipt of any victim impact statement to assure that the statement complies with the Colorado Rules of Evidence. Any objections to the statement made by the subject of the proceeding shall be ruled on by the Hearing Officer prior to considering it or submitting it to the hearing panel.

## Article 2: General Personnel

### Part 1 General Personnel

#### 2-2-101 Administrative/Professional Exempt Staff

#### 2-2-102 Appeal Process.

Administrative/professional exempt staff employees may appeal their performance evaluation rating to the appropriate Vice President (Vice President for administrative/professional staff who reports directly to the President) within five (5) working days of receipt of the evaluation rating from the supervisor. The Vice President or President will make a determination of the appeal within ten (10) working days of receipt of the evaluation rating from the supervisor. Failure to meet the five day time period by the employee will negate the appeal; failure by the Vice President to respond within the ten (10) day time period will result in the appeal being upheld. Submission of an appeal must include a specific statement of the reason for the appeal (i.e. specific points of disagreement), appropriate supporting documentation, and a statement of the relief requested. Decision of the President is final.

#### 2-2-103 Resignation.

**2-2-103(1) Indefinite Term.** Employees serving on indefinite term appointments may resign at any time without notice or approval. Employees who provide thirty (30) calendar days advance written notice of resignation shall be entitled to use any accrued or unused vacation leave prior to resignation and/or receive payment for up to 288 hours of accrued and unused vacation leave remaining at the time of resignation at the choice of the University. Employee's not providing such notice shall forfeit any accrued and unused vacation leave.

**2-2-103(2) Definite Term.** Employees serving on definite term appointments may resign prior to the end of the term without consent at the end of any fiscal year provided written notice is given sixty (60) calendar days in advance of the termination date unless otherwise approved by the President.

#### 2-2-104 Lay Off.

Employees, both indefinite and definite term, may be laid off at any time due to lack of work, lack of resources, reorganization, or other circumstances where the position is eliminated, reduced or made unnecessary as determined in the discretion of the University. Thirty (30) calendar days written notice of layoff will be given to affected employees to the extent resources permits, as determined in the discretion of the Board or President.

#### 2-2-105 Recall.

The names of full-time, definite term employees who are laid off shall be maintained on a recall list for 360 calendar days from the effective date of layoff. Persons on a recall list shall have a right of first refusal for any exempt position vacancy at the University for which they are qualified based upon a comparison of the job description for the vacant position and the person's qualifications. Qualification shall be determined by the President. If more than one person on a recall list is qualified for the same vacancy, the best qualified, as determined by the President, shall be entitled to priority for recall. Any person selected for recall shall be notified, in writing, of the position vacancy, and his or her right of first

refusal, by certified mail return receipt requested, addressed to the person's last known address as appears in the personnel file maintained by the University. Such right of first refusal must be exercised within seven (7) calendar days of the date when delivery of notice is made or attempted as determined by postal certificate. If the person elects to accept the position he/she shall be required to begin employment within thirty (30) calendar days of the date of delivery or attempted delivery of notice as determined by postal certificate unless a longer period is otherwise agreed to or required by the University. Upon reemployment pursuant to this procedure the employee shall be entitled to be restored to a level of compensation comparable to that provided to other employees in similar positions with like terms of service at the University (inclusive of all service prior to layoff) as determined by the University. If the best qualified person refuses recall, the position shall be offered to the next best qualified person in descending order until a person accepts or all qualified persons have been offered the position, whichever occurs first.

## **2-2-106 Grievance Procedure.**

**2-2-106(1) Resort To Other Procedures.** In recognition of the fact that the commitment of the University and the grievant to this process is necessary in order to achieve its designed objectives, if the grievant seeks resolution of the subject matter of a pending grievance in any forum or by any set of procedures other than those established in this procedure, whether administrative or judicial, the University shall be under no obligation to proceed any further with the matter here-under. The act of filing an action in another forum in order to avoid violating a time limitation shall not be considered a violation of the intent of this paragraph.

**2-2-106(2) Confidentiality.** Grievance proceedings shall be maintained as confidential subject only to the need of the grievant and the University to comply with the processes specified herein and to the present evidence concerning the grievance in other administrative or judicial proceedings. All hearings shall be held in private.

**2-2-106(3) Definitions.** For the purpose of this procedure:

- (a) The term "grievance" shall mean an allegation that the grievant's employment rights and entitlement has been adversely affected due to a violation, misapplication or misinterpretation of University policies, regulations, or procedures.
- (b) The term "grievant" shall mean an identified person (or group of persons) who was an employee of the university at the time the action giving rise to the grievance occurred.
- (c) "Working Days," as used in this Board Policy Manual, means all days other than (a) those designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

**2-2-106(4) Time Limitations.** When any action which is required to be taken with a specified time period is not taken in time, the following shall apply:

- (a) If the grievant fails to act within the time limits provided herein, the University shall have no responsibility to process the grievance and it shall be deemed withdrawn.

- (b) In case the University fails to act in time, the grievant may proceed to the next review level and any subsequently issued decision on the matter at the by-passed level, shall be void

**2-2-106(4)(a) Informal Procedure.** A grievance must first be presented in writing and informally to the grievant's immediate supervisor. The grievance must be filed within twenty-five (25) working days of the date on which the grievant knew or should have known of the action or condition which occasioned the grievance. The supervisor upon learning of the grievance shall investigate the matter as deemed appropriate and respond to the grievant in writing within five (5) working days of the date the grievance was filed with the supervisor's office.

**2-2-106(4)(b) Formal Procedure.** If the grievance is not resolved pursuant to 2-2-106(4)(a) and the grievant desires to pursue the matter, the grievant shall formalize the grievance and file it with the jurisdictional vice president within five (5) working days of the decision [See also 2-2-106(4)(a)]. The formalized grievance shall be presented in writing. The written submission shall state the specific policy, regulation, or procedure alleged to have been misinterpreted, misapplied or violated, the effect on the grievant and the relief requested. The appropriate Vice President (or designee) shall investigate the grievance as deemed appropriate and respond to the grievant in writing within five (5) working days from the date the written grievance statement was filed with the appropriate Vice President's office.

**2-2-106(4)(c) Appeal to President.** If the grievance is not resolved pursuant to 2-2-106(4)(b), and the grievant desires to pursue the matter, the grievant shall file a written notice of appeal with the President within ten (10) working days of the date of delivery of the decision [See also 2-2-106(4)(b)] to the grievant. The President may elect to issue a decision based upon his own investigation, the findings and recommendation of a designee, or the findings and recommendations of an **investigative** panel. Prior to the issuance of a decision, and after any investigation is completed, the President shall hold an informal conference with the grievant in an attempt to effect a settlement. If no settlement is reached at that meeting, the President shall proceed to issue a decision. The President shall, within fifteen (15) working days after the grievance was filed [See also 2-2-106(4)(b)], notify the grievant of his or her decision. The President's decision shall be final.

## **Part 2 Discrimination Review Procedures.**

### **2-2-201 Purpose and Scope.**

The purpose of this document is to provide a fair, orderly, and systematic process for addressing allegations of discrimination. The Director of Human Resources who is designated as the Affirmative Action, Equal Employment Opportunity and Title IX Officer the (AA/EEO, Title IX Officer) should be contacted for advice and consultation on all issues regarding the enforcement and/or violation of university policy. This policy does not replace other grievance or appeal policies or procedures. This policy is not intended to be a substitute for such policies or procedures.

## **2-2-202 Policy Statement.**

The University is committed to providing a work and academic environment for employees and students free from all forms of discrimination based on protected categories. Protected categories are race, color, religion, national origin, sex, age, disability, veteran status and sexual orientation. Conduct that constitutes discrimination shall be considered to be a violation of University policy. [See also Board Policy Manual, Sections 1-1-508, 1-1-404, 1-1-413, 1-1-414.]

Members of the University community are encouraged to promptly report complaints alleging discrimination.

## **2-2-203 Definitions.**

- (1) Discrimination Grievance as used throughout this document may include complaints of discrimination based on:
  - (a) Executive Order 11246, as amended by Executive Orders 11375 and 11478; The Equal Pay Act of 1963; Titles VI and VII of the Civil Rights Act of 1964, as amended; The Age Discrimination in Employment Act (ADEA) of 1967; Title IX of the Higher Education Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973; The Vietnam Era Veterans' Readjustment Assistance Act of 1974; The Civil Rights Restoration Act of 1988; The Americans with Disabilities Act (ADA) of 1990; The Civil Rights Act of 1991; and other federal, state and local laws, and university policies and regulations.
- (2) The University also recognizes the right of all complaints to file charges of unlawful discrimination with the appropriate federal or state agency with or without first pursuing a resolution of the complaint through the University's procedures.
- (3) Grievant is an individual who submits a discrimination grievance.
- (4) Informal complaint is the process of gathering information in an attempt to resolve a disagreement without following a formal complaint process.
- (5) Formal complaint is the process of investigating a case of alleged discrimination and making a determination as to whether or not discrimination occurred and, where appropriate, providing a resolution to the complaint.
- (6) AA/EEO, Title IX Officer is designated the coordinator of efforts to comply with and implement these discrimination grievance procedures.
- (7) Respondent is the person alleged to be responsible, or who may be responsible for the discrimination alleged in a grievance. The term may be used to designate persons with direct responsibility for a particular action or those persons with supervisory responsibilities for procedures and policies in those areas covered in the grievance.

## **2-2-204 Procedures.**

- (1) **Relation to Sexual Assault Procedures.** This document and the University Sexual Assault Procedures, which shall be used for all allegations of sexual assault [see Board Policy Manual, Section 2-1-507], are not mutually exclusive.
- (2) **Relation to Academic Grievance Procedures.** This document does not replace established faculty, graduate student, undergraduate student or staff grievance procedures, including, but not limited to, faculty tenure appeals. However, the chair of a faculty, graduate student, undergraduate student or staff grievance committee that receives a grievance or appeal that includes an allegation of discrimination

must immediately notify the AA/EEO, Title IX Officer of such allegations. The academic grievance or appeal process shall not be the exclusive remedy if a Discrimination Grievance is involved.

- (3) **Student Disciplinary Proceedings Involving Allegations of Discrimination.** Upon initiation of student disciplinary proceedings that include allegations of discrimination, the Dean of Students shall immediately notify the AA/EEO, Title IX Officer of such allegations. In cases in which the grievant in a student disciplinary proceeding has also filed a complaint under these discrimination procedures, the Dean of Students and the AA/EEO, Title IX Officer shall coordinate appropriate efforts. The student grievance process shall not be the exclusive remedy if a discrimination grievance is involved.
- (4) **Eligibility for Filing.** This policy applies to all persons who are enrolled or employed by the university while they are on university property or are participating in a University-sponsored activity off-campus.
- (5) **Time limits.**
  - (a) Discrimination grievances shall be filed with the AA/EEO, Title IX Officer within sixty (60) calendar days from the date upon which the action took place or when the grievant had knowledge of the alleged discriminatory act. After the initial filing of a complaint, the AA/EEO, Title IX Officer may reasonably extend all other time periods established in these guidelines. A request for a time extension by either the grievant or the respondent requires written justification and must be submitted forty-eight (48) hours prior to the date due. The sixty (60) day time limit for filing however will not be extended.
  - (b) If the last day for filing a complaint or for appealing a decision falls on a Saturday, a Sunday or a day on which the university is closed for normal business, then the complaint or appeal must be filed by no later than 5:00 PM the first business day after the Saturday, Sunday or day of University closure.
- (6) **Confidentiality.** To the extent permitted by law and the requirement to investigate, University personnel shall use their best efforts to keep any discrimination grievance confidential throughout the processing of the complaint.
- (7) **Retaliatory Action Prohibited.** The university prohibits retaliatory action taken against persons who, in good faith, file complaints under this document or who file complaints under applicable state or federal nondiscrimination statutes, are suspected of having filed such complaints, have assisted or participated in an investigation or resolution of such complaints, or have protested practices alleged to violate nondiscrimination regulations or statutes.
- (8) **False or Malicious Charges.** Filing of false or malicious complaints may result in sanctions imposed against the grievant.
- (9) **Record Keeping.** A record of any complaint submitted for consideration in accordance with this document shall be kept on file by the AA/EEO, Title IX Officer. The file shall include all pertinent documentation related to the complaint. These records may be open to the public in accordance with the Colorado Open Records Act.
- (10) **Representation.** All parties may be represented by advisors at any point in the initiation, filing, processing or hearing of a complaint.

#### **2-2-205 Informal Complaints Procedure.**

- (1) **Informal complaint resolution focuses on conciliation.** The goal of an informal resolution is to ensure that any discriminatory behavior ceases and that the matter is resolved expeditiously. The emphasis of an informal resolution is not to establish guilt or innocence, but to provide a resolution upon which both the grievant and the respondent agree.
- (2) Informal complaint resolution may be achieved by, but is not limited to, any of the following steps:

- (a) Action taken by the grievant to address the matter directly with the accused;
- (b) Action to resolve the complaint with the alleged offender's supervisor or director; or,
- (c) Intervention by the AA/EEO, Title IX Officer and the supervisor or director to record the complaint.

**2-2-206 Formal Complaints Procedure.**

- (1) **Where to File:** A formal complaint shall be filed with the AA/EEO, Title IX Officer, located in the Human Resource Services Office, 2002 Carter Hall.
- (2) **Contents of a Complaint:** A formal complaint must be signed and dated. It should include a detailed statement of the alleged incident(s) including:
  - (a) name, address, university affiliation and telephone number of the grievant;
  - (b) date(s), nature, and description of the alleged violation;
  - (c) name(s) of persons responsible for the alleged violation;
  - (d) statement of a cause of action based upon membership in a protected category;
  - (e) harm that the grievant has suffered, is suffering, or will suffer as a result of their protected category membership;
  - (f) any background information that the grievant believes to be relevant, including possible witnesses; and,
  - (g) requested relief or corrective action.

If a complaint contains incomplete information, the AA/EEO, Title IX Officer will promptly gather together the needed information.

- (3) **Notification of the Office of Dean of Students:** Within five (5) working days of receipt of a formal complaint from a student, the AA/EEO, Title IX Officer shall forward a copy of the complaint to the Dean of Students if applicable.
- (4) **Notification of Administrative Officers:** Within five (5) working days of receipt of a formal complaint, the AA/EEO, Title IX Officer shall notify the appropriate administrative officers to whom the grievant and respondent report. All administrative officers will maintain the confidentiality of the information during the complaint process.
- (5) **Processing of Complaint:** Within five (5) working days of receipt of a formal complaint, the AA/EEO, Title IX Officer will provide a copy of the complaint to the respondent. The respondent must submit to the AA/EEO, Title IX Officer a written response to the allegations of discrimination within ten (10) calendar days to the AA/EEO, Title IX Officer.
- (6) **Role of the AA/EEO, Title IX Officer:** Within thirty (30) working days after receipt of respondent's written response, the AA/EEO, Title IX Officer must conduct an investigation and take one of the following steps:
  - (a) dismiss the complaint on the grounds that the evidence submitted in support of the complaint or developed in the investigation does not warrant further action;
  - (b) resolve this matter with the appropriate administrator;

- (c) allow the parties to sign a written statement of agreement resolving the complaint. The AA/EEO, Title IX Officer shall notify all parties of his or her decision.
- (7) **Withdrawal of a Complaint:** Withdrawal of a complaint by the grievant for any reason, including an agreement between the parties, will not necessarily result in the termination of the university's investigation into the allegations. Withdrawal of complaints must be communicated in writing to the AA/EEO, Title IX Officer.

#### **2-2-207 Discrimination Grievance Appeal Committee.**

- (1) The President of the University shall appoint six (6) staff members to the Discrimination Grievance Appeal Committee, The chair of the Faculty Senate shall appoint six (6) faculty members and the President of the Student Senate shall appoint six (6) students, of which three (3) shall be graduate students and three (3) shall be undergraduate students. For hearings held under this document, the Vice President to whom Human Resource Services reports will select a three (3) person Hearing Panel from the committee, two (2) from the constituency to which the respondent report, and one (1) from the constituency to which the grievant reports. The panel shall elect its chairperson.
- (2) All persons designated as Discrimination Grievance Appeal Committee members shall receive training regarding Title IX regulatory requirements, discrimination basis and issues, and the basic principles and operation of this grievance procedure.
- (3) Appeal to Hearing Panel: Upon failure to reach an agreement between and/or among the parties resolving the Discrimination Grievance or if the AA/EEO, Title IX Officer dismisses the grievance, a written appeal must be made by a party within ten (10) calendar days of notification. If an appeal is filed, the AA/EEO, Title IX Officer will forward the investigative file to the chairperson of the Hearing Panel.
- (4) Hearing: The AA/EEO, Title IX Officer will convene a Hearing Panel which shall conduct a hearing within twenty (20) calendar days of request of the appeal. The respondent may not challenge that action. Decisions of the Hearing Panel shall be made by simple majority vote.
- (5) Objection(s) to Hearing Panel Member(s): The grievant or the respondent may voice objections, at least five (5) working days prior to the hearing, to any member of the Hearing Panel. The appropriate Vice President will consider the objections, along with any concerns about alleged conflicts of interest, and shall determine whether any member of the committee has a conflict of interest that disqualifies him or her from service. Another member from the same constituency from which the conflicted member was selected shall replace any member who has a conflict.
- (6) Recorded Hearing: The hearing will be recorded on recording devices supplied by the AA/EEO, Title IX Officer. Recordings shall be maintained for a period of three (3) years after final ruling of the grievance. Either party may obtain a copy of the tapes by written request and at the requesting party's expense. Deliberations of the Hearing Panel will not be recorded.
- (7) Hearing Panel's Decision: The Hearing Panel shall prepare a written decision addressed to the AA/EEO, Title IX Officer, including the reason(s) for its decision, within five (5) working days after the hearing. Within five (5) working days of receipt of the decision, the AA/EEO, Title IX Officer shall provide a copy of the written decision to the complainant and the respondent. If the Hearing Panel overturns the findings of the AA/EEO, Title IX Officer, the findings will be forwarded to the appropriate Vice President.
- (8) Appeal of Hearing Panel's Findings: If either party takes exception to the decision of the panel and wishes to appeal, that party shall, within five (5) working days of receipt of the Hearing Panel's decision, notify the AA/EEO, Title IX Officer of the intent to appeal. The notification must be in writing. If no appeal is received within the allotted time, the case will be closed. Limited appeals

from the Hearing Panel's decision may be made to the appropriate Vice President. [See 2-2-208, below.]

### **2-2-208 Hearings Procedure.**

- (1) The parties shall provide the Hearing Panel with all documents to be used and relied on at the hearings and with the names, addresses and telephone numbers of counsel and witnesses no later than five (5) working days prior to the date of the hearing. There will be an exchange of this information between the parties three (3) days before the date of the hearing. The AA/EEO, Title IX Officer will facilitate the exchange of information.
- (2) The parties shall be afforded a reasonable opportunity for oral opening and closing statements and to present witnesses and relevant documents or other evidence concerning the subject matter of the grievance.
- (3) The parties shall have the right to cross-examine witnesses against them. Should a witness be unable to appear, an affidavit of the witness may be accepted into the record.
- (4) The Hearing Panel shall have the right to question witnesses, to examine documentary evidence presented, and to summon other witnesses. Witnesses shall not be present during the testimony of any party or other witness.
- (5) The AA/EEO, Title IX Officer shall notify the parties of the date, time and location of the hearing. The hearing shall be scheduled to reasonably ensure that the grievant, respondent and witnesses are able to participate.
- (6) Immediately after the hearing, the Panel will go into closed session to deliberate. The decision will be rendered within five (5) working days.
- (7) If any participant in the hearing requires special accommodations, the AA/EEO, Title IX Officer shall be notified within two (2) working days of the hearing.

### **2-2-209 Vice President Appeal.**

The Vice President, or Vice President's designee to whom the respondent ultimately reports, shall issue a written decision within twenty (20) working days from the date of the appeal. Either party may be requested to appear for an interview by the appropriate Vice President or designee. The intent of the Vice President's review is not to hear new evidence, but rather to ensure that the hearing and recommendations of the Hearing Panel were not arbitrary, capricious, or discriminatory; did not violate the rights of the parties; and did not violate the concepts of due process to both parties. The Vice President's decision is not open to appeal and is the final step in the university's Discrimination Grievance process. However, nothing precludes the grievant from filing a complaint with any external agency that handles discrimination complaints.

## **Part 3 Sexual Harassment.**

### **2-2-301 Sexual Harassment**

**Purpose.** The University strives to provide an environment for work, study, and residence free of sexual harassment and exploitation of students, faculty, staff, administrators, and guests. Sexual harassment is therefore prohibited. The purpose of this policy is to provide a fair, orderly, and systematic process for addressing allegations of sexual harassment. The University adheres to the Equal Employment Opportunity Commission's definition of sexual harassment as modified for the university setting. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct pertaining to sex or gender constitute sexual harassment when

- (1) such advances or requests are made under circumstances implying that one's response might affect educational or personnel decisions that are subject to the influence of the person making the proposal; or
- (2) such speech or conduct is directed against another and is either abusive or severely humiliating, or persists despite the objection of the person targeted by the speech or conduct; or
- (3) such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or coworkers. If it takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

Complaints of sexual harassment that may be pursued under this policy are not limited to actions alleged to have occurred on University property or at any particular time of day, week, or year.

### **2-2-302 Definitions.**

- (a) **Complainant.** A party who brings a complaint of sexual harassment as it is defined in this policy may be someone who believes he or she has experienced sexual harassment, or anyone else who is acting either on behalf of or independently of someone who may have experienced sexual harassment.
- (b) **Respondent.** A party who has been accused of sexual harassment as it is defined in this policy.
- (c) **Working day.** The time limits, within which agents of the University must respond to a complaint of sexual harassment, or to any subsequent action in the following sexual harassment complaint procedure, are measured in working days. "Working Days," as used in this Board Policy Manual, means all days other than (a) those designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

### **2-2-303 Scope.**

#### **(1) Applicability according to University status of complainant and respondent.**

- (a) If the respondent is a student, the complaint shall be reported to the Dean of Students and pursued according to 2-1-5 Student Conduct.
- (b) If the respondent is a faculty or staff member, the complaint shall be reported to the Director of Human Resource Services and pursued according to this policy.
- (c) Complainants alleging sexual harassment by nonmembers of the University community may file complaints with the Director of Human Resource Services if the harassment occurs on University property or in the course of University-sponsored events.

In all cases of doubt or ambiguity (e.g., students or staff with teaching assignments, faculty or staff enrolled in classes, multiple complainants and/or respondents), the complaint shall be reported to the Director of Human Resource Services, who shall, with the Dean of Students, determine whether to apply the procedures in this policy or those under 2-1-5 Student Conduct, and otherwise coordinate efforts as appropriate.

- (2) **Relation to Sexual Assault Complaint Procedures.** This policy and the University of

Northern Colorado Sexual Assault Special Complaint Procedures, which shall be used for all allegations of sexual assault (see 2-1-507 Special Procedures—Sexual Assault Cases), are not mutually exclusive.

- (3) **Relation to Academic Disciplinary or Grievance Procedures.** Disciplinary action recommended at any stage of this process shall go through the appropriate disciplinary procedures. This policy does not replace established faculty, graduate student, undergraduate student or staff disciplinary, grievance, or appeal procedures, including, but not limited to, faculty tenure appeals. However, the chair of a faculty, graduate student, undergraduate student or staff grievance committee that receives a grievance or appeal that includes an allegation of sexual harassment must immediately notify the Director of Human Resource Services or the Dean of Students as appropriate of such allegations. The Dean of Students and the Director of Human Resource Services shall coordinate appropriate efforts.
- (4) **Relation to redress options under federal and state law.** The University recognizes the right of all complainants to file charges with the appropriate federal or state agency with or without first pursuing a resolution of the complaint through the University's procedures.

#### **2-2-304 General Considerations.**

- (1) **Timeliness.** Complaints should be filed with the Director of Human Resource Services as soon as possible after the date upon which the action took place or when the complainant has knowledge of the alleged sexual harassment. After the initial filing of a complaint, the Director of Human Resource Services may reasonably extend all other time periods established in this policy. A request for a time extension by either the complainant or the respondent shall require written justification.
- (2) **Confidentiality.** To the extent permitted by law and the requirement to investigate, University personnel shall use their best efforts to keep sexual harassment complaints confidential throughout the processing of the complaint.
- (3) **Record Keeping.** A record of any complaint submitted for consideration in accordance with this policy shall be kept on file by the Director of Human Resource Services. The file shall include all pertinent documentation related to the complaint. These records may be open to the public to the extent required by the Colorado Open Records Act.
- (4) **Representation.** All parties may be represented by advisors at any point in the initiation, filing, processing or hearing of a complaint.

#### **2-2-305 Complaint Procedures.**

The complainant shall be afforded two (2) administrative options for pursuing complaints of sexual harassment: the informal complaint procedure and the formal complaint procedure. The complainant may initially choose either procedure and pursue it to its conclusion, or may at any time,

- (1) discontinue one procedure in favor of the other (e.g., switch from the informal to the formal complaint procedure);
- (2) discontinue the complaint procedure entirely (note that the University may, at its discretion, still pursue the matter at hand);
- (3) engage in procedures beyond the University's purview (e.g., civil or criminal proceedings).

**2-2-305(1) Informal Complaint Procedure.** Informal complaint resolution focuses on conciliation. The goal of an informal resolution is to ensure that the behavior characterized as sexual harassment ceases and that the matter is resolved expeditiously. The purpose of an informal resolution is not to

establish guilt or innocence, but to provide a resolution upon which both the complainant and the respondent agree.

- (VII) Informal complaints should be made to the Director of Human Resource Services. In cases involving students, complaints may be made to the Dean of Students, who shall promptly inform the Director of Human Resource Services of the complaint.
- (VIII) Informal complaint resolution may be achieved by, but is not limited to, any of the following steps:
  - (i) Action taken by the complainant to address the matter directly with the accused;
  - (ii) Action to resolve the complaint with the alleged offender's supervisor or director;
  - (iii) Intervention by the Director of Human Resource Services and the supervisor or director to record the complaint.

#### **2-2-305(2) Formal Complaint Procedure.**

- (a) **Where to File:** A formal complaint shall be filed with the Director of Human Resource Services or with the Dean of Students in case either the complainant or the respondent is a student.
- (b) **Contents of a Complaint:** A formal complaint must be signed and dated, and include a detailed statement of the alleged incident(s) including:
  - (i) name, address, university affiliation and telephone number of the complainant;
  - (ii) nature(s), date(s) and description of the alleged incident(s);
  - (iii) name(s) of person(s) responsible for the alleged incident(s);
  - (iv) any background information that the complainant believes to be relevant, including names of and contact information for possible witnesses;
  - (v) additional background information as appropriate; and
  - (vi) requested relief or corrective action.

If a complaint contains incomplete information, the Director of Human Resource Services shall promptly gather the needed information.

- (c) **Notification of the Dean of Students:** Within five (5) working days of receipt of a formal complaint from a student, the Director of Human Resource Services shall forward a copy of the complaint to the Dean of Students if applicable.
- (d) **Notification of Administrative Officers:** Within five (5) working days of receipt of a formal complaint, the Director of Human Resource Services shall notify the appropriate Vice President(s) of whose division(s) the complainant and respondent are members. All informed persons shall maintain the confidentiality of the information during the complaint process.
- (e) **Processing of Complaint:** Within five (5) working days of receipt of a formal complaint, the Director of Human Resource Services shall provide a copy of the complaint to the respondent. The respondent must submit a written response to the allegations of sexual harassment within ten (10) working days to the Director of Human Resource Services.

(f) **Role of the Director of Human Resource Services:** Within thirty (30) working days after receipt of the respondent's written response, the Director of Human Resource Services must complete an investigation and take one of the following steps:

- (i) allow the parties to sign a written statement of agreement resolving the complaint;
- (ii) dismiss the complaint on the grounds that the evidence submitted in support of the complaint or developed in the investigation does not warrant further action.

In either case, the Director of Human Resource Services shall notify all persons who have officially been informed of the complaint pursuant to (d) above of his or her decision.

(g) **Withdrawal of a Complaint:** Withdrawal of a complaint by the complainant for any reason, including an agreement between the parties, will not necessarily result in the termination of the University's investigation into the allegations. Withdrawal of complaints must be communicated in writing to the Director of Human Resource Services.

(h) **Right of Appeal:** Either party may appeal decisions rendered in the process according to the procedures outlined below, with the exception of the President's decision, which is final.

#### **2-2-306 Sexual Harassment Complaint Appeal Committee.**

(1) **Appeal to Hearing Panel:** If either of the parties disagrees with the actions of the Director of Human Resource Services, either party may file an appeal. All appeals must be made in writing and received by the Director of Human Resource Services within ten (10) working days of notification of the outcome of the formal complaint procedure. If an appeal is filed, the Director of Human Resource Services shall forward the investigative file to the chairperson of the Hearing Panel.

(2) The Hearing Panel shall consist of three (3) persons, chosen by the Vice President to whom the Director of Human Resource Services reports, from among the following constituencies:

- (a) six (6) administrative staff members appointed by the Professional Administrative Staff Council (PASC);
- (b) six (6) classified staff members appointed by the Classified Staff Council (CSC);
- (c) six (6) faculty members appointed by the Faculty Senate;
- (d) six (6) students (three graduate students, three undergraduate students) appointed by the Student Senate.

Of the three (3) members of the Hearing Panel, two shall be from the constituency of which the respondent is a member, and one (1) from the constituency of which the complainant is a member. The panel shall elect its chairperson, who will retain a vote.

(3) **Hearing:** The Director of Human Resource Services shall convene a Hearing Panel which shall conduct a hearing within twenty (20) working days of receipt of the appeal, and notify both parties of the date, time and location of the hearing. The hearing shall be scheduled to ensure that the complainant, respondent and witnesses are able to participate.

(4) **Objections to Hearing Panel Member(s):** The complainant or the respondent may voice objections to any member of the Hearing Panel at least five (5) working days prior to the hearing. The appropriate Vice President shall consider the objections, along with any concerns about alleged conflicts of interest, and shall determine whether any member of the committee has a conflict of interest that disqualifies him or her from service. Another member from the same constituency from which the conflicted member was selected shall replace any member who is deemed to have a conflict.

- (5) If any participant in the hearing requires special accommodations, the Director of Human Resource Services shall be notified at least two (2) working days before the beginning of the hearing.

#### **2-2-307 Hearing Procedure.**

- (1) The parties shall provide the Hearing Panel with all documents to be used and relied upon at the hearings, as well as the name, address, and telephone number of any advisors and witnesses, no fewer than five (5) working days prior to the date of the hearing. The Director of Human Resource Services shall facilitate an exchange of information between the parties three (3) working days before the date of the hearing.
- (2) The parties shall be afforded a reasonable opportunity for oral opening and closing statements, and to present witnesses and relevant documents or other evidence concerning the subject matter of the complaint.
- (3) Any witness present may be cross-examined. The Hearing Panel may, at its discretion, accept affidavits from witnesses unable to appear.
- (4) The Hearing Panel shall have the right to question witnesses, to examine documentary evidence presented, and to summon other witnesses. Witnesses shall not be present during the testimony of any party or other witness.
- (5) The hearing shall be recorded on devices supplied by the Director of Human Resource Services. Recordings shall be maintained for a period of three (3) years by University Counsel after final ruling of the complaint. Either party may request access to the recording of the hearing at any time during this period, but no copies shall be made except pursuant to a subpoena. Deliberations of the Hearing Panel shall not be recorded, and all notes made by the members of the Hearing Panel shall be destroyed once it renders its decision.
- (6) The Hearing Panel shall deliberate in closed session. Decisions shall be made by simple majority vote within five (5) working days of the end of the hearing. The Hearing Panel's decision shall be communicated in writing to the Director of Human Resource Services within five (5) working days of the end of deliberations, and shall include the reason(s) for the decision. Within five (5) working days of receipt of the decision, the Director of Human Resource Services shall provide a copy of the written decision to the complainant, the respondent, and the appropriate Vice President(s). If the Hearing Panel overturns the findings of the Director of Human Resource Services, the findings shall be forwarded to the appropriate Vice President.
- (7) If either party takes exception to the decision of the Hearing Panel and wishes to appeal further, that party shall, within five (5) working days of receipt of the Hearing Panel's decision, notify the Director of Human Resource Services of intent to appeal. The notification must be in writing. If no notification of intent to appeal is received within the allotted time, the case will be closed. An appeal of the Hearing Panel's decision shall be made in writing to the Vice President of the division of which the respondent is a member within twenty (20) working days of receipt of the Hearing Panel's decision.

#### **2-2-308 Vice Presidential Appeal.**

If either party appeals to the Vice President of the division of which the respondent is a member, that Vice President shall decide the complaint on its merits, and may hear new evidence and conduct additional investigation as necessary. Either party may be requested to appear for an interview by the appropriate Vice President. In addition to upholding or reversing the Hearing Panel's decision, the Vice President may remand the case to the Hearing Panel with further instructions or order the formation of a

new Hearing Panel. The Vice President shall issue a written decision within twenty (20) working days from the date of receipt of the appeal. The decision shall be distributed to the complainant, the respondent, and the appropriate Vice President(s).

#### **2-2-309 Presidential Appeal.**

Either party may appeal the decision of the Vice President to the President.

The President is neither required nor expected to conduct a new hearing, but shall review the complaint and subsequent decision to ensure that the complaint was handled in accordance with established protocol, and that the hearing and recommendations of the Hearing Panel are not arbitrary, capricious, or discriminatory; do not violate the rights of the parties; and do not violate the requirements of due process to both parties. The President shall issue a written decision within twenty (20) working days from the date the appeal was received. The decision shall be distributed to the complainant, the respondent, and the appropriate Vice President(s). The President's decision is final.

#### **2-2-310 Retaliation.**

Retaliation against a party who reports sexual harassment, who assists someone with a report of sexual harassment, or who participates in any manner in an investigation or resolution of a sexual harassment complaint is prohibited, and acts of retaliation are subject to disciplinary action.

#### **2-2-311 Malicious or False Accusations.**

Because sexual harassment often involves personal interactions that are not witnessed by others, complaints of sexual harassment cannot always be verified by additional evidence. Lack of corroborating evidence should not discourage persons from complaining of sexual harassment under this policy. However, persons who make complaints that are later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. Complaints made in good faith, even if the facts of the complaint cannot be substantiated by investigation, shall not be punishable by the University.

### **Part 4 Leaves.**

For employees in the Division of Academic Affairs, 1.0 FTE when used in this section shall be interpreted to be equivalent to 1.2 FTE and all fractions shall be likewise prorated. "Required work days" shall mean those days when an employee is required to be working as well as days when an employee is on an authorized leave of a type which allows accrual of additional leave credits.

#### **2-2-401 Vacation Leave.**

##### **2-2-401(1) Definitions.**

- (a) Full time, with respect to an administrative/professional exempt staff employee, shall mean an employee who is employed in a position that has been designated for budgetary purposes by the University as one (1.0) full-time equivalent (FTE).
- (b) Part time, with respect to an administrative/professional exempt staff employee, shall mean an employee who is employed in a position that has been designated for budgetary purposes by the University as less than one (1.0) full-time equivalent (FTE).

**2-2-401(2) Accrual.** Full-time administrative/professional exempt staff shall accrue sixteen (16) work hours of vacation leave every calendar month of employment. Leave shall not be accrued during any

work days not worked in a month except for periods on approved short-term disability, vacation, holidays, or other leave under the terms of which it is expressly provided that vacation leave may be accrued during its duration. Abatement of accrual during non-accrual leaves shall be on a percentage basis where the percentage of days abated is equal to the number of required work days/hours which the employee did not work in the calendar month divided by the total number of required work days/hours in the calendar month. Unless otherwise restricted, part-time administrative/professional exempt staff employees shall accrue a percentage of the sixteen (16) work hours of vacation leave every calendar month of employment which a full-time administrative/professional exempt staff employee could earn under this policy during the same period. The percentage used to calculate part-time staff accrual shall be equal to the value determined by dividing the full-time equivalency designated for the position by one (1.0) full-time equivalent (FTE). Full-time administrative/professional exempt staff employees other than faculty in administrative positions may accrue and accumulate a maximum of 384 hours of vacation leave. Unless otherwise restricted, part-time administrative/professional exempt staff employees may accrue and accumulate at any point in time, vacation leave equivalent to the maximum vacation leave which they could accrue under this policy during a two-year period based upon the full-time equivalency designation of their position at the time of accumulation determination.

**2-2-401(3) Use.** Vacation leave may only be used at times approved in advance by the employee's supervisor based upon the supervisor's consideration of the operational needs of the University. All employees must, however, be provided reasonable opportunity to use all vacation leave accrued during the year of accrual. Employees may, at the discretion of the University, be required to use accrued and unused vacation leave prior to severance. Records of employee use of vacation leave shall be on forms authorized by the University and shall be submitted to Human Resources on June 30 and December 30, or the last scheduled work day prior to those dates. Vacation leave shall be debited on a per hour basis. Definite term employees (other than faculty in administrative positions) shall be entitled to receive compensation for any accrued and unused vacation leave at the time of severance up to a maximum of 288 hours of vacation leave, except for severance for just cause. An employee may be required to use accrued and unused vacation leave prior to severance, at the discretion of the University.

**2-2-401(3)(a) Leave Benefits for Special Conditions.** Librarians serving in non-classified positions in the University Libraries are entitled to accrue and use vacation leave according to all provisions of 2-2-301(2). Those administrators identified as faculty in administrative positions shall not receive payment for accrued and unused vacation leave.

## **2-2-402 Short-Term Disability (Sick) Leave.**

### **2-2-402(1) Definitions.**

- (a) Full time, with respect to an administrative/professional staff employee, shall mean an employee who is employed in a position that has been designated for budgetary purposes by the University as one (1.0) full-time equivalent (FTE).
- (b) Short-term disability shall mean any condition, whether physical or mental, including conditions arising from pregnancy or childbirth which disables an employee from performing the duties assigned his or her position in the position description or by the supervisor or which imposes a risk of infection to other employees. The determination that a short-term disability exists shall be made by the University. The University reserves the right to require

an employee to submit to an examination by a qualified health care professional of its choice for the purpose of assisting in the determination that a short-term disability exists.

- (c) Part time, with respect to an administrative/professional staff employee, shall mean an employee who is employed in a position that has been designated for budgetary purposes by the University as less than one (1.0) full-time equivalent (FTE).

**2-2-402(2) Accrual Rates.** Full-time administrative/professional exempt staff employee shall be entitled to a maximum of ninety (90) days of fully compensated leave for short-term disability each fiscal year. Short-term disability leave may not be accumulated and transferred from one fiscal year to the next. Unless otherwise restricted part-time administrative/professional exempt staff employees shall be entitled to a pro-ration of the short-term disability leave time allowed for full-time administrative/professional exempt staff employees based upon a percentage determined by dividing the full-time equivalency designated for the position by one (1.0) full-time equivalent (FTE).

**2-2-402(3) Certification.** The University reserves the right to require a written certification from a qualified health care professional satisfactory to the University that an employee does not have a short-term disability prior to an employee returning to work from a short-term disability leave.

**2-2-402(4) Use.** An employee may not use short-term disability leave without prior supervisory approval. Said approval may be obtained by telephone. Records of employee use of short-term disability leave shall be on forms authorized by the University and shall be submitted to Human Resources on June 30 and December 30, or the last scheduled work day prior to those dates. Employee use of short-term disability shall be debited against his or her fiscal year allowance. Employees shall not be paid or otherwise credited for unused short-term disability leave. Short-term disability leave entitlement will be proratably abated for any employee during any period of unauthorized absence or suspension.

**2-2-403 Civil Duty Leave.** Any employee who is validly subpoenaed or summoned to involuntarily appear or serve as a juror in a judicial forum or compelled to appear before a judicial, legislative or administrative body with civil power to compel attendance during regularly scheduled work hours, shall be entitled to receive leave with pay for a period of time necessary for such appearance if the appearance may not be reasonably accommodated by rescheduling the employee's work hours, as determined by the University. Any compensation received for the appearance, other than travel and meal allowances, shall be reported to the University and deducted from any salary paid by the University for such civil leave. Civil leave shall not be granted for appearances as an expert witness for a party to litigation. Civil leave must be approved in advance in writing by the employee's supervisor.

**2-2-404 Holiday Leave.** Full-time employees shall be compensated for all holidays designated by the President that fall on regularly scheduled work days of the employee, provided that the employee has worked or been on approved leave for the required workday of the employee prior to the holiday and works or is on approved leave the first required workday for the employee after the holiday. Unless otherwise restricted, part-time employees are provided a pro-rate allocation of compensated holiday leave under the same conditions as full-time employees. The proration shall be based upon the percentage of one FTE assigned to the part-time employee's position.

**2-2-405 Military Training Leave.** Upon presenting proper military orders, an employee who is a member of the National Guard or military reserve shall be granted military training leave for the annual encampment or equivalent reserve training period. Of this amount of time, a maximum of fifteen (15)

work days in any calendar year shall be military training leave with pay and shall not be charged as any part of vacation or compensatory leave. Military training leave shall commence the first working day the employee is on military training leave from his job and terminates on the last calendar day he is in a military training status, as evidenced by military order covering the leave period, or on the 15th day, whichever occurs first.

**2-2-406 Military Leave.** Upon presenting proper military orders, an employee who enters active military service, including active service for training purposes, with the armed forces of the United States or other branch of service in the national defense, shall be granted military leave without pay. Military leave without pay shall be granted for the entire period of initial service plus any period of additional service imposed by law, plus one year thereafter. An employee who fails to return at the end of this period shall be deemed to have resigned. An employee who is separated from military service prior to expiration of the period of initial service plus any period of additional service imposed by law shall be granted one year from date of honorable separation in which to return to State service before being deemed to have resigned. Any employee who is inducted into the Armed Forces of the United States under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service and who leaves a position (other than a temporary position) with the University in order to perform such training and service, and

- (1) receives a certificate of satisfactory completion of military service and;
- (2) makes application for re-employment with the University within ninety (90) calendar days after such employee is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year, such employee shall;
  - (a) if still qualified to perform the duties of the position left, be restored to such position or to a position of like seniority, status, and pay; or
  - (b) if not qualified to perform the duties of such position, by reason of disability sustained during such service, but if qualified to perform the duties of any other position in the employ of the University, be offered employment and, if such employee so requests, be employed by the University in such other position the duties of which such employee is qualified to perform as will provide such employee like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in each employee's case. The foregoing entitlements shall be allowed to each qualified employee provided that the University's circumstances have not so changed as to make it impossible or unreasonable to do so. Employees who are restored to employment at the University in accordance with the provisions of this section shall be considered as having been on leave of absence during such period of training and service in the Armed Forces and shall be re-employed without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the University pursuant to established rules and practices that were in effect with the University at the time the employee was inducted into the Armed Forces. Such employee shall not be discharged from the position in which they are re-employed, except for cause for a period of one calendar year after the effective date of re-employment.

## **2-2-407 Leaves of Absence.**

### **2-2-407(1) Leave with Compensation.**

**2-2-407(1)(a) Definition.** For purpose of this section, “employee” shall be defined as an administrative/professional exempt staff employee serving on a definite term contract.

**2-2-407(1)(b) Purpose.** The purpose of leaves with compensation shall be to allow employees to engage in activities other than their contracted duties and responsibilities, which serve to further the knowledge, skills, credentials, or reputation of the employee to the benefit of the University.

**2-2-407(1)(c) Eligibility.** Leaves with compensation shall be available to any employee upon approval of the BOT after recommendation of the President, the jurisdictional vice president, and the employee's immediate supervisor. Employees shall not accrue a right to a leave with compensation by reason of longevity or the nature of the leave activity proposed. The approval of a leave shall be subject to the discretion of the BOT.

**2-2-407(1)(d) Terms.** Leaves with compensation granted for a period of thirty (30) calendar days or less during a fiscal year shall not impose any return service obligations. They shall be considered as time worked for all purposes including, but not limited to, the accrual of sick leave, vacation leave, salary increases, credited service accrual under the University's retirement program unless otherwise provided by the BOT at the time of leave approval. Compensated leaves in excess of thirty (30) calendar days during the fiscal years shall obligate the recipient to immediately return to provide service to the University, in a position of like status as that held at the time the leave began, for a period equal to twice the length of the leave period, or reimburse the University for the total amount of salary, the dollar value of benefits, and any additional payments received to support the leave or leave activities from the University, within ninety (90) calendar days of the date of completion of the leave or default in return service obligation. If an employee satisfies only a portion of the return service obligation, the amount of repayment obligation shall be prorated by multiplying the total amount of compensation, and dollar value of benefits and other support received during the leave period, by a percentage equal to the amount of return service obligation fulfilled; divided by the entire period of return service obligation. Employees granted leaves with compensation for periods in excess of thirty (30) calendar days during a fiscal year shall not accrue vacation leave or sick leave during the leave period. Such employees shall be credited service for purposes of the University's retirement program and shall receive time in service credits for any other purposes unless otherwise provided by the BOT at the time of leave approval. Activities conducted by employees on leave with compensation shall not be considered as services performed in the course and scope of their employment with the University nor shall the University be liable for injuries received or expenses incurred by the employee during the course of conduct of the leave activities unless otherwise provided by the BOT at the time of leave approval.

**2-2-407(1)(e) Compensation.** Employees who are granted leaves with compensation shall be compensated as follows:

- (1) salary shall be paid during leave period at a rate equal to one-half of the employees's last approved salary and;

- (2) employee shall receive all employer paid fringe benefits to which employee was entitled under the terms of the employees contract with the University at the time the leave began. These compensation arrangements may be modified by agreement of the employee and the University, provided such agreement is reduced to writing and signed by an authorized officer of the BOT or the President of the University.

**2-2-407(1)(f) Procedure.** Employees desiring to obtain approval of a leave with compensation shall submit a request in writing to their immediate supervisor, setting forth in detail the purpose for which the leave is requested, and the anticipated benefits to be accrued by the University if the leave is approved. The immediate supervisor shall review the leave request and submit it with a recommendation to the jurisdictional vice president who shall, in turn, review the request and submit it with a recommendation to the President. If the President determines to recommend approval of the leave, the request and the President's recommendation shall be transmitted to the BOT for consideration. If the leave is approved, the recipient shall be obligated to sign a contract setting forth the terms and conditions of the leave and the repayment or return service obligation. The contract must be executed and returned to the University within twenty (20) calendar days of presentation or prior to the commencement of the leave period, whichever is sooner in time.

**2-2-407(2) Leave without compensation.**

**2-2-407(2)(a) Definition.** For the purpose of this section "employee" shall be defined as an administrative/professional exempt staff employee serving on a definite term contract.

**2-2-407(2)(b) Purpose.** Leaves without compensation may be granted by the BOT to an employee for any reason which it deems good and sufficient.

**2-2-407(2)(c) Duration.** Leaves of absence without compensation may be granted for any period of time, provided they shall not be granted for increments extending beyond the end of the fiscal year. Such leaves shall not obligate the recipient to return of service obligations unless otherwise provided by the BOT at the time the leave is granted.

**2-2-407(2)(d) Terms and Conditions.** Employees on leave of absence without compensation shall not be accorded credit for years of service for any purpose nor shall they accrue sick leave or vacation leave unless otherwise provided by the BOT at the time the leave is granted. Recipients of such leaves may purchase continued health, life, dental, and accident coverages, and may purchase credited service under the University's retirement program to the extent that such opportunity is provided to the employee under the laws or contracts governing such benefits. Activities conducted by employees on leave without compensation shall not be considered as services performed in the course and scope of their employment with the University, nor shall the University be liable for injuries received or expenses incurred by the employee during the course of conduct of the leave activities unless otherwise provided by the BOT at the time of leave approval.

**2-2-407(3) Maternity Leaves.** Maternity leave as used in this section is defined as that period of time in which an individual is unable to perform the duties of her position directly due to the birth of a child, medical complications of pregnancy, or medical complications of childbirth. The University treats complications of pregnancy, childbirth, false pregnancy, terminations of pregnancy, and recovery therefrom as a temporary disability for all job related purposes. The Administration requires

no arbitrary date of commencement nor termination of maternity leave. The leave shall commence when the staff member is physically unable to perform the duties of her assigned position and shall terminate when she is physically able to return to those duties. The University reserves the right to require a qualified professional's statement to support the individual's request for specific beginning and ending dates of maternity leave. In addition, the University reserves the right to request a second qualified professional opinion. If a second opinion is requested, it shall be made by a qualified professional designated by the University and paid by the University. In case of disagreement, the ultimate decision regarding length of maternity leave shall rest with the administration. Upon return from maternity leave, the individual's position, title, and salary shall be the same as if the individual had not been on leave, subject to existing University policies, regulations, and procedures. Accrued sick leave and accrued vacation leave benefits (where applicable) shall be used for maternity leave. Requests for maternity leave shall be directed to the individual's supervisor and to the appropriate dean or vice president. The University requests that notice regarding maternity leave be given with ample time to allow planning for replacements and all other arrangements necessary for the continuation of the duties of the individuals who will be on leave. Requests for extended leave beyond necessary durations or after exhaustion of accrued sick or vacation leave, not directly relating to physical inability to perform the duties of a position due to birth of a child, medical complications of pregnancy, or medical complications of childbirth may be granted as leave without pay.

**2-2-407(4) Parental Leave Policy.** Any full-time University faculty or exempt employee who becomes the primary caretaker of a child under the age of six, whether through birth or adoption, shall, upon request, be granted leave subject to the following conditions:

- (a) In the case of a birth parent, written notification containing a specific request for parental leave shall be given the University employee's immediate supervisor at least ninety (90) calendar days prior to the anticipated birth of the child. Should birth occur more than ninety (90) calendar days in advance of the anticipated birth of the child, parental leave may be requested immediately.
- (b) In instances of adoptive custody of a child, written notification shall be given the employee's immediate supervisor when the adoption home study or custody home evaluation has been completed and approved. This notification must contain a specific request for parental leave. In cases of private adoptive custody placement, such notification must be given the employee's immediate supervisor as soon as such placement has been authorized by the affected parties or their legal representatives.
- (c) Leave for one person designated as the primary caretaker (for purpose of this document, "primary caretaker" shall refer to the individual (s) identified by the family as most responsible for fulfilling significant nurturing needs of the child, but only one University employee within a family may be the primary caretaker at a given time) will commence at the time of birth or adoptive custody and continue for sixty (60) continuous days. These days shall be taken first from the employee's accrued sick leave and, if necessary, from accrued vacation leave. If adequate accrued sick/vacation days are not available, the remaining days shall be unpaid leave. Should a woman who gave birth be on maternity leave from the University, she shall be considered the primary caretaker, at least during the time of her maternity leave.
  - (l) Should additional leave be required, the primary caretaker may be granted unpaid

leave as provided for in Leaves Without Pay. Written requests for such leave shall be submitted to the employee's immediate supervisor within thirty (30) calendar days of the time the child enters the home. In considering such leave requests, the age/special needs of the child and the requirement(s) of the adoptive agency (if applicable) shall be taken into consideration by the administration.

- (II) Upon return from parental leave, the individual's position, title, and salary shall be the same as if the individual had not been on leave, subject to existing University policies, regulations, and procedures.

**2-2-407(5) Family and Medical Leaves of Absence.** In addition and/or supplemental to other leaves established by the University which are available to employees for the purposes of attending to family and medical concerns, the University has established the following leave in accordance with the Family and Medical Leave Act of 1993, as amended. In the event of an inconsistency between the requirements of that Act and this policy, this policy shall be construed to comport with the requirements of the Act.

**2-2-407(5)(a) Definitions.** For purposes of this policy, the following words and terms shall have the meanings prescribed:

- (I) **“Employee” shall mean all employees of the University.**
- (II) “Eligible employee” shall mean an employee who meets the following leave requirements.
  - (A) has been employed by the University for at least 13 months; and
  - (B) has been engaged in no less than 1,250 hours of work for the University during the year immediately preceding the initial date of the requested leave and;
  - (C) has not exhausted her/his right to leave under this policy during the year immediately preceding the initial date of the requested leave and;
  - (D) “Son or daughter” shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability and;
  - (E) “Parent” shall mean the biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter and;
  - (F) “Serious health condition” shall mean an illness, injury, impairment, or physical or mental condition that involves the following:
    - (III) inpatient care in a hospital, hospice, or residential medical care facility; or
    - (IV) continuing treatment by a health care provider.

(V) "Health care provider" shall mean the following:

(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(B) any other person determined by the Secretary of the U.S. Department of Labor to be capable of providing health care services.

(VII) "Spouse" shall mean a husband or wife, as recognized by the laws of the State of Colorado, as the case may be.

(VIII) "Week" shall mean seven consecutive calendar days.

(IX) "Year" shall mean three hundred sixty-five consecutive calendar days.

**2-2-407(6) Eligibility and Duration.** Eligible employees shall be entitled to receive a family and/or medical unpaid leave of absence for up to twelve weeks per year for any of the following purposes:

- (a) because of the birth of a son or daughter of the eligible employee and in order to care for such son or daughter.
- (b) because of the placement of a son or daughter with the employee of adoption or foster care.
- (c) in order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son daughter, or parent has a serious health condition.
- (d) because for the leave purposes described above in (i) and (ii), shall expire at the end of the year beginning on the date of the birth or placement of the son or daughter.

**2-2-407(7) Intermittent or Partial Leave.** Leaves taken for the purposes described above in (i) and (ii), shall not be taken on an intermittent or partial day basis unless approved by the Director of Human Resources. Subject to the provisions of this policy, an employee may take leave for the purposes described above in (iii) and (iv), on an intermittent or partial day basis without a reduction in the total leave eligibility beyond the amount of leave actually taken. Accounting for the intermittent or partial leave shall be in accordance with rules prescribed by Human Resources. An eligible employee may take any leave available under subdivisions (iii) and (iv) of section above, that is foreseeable based on planned medical treatment, on an intermittent or partial day basis subject to the right of the University to transfer the employee temporarily to an available alternative position for which the employee is qualified, as determined by Human Resources, so long as the position has equivalent pay and benefits, and better accommodates recurring periods of leave than the regular employment position of the employee, as determined by the University.

**2-2-407(8) Coordination with Other Leaves.** Prior to taking any leave under this policy, employees shall be required to exhaust all other applicable or available accrued and unused leave benefits under paid leave policies of the University. The leave provided for in this policy is intended to represent a minimum aggregate amount of leave, and the use of other paid leave benefits shall not extend the length of the leave otherwise available hereunder.

**2-2-407(9) Reinstatement.** Employees taking authorized leave hereunder shall be entitled to return

to work at the end of the authorized leave in the position held at the time of commencement of the leave or to a position with equivalent duties, pay, benefits, and other terms and conditions of employment, as determined by the University. Employment status and benefit rights shall not accrue during the period of the leave, provided, however, that rights or benefits earned prior to the leave shall not be affected. The University reserves the right to deny reinstatement to any employee who is among the highest paid ten percent of the employees of the University if such denial is necessary to prevent substantial and grievous economic injury to the operations of the University, provided the University shall notify the employee of such intent to deny reinstatement at the time the University determines that such injury would occur.

**2-2-407(10) Certification of Eligibility.** The University reserves the right to require a completed certification by a health care provider to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent or to verify an employee's ability to return to work and resume the duties of the employee's position. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated. In its discretion, the University may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the University, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the University and the employee.

**2-2-407(11) Reporting.** The University reserves the right to require any employee utilizing the benefits of this leave policy to provide periodic written reports on the continuing status of the employee's eligibility to use the leave and/or the employee's intentions with respect to return to work.

**2-2-407(12) Spousal Co-employment.** Spouses who are both employed by the University are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child or for the care of a sick parent.

**2-2-407(13) Notice.** When the need for leave is foreseeable, such as the birth of adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and made efforts to schedule leave so as not to disrupt University operations.

**2-2-407(14) Procedures.** A request for leave hereunder must be originated in duplicate by the employee on a form provided by Human Resources. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approvals and forwarded to Human Resources. To the extent feasible, the form must be submitted thirty (30) days in advance of the initial date of the leave. All requests for family and medical leaves of absence due to illness must include the appropriate certification by a health care provider.

## **2-2-408 University Benefits.**

**2-2-408(1) Dependent and Domestic Partner Tuition Grants.** For the purpose of this section, the following definitions shall apply:

- (a) "Employee" shall mean all faculty, professional administrative exempt and classified staff

and officers of the University of Northern Colorado, excluding graduate assistants, teaching assistants, temporary and other persons whose primary purpose for being at UNC is not employment as determined by the President.

- (b) "Full-time" shall mean, with respect to employment, an assignment of 1.0 FTE for exempt staff and 40 hours per week during the fiscal year for state classified staff.
- (c) "Dependent" shall mean an employee's spouse or other dependents as defined in Section 152 of the Internal Revenue Code of 1954, as amended. Dependents who are also employees with a .50 or greater FTE are not eligible for the tuition as a dependent and fall under the Employee Tuition Grant guidelines.
- (d) "Spouse" shall mean an individual to whom an employee is married. The initial formation of a marriage shall be determined in accordance with Section 143 of the Internal Revenue Code of 1954, as amended.
- (e) "Domestic Partner" shall mean an individual who meets the criteria described in the Affidavit of Domestic Partnership of UNC and who executes and submits such an affidavit to UNC.

Entitlement to the Dependent Scholarship for dependent children will be limited to those who qualify for dependent status and who have not attained age twenty-five (25). All applications for tuition grants for subsequent semesters would be denied after age twenty-five (25).

Dependents and domestic partners of UNC full-time employees are entitled to receive a grant in the amount of the cost of in-state tuition for purpose of enrolling in and attending courses at UNC. The grant will be paid directly to UNC for each course in which an employee's dependent or domestic partner is enrolled and accepted and will not be applied to the account until after the Add/Drop date. In order for a dependent or domestic partner to qualify for a tuition grant the employee must be continuously employed at UNC during the entirety of the academic term for which the grant is made. Dependents and domestic partners of part-time employees with an FTE of .50 or greater shall be entitled to receive a percentage of a tuition grant. The percentage shall be equal to the percentage of full-time equivalency which is assigned to the employee's position.

Dependents and domestic partners of employees are eligible for a tuition grant for any academic term beginning after the employee's first day of employment with UNC.

Employees terminating their employment with UNC prior to the completion of a course for which a tuition grant has been allowed for any of their dependents or domestic partner, under the auspices of this policy, shall be obligated to reimburse the University for a percentage of the tuition. The percentage shall be equal to the percentage determined by dividing the number of hours actually accounted as hours worked by the employee during the academic term in which the course is conducted by the number of assigned hours required to be worked by the employee during the academic term in which the course is conducted. Such amount must be remitted to the University prior to the employee's last day of work or if not so remitted it may be deducted from the employee's last pay, at the discretion of the University.

Tuition grant benefits for dependents and domestic partners are subject to the same eligibility requirements and limitations as for employees to the extent applicable, provided, however, that dependents and domestic partners shall be entitled to continue to receive tuition grant benefits under

this policy after the employee's death subject to the following conditions:

- (1) In the case of a dependent spouse, the benefits shall continue until remarriage or death;
- (2) In the case of a domestic partner, the benefits shall continue until the domestic partner enters into another domestic partnership or death.
- (3) In the case of dependent children, the benefits shall continue as long as the child qualifies for dependent status and has not attained age twenty-five (25), or after having received benefits fails to enroll in and complete any course work at the University for a period of 365 consecutive days, whichever occurs first in time.

Employees, domestic partners and dependents who receive tuition grants under this policy shall be obligated to pay in a timely manner all other costs associated with enrollment at the University and the particular course of study being pursued. Dependents and domestic partners in degree granting programs must meet Standards of Satisfactory Academic Progress established by the Office of Financial Aid in order to be eligible to receive the tuition grant.

Benefits under this policy are not transferable. Graduate tuition grants may be subject to tax withholding. Eligibility for receipt of the Dependent Scholarship may be granted only if application is received one day prior to the first day of classes. If the Dependent Tuition Grant Request form is not received by this date, a late charge may be assessed.

**2-2-408(2) Employee Tuition Grant.**

- (a) Full-time employees paid through Human Resources are eligible to enroll without tuition charges, on a space available basis, according to the following schedule:  
Employees may take the entire credit hour benefit any time during the year. Employees who utilize this benefit in one term and leave the University prior to the end of their appointment period will be required to reimburse the University for tuition grants received and not earned.

Annualized Employment FTE	Credit Hours Available
.01 - .49	Not eligible
.50 - .66	3 Credits per FY
.67 - .82	4 Credits per FY
.83 - .99	5 Credits per FY
1.0 -	9 Credits per FY

- (b) A full-time employee is defined as one with a 1.0 FTE assignment for faculty and professional staff, or 40 hours per week during the fiscal year for state classified staff.

- (c) Human Resources will monitor the number of eligible hours.
- (d) Eligibility for class enrollment is available at the time of employment.
- (e) Prior to registration the employee must secure the approval of his or her immediate supervisor, the department head, and Human Resources.
- (f) Supervisors are encouraged to allow employees to enroll in any class of their choice.
- (g) Classes taken during working hours require that the employee make up the time missed. Employees eligible for overtime reimbursement are required to make up class hours within the same work week. Time must be made up within the same semester for employees not eligible for overtime.
- (h) State Fiscal Rules provide for the waiving of tuition charges. UNC will waive fees except for any course related fees (i.e. science labs).
- (i) A high school diploma is not required prior to enrollment in University classes.
- (j) Cash funded courses offered through the Office of Extended Studies, such as Professional Development, and certain online courses are not covered under this grant.
- (k) To obtain the dependent tuition grant, the employee and dependent must complete, sign and submit Dependent Tuition Grant Request within the required time period.
- (l) Domestic partnerships must submit a Certification of Tax-Qualified Dependents form (if applicable) and an Affidavit of Domestic Partnership within the required time period.
- (m) Undergraduate students must apply and be accepted for the College Opportunity Fund (COF) to receive all eligible benefits due them under the grant. Out-of-state residency fees and any fees not covered by the grant are the responsibility of the employee/dependent to pay.
- (n) Only one (1) Tuition Grant Request is needed per academic year. The Academic year for the grants starts each summer semester and includes fall and spring semesters. An additional request is required if the dependent or domestic partner will be enrolling interim sessions. Undergraduate students must reauthorize the COF during the registration process.

## Article 3: Faculty

### Part 1 Faculty Governance: Constitution of the University of Northern Colorado Faculty.

#### 2-3-101 Preamble.

We, the faculty of the University of Northern Colorado (University), in order to assure the orderly development of our educational programs and policies; to facilitate communication and cooperation within the University community; to promote the continued improvement of higher education in the State of Colorado (State); and to provide a rational process by which the faculty can participate in the governance of the University do hereby establish this constitution of the University of Northern Colorado Faculty (faculty).

#### 2-3-102 Grant of Authority.

The faculty of the University is granted the right as set forth in this constitution to participate in the development and recommendation of the educational policy and to participate in the governance of the University consonant with the provisions of the laws of the State and the specific approval granted herein by the BOT for the University of Northern Colorado (BOT).

The BOT retains the final decision-making authority in all matters affecting the governance of the University of Northern Colorado (BOT).

#### 2-3-103 Organization of the Faculty.

**2-3-103(1) Name.** The organization herein defined shall be known as the University of Northern Colorado Faculty (faculty).

#### 2-3-103(2) Membership of the Faculty.

- (a) The faculty shall include the President of the University (President) and all persons who hold BOT appointments with a rank of lecturer, instructor, assistant professor, associate professor, or professor. It shall also include adjunct faculty.
- (b) Membership does not lapse because of leave of absence or transfer to emeritus status. Fellows, teaching assistants, and graduate assistants shall not have faculty status but may attend any meetings open to the faculty.
- (c) The voting faculty shall be those members of the faculty defined above who hold at least .50 academic year full-time equivalent (FTE) instructional and/or research assignments in the colleges, and University Libraries, excluding deans and school directors, but including librarians. Faculty not meeting these criteria may petition the Faculty Senate for voting privileges.
- (d) A current list of voting faculty shall be established and maintained by the Faculty Senate.
- (e) Only voting faculty are eligible to be elected to serve on the Faculty Senate and other

representative faculty committees as defined in 2-3-104(3), Representative Faculty Committees.

**2-3-103(3) Meetings of the Faculty.**

(a) Schedule of Faculty Meetings.

- (I) Regular meetings of the faculty shall be scheduled by the chair of the Faculty Senate at least once each year. Special meetings of the faculty may be held anytime.
- (II) Meetings of the faculty shall be presided over by the chair of the Faculty Senate or his or her designee.

(b) Quorum. Fifteen (15%) percent of the members of the voting faculty shall constitute a quorum at faculty meetings.

(c) Rules of Procedure.

- (I) Every member of the voting faculty shall have a free and equal voice in its deliberations and conclusions.
- (II) Any member of the voting faculty may submit agenda items, in writing, to the secretary of the Faculty Senate.
- (III) To insure proper consideration, the secretary of the Faculty Senate shall have distributed the written agenda to all faculty members at least two days in advance of the faculty meetings.
- (IV) No matters concerning major policy shall be considered at any meetings if they do not appear on the agenda, unless in the judgment of the presiding officer an emergency exists which warrants the waiving of this provision.
- (V) The secretary of the Faculty Senate shall be responsible for prompt distribution of the minutes of all faculty meetings to all faculty members.
- (VI) A parliamentarian, appointed by the chair of the Faculty Senate, shall assist the President or presiding officer in questions of parliamentary procedure at faculty meetings. The most recent edition of *Robert's Rules of Order* shall serve as the parliamentary authority for the faculty, of the Faculty Senate, and the University councils/boards for all rules and procedures not covered by this constitution.
- (VII) Mail ballots may be authorized at faculty meetings or by the Faculty Senate.

**2-3-104 Delegation of Powers and Duties of the Faculty.**

**2-3-104(1) General Provisions.**

- (a) The Faculty Senate is the representative body of the faculty of the University.
- (b) The rights and authority granted to the faculty in 2-3-102, Grant of Authority, of this constitution are granted to the faculties in the individual departments, schools, colleges, and the University libraries in all matters pertaining to their respective units, except those specifically granted to the Faculty Senate or to University councils, committees and boards in this constitution, subject to the provisions of the laws of the State and the policies of the BOT.
- (c) Faculties in the individual departments, schools, colleges, and the University libraries are hereby granted the authority to establish their own representative bodies and to define their roles in the governance of their units and to adopt bylaws for due operation of the same. Each faculty shall elect a chair from among its elected representative senators who shall serve a one-year term beginning each July 1. (Except as otherwise noted below, the term "school" or "college" does not include the Graduate School.)
- (d) The appropriate University councils/boards, as determined by 2-3-107, University Councils, and 2-3-108, University Boards, of this constitution, may at any time:
  - (I) recommend policies affecting the faculty and the University, subject to review by the Faculty Senate, and the faculty on appeal,
  - (II) adopt bylaws which shall govern their operations, and
  - (III) recommend rules and regulations which govern admission and degree requirements and the authorization and supervision of courses and curricula.

**2-3-104(2) Policy Approval Process.** Educational policies and faculty personnel policies should be developed and approved in a manner consistent with the provisions of this constitution. In those instances where such development and approval have not occurred, the Faculty Senate may seek redress at a regularly scheduled meeting of the BOT.

**2-3-104(3) Representative Faculty Committees.**

- (a) University committees, which include University councils, boards, and task forces, meet the criteria of being representative faculty committees when all of the following conditions exist:
  - (I) When notice of the creation of a committee or vacancies on such a committee is directed to the Faculty Senate, and
  - (II) When the Faculty Senate advertises to the appropriate faculty or to the whole faculty that such faculty representation is needed, and
  - (III) When candidates to such committees respond to notification out of desire and interest or are nominated with consent (or elected by units if appropriate), and

- (IV) When only voting faculty, defined in 2-3-103(2), Membership of the Faculty, of this constitution, are eligible to be faculty candidates to such committees, and
  - (V) When these candidates are elected by the appropriate faculties or the Faculty Senate, and
  - (VI) When reports of the committee and its activities are given to the Faculty Senate.
- (b) These criteria do not apply to the selection of ex-officio or advisory (non-voting) members of committees.
  - (c) Any committee which deviates in any way from the above criteria will not be construed as a representative faculty committee.
  - (d) The Faculty Senate and the University councils/boards authorized in 2-3-107, University Councils, and 2-3-108, University Boards, of this constitution meet the criteria of being representative faculty committees.

**2-3-105 Procedures for Nominating and Electing Members of the Faculty Senate and of Representative Faculty Committees, Councils, Boards, and the Constitutional Review Authority.**

- (1) The Faculty Senate shall supervise and determine the process to be used for all elections of faculty members to the Faculty Senate and to representative faculty committees, defined in 2-3-104(3), Representative Faculty Committees.
  - (a) Members of the Faculty Senate shall act as tellers in elections.
  - (b) Questions of eligibility for nomination to the Faculty Senate and to representative faculty committees or for voting in election shall be decided by the Faculty Senate.
  - (c) At least two weeks prior to the date of elections for the Faculty Senate and for representative faculty committees, the Faculty Senate shall notify the appropriate faculty of vacancies.
- (2) No faculty member shall hold membership on more than one of the following University bodies, except as provided for in 2-3-106(4), Membership of the Faculty Senate, of this constitution: Faculty Senate, Liberal Arts Council, Graduate Council, Professional Education Council, Undergraduate Council, Faculty Research and Publications Board, and the Constitutional Review Authority.
- (3) The appropriate faculty shall elect representatives by secret ballot.
  - (a) Each voting member of the appropriate faculty receiving a ballot may vote for a number of nominees no greater than the number of vacancies occurring for the Faculty Senate or for a representative faculty committee.
  - (b) To be elected, a nominee must receive a plurality of the votes cast.
- (4) Elections to the Faculty Senate and to University councils/boards shall be conducted during the spring semester of each year. Elections to the Faculty Senate, however, shall be completed before elections are held for the University councils/boards.

- (5) Elected faculty representatives to the Faculty Senate and to University councils/boards shall serve three-year terms. The exception is on newly established committees, where some initially elected faculty may hold less than three-year terms in order to establish staggered terms for the total committee. Faculty representatives may also serve shorter terms if their units lose representation through reapportionment. Student representatives to the Faculty Senate and to University councils/boards shall serve one-year terms. Membership terms on the Faculty Senate and on University councils/boards shall begin on July 1 of the year elected.
- (6) The Faculty Senate shall arrange terms of office so that approximately one-third of the members of the Faculty Senate and one-third of the members of each University council/board shall be elected each year.
- (7) Faculty members of the Faculty Senate and of each University council/board may be elected to no more than two consecutive three-year terms.
- (8) Officers of the Faculty Senate and of each University council/board shall be eligible to succeed themselves.
- (9) If an elected member of the Faculty Senate or any University council/board resigns or is unable to serve for a period of time exceeding one semester, his or her seat shall be considered vacant. The chairs of University councils/boards shall be responsible for notifying the Faculty Senate of any membership vacancies, whereupon the Faculty Senate shall issue calls for nominations to the appropriate faculty and conduct an election to fill such vacancies. Whenever possible, elections to fill vacancies will be held in the semester in which the vacancy occurs, but no later than the beginning of the following semester. Any seat remaining vacant after a call for nominations shall remain vacant until the next regularly scheduled election.
- (10) For multiple meetings not to exceed one semester, senators and members of the University councils/boards shall be responsible for appointing their own alternates from among the voting faculty in the entities they represent, and for informing the Faculty Senate of any such appointments prior to the first meeting attended by the alternate.
- (11) For single meetings, senators and members of the University councils/boards shall be responsible for appointing proxies from among the membership of the relevant representative body, and for informing the Faculty Senate of any such proxy appointments prior to the relevant meeting.

## **2-3-106 Organization, Structure, and Function of the Faculty Senate.**

### **2-3-106(1) Powers of the Faculty Senate.**

- (a) The Faculty Senate shall serve as the delegate assembly of the voting faculty of the University.
- (b) The Faculty Senate shall have the power to act for the voting faculty on all matters within the scope of this constitution, inclusive of grants of authority to such University councils/boards as are elsewhere established in this constitution.
- (c) The Faculty Senate is empowered to receive and consider reports and recommendations from University councils/boards; from committees of the faculty; from the Student Senate; from individual members of the faculty and student body; from the faculties of the departments, schools, colleges, and the University libraries; from administrative officers; and from other interested persons or groups.

- (d) The Faculty Senate may initiate or review policies pertaining to the general welfare of the University, the faculty, and the students which have significant University-wide impact as determined by the Faculty Senate including, but not limited to: salary, workload, benefits, organization and reorganization of academic units, promotion and tenure, grievance, retirement, and faculty evaluation.
- (e) The Faculty Senate may transmit resolutions regarding any matter concerning the University directly to the President and/or the BOT, and such resolutions may be transmitted to the faculty for their considerations and action.
- (f) The Faculty Senate may transmit copies of its resolutions to the Student Senate for its consideration and action.
- (g) The Faculty Senate may approve policy recommendations from University councils/boards upon a majority vote of the senators voting.
- (h) The Faculty Senate may veto a policy recommendation of a University council/board within thirty working days of its receipt by the Faculty Senate, which must include two regularly scheduled Faculty Senate meetings with such exceptions as are enumerated in 2-3-107(2) Liberal Arts Council, of this constitution. A majority vote of the senators present and voting is required for a veto action.

**2-3-106(2) Faculty Review of Faculty Senate Action.**

- (a) All actions of the Faculty Senate are subject to review by the voting faculty on appeal.
- (b) A review by the voting faculty of any action of the Faculty Senate may occur at any general meeting of the voting faculty.

**2-3-106(3) Presidential Review of Faculty Senate Actions.**

The chair of the Faculty Senate shall report Faculty Senate actions to the President. The President or his or her designee shall act upon Faculty Senate recommendations within twenty working days of their receipt by the President or his or her designee. Presidential action may include: approval, rejection, return to the Faculty Senate for further discussion, or, when appropriate, referral to the BOT for its approval.

**2-3-106(4) Membership of the Faculty Senate.**

- (a) Elected members of the Faculty Senate shall remain members of the voting faculty during their terms of office. A position shall be declared vacant when this condition is not met.
- (b) Advisory (non-voting) members of the Faculty Senate shall be the President, the Chief Academic Officer (CAO); the Faculty Representative to the BOT, and one representative each from the Dean's Council, Classified Staff Council (CSC), and Professional Administrative Staff Council (PASC); the Cultural Houses (also known as Cultural Centers), and any other person(s) appointed by the chair of the Faculty Senate.
- (c) A student representative selected by the STUDENT SENATE shall be an ex-officio voting

member of the Faculty Senate.

- (d) Elected faculty representatives to the Faculty Senate shall consist of one senator from the University libraries and a minimum of one senator from each degree-granting college. Senators are elected for three-year terms beginning July 1 of the year elected.
  - (I) Each senator from a degree-granting college shall represent a number of voting faculty in that college equivalent to four percent, or major portion thereof, of the total voting faculty of the University. The total voting faculty, for the purpose of these calculations, shall not include the voting faculty in the University libraries.
  - (II) If a college's total membership represents less than four percent of the total voting faculty, one senator shall represent the total membership.
- (e) In addition to the members identified above, the chairs of the following University councils, boards, and committees shall be voting members of the Faculty Senate: Undergraduate Council, Graduate Council, Liberal Arts Council, Professional Education Council, Faculty Senate Salary Equity Committee, and the Faculty Senate Codification Committee.

**2-3-106(5) Officers of the Faculty Senate.**

- (a) The Faculty Senate shall elect at its last regularly scheduled meeting in April of each year, its chair for the following academic year from among those members of the faculty who will hold the office of senator in the following academic year. The newly-elected chair will take office on July 1. The duties of the Chair shall include the following:
  - (I) To preside at Faculty Senate meetings.
  - (II) To serve as chair of the Executive Committee of the Faculty Senate.
  - (III) To work with the President and other administrators as appropriate.
  - (IV) To serve as an ex-officio, non-voting member of all Faculty Senate standing committees.
  - (V) To attend meetings of the BOT with the responsibility of presenting important Faculty Senate issues to the BOT.
  - (VI) To report to the President all actions of the Faculty Senate.
  - (VII) To appoint members of the Constitutional Review Authority in accordance with the provisions in 2-3-109(2)(c) & (d) Structure of the Constitutional Review Authority, of this constitution.
- (b) The Faculty Senate shall elect at its last regularly scheduled meeting in April of each year, its vice-chair for the following academic year from among those members of the faculty who will hold the office of senator in the following academic year. The newly-elected vice-chair will take office on July 1. The duties of the vice-chair shall include the following:

- (I) To preside at Faculty Senate meetings in the absence of the chair.
  - (II) To serve as a member of the Executive Committee of the Faculty Senate and to preside in the absence of the chair.
- (c) The Faculty Senate shall elect at its last regularly scheduled meeting in April of each year, the secretary for the following academic year from among those members of the faculty who will hold the office of senator in the following academic year. The newly-elected secretary will take office on July 1. The duties of the secretary shall include the following:
- (I) To supervise the maintenance of all minutes of the faculty and the Faculty Senate.
  - (II) To assure prompt distribution of these minutes to all faculty members.
  - (III) To distribute the Faculty Senate agenda to its members at least three days prior to each meeting.
  - (IV) To serve as a member of the Executive Committee of the Faculty Senate.

**2-3-106(6) Election of the Faculty Senate.**

Determination of representation shall be as follows:

- (a) Each year prior to the date of Faculty Senate elections, the Faculty Senate shall validate the list of voting faculty in order to determine those eligible to be nominated and those eligible to vote.
- (b) The Faculty Senate shall then determine the number of senators to be allocated according to the provisions in 2-3-106(4), Membership of the Faculty Senate, of this constitution.
- (c) If through reapportionment a unit loses a senator, the Faculty Senate shall declare vacant the most recently filled position of the college involved.
- (d) All elections authorized by the Faculty Senate shall be conducted in accordance with rules established by the Faculty Senate.

**2-3-106(7) Meetings of the Faculty Senate.**

- (a) The Faculty Senate shall meet regularly when the University is in session and shall keep a systematic record of its proceedings which will be distributed to the faculty. The Executive Committee of the Faculty Senate may call emergency sessions of the Faculty Senate.
- (b) All Faculty Senate meetings shall be open to the University community except under the following conditions:
  - (I) To discuss and make recommendations on grievance cases.
  - (II) To discuss and make recommendations for the awarding of honorary degrees.

(III) To receive, but not take action on, information delivered in confidence.

- (c) Persons other than members of the Faculty Senate may participate in discussion by invitation of the chair.

**2-3-106(8) Quorum of the Faculty Senate.** Quorum shall be defined as a majority of the voting members.

**2-3-106(9) Bylaws of the Faculty Senate.** The Faculty Senate shall be responsible for constructing its own rules of operation known as the Faculty Senate Bylaws, subject to the provisions of this constitution.

**2-3-107 University Councils.**

**2-3-107(1) The Undergraduate Council (UGC).**

- (a) The Undergraduate Council is a representative faculty council as defined in 2-3-104(3), Representative Faculty Committees, of this constitution, that is established to represent and act on behalf of the faculty in the governance of the undergraduate programs in the University and to fulfill the duties assigned to it below.
- (b) Members and Officers of the UGC.
- (I) The UGC shall consist of one faculty representative from each college; six (6) additional faculty representatives distributed proportionally to the number of annualized undergraduate FTE students taught within the respective schools and colleges; one (1) faculty representative from the University libraries; and up to three (3) undergraduate student(s) selected by the Student Senate, to include the Student Senate Vice President for Academic Affairs.
- (II) Advisory (non-voting) members of the UGC shall be representatives from each of the offices of Academic Affairs, Dean of Students, Registrar, Student Financial Resources, and Admissions, and any other person(s) appointed by the chair of the UGC.
- (III) The annualized undergraduate FTE students taught in each college shall be determined for the fiscal year in which the election occurs by the CAO. If through reapportionment, a unit loses representation, the Faculty Senate shall declare vacant the most recently filled position of the school or college involved.
- (IV) The terms of office for faculty representatives shall be three calendar years, beginning July 1 of the year elected, with one-third being elected each year. The student representatives shall serve one-year terms.
- (V) The chair and vice chair of the UGC shall be elected for one-year terms at the first meeting in March of each year, from the members of the UGC who have continuing terms, and they shall assume office on July 1 of the year elected.
- (c) Powers and Duties of the UGC. The UGC shall have the following powers and duties,

provided that in the exercise of these powers all policy recommendations which could affect the University's compliance with accreditation or certification standards for teacher education programs are referred to the Professional Education Council for review.

- (I) To recommend policies governing admission, retention and exit requirements for undergraduate programs, including but not limited to admission standards, academic performance standards, department, school and college responsibilities, approval of graduation lists, and procedures for dealing with exceptions.
- (II) To recommend policies governing the transfer of undergraduate work from other institutions including community colleges.
- (III) To recommend policies, in consultation with affected academic units, for undergraduate program design, implementation, evaluation, modification, and decision-making.
- (IV) To recommend policies for undergraduate program review and evaluation.
- (V) To recommend policies governing undergraduate program priorities, including avoidance of program duplication and reconciliation of program conflict.
- (VI) To recommend policies governing interdisciplinary or multidisciplinary undergraduate programs.
- (VII) To ensure that undergraduate programs comply with Colorado legal requirements and rules/standards of appropriate accrediting agencies.
- (VIII) To recommend academic policies governing extra-curricular activities/programs, excluding intercollegiate athletics, insofar as they affect undergraduate students.
- (IX) To recommend procedural rules as necessary for the implementation of undergraduate policies.
- (X) To adopt rules of operation known as the Undergraduate Council Bylaws.
- (XI) To ensure that adopted bylaws are consistent with the council and board descriptions found in the Faculty Constitution 2-3-101 Preamble through 2-3-113, Approval.
- (XII) To submit written requests to the Faculty Senate Codification Committee to review any change in its bylaws prior to adopting such a change. Rationale for the revision must accompany the request for review. The Codification Committee will review the proposed bylaw change for consistency with the Constitution and will send its review results to the chair of the council or board.
- (XIII) To function as the curriculum committee for undergraduate programs not housed in a single college in accordance with the Curriculum Approval Process (see University Regulations 3-3-501).

- (d) Relationship to Faculty Senate. The chair of the UGC shall forward to the Faculty Senate the minutes of each of its meetings in a timely manner. Each policy recommended by the UGC shall be forwarded to the Faculty Senate for approval, and unless vetoed by the Faculty Senate within 30 working days of its receipt by the Faculty Senate, which must include two regularly scheduled meetings of the Faculty Senate, shall be deemed to have been approved by the Faculty Senate.
- (e) Staff and Support Services. The Office of Academic Affairs shall provide staff and support services for the UGC.

**2-3-107(2) The Liberal Arts Council (LAC).**

- (a) The Liberal Arts Council (LAC) is a representative faculty council, as defined in 2-3-104(3), Representative Faculty Committees, of this constitution, that is established both to represent and to act on behalf of the faculty in the governance of the Liberal Arts Core (the Core) the University's general education program and to fulfill the duties assigned to it below. The LAC is responsible to the Assistant Vice President of Undergraduate Studies, who is charged with the overall administration and direction of the Core.
- (b) Members and Officers of the LAC. The membership consists of 17 voting and 2 ex-officio members:
  - (I) Voting members shall consist of the chairs of the Core Curriculum Committees (Language and Mathematics; History; Literature, and the Humanities; Philosophy and the Arts; Social and Behavioral Science; Physical and Life Sciences; and International and Multicultural Studies); one faculty member elected from each college; two additional faculty members apportioned among the colleges according to student credit hour production in the Core (a college teaching 51 percent of the program will elect one member; a college teaching 76 percent will elect both members); one additional member elected by and from the Life of the Mind faculty; one student undergraduate member selected by the Student Senate; one member of the UGC elected by its membership; and one elected member of the University libraries faculty.
  - (II) The Assistant Vice President for Undergraduate Studies and the University's representative to the GE-25 Council shall serve as ex officio non-voting members.
  - (III) The term of office for elected faculty members shall be three years, with one-third to be elected each year after the first election. Chairs of the Core Curriculum Committees and the UGC member shall serve for one year and may be re-elected for additional terms. The term of office of student members shall be set by the Student Senate. All members shall take office on July 1 of the year elected.
  - (IV) The officers of the LAC shall consist of a chair and vice-chair, elected by the membership of the LAC at least thirty (30) days prior to the conclusion of spring semester. They shall take office on July 1, serve for one year, and are eligible for re-election.
- (c) Powers and Duties of the LAC.

- (I) To review and make recommendations concerning courses proposed for the Liberal Arts Core.
  - (II) To review and make recommendations concerning Core courses nominated for inclusion in gtPathways – the state’s guaranteed transfer program.
  - (III) To recommend modifications of the Core.
  - (IV) To develop and maintain data on the Core.
  - (V) To make an annual report on the status of the Core to the Assistant Vice President for Undergraduate Studies.
  - (VI) To approve bylaws governing LAC procedures.
  - (VII) To develop and implement a program for assessing the Core.
  - (VIII) To carry out other duties related to the Core and the Core Curriculum as assigned by the Assistant Vice President for Undergraduate Studies.
  - (IX) To ensure that adopted bylaws are consistent with the council and board descriptions found in the Faculty Constitution 2-3-101 Preamble through 2-3-113 Approval.
  - (X) To submit written requests to the Faculty Senate Codification Committee to review any change in its bylaws prior to adopting such a change. Rationale for the revision must accompany the request for review. The Codification Committee will review the proposed bylaw change for consistency with the Constitution, and will send its review results to the chair of the council or board.
- (d) Core Curriculum Committees.
- (I) The Assistant Vice President for Undergraduate Studies shall, with the advice of the relevant Deans and Directors and approval of the Faculty Senate, appoint members of the faculty to six Core Curriculum Committees to aid the LAC in its work with the Core. The committees, their areas of responsibility, and their membership shall be as indicated below. Appointments shall reflect the disciplines offering courses in the relevant areas and their subdivisions.
    - (A) Language and Mathematics: six members – responsible for the courses in Area 1 (Composition), 2 members; the courses in Area 2 (Mathematics), 2 members; and the foreign language courses in Areas 3d and 7, 2 members.
    - (B) History, Literature, and the Humanities: five members – responsible for the courses in Area 3b (Literature and the Humanities), 3 members; the courses in Area 4 (History), 2 members.
    - (C) Philosophy and the Arts: five members – responsible for the courses in Area 3a (Arts), 3 members; and the courses in Area 3c (Ways of Thinking), 2

members.

- (D) Social and Behavioral Sciences: five members – responsible for the courses in Area 5a (Economic and Political Systems), 2 members; the courses in Area 5b (Geography), 1 member; and the courses in Area 5c (Human Behavior and Social Systems), 2 members.
  - (E) Physical and Life Sciences: four members – responsible for the courses in Area 6, both those in the physical sciences, 3 members; and those in the life sciences, 1 member.
  - (F) International and Multicultural Studies: five members – responsible for the courses other than the foreign language courses in Area 7 (International Studies), 2 members; and the courses in Area 8 (Multicultural Studies) 3 members.
- (II) The Core Curriculum Committees shall also be responsible for Core electives clearly falling in the areas of their disciplinary expertise. Highly interdisciplinary electives shall be distributed among the committees by the chair of the LAC.
  - (III) Appointments to the above committees shall be for three years.
  - (IV) At least thirty (30) days prior to the end of the spring semester, each committee named above shall elect a chair from its membership; those chairs will be voting members of the LAC. The term of office of all chairs shall be for one year, commencing on July 1.
- (e) Relationship to the Undergraduate Council. The UGC shall elect one of its members to serve on the LAC. The chair of the LAC shall send a copy of all policy recommendations to the UGC to review as to their implications for the University curriculum.
  - (f) Relationship to the Faculty Senate.
    - (I) Each policy recommendation made by the LAC shall be forwarded to the Faculty Senate for approval, and unless vetoed by the Faculty Senate within 60 working days of its receipt, which must include three (3) regularly scheduled meetings of the Faculty Senate, shall be deemed to have been approved by the Faculty Senate.
    - (II) The chair of the LAC shall forward to the Faculty Senate the minutes of each of its meetings in a timely manner.
  - (g) Staff and Support Services. The Assistant Vice President for Undergraduate Studies shall provide staff and support services for the LAC.

### **2-3-107(3) The Graduate Council (GC).**

- (a) The Graduate Council (GC) is a representative faculty council, as defined in 2-3-104(c), Representative Faculty Committees of this constitution, that is established to represent and

act on behalf of the graduate faculty in the governance of graduate programs in the University and to fulfill the duties assigned to it below.

- (b) Membership of the Graduate Faculty. The members of the graduate faculty shall be designated by the President upon the recommendation of the dean of the Graduate School, after their nomination by the appropriate department chair/school director and dean.
  - (I) In order to qualify for appointment to the graduate faculty, a faculty member shall meet criteria approved by the President and defined in the bylaws of the Graduate Faculty. (See the Graduate Faculty Guidelines.)
  - (II) Each appointment to the graduate faculty shall be reviewed by the dean of the Graduate School, on a schedule established by the Graduate School, to determine whether the faculty member continues to meet membership criteria.
  - (III) If such review reveals that a faculty member no longer meets membership criteria, said faculty member shall be removed from the graduate faculty by the President upon recommendation by the dean of the Graduate School after consultation with the appropriate dean, department chair/school director, faculty member, and GC.
- (c) Meetings of the Graduate Faculty.
  - (I) The dean of the Graduate School shall chair the meetings of the graduate faculty.
  - (II) A quorum of fifteen (15%) percent shall be necessary to conduct business at meetings of the graduate faculty.
  - (III) The chair shall call at least one (1) meeting of the graduate faculty each academic year.
  - (IV) Additional meetings of the graduate faculty may be called by the dean of the Graduate School or by written petition signed by ten percent of the graduate faculty.
  - (V) The agenda for each graduate faculty meeting shall be distributed to the graduate faculty at least one week in advance.
  - (VI) The graduate faculty may take action only on items which appear on the agenda.
  - (VII) Appropriate records of all graduate faculty meetings shall be kept and distributed in timely fashion to the graduate faculty.
- (d) Members and Officers of the GC.
  - (I) The GC shall consist of two (2) faculty representative from each college; six (6) additional faculty representatives distributed proportionally to the number of annualized graduate FTE students taught within the respective schools and colleges; and three (3) graduate students who have been officially admitted to Graduate School, selected by the Student Senate.

- (II) Advisory (non-voting) members of the GC shall be the dean of the Graduate School or his or her designee; a faculty librarian appointed by the library administration; the director of the Computer Center or his or her designee; a representative from the Office of Academic Affairs; and any other person(s) appointed by the chair of the GC.
  - (III) The annualized graduate FTE students taught in each college shall be determined for the fiscal year in which the election occurs by the CAO. If through reapportionment a unit loses representation, the Faculty Senate shall declare vacant the most recently filled position of the school or college involved.
  - (IV) Only members of the graduate faculty may be elected to the GC, and only members of the graduate faculty in each college may vote in such elections.
  - (V) The terms of office for faculty representatives shall be three (3) calendar years, beginning July 1 of the year elected, with one-third being elected each year. The student representatives shall serve one-year terms.
  - (VI) The chair and vice chair of the GC shall be elected for one-year terms at the first meeting in March of each year, from the members of the GC who have continuing terms, and they shall assume office on July 1 of the year elected.
- (e) Powers and Duties of the GC. The GC shall have the following powers and duties, provided that in the exercise of these powers all policy recommendations which could affect the University's compliance with accreditation or certification standards for teacher education programs are referred to the Professional Education Council for review:
- (I) To recommend policies governing programs and requirements at the University.
  - (II) To recommend policies governing the transfer of graduate work from other institutions.
  - (III) To recommend policies governing interdisciplinary or multidisciplinary graduate programs.
  - (IV) To recommend policies governing graduate program priorities, avoidance of program duplication, and reconciliation of program conflicts for the University.
  - (V) To recommend policies, in consultation with affected academic units, for graduate program design, implementation, evaluation, modification, and decision-making.
  - (VI) To recommend policies for student admission, retention and exit requirements for graduate programs, including but not limited to admission standards, academic performance standards, department/school and college responsibilities, approval of graduation lists, and procedures for dealing with exceptions.
  - (VII) To recommend policies for graduate program review and evaluation.
  - (VIII) To recommend procedures as necessary for the implementation of graduate

policies.

- (IX) To adopt rules of operation known as the Graduate Council Bylaws.
- (X) To ensure that adopted bylaws are consistent with the council and board descriptions found in the Faculty Constitution 2-3-101, Preamble through 2-3-113 Approval.
- (XI) To submit written requests to the Faculty Senate Codification Committee to review any change in its bylaws prior to adopting such a change. Rationale for the revision must accompany the request for review. The Codification Committee will review the proposed bylaw change for consistency with the Constitution, and will send its review results to the chair of the council or board.

- (f) The actions of the GC are subject to appeal by the graduate faculty.
- (g) Relationship to Faculty Senate. The chair of the GC shall forward to the Faculty Senate the minutes of each of its meetings in a timely manner. Each policy recommended by the GC shall be forwarded to the Faculty Senate for approval, and unless vetoed by the Faculty Senate within thirty (30) working days of its receipt by the Faculty Senate, which must include two (2) regularly scheduled meetings of the Faculty Senate, shall be deemed to have been approved by the Faculty Senate. The Faculty Senate may not veto any proposed policy which is mandated by standards of accreditation or certification, which the University has obtained or for which the University is a candidate.
- (h) Staff and Support Services. The dean of the Graduate School shall provide staff and support services for the GC.

#### **2-3-107(4) The Professional Education Council (PEC).**

- (a) The Professional Education Council (PEC) is a representative faculty council, as defined in 2-3-104(3), Representative Faculty Committees, of this constitution, that is established to represent and act on behalf of the Teacher Education Faculty in the governance of teacher education programs in the University and to fulfill the duties assigned to it below. The dean of the College of Education and Behavioral Sciences shall have the authority and responsibility for the overall administration and coordination of teacher education programs.
- (b) Membership of the Teacher Education Faculty.
  - (I) The members of the Teacher Education Faculty shall be designated by the President upon the recommendation of the dean of the College of Education and Behavioral Sciences, after their nomination by the appropriate department chair/school director and dean.
  - (II) In order to qualify for nomination to membership in the Teacher Education Faculty, a faculty member shall have significant involvement in the preparation of teachers and/or other educational personnel; shall meet appropriate standards of academic and professional preparation and experience; shall have continuing experience in some appropriate level of schools from pre-school to adult; shall have a commitment to the preparation of teachers and other educational personnel who will provide instruction or service in a multicultural society; and shall meet additional criteria approved by the President.

- (III) Appointments to the Teacher Education Faculty shall be reviewed every five years by the dean of the College of Education and Behavioral Sciences to determine whether the faculty member continues to meet membership criteria. If such review reveals a faculty member no longer meets membership criteria, said faculty member shall be removed from the Teacher Education Faculty by the President upon recommendation of the dean of the College of Education and Behavioral Sciences after consultation with the appropriate dean, department chair/school director, faculty member, and the PEC.
- (c) Powers of the Teacher Education Faculty.
    - (a) The Teacher Education Faculty shall elect members of its governing unit, the PEC.
    - (b) Through the PEC, the Teacher Education Faculty, in consultation with the affected academic units, shall have the power to recommend policies for design, implementation, operation, evaluation, and modification of the teacher education programs of the University.
    - (c) The Teacher Education Faculty shall have the power to review all actions by the PEC whenever such actions are appealed by a written request signed by at least ten percent of the Teacher Education Faculty and submitted to the dean of the College of Education and Behavioral Sciences. Such a meeting of the Teacher Education Faculty shall be called by the dean of College of Education and Behavioral Sciences within ten (10) working days after receipt of the request.
  - (d) Members and Officers of the PEC.
    - (I) The PEC shall consist of members from the following areas: elected teacher education, an appointed University Libraries faculty representative appointed student representatives (and appointed educators from the K-12 schools as provided in the PEC bylaws).
    - (II) The terms of office for faculty representatives shall be three calendar years, beginning July 1 of the year elected, with one-third being elected each year.
    - (III) The dean of the University Libraries shall appoint a University Libraries faculty representative for one-year terms.
    - (IV) The dean of the College of Education and Behavioral Sciences shall appoint student representatives from the undergraduate and graduate areas for one-year terms.
    - (V) The dean of the College of Education and Behavioral Sciences shall appoint, for one-year terms, educators from the K-12 schools who will represent the following areas; secondary, elementary, middle grades, and K-12.
    - (VI) Advisory (non-voting) members of the PEC shall be the dean of the College of Education and Behavioral Sciences or his or her designee and any other person(s) appointed by the chair of the PEC.
    - (VII) The chair and vice-chair of the PEC shall be elected for one-year terms from the members of the PEC who have continuing terms, and they shall assume office on July 1 of the year elected.
  - (e) Powers and Duties of the PEC.

- (I) To recommend overall goals for the teacher education program.
  - (II) To recommend policies for student admission, retention, and exit requirements for the teacher education program.
  - (III) To recommend policies for professional development.
  - (IV) To recommend policies, in consultation with affected academic units, for teacher education program design, implementation, operation, evaluation, modification, and decision-making, including specification of required courses.
  - (V) To ensure that all teacher education programs comply with all applicable Colorado rules and standards including professional teacher education accreditation standards.
  - (VI) To adopt rules of operation known as the Professional Education Council Bylaws.
  - (VII) To ensure that adopted bylaws are consistent with the council and board descriptions found in the Faculty Constitution 2-3-101 Preamble through 2-3-113 Approval; and
  - (VIII) To submit written requests to the Faculty Senate Codification Committee to review any change in bylaws prior to adopting such a change. Rationale for the revision must accompany the request for review. The Codification Committee will review the proposed bylaw change for consistency with the Constitution and will send its review results to the chair of the council or board.
- (f) Relationship to Faculty Senate. The chair of the PEC shall forward to the Faculty Senate the minutes of each of its meetings in a timely manner. Each policy recommended by the PEC shall be forwarded to the Faculty Senate for approval, and unless vetoed by the Faculty Senate within thirty working days of its receipt by the Faculty Senate which must include two regularly scheduled meetings of the Faculty Senate, shall be deemed to have been approved by the Faculty Senate. The Faculty Senate may not veto any proposed policy which is mandated by Colorado legal requirements, rules/standards of the Colorado State Board of Education, or professional teacher education accreditation standards.
  - (g) Staff and Support Services. The dean of the College of Education and Behavioral Sciences shall provide staff and support services to the PEC.

## **2-3-108 University Boards.**

### **2-3-108(1) The Faculty Research and Publications Board (FRPB).**

- (a) The Faculty Research and Publications Board (FRPB) is a representative faculty board that functions to encourage faculty research, publications, scholarly activities, and artistic productions, and to fulfill the duties assigned to it below.
- (b) Members and Officers of the FRPB.
  - (I) The FRPB shall consist of one faculty representative from each college; three additional faculty representatives elected at large; one representative from the University libraries; one faculty representative selected by the Faculty Senate; and one graduate student representative selected by the Student Senate.

- (II) Advisory (non-voting) members shall be the dean of the Graduate School or his or her designee; the director of the Computer Center or his or her designee; an academic dean appointed by the CAO; a representative from the Office of Academic Affairs; and any other person(s) appointed by the chair of the FRPB.
  - (III) Those individuals elected must be actively engaged in research, publication, and/or artistic endeavors.
  - (IV) The terms of office for faculty representatives from the colleges shall be three calendar years, beginning July 1 of the year elected, with one-third being elected each year. The Faculty Senate representative and the student representative shall serve one-year terms.
  - (V) The chair and vice chair of the FRPB shall be elected for one-year terms at the first meeting in March of each year, from the members of the FRPB who have continuing terms, and they shall assume office on July 1 of the year elected.
- (c) Powers and Duties of the FRPB.
- (I) To recommend and assist with policies directed at securing adequate financial support for faculty research.
  - (II) To recommend policies regarding the assignment of faculty time and University facilities for research.
  - (III) To solicit applications for research proposals and artistic productions and to allocate funds available to the FRPB on the basis of project merit.
  - (IV) To solicit nominations from the faculty at large for the Distinguished Scholar Award and to select the outstanding faculty member(s) for this award. Members of the FRPB are ineligible for this award.
  - (V) To recommend policies governing the distribution of overhead portions of externally funded research grants and awards.
  - (VI) To adopt rules of operation known as the Faculty Research and Publications Board Bylaws.
  - (VII) To ensure that adopted bylaws are consistent with the council and board descriptions found in the Faculty Constitution 2-3-101 Preamble through 2-3-113 Approval.
  - (VIII) To submit written requests to the Faculty Senate Codification Committee to review any change in its bylaws prior to adopting such a change. Rationale for the revision must accompany the request for review. The Codification Committee will review the proposed bylaw change for consistency with the Constitution and will send its review results to the chair of the council or board.
- (d) Relationship to Faculty Senate. Each policy recommended by the FRPB shall be

forwarded to the Faculty Senate for approval, and, unless vetoed by the Faculty Senate within 30 working days of its receipt by the Faculty Senate which must include two regularly scheduled meetings of the Faculty Senate, shall be deemed to have been approved by the Faculty Senate.

- (e) Staff and Support Services. The dean of the Graduate School shall provide staff and support services for the FRPB.

### **2-3-109 Constitutional Review Authority.**

#### **2-3-109(1) Powers of the Constitutional Review Authority (CRA).**

- (a) The Constitutional Review Authority (CRA) shall have the power to hear and resolve allegations concerning the violation of provisions of this constitution, bylaws of the Faculty Senate, bylaws of the University councils/boards and/or policies and procedures approved pursuant to this constitution.
- (b) Allegations must be submitted in writing.
- (c) In the event a policy or procedure is created or established, or an action taken, by a process which the CRA finds was not in compliance with this constitution, appropriate bylaws, and/or policies and procedures approved pursuant to this constitution, the CRA shall have the power to declare the policy, procedure, or action null and void. Such declaration shall stand unless overturned by the BOT.

#### **2-3-109(2) Structure of the Constitutional Review Authority.**

- (a) The CRA shall be composed of five voting faculty members, each from a different college, who shall be tenured professors.
- (b) The term of office shall be five years, arranged so that one member's term shall expire each year.
- (c) Members of the CRA shall be appointed by the chair of the Faculty Senate, and must be confirmed by a two-thirds vote of the Faculty Senate.
- (d) Appointments shall be made in the spring semester, and the term of office shall begin on the following July 1.
- (e) Members of the CRA shall not serve on any other University-wide governance group during their terms of office.

### **2-3-110 Board of Athletic Control.**

**2-3-110(1) Definition.** The Board of Athletic Control (BOAC) is a representative board that monitors University compliance with intercollegiate athletics regulations and recommends policies to the University President or his or her designee, in accordance with philosophies and values established by the University and in accordance with the regulations of the athletics governing organizations under whose jurisdiction the University operates.

**2-3-110(2) Members and Officers of the BOAC.**

- (a) The BOAC shall consist of one faculty representative from each college (a total of seven, include graduate and library) to be elected by the appropriate constituent bodies through the Faculty Senate Elections Committee, one faculty representative selected by the Faculty Senate, the Faculty Trustee, two male and two female undergraduate students selected by the Student Senate, one male and one female student athlete to be selected by the Student Athlete Advisory Council (SAAC), and the Student Trustee.
- (b) Advisory (non-voting) members of the BOAC shall be the dean of the College of Health and Human Sciences or his or her designee; the Athletic Director(s); the director of Student Financial Resources; the Faculty Athletics Representative (FAR) to the National Collegiate Athletic Association (NCAA) appointed by the President; any other person(s) appointed by the chair of the Faculty Senate; and the Chair of the Student Athlete Advisory Council.
- (c) The terms of office for faculty representatives shall be three calendar years, beginning July 1 of the year elected or selected, with one-third turn over each year. The student representatives shall serve one-year terms.
- (d) The chair of the BOAC shall be the Faculty Athletic Representative (FAR).
- (e) The vice chair of the BOAC shall be elected for a one-year term at the first meeting in March of each year, from the members of the BOAC who have continuing terms, and shall assume office on July 1 of the year elected.

**2-3-110(3) Powers and Duties of the BOAC.** The BOAC shall have the following powers and duties;

- (a) To study and monitor compliance with federal, State, and association regulations governing intercollegiate athletics and to make appropriate recommendations to the President.
- (b) To recommend, evaluate, and monitor policies governing the financing of intercollegiate athletics, to evaluate their effectiveness, and to recommend the annual budget.
- (c) To recommend, evaluate, and monitor policies governing athletic conference affiliation, post-season competition, intercollegiate athletic schedules, sponsored sports, and eligibility requirements.
- (d) To recommend, evaluate, and monitor policies governing financial assistance to athletes.
- (e) To perform any other relevant duty assigned by the University President or his or her designee.
- (f) To adopt rules of operation known as the Board of Athletic Control Bylaws.

**2-3-110(4) BOAC Chair.** The Chair of the BOAC shall report directly to the University President or his or her designee, every academic semester, informing him/her about the status of intercollegiate athletics and the policies surrounding it. The Chair of the BOAC shall forward to the Faculty Senate the minutes of each of its meetings in a timely manner, as well as an annual academic report regarding collegiate athletics.

**2-3-110(5) Staff and Support Services.** The Director of Athletics through the athletic administration budget shall provide staff and support services for the BOAC.

**2-3-111 Amendments.**

- (1) Amendments to this constitution may be initiated by the Faculty Senate upon a majority vote of the senators voting or by a written request signed by ten percent of the voting faculty and delivered to the secretary of the Faculty Senate.
- (2) Within 30 working days following said vote by the Faculty Senate or following receipt of a written request signed by ten percent of the voting faculty, the secretary of the Faculty Senate shall send a ballot with rationale containing the proposed amendment(s) to each member of the voting faculty, said ballot to be returned to the secretary of the Faculty Senate by the date and a method specified on the ballot, and the Faculty Senate Executive Committee shall hold a general forum of the faculty to discuss the amendments.
- (3) Upon approval by at least two-thirds of those voting, the proposed amendment(s) shall be declared adopted, pending final approval by the President and the BOT.

**2-3-112 Recall of Senators and Members of University Councils/Boards.**

- (1) A motion to recall any senator or any elected member of a University council/board may be initiated by a petition signed by at least ten percent of the members of the voting faculty in the electing constituency.
- (2) Within ten working days of receipt of such petition, the appropriate faculty representative body shall cause the issue to be placed on a ballot to be sent to each member of the voting faculty in that electing constituency, to be returned by a date and method specified on the ballot.
- (3) If the recall is approved by a majority of those voting, the position shall be declared vacant and shall be filled in the manner prescribed in 2-3-105, Procedures for Nominating and Electing Members of the Faculty Senate and of the Representative Faculty Committees, of this constitution.

**2-3-113 Approval.**

This constitution shall serve as the basis of authority for faculty sharing in the governance of the University upon approval of a majority of the votes cast by the faculty voting, and upon the approval of the President and the BOT.

**Part 2 Faculty: Definition and Contracts.**

**2-3-201 Faculty Definition and Contracts.**

The faculty shall include the President and all persons who hold BOT appointments with a rank of lecturer, instructor, assistant professor, associate professor, or professor. It shall also include adjunct faculty. The faculty shall not include those exempt employees defined by 3-3-301, Faculty Status.

**2-3-201(1) Full -Time Faculty.** Faculty members with 1.0 FTE assignment within the University for at least two semesters in a given fiscal year which consists of instruction, research, service, and/or librarian assignments. BOT-approved leaves will not affect full-time status for the provisions of this document.

**2-3-201(2) Part-Time Faculty.** Any faculty member who is not a full-time faculty member.

### **2-3-202 Faculty Contracts.**

Faculty contracts are of four types and are denominated, adjunct, contract-renewable, tenure-track and tenure. The basic, but not exclusive, distinctions between these contracts are as follows:

**2-3-202(1) Adjunct.** An adjunct contract is typically made when there is an unexpected need for a faculty member's services during a semester. Faculty in adjunct positions are not considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures]. Adjunct positions are not faculty budget line positions. Employment under an adjunct contract automatically terminates at the end of the contract period.

No ranks are available to adjunct faculty.

**2-3-202(2) Contract-Renewable.** A contract for a contract-renewable position is for a designated period not to exceed one year and automatically terminates upon the expiration of that period. Contract-renewable positions are used when there is an expectation of an on-going need for the services provided outside of a tenure-track appointment, or for Clinical Faculty, Visiting Faculty, Research Faculty, or Professionals-in-Residence [See 2-3-305 Academic Titles]. Individuals in contract-renewable positions, except Lecturers and Visiting Faculty, are eligible for consideration for promotion to the next higher rank if they meet the minimum requirements for that rank [See 2-3-302 Rank Requirements]. Contract-renewable positions may be converted to tenure-track positions according to 3-3-201(1) Contract-renewable Faculty. Re-employment of an employee after termination of a contract-renewable contract is solely within the discretion of the University. However, faculty in contract-renewable positions are considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures]. Contract-renewable positions are faculty budget line positions. [See also 3-3-201 Faculty Contracts].

Ranks available to contract-renewable faculty are Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor [See 2-3-301 Academic Ranks and 2-3-901(4) Promotion of Instructors].

**2-3-202(3) Tenure-Track.** A tenure-track contract is for a designated period not to exceed one academic year and automatically terminates upon the expiration of that period. Employment under a tenure-track contract entitles an employee written notice in accordance with the following schedule if the University determines not to rehire the employee during the subsequent academic year:

- (a) Not later than three (3) months prior to the end of the first academic year of employment under a tenure-track contract if the contract expires at the end of that academic year or at least three (3) months in advance of its termination date if the contract is for a period less than a full academic year or expires other than at the end of that academic year. Tenure-track faculty hired with credit for any number of years toward tenure will, in their first year at

UNC, be treated the same as new tenure-track faculty members in their first contract year.

- (b) Not later than six (6) months prior to the end of the academic year of employment under a tenure-track contract if the contract expires at the end of that academic year or at least six months in advance of its termination date if the second year contract is for a period less than a full academic year or expires other than at the end of that academic year.
- (c) Prior to the commencement date of the final contract after two (2) or more years of service under tenure-track employment which in no event shall be less than 240 calendar days.

If the University fails to provide sufficient notice as prescribed, the faculty member shall be entitled to receive extended employment for thirty (30) days or, at the discretion of the University, the faculty member may be given severance pay in an amount equivalent to the salary the faculty member would have been entitled to receive.

If the notice is deficient by over thirty (30) days but less than sixty (60) days, the faculty member shall be entitled to extended employment for a time period by which the notice is deficient or, at the discretion of the University, the faculty member may be given severance pay in an amount equivalent to the salary the faculty member would have been entitled to receive.

The salary or severance pay shall be the amount equivalent to the salary the faculty member would have been entitled to based upon the academic year base salary and academic year FTE assignment of the faculty member during the contract period when notice is given.

This provision shall not apply if the notice deficiency exceeds sixty (60) days and, in such case, the faculty member shall be re-employed for the next succeeding academic year with an FTE assignment and salary not less than the FTE assignment and salary of the preceding academic year.

Faculty in tenure-track positions are considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

Ranks available to tenure-track faculty are: Assistant Professor, Associate Professor, and Professor.

**2-3-202(4) Tenure.** A tenure contract is for an academic year and gives the faculty member the contractual right to be employed for succeeding academic years until the faculty member resigns, retires (voluntary or mandatory), is discharged for cause, or is terminated pursuant to a Reduction in Force in accordance with policies approved by the BOT, or becomes permanently disabled or dies. This contract is subject to the terms and conditions of employment which exist from academic year to academic year but such terms shall not be inconsistent with this policy nor shall a faculty member be reduced in rank except for just cause or pursuant to a Reduction in Force in accordance with policies approved by the BOT.

For purposes of this policy, academic year means that period of time encompassed by fall and spring semesters unless otherwise specifically defined in an individual employment contract.

Faculty in tenure positions are considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

Ranks available to tenured faculty are: Assistant Professor, Associate Professor, and Professor.

### **Part 3 Academic Ranks and Titles.**

#### **2-3-301 Academic Ranks.**

Academic ranks used for faculty shall consist of lecturer, instructor, assistant professor, associate professor and professor. These ranks and titles shall be granted in accordance with University regulations and procedures adopted and maintained by the President in accordance with the ordinary governance process, and shall be subject to the final approval of the BOT.

There are two types of contract-renewable faculty not holding professorial rank [See 2-3-202(2) Contract-Renewable]. They are lecturer and instructor. Neither of these ranks is considered higher than the other.

- (i) The rank of Lecturer is reserved for contract-renewable faculty not holding professorial rank who do not have contractual duties in the area of scholarly and other professional activities.
- (ii) The rank of Instructor is reserved for contract-renewable faculty not holding professorial rank who do have contractual duties in the area of scholarly and other professional activities.

#### **2-3-302 Rank Requirements.**

Minimum standards for academic rank shall be established as a means of aiding the University to obtain qualified personnel and to encourage continued professional growth through recognition of the individual's accomplishments in the classroom, in research, in professional activities or in other pursuits for the best interests of the University. These standards do not necessarily in and of themselves constitute qualifications for hiring or promotion. The common minimum standard involves the academic background as determined by the highest degree earned by the individual. Other criteria, when applicable, may be considered by the University in lieu of formal degree requirements.

- (1) Instructor/Lecturer: The minimum preparation is.
  - (a) the master's degree in the discipline in which the faculty member will have primary teaching responsibility, or
  - (b) the master's degree in another discipline and at least 18 hours of graduate work in the discipline in which the faculty member will have primary teaching responsibility, or
  - (c) completion of all the requirements for a terminal degree except for the dissertation or its equivalent in the discipline in which the faculty member will have primary teaching responsibility, or
  - (d) qualifications as outlined in 2-3-303 Equivalencies.
- (2) Assistant Professor: The minimum preparation shall be.
  - (a) the master's degree in the discipline in which the faculty member will have primary teaching

responsibility, or

- (b) the master's degree in another discipline and at least 18 hours of graduate work in the discipline in which the faculty member will have primary teaching responsibility, or
  - (c) completion of all the requirements for a terminal degree except for the dissertation or its equivalent in the discipline in which the faculty member will have primary teaching responsibility, or
  - (d) qualifications as outlined in 2-3-303 Equivalencies.
- (3) Associate Professor: The minimum preparation shall be an appropriate earned doctorate or other academic degree and/or professional certification considered terminal in the field, or qualifications as outlined in 2-3-303 Equivalencies, and four years of successful academic performance.
- (4) Professor: The minimum preparation shall be an appropriate earned doctorate or other academic degree and/or professional certification considered terminal in the field, or qualifications as outlined in 2-3-303 Equivalencies, and completion of at least seven (7) years of successful academic performance. Substantial evidence must be presented to document outstanding professional performance.

### **2-3-303 Equivalencies.**

In recognition of exceptional professional contributions or experience, exceptions to the rank requirements may be made for those who, because of professional reputation, stature, and appropriate experience, are worthy of such consideration. In each instance the recommendation shall be made by the President to the BOT. Each case shall be presented on its own merits.

### **2-3-304 Special Status Faculty.**

**2-3-304(1) Affiliate Faculty.** Affiliate professorships may be granted to University and non-University personnel who provide regular, recurring service to the University and/or its programs. Affiliate professors normally provide these services without salary compensation and serve only within their areas of expertise. All affiliate professors must be demonstrably qualified with experience, skills, and/or other qualifications that enable them to provide the services required by the University. Services may include, but are not limited to: teaching of a course within one's area of specialty, and supervision of interns from the University to provide direct experience to students. The affiliate professor functions under the authority of the appropriate department/school/program area and in conjunction with the faculty therein.

Each affiliate professor must be approved by the department chair or by the school director if he or she is in the relevant discipline or his or her designee if not, and the dean of the college. The affiliate professor will then exercise their particular task under the authority of the appropriate department/school/program area and in conjunction with the faculty therein.

While realizing that services of significant proportions are continually delivered by individuals to the University, affiliate professors are individuals whose services are regular and recurring. These services may include, but are not limited to: teaching of a course within one's area of specialty,

supervision of interns from the University to provide direct experience to students, etc.

Under normal circumstances, affiliate professors will receive no salary for services provided to the University except that with the approval of the CAO, non-University personnel may be paid an honorarium and/or travel expenses.

Following are guidelines for the recommendation and selection of affiliate professors:

- (a) The recommendation shall be initiated by the department chair or by the school director, if he or she is in the relevant discipline or his or her designee if not, and the dean of the college. Each recommendation shall delineate the qualifications, experience, and/or skills of the candidate, the specific service to be provided, salary (if any), terms and conditions of the appointment.
- (b) The recommendation shall be approved or not approved by the CAO.
- (c) The affiliate professor appointment form shall be signed by the individual and appropriate University officers.
- (d) The names of affiliate professors will appear in University catalogues.

**2-3-304(2) Emeritus Faculty.** Tenured faculty members and/or administrators in good standing who have served at the University for ten years or more and who have attained the rank of professor or associate professor will automatically be nominated, at the time of retirement or at the time of Reduction in Force due to financial or program exigency, by the President to the BOT to become emeritus faculty. University faculty members and/or administrators in good standing who have served the University for a period fewer than ten years and who hold the rank of professor, associate professor, assistant professor or instructor, regardless of how long they have served, may at the time of retirement or at the time of Reduction in Force due to financial or program exigency, also be nominated for emeritus status. Such nominations may be made by the appropriate department chair/school director, the dean, CAO, or the President.

Nominations, except those originating with the CAO or President, shall be submitted to the CAO, who will forward his or her recommendations to the President. The President may make such a recommendation to the BOT. The BOT shall take final action on all nominations.

### **2-3-305 Academic Titles.**

Although faculty ranks are limited to lecturer, instructor, assistant professor, associate professor, or professor, academic titles may be used for some faculty. Titles may include, but are not limited to, Visiting Faculty, Clinical Faculty, Research Faculty, and Professional-in-Residence (e.g., Artist-in-Residence, Executive-in-Residence, etc.). The designations used for ranks specified in 2-3-301 Academic Ranks may not also be used for titles.

- (a) Visiting Faculty. Visiting faculty may hold any faculty rank for which they meet the minimum requirements [See 2-3-302 Rank Requirements]. Visiting faculty positions are contract-renewable. Due to the limited duration of these positions, faculty in visiting positions are not eligible for promotion and are not considered continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-

701(1) Faculty Compensation Procedures].

- (b) **Clinical Faculty.** Clinical faculty may hold any faculty rank for which they meet the minimum requirements [See 2-3-302 Rank Requirements]. Clinical faculty positions are contract-renewable. Clinical faculty are eligible for consideration for promotion. The promotion criteria for Clinical Faculty shall be determined by the relevant program area faculty and shall be based primarily on excellence in clinical applications performance [See 2-3-901 Promotion Guidelines]. Clinical faculty are considered continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].
- (c) **Research Faculty.** Research faculty may hold any faculty rank for which they meet the minimum requirements [See 2-3-302 Rank Requirements]. Research faculty positions are contract-renewable. Research faculty are eligible for consideration for promotion. The promotion criteria for Research Faculty shall be determined by the relevant program area faculty and shall be based primarily on excellence in research performance [See 2-3-901 Promotion Guidelines]. Research faculty are considered continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].
- (d) **Professional-in-Residence.** Professionals-in-Residence (e.g., Artist-in-Residence, Executive-in-Residence, etc.) may hold any faculty rank for which they meet the minimum requirements [See 2-3-302 Rank Requirements]. Professional-in-Residence positions are contract-renewable. Professionals-in-Residence are eligible for consideration for promotion. The promotion criteria for Professionals-in-Residence shall be determined by the relevant program area faculty and shall be based primarily on excellence in performance in the relevant area of expertise [See 2-3-901 Promotion Guidelines]. Professionals-in-Residence are considered continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

## **Part 4 Faculty Responsibilities and Conditions of Employment.**

### **2-3-401 Faculty Workload.**

This policy establishes the University-wide parameters that program areas, departments, schools, and colleges shall use in the assignment of equitable workloads across the University.

**2-3-401(1) General Provisions.** Each college will define the workload components of instruction, scholarship and services as appropriate to the disciplines and professions they represent. Workload assignments will:

- (a) maintain high quality, and academically sound programs.
- (b) facilitate the accomplishment of program area, department, school, college, and University goals in teaching, scholarship and service.
- (c) facilitate the professional development of faculty.

- (d) maintain student credit hour production and numbers of majors and other students served.
- (e) link workload to evaluation for promotion, tenure, and compensation discussions.
- (f) adhere to the Colorado Commission on Higher Education standards for contact time per credit hour.

**2-3-401(2) Workload Definition and Components.**

- (a) Definition. Workload is defined as the distribution of faculty effort across the areas of instruction, scholarship, and service, including special assignments when applicable.
- (b) Components.
  - (I) Instruction. Includes all activities associated with teaching activities related to credit hour production, i.e., maintenance of currency in content and pedagogy, tutoring, supervising student research, directing theses/dissertations, directing of performances and/or productions.
  - (II) Scholarship. Scholarship encompasses both research and its dissemination, and other creative or artistic activity relevant to the discipline of the individual professor. It may create new knowledge (discovery), synthesize existing information (integration), and devise ways to use knowledge (application), or lead to the production of artistic works and performances. This includes activities that advance the faculty member's professional and disciplinary competence, advance knowledge in the discipline, and result in work that is invited or subjected to peer review.
  - (III) Service. Includes professional activities such as service on program area, department, school, college, and University committees; serving on faculty governance bodies; program administration; advising students on their academic progress or professional development; sponsoring student organizations; participating in professional organizations in one's discipline; and contributing one's expertise and time to civic activities in the larger community.
  - (IV) Factors. The following are among additional factors that influence faculty effort and might be considered in the development of college equating practices: student credit hours generated; number of contact hours; class size; class level; honors designation; number of instructors (team teaching); number of course preparations; previous experience in teaching a course; development of a new course; off-site instruction; use of distance learning technologies; inclusion of new pedagogical or technological strategies for classroom instruction; direction of performance ensembles; supervision and/or coordination of practica, internships, field experiences, participation in partnership schools and directed studies; supervision of student research, both undergraduate and graduate levels; supervision of undergraduate theses, master's theses, and doctoral dissertations; advising load and level; scholarly productivity; and responsibilities for program administration.

### **2-3-401(3) Workload Assignments**

- (a) Assignments. A full-time faculty workload (1.0 Full-Time Equivalent -- FTE) consists of 30 workload units per academic year. Department chairs/school directors are responsible for assigning workloads. School directors and chairs of departments with multiple program areas will assign workload under the following guidelines:
  - (I) In case the department chair/school director is in the same discipline as the program area, he or she will assign workload and ensure an equitable distribution across the program area.
  - (II) In case the department chair/school director is not in the discipline of a program area, he or she shall assign someone from that program area, who, in consultation with the department chair/school director, shall assign workloads and ensure an equitable distribution across the program area.
  - (III) Assignments may be distributed differently across categories by semester to meet program area needs.
  - (IV) Annual workload assignments and the weighting of each area must be defined in writing by the faculty member and his or her department chair/school director or his or her designee. If the faculty member disagrees with the assigned workload, the faculty member may discuss the disagreement with the college dean. Final responsibility for workload assignments resides with the department chair/school director or the designee selected according to this section [2-3-401(3)(a)].
  - (V) Annual evaluations will be based on the written workload assignment.
  - (VI) Department chair/school directors may use differential workloads and/or staffing to ensure that faculty talents support programmatic needs.
- (b) Overloads. Each full-time faculty member or exempt administrator who is meeting all contractual responsibilities in areas including administration, teaching, advising, service and scholarship/creative activities may teach for supplemental pay one overload course of up to five credit hours per semester for resident instruction or extended studies. An overload must be approved by the department chair/school director and dean. Any exceptions to the one overload course limit must be approved by the Chief Academic Officer.

### **2-3-402 Teaching Responsibilities.**

#### **2-3-402(1) On-Campus Programs.**

- (a) Instructional staff members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each term. It is expected that each instructional staff member will direct his or her instruction toward the fulfillment of these objectives and that examinations will be consistent with these objectives. Instructional staff members are responsible to orient the content of the courses they are assigned to teach to the approved course descriptions.

- (b) Instructional staff members are responsible for informing students in their classes of the methods to be employed in determining the final course grade and of any special requirements of attendance which differ from the attendance policy of the University.
  - (I) Attendance: Regular attendance in all classes will be assumed and encouraged. The instructor will determine the relationship between class attendance and the objective of the class and the way in which he or she will evaluate attendance as a factor in the achievement of the student. The instructor has the responsibility to inform students of policies as these policies relate to the students' grades. The student also has the responsibility of knowing the policies in each course.
  - (II) Instructional staff members are responsible for collecting and grading all required examinations, papers, and projects, completed by the student and are required to make these available for his or her inspection and discussion. Examinations, papers, and projects submitted for evaluation which are not returned to the student will be retained for the next semester of the academic school year for this purpose. In courses not requiring written examinations, papers, or projects the instructor will provide a written explanation indicating the basis for all grades submitted for that course in sufficient detail to protect the student from prejudice or capricious evaluation.
- (c) All instructional staff members are expected to meet their classes regularly (through the last scheduled meeting of the semester) and at the scheduled time. In case of illness or any other emergency, the instructor will notify the department chair/school director so that appropriate action may be taken. Temporary changes of class schedules must be approved by the respective department chair/school director and deans.
- (d) All instructional staff members whose responsibilities involve students are expected to schedule a reasonable number of office hours for student conferences. Office hours should be scheduled at times convenient to both students and instructors with the additional option of prearranged appointments for students when there is a schedule conflict. The number of office hours is to be determined at the appropriate administrative level, and office hours should be a matter of common knowledge.
- (e) Instructional staff members who are responsible for academic advising are expected to be in their office at specified hours during the period of each enrollment. Arrangements will be made for advising during registration.
- (f) Instructional staff members are responsible for providing an opportunity for student evaluation of each course taught, provided that more than one student is enrolled in the course. This opportunity will be consistent with the student evaluation policies and procedures approved for the instructional staff member's academic unit. Each dean will ensure that such policies and procedures exist within his/her college/library and, in consultation with the relevant unit leader, may approve unit-specific student evaluation policies and procedures.
- (e) Fundraising, whether to benefit UNC or a third party is an extra-curricular activity. As such, the level of fundraising success achieved, or amount of funds raised, cannot be used in determining grades in any direct study, internship, class curriculum or program of study.

The prohibitions of this policy do not apply to the study of fundraising entities and grant writing in their processes.

### **2-3-402(2)Off-Campus Programs.**

- (a) Off-campus instructional staff members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each such course. It is expected that each instructional staff member will direct his or her instruction toward the fulfillment of these objectives and that examinations will be consistent with these objectives. Instructional staff members are responsible to orient the content of the courses they are assigned to teach to the course descriptions approved by the college reviewing personnel and/or committees.
- (b) Instructional staff members are responsible for informing students in their classes of the methods to be employed in determining the final course grade and of any special requirements of attendance which differ from the following attendance policy of the University:
  - (I) Attendance. Regular attendance in all classes will be assumed and encouraged. The instructor will determine the relationship between class attendance and the objective of the class and the way in which he or she will evaluate attendance as a factor in the achievement of the student. The instructor has the responsibility to inform students of policies as these policies relate to the students' grades. The student also has the responsibility of knowing the policies in each course.
  - (II) Instructional staff members are responsible for collecting and grading all required examinations, papers, and projects completed by the student and are required to make these available for his or her inspection and discussion. Examinations, papers, and projects submitted for evaluation which are not returned to the student will be retained for the next semester of the academic school year for this purpose. In courses not requiring written examinations, papers, or projects the instructor will provide a written explanation indicating the basis for all grades submitted for that course in sufficient detail to protect the student from prejudice or capricious evaluation.
- (c) All instructional staff members are expected to meet their classes regularly (through the last scheduled meeting of the semester) and at the scheduled time and hold reasonable hours. In case of illness or any other emergency, the instructor will notify the Office of Extended Studies so that appropriate action may be taken. Temporary changes of class schedules must be approved by the Office of Extended Studies.
- (d) All instructional staff members are expected to comply with district and University policies governing use of off-campus classroom facilities, and to ensure that there be no smoking at any time in the classrooms or in the other than officially designated areas in the building where classes are being held.
- (e) Instructional staff members are responsible for providing an opportunity for student evaluation of each course taught, provided that more than one student is enrolled in the course. This opportunity will be consistent with the student evaluation policies and

procedures approved for the instructional staff member's academic unit. Each dean will ensure that such policies and procedures exist within his/her college/library and, in consultation with the relevant unit leader, may approve unit-specific student evaluation policies and procedures.

- (f) Fundraising, whether to benefit UNC or a third party is an extra-curricular activity. As such, the level of fundraising success achieved, or amount of funds raised, cannot be used in determining grades in any direct study, internship, class curriculum or program of study. The prohibitions of this policy do not apply to the study of fundraising entities and grant writing or their processes.

#### **2-3-404 Scholarly-Professional Support.**

The University endorses and supports faculty scholarly-professional activities through the provision of library services, laboratory facilities, aids in the solicitation of support from funding agencies and, when feasible, provides financial support, differentiated workloads, data processing, and graduate assistants.

Assignment for purposes of recognized authorship may be granted under conditions acceptable to the President, and any agreement relating to such an assignment must include a provision governing recognition of the University and faculty, apportionment of royalties, and the amounts of apportioned time.

**2-3-404(1) Faculty Tuition Grant.** Faculty will be allowed to take classes at the University, without payment of tuition in accordance with procedures outlined in 2-2-408(1), Dependent Tuition Grant.

#### **2-3-405 Human Subject Research.**

Faculty are required to conform research to the requirements in 3-8-104, Human Subjects, and 3-8-106, Scientific Misconduct Policy.

#### **2-3-406 Hazardous Waste.**

To be developed.

#### **2-3-407 Safety.**

To be developed.

#### **2-3-408 Records.**

Faculty will maintain student records for at least one semester from the date the class ended. Faculty who resign/retire, conclude a term contract, or otherwise terminate their employment with the University will leave all student records with the department chair/school director or his or her designee in the program area prior to leaving the University. Such records include grade books or other documentation for assigning grades; and include exams, papers, projects, etc., which have not been returned to students. The department chair/school director or his or her designee in the program area is responsible for collecting this material and having it available upon request. Records need to be collected and retained only to cover the period of time in which an academic appeal could still be filed. [See also Part 2 – Academic Appeal Procedure.]

## **2-3-409 Outside Activities.**

**2-3-409(1) Off-Campus Employment.** The primary professional responsibility of a faculty member is to the University. A faculty member is under obligation to render to the University the most effective service of which s/he is capable. No outside service should be undertaken, with or without pay, that might interfere or that might be in direct competition with University service.

**2-3-409(2) Consulting.** The opportunity for qualified staff members to accept occasional consulting engagements on a professional basis is a traditional privilege extended to faculty members of the University. Such activities are recognized as desirable and constitute legitimate means by which faculty members may develop and maintain professional associations. When offered such an opportunity, the faculty member may accept after requesting, and receiving, written approval from his or her department chair/school director in the case that the chair/director is in the same discipline as the faculty member. In the case the chair/director is not in the same discipline, the chair/director shall designate someone from the relevant program area. Consulting engagements may not interfere with or detract from the staff member's fulfillment of his or her responsibilities to the University and s/he may retain personally any associated fee or honorarium. [See also 3-3-401(1) Consulting.]

**2-3-409(3) Citizenship Responsibilities.** The education and experience of faculty and administrative personnel of the University provide impressive qualifications for membership and participation in voluntary organizations, committees, governing boards, and community councils. Faculty members and administrators are encouraged to exercise their civic rights and responsibilities in community activities compatible with their interests, capabilities, and obligations to the University. The faculty member must, however, remember and make clear to the public that when engaged in the above activities, s/he speaks and acts as a private citizen and not as a representative of the University.

## **2-3-410 Conflict of Interest.**

A University employee shall disclose to his or her immediate supervisor all facts and circumstances related to any University transactions, activities, contracts or other dealings which might directly or indirectly involve him/her in a duality or conflict of interest. Such disclosure shall be made in writing as soon as is reasonable after the conflict or potential conflict comes to the knowledge of the employee. A duality or conflict of interest shall be deemed to exist at any time when an interest held by the employee, or relationship maintained, prohibits or inhibits, or potentially prohibits or inhibits, the employee from exercising independent judgment in the best interests of the University. A duality or conflict of interest shall exist whenever an employee is a director, president, general manager, or similar executive officer of, or owns or controls directly or indirectly a substantial interest in, any non-governmental entity participating in transaction with the University. [See also 3-3-402(1) Conflict of Interest Pertaining to Sponsored Programs.]

The immediate supervisor to whom a report of a duality or conflict of interest or potential duality or conflict of interest is given shall directly report the matter to the jurisdictional vice president who shall have the authority to administer the interest of the University in the situation subject to the superintendence and pre-emption of the President and the BOT.

## **2-3-411 Intellectual Property Rights of Faculty.(Approved BOT 6-1-04)**

**2-3-411(1) Works Subject to Copyright.** This policy applies to works which can be protected by copyright; have been created by a faculty member in the course and scope of employment by the

University and which have been developed to impart knowledge to others in a systematic way; would in the absence of this policy be considered to be works for hire under the law, and which are not subject to a written agreement between the University and the faculty member commissioning the work which is executed prior to the creation of the work.

- (a) Works for Hire. In order to support creative and scholarly activity of University faculty, and in recognition of the traditional view of faculty's interests in intellectual property created as a consequence of employment by the University, the ownership of intellectual property in any form, regardless of medium, including class materials shall be apportioned as follows between the University and the faculty member(s):
  - (I) The University hereby assigns the copyright to such work to the author. The University shall retain a non-exclusive, non-assignable license to use the work for educational and/or research purposes with appropriate attribution to the author. The University reserves the right to use the work in teaching, scholarship and research, to control the use of the University's name and logo in conjunction with the work, to require acknowledgement of the University's institutional support in the creation of the work, to borrow portions of the work for use in compilations or composite works, to use the work to directly advance the mission of the institution, to require advance notice of dispositions of the copyrighted work by the author, and to make derivative works, subject to the time limitations of applicable copyright law.
  - (II) The faculty member shall be the owner of the work, subject to the University's license set forth above.
  - (III) In the case of joint works which are the product of more than one faculty author in the employ of the University, the University's assignment of its rights hereunder controls only the relationship between the University and the individual faculty member, and does not transfer the rights of one individual faculty member to another.
- (b) Works Not for Hire. Works completed independently by a faculty member, without reduction in faculty assignment or with a reduction in faculty assignment which are accompanied by proportional reduction in salary, without diminution of faculty responsibilities, and without use of substantial University assistance or resources, which are not created in the course and scope of a faculty member's employment by the University, such as, but not limited to, the preparation of a textbook under contract with a publisher, remain the sole property of the faculty member creator.
- (c) Commissioned Works. The University may enter into a written contract with a faculty member for the creation of a work using University and/or grant resources in which the University or the external source retains ownership of the copyright of the work. Such an agreement shall:
  - (I) be entered into prior to the creation of the work,
  - (II) explicitly describe the work as a deliverable product under the contract,
  - (III) specify the source of funding, which shall be distinct from the author's regular

compensation, and

(IV) be entered into at the option of the author and not as a condition of ongoing employment.

(d) Enforcement of Copyright. The University has no duty to the author to enforce either the University's or the author's copyright in any work for hire.

**2-3-411(2) Works not Subject to Copyright.** Works created by faculty which are not subject to, and cannot be protected by, copyright are recognized by the University as valuable products of scholarship and creative activities undertaken by faculty as part of their professional activities with the University. The University encourages and rewards its discoverers and innovators who benefit society and who create significant economic resources for themselves, their research programs and the University.

**2-3-411(3) Patent.**

- (a) The purpose of this policy is to provide a procedure for the placing in the public realm the fruits of research, while safeguarding the interest of the University, faculty, students and sponsors.
- (b) Any patent rights to a device, product, organism, process invention of any sort, or any other patentable item created by a faculty member or student (herein after "inventor") in the course and scope of employment with the University shall belong to the University unless the inventor provides to the Chief Academic Officer (CAO) promptly after the invention is reduced to practice, notice of the invention describing the circumstances under which the invention was conceived and reduced to practice and 1) any project or program sponsor, 2) any agreements, whether formal or informal, with the sponsor and 3) the extent to which University equipment or physical facilities were used in the work that resulted in the invention.
- (c) Upon such notice, the CAO shall execute a confidentiality agreement with the inventor. The CAO may seek opinions from faculty or other experts, also in confidence, as to the value or patentability of the invention. Within 120 calendar days of the date of the notice to the CAO, he or she shall notify the inventor if the University claims an interest in the invention and what steps, if any, it may take in the further exploitation of the invention. If the University claims no interest in the invention, the inventor shall be free to exploit the invention without University involvement, except for "shop rights."
- (d) If the University waives its claim to any invention, it shall retain "shop rights" as defined by Federal law to use the invention, without payment of royalties or other costs.
- (e) If the University develops the invention, which may include, but is not limited to, securing the patent and the commercialization or licensing the invention, the inventor and the University shall share equally all profits or royalties, after the University has recovered all of its development costs. These costs shall be construed as only costs accrued after the University claims an interest in the invention.
- (f) If the invention is wholly or partially the result of government funded research through the

University, the rights to the invention shall be governed by the provisions of the grant or appropriate governmental regulations or laws.

- (g) If the invention is the result of funding from industrial, philanthropic or other organizations or individuals, under contract or written agreement with the inventor and the University, rights to the invention shall be governed by the terms of such contract or agreement.
- (h) If the invention is the result of activities unrelated to use of the University facilities, supplies or otherwise outside the inventor's scope of employment, the University shall claim no interest in the invention.

**2-3-411(4) Modification by contract.** The provisions of this intellectual property policy may be modified by agreement of a faculty member and the University by means of a written agreement signed by the parties which explicitly provides that the terms of such agreement modify the provisions of this policy, specified in what manner it is modified, and recites the consideration supporting such modification.

### **2-3-412 Political Activity.**

The political rights and privileges of the faculty in the University are the same as those of other citizens. Political activities of faculty are recognized as legitimate and acceptable. The faculty member's primary responsibility is to his or her profession and the University. In seeking a reduction in workload or a leave of absence for political purposes, s/he shall give proper consideration to the problems which may be created for the students, faculty, and administration. A faculty member may not use public funds, services and facilities to further his or her individual political purposes. A faculty member shall avoid identifying the University with political issues or parties.

Whenever extensive campaigning or long or frequent absence from the campus is entailed, full and early understanding of these circumstances between the individual and the administration is imperative. The faculty member seeking or considering a full-time political office must so notify the President prior to the time of the public announcement of his or her intention to run for office.

Some kinds of political activity (such as holding local office) may not affect the faculty member's service to the University. However, if a reduction of his or her workload is deemed necessary, there shall be a corresponding reduction in compensation and benefits.

A faculty member may be granted a leave of absence without pay during campaigning for a political office and/or during actual service in an elective or appointive office. Such leave shall be governed by the provisions in 2-3-1004(1), Leave of Absence.

## **Part 5 Curriculum.**

### **2-3-501 Course Outline and Goals.**

For the mutual benefit and protection of students and faculty, every faculty member is obligated to share with students early in the term:

- (1) the course objectives.

- (2) the general strategy, topics, subject matter, materials and tasks to be employed to meet those objectives.
- (3) a list of tentative deadlines for accomplishment of assigned tasks. Lead time commensurate with the task should be provided.
- (4) the method, criteria and weight to be applied to each criterion in determining final grade.

## **Part 6 Academic Freedom and Professional Ethics.**

### **2-3-601 Academic Freedom.**

Academic freedom is the right to pursue and share ideas, information and knowledge without institutional or governmental interference. Faculty members are entitled to academic freedom in their teaching, their scholarly and artistic activities, and in the dissemination of the results of those activities. Implicit in the right to academic freedom is faculty adherence to professional ethics.

### **2-3-602 Professional Ethics.**

Faculty members recognize the special responsibilities placed upon them. Their primary responsibility to their discipline is to seek and to state the truth as they see it. To this end they spend energy on developing and improving their scholarly competence. They accept the obligation of exercising critical self-discipline and judgment in using, extending and transmitting knowledge. They practice intellectual honesty.

As teachers, faculty members encourage the free pursuit of learning in their students and hold before them the best scholarly standards of their discipline. They demonstrate respect for students as individuals and serve as their intellectual guides and counselors. They make every reasonable effort to foster honest academic conduct and to assure that evaluations reflect the true merit of student work. They respect the confidential nature of the teacher-student relationship and avoid any exploitation of students for private advantage and acknowledge significant assistance from them. Faculty members protect the students' academic freedom.

As a colleague, the faculty member has obligations that derive from common membership in the community of scholars: to respect and defend the free inquiry of associates; to show due respect for the opinions of others in the exchange of criticism and ideas; to acknowledge academic debts and to strive to be objective in the professional judgment of colleagues; to accept a share in the faculty responsibilities for the governance of the institution. As members of an academic institution, faculty members seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided these do not contravene academic freedom, they maintain the right to criticize and seek revision. When considering the interruption or termination of their service, faculty members recognize the effect of this decision upon the program of the institution and give due notice of their intentions.

As members of society, faculty members have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their discipline, to students, to the profession, and to the institution. When speaking or acting as private persons, faculty members avoid creating the impression of speaking or acting for the University. As citizens engaged in a profession that depends upon freedom for its health and integrity, faculty members have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

## Part 7 Faculty Salaries.

[See also 1-1-306 Faculty Salaries and University Regulations 3-3-701, et seq., Faculty Salaries]

## Part 8 Faculty Evaluation.

### 2-3-801 Procedures for Evaluation of Performance.

All faculty members [See also 2-3-201 Faculty: Definition and Contracts] being reviewed for reappointment, promotion, tenure, appointment to the graduate faculty, and all tenured faculty undergoing post-tenure review shall be evaluated in accordance with the procedures specified in this section 2-3-801, Faculty Evaluation and 1-1-307, Faculty Evaluation, and University Regulations 3-3-801, Implementation of Faculty Evaluation Procedures.

**2-3-801(1) Definitions.** Definitions are provided to give guidance and should be substantially adhered to in the processes that follow:

- (a) **Dossier:** Portfolio of information relative to performance and accomplishments during the comprehensive evaluation period, which shall include the updated vita; appropriate documentation; a representative sample of student evaluations, from each year, covering the range of teaching assignments; and other materials as the evaluatee deems appropriate. Student evaluations chosen as a representative sample will include all responses submitted by students for each course selected.
- (b) **Colleges:** Humanities and Social Sciences, Monfort College of Business, Education & Behavioral Sciences, Natural and Health Sciences, University Libraries, and Performing and Visual Arts.
- (c) **School:** An administrative subdivision of a college which may consist of one or more program areas. A school may be multidisciplinary, in which case it comprises more than one program area, or single disciplinary, in which case it comprises a single program area.
- (d) **Program Area:** For the purposes of this policy, "program area" shall mean a discipline based unit which may consist of several emphasis areas or graduate and undergraduate degrees.
- (e) **Department:** A department is an administrative subdivision of a college, which shall be considered to consist of one program area.
- (f) **Program Area Faculty:** For the purposes of this policy, "Program Area Faculty" shall mean the faculty of a program area within a school. In the case of a single discipline school, the faculty of the school is the program area faculty. In the case of a multidisciplinary school, the faculty of each program area within the school is the program area faculty.
- (g) **Department Faculty:** All of the faculty in a department will be considered to be members of a single discipline based unit.

- (h) Voting: All full-time tenured and tenure-track faculty in the program area will participate in review and evaluation of faculty in their discipline but only tenured faculty must participate in voting; each tenure-track faculty member may choose to vote or not. Tenured faculty in the program area who are on full-time administrative assignment may not vote. Nor shall adjunct or contract-renewable faculty vote.
- (i) Evaluation Conference Committee (ECC): A conflict resolution committee, convened by the dean, consisting of the dean, the department chair/school director, department/program area faculty or their designee. The ECC re-examines evaluation materials, responses, and any new information when there is disagreement among the recommendations of the faculty, the chair/director, and the dean regarding overall comprehensive evaluation, promotion, tenure, remediation, and disciplinary action.

**2-3-801(2) Types of Review.** Comprehensive Review is used for faculty who are under consideration for promotion, tenure, post-tenure review, or graduate faculty status. Tenured faculty will undergo a comprehensive post-tenure review on a five-year cycle. A faculty member must receive a comprehensive evaluation in any year upon his or her request. [See also 1-1-307 et seq., Faculty Evaluation and University Regulations 3-3-801 et. seq., Implementation of Faculty Evaluation Procedures.]

- (a) **Promotion Review.** Promotion review, when requested by the evaluatee, shall include:
  - (I) degree of progress toward promotion.
  - (II) action recommended.
- (b) **Tenure-Track Review.** Tenure-track review will address one or more of the following:
  - (I) degree of progress toward tenure.
  - (II) deficiencies requiring improvement and a development plan.
  - (III) whether requirements for the position as listed in the position description or as modified through the department/program area and school planning processes have been met.
  - (IV) whether tenure is recommended.
- (c) **Post-Tenure Review.** Post-tenure review shall address one or more of the following:
  - (I) Progress toward promotion, if appropriate.
  - (II) Deficiencies requiring improvement and a remediation plan, if needed.
  - (III) Recommendation and rationale.
- (d) **Graduate Faculty Status Review.** Faculty will be reviewed on a cycle established by the graduate dean to coincide with post-tenure review or every five years for non-tenured faculty. [See also the Graduate Faculty Guidelines and 2-3-107(3) The Graduate Council.]

**2-3-801(3) General Processes.**

- (a) **Comprehensive Review.** Comprehensive Review provides a regular, systematic evaluation of performance to encourage professional development and renewal; to encourage individual excellence and achievement; to encourage activities that contribute to the mission and goals of the University, the colleges, the departments, the schools, and the program areas; and to help those who are not achieving at satisfactory levels to do so. The evaluation process should encourage excellence in both traditional and innovative approaches to teaching, scholarly and other professional activities, and service.
- (I) Each evaluatee will prepare a dossier [See also 2-3-801(1)(a)] covering performance and accomplishments over the comprehensive evaluation period.
  - (II) Department/program area faculty will conduct its evaluation and forward its findings to the department chair/school director. The department chair conducts an independent evaluation of the faculty member's performance. A school director adds his or her evaluation of the faculty member's contributions to the school in accordance with the following procedure:
    - (A) in case the school director and evaluatee are in different disciplines, the school director's recommendation shall be on non-discipline specific matters only;
    - (B) in case the school director and the evaluatee are in the same discipline, the recommendation shall be based on all aspects of the evaluatee's performance.

Both of these evaluations will be forwarded to the dean. The dean will make an independent evaluation with rationale that is shared with the department/program area faculty, the department chair/school director, and the evaluatee.

- (III) In case of disagreement with the voting department/program area faculty by the department chair/school director or dean, the Evaluation Conference Committee (ECC) shall be convened by the dean to resolve differences and arrive at a common decision.
- (IV) If the ECC's cannot reach consensus, faculty, the department chair/school director, and the dean will forward their individual recommendations and rationale to the Chief Academic Officer (CAO).
- (V) The CAO, after insuring that procedures have been followed, shall make a recommendation to the President of the University.
- (VI) In cases of post-tenure review, graduate faculty status, and tenure track review, the President of the University will make the final decision. In cases of promotion or the granting of tenure, the President will forward his or her recommendations to the BOT, which will make the final decision.

(VII) The graduate faculty status review will follow procedures defined by the bylaws of the Graduate Council, as approved by the President.

(b) **Annual Review.** Annual Review provides a mechanism for regular feedback to all faculty members holding academic rank as to their performance, merit pay, and in assessing progress toward tenure and promotion. This review will occur each year during the spring semester in either of the following ways.

(I) Each department/program area will develop its own procedures for annual evaluation, subject to the approval of the department chair/school director. Each department's/program area's procedures must include a mechanism to resolve any differences among department/program area and dean's evaluations in cases where the dean chooses to evaluate all faculty [See also (III) below].

(II) If the department/program area and chair/school director cannot reach agreement on evaluation procedures, the same procedures used in comprehensive evaluation will apply.

(III) The department/program area will conduct its evaluation in accordance with its approved annual evaluation procedures and forward its findings to the department chair/school director. The department chair will conduct his/her own independent evaluation of the faculty member's performance. A school director will add his or her evaluation of the faculty member's contributions to the school in accordance with the following procedure:

(A) in case the school director and evaluatee are in different disciplines, the school director's recommendation shall be on non-discipline specific matters only;

(B) in case the school director and the evaluatee are in the same discipline, the recommendation shall be based on all aspects of the evaluatee's performance.

Both of these evaluations will be forwarded to the dean. The dean may, at his or her discretion, independently evaluate all or none of the faculty in the college. In case the dean chooses to evaluate faculty in his or her college, he or she will forward his or her findings, with rationale, to the department/program area faculty, the department chair/school director, and the evaluatee. In case a dean chooses not to conduct an independent evaluation, he or she must still do so in the case of any faculty member who chooses to appeal his or her evaluation from the department/program area department chair/school director.

(IV) In the case of tenure track faculty and tenured faculty at the rank of assistant or associate professor, the department/program area's annual evaluation will note, in addition to rankings in the three (3) performance areas, the evaluatee's progress toward a positive recommendation for tenure and/or promotion. In all such cases, the program area faculty, the department chair/school director and the dean shall comment on the evaluatee's progress toward tenure and/or promotion.

In the case of contract-renewable faculty in promotable ranks, the evaluatee may request

that the program area faculty and school director comment on the evaluatee's progress toward promotion; the dean may comment on the evaluatee's progress toward promotion.

- (V) If the dean conducts an independent evaluation, and if the dean's evaluation disagrees with that of the department/program area and/or chair/school director, after unsuccessful attempts have been made to resolve those disagreements, then the dean and the department/program area and chair/school director will forward their individual evaluations and rationale to the CAO, who will make the final decision.

**2-3-801(4) Evaluation Areas.** Unless otherwise specified in an evaluatee's job description, he or she will be evaluated in the areas of teaching, scholarly and other professional activities, and service. However, the faculty member need not contribute to each area equally in every evaluation period. Expectations and evaluations should be in accordance with the evaluatee's background, goals, experience, and current professional status, as well as the expectations of the department/program area and the characteristics of the discipline. For faculty such as Lecturers, Clinical Faculty, Research Faculty, or others whose job description does not include all three areas of academic work, appropriate evaluation criteria should be adopted by the Program Area faculty [See 2-3-305 Academic Titles]. The evaluation process must take into consideration the faculty member's assigned workload.

**2-3-801(5) Possible Consequences to Tenure Status.** A faculty member who receives an unacceptable comprehensive post-tenure review evaluation will be given a period of two (2) years to achieve an acceptable evaluation. Failure to do so will constitute grounds for disciplinary action, including the initiation of dismissal proceedings as specified in 2-3-1101, Disciplinary Action of Tenured Faculty.

**2-3-801(6) Confidentiality and Professional Ethics.** It is intended that all information reviewed, evaluation data collected, committee deliberations, decisions, and other work products generated during the course of evaluations conducted in accordance with this procedure shall be maintained as confidential, except as otherwise authorized under the terms and provisions of this procedure, or when used to administer the affairs of the University, or to comply with the law.

## Part 9 Promotion and Tenure Guidelines

### 2-3-901 Promotion Guidelines.

Promotion at the University provides a mechanism for the recognition of personal contributions of faculty members to the mission of the institution and its reputation as well as a professional contribution of the advancement of the state of the art and the society at large. While judgment of potential contributions must necessarily be based on past performance, it is expected that persons achieving a given rank will continue to take initiatives which are valued by the institution.

Although the administration of promotion policies at the University must be equitable, it must not be perceived as implying identical standards for types of contributions by each individual faculty member. The promotion policy must facilitate the recognition of diverse potentials which harmonize individual competence and initiative with institutional needs and values. The promotion policy attends to both qualitative and quantitative contributions, with greater emphasis on the former.

Although historically promotion policies have been primarily related to degree status and length of service, it is well recognized that these dimensions do not guarantee qualitative productivity for the institution, the profession, or society at large.

Further, it is well recognized that learning and growth occur in other than formalized learning environments.

Specific academic or professional qualifications, performance guidelines, and criteria for promotion shall be established by the program area faculty in consultation with the department chair/school director and be approved by the appropriate dean and the chief academic officer (CAO). Academic or professional qualifications shall satisfy the minimum qualifications for each rank as established in 2-3-302 Rank Requirements and 2-3-901(1) Academic and Professional Qualifications.

Relevant promotion criteria will be discussed with each faculty member in his or her department/school periodically so as to insure that each member is cognizant of program area and college performance expectations and his or her fulfillment of them. A school director will engage in this process according to the following principle:

- (1) in case the school director is in the same discipline as the program area, he or she will discuss these matters with each faculty member.
- (2) in the case the school director is not in the discipline of a program area, he or she shall assign someone from that program area to discuss relevant promotion criteria with each faculty member.

**2-3-901(1) Academic and Professional Qualifications.** The University must be committed to academic excellence, requiring faculty members to meet high academic and professional qualifications. Minimum eligibility requirements for promotion to the ranks of associate professor and professor require any one of the following:

- (a) Possession of an appropriate earned doctorate [See 2-3-302 Rank Requirements].
- (b) Academic degrees and/or professional certification considered terminal in specific disciplines. [See 2-3-302 Rank Requirements].
- (c) In exceptional cases, clearly demonstrated capacity for sustained and significant contribution to the goals of the University. [See 2-3-303 Equivalencies].

**2-3-901(2) Performance Guidelines.** The following are areas of contribution or initiative which are deemed valuable and attend to fulfilling the explicit or implicit mission of the institution. These identified areas do not establish criteria for judgment, but identify areas for which specific guidelines must be developed at the program area level to facilitate decisions regarding promotion in individual cases. It is not intended that faculty members would or could show initiative in all identified areas or that each would necessarily be appropriate in given program areas.

Major consideration will be given to fulfillment of contractual duties and performance in those duties (i.e. teaching, advising, librarianship, etc.) commensurate with the rank aspired to. Consideration will be given to performance and accomplishment in the areas which follow:

- (a) Area I - Excellence in Teaching, Librarianship, etc.

- (I) It is assumed that the use of this category would require as much extra effort and produce sufficient results as to be recognized "as productivity above and beyond the basic contractual duties of the aspired rank."
- (b) Area II - Professional Growth and Activities.
  - (I) Scholarly activities, i.e., research, knowledge dissemination, advancement of the state of the art, writing, etc.
  - (II) Professional involvement/active participation, i.e., leadership officership, service on task forces, commissions, etc.
  - (III) Presentations at professional organizations, learned societies, exhibitions, recitals, etc.
  - (IV) Continued formal education, professional development, seminars, workshops, professional internships, etc.
- (c) Area III - Professional Service and Institutional Leadership.
  - (I) Professional Service - Internal.
    - (A) Contribution to committees.
    - (B) Program development.
    - (C) Curricular and instructional innovations.
    - (D) Development of training facilities or placement opportunities for graduates.
    - (E) Resource development.
  - (II) Professional Service - External.
    - (A) Position-relevant professional consultation or service.
    - (B) Position-relevant government consultation or service.
    - (C) Position-relevant community service.
  - (III) Institutional Leadership.
    - (A) Increasing levels of leadership, responsibility and initiative.

**2-3-901(3) Time Guidelines.**

- (a) Instructors are eligible for consideration for promotion to the rank of assistant professor after completion of four years of successful academic performance, as long as they have met the minimum requirements necessary for appointment to the rank of assistant professor [See 2-3-302 Rank Requirements].

- (b) Assistant professors are eligible for considerations for promotion to the rank of associate professor after completion of four years of successful academic performance in rank, as long as they have met the minimum requirements necessary for appointment to the rank of associate professor [See 2-3-302 Rank Requirements].
- (c) Associate professors are eligible for consideration for promotion to the rank of professor after completion of four years of successful academic performance in rank, as long as they have met the minimum requirements necessary for appointment to the rank of professor [See 2-3-302 Rank Requirements].

**2-3-901(4) Promotion of Instructors.** The rank of instructor is reserved for contract-renewable faculty not holding professorial rank who have contractual duties in the area of scholarly and other professional activities [See 2-3-301 Academic Ranks]. Instructors shall be eligible for consideration for promotion to the professorial ranks in sequence (Assistant Professor, Associate Professor, and Professor). Such a promotion shall not require the subsequent use of a tenure-track contract [See 3-3-201(1)(a) Consideration and Conditions for Conversion to Tenure-Track].

**2-3-901(5) Promotion Criteria.** Promotion Criteria shall be developed by the program area faculty in consultation with its chair/director and approved by the appropriate dean and the CAO prior to consideration of any individual for promotion. Promotion criteria must be written within the confines of the University's promotion policy to insure that criteria for promotion are generally comparable throughout the University, yet accommodate differences within the academic disciplines.

**2-3-901(6) Eligibility.** Eligibility for consideration for promotion shall be based upon academic years in which the individual is contracted with the University to a full-time position. Up to three years credit (out of the five-year probationary period) toward both promotion and tenure may be negotiated by newly hired faculty who have been tenured, or who have held tenure-track appointments at another institution of higher education, or who possess a record of outstanding achievement in the area in which they are being hired. Under exceptional circumstances, faculty may become eligible for early consideration for promotion and/or tenure. Time in which the individual is on leave for academic purposes, with or without pay, shall be counted as if the individual had not been on leave. It shall be the responsibility of the individual who is eligible for consideration to initiate the review through a formal request to the appropriate department chair/school director.

**2-3-901(7) Consideration.** At the time of the formal request for consideration for promotion it shall be the responsibility of the candidate to document satisfactory fulfillment of the appropriate areas of consideration for promotion as defined within the approved college criteria for promotion.

**2-3-901(8) Review.** Professional ethics require that decisions regarding promotion be made on the basis of approved criteria. It is also important that professionals judging fellow professionals accept the responsibility to review appropriate and applicable supporting material to insure that decisions are fair and based upon the approved criteria. Review of each candidate shall be made by faculty members eligible under 2-3-801(1)(f) Voting, excluding the individual being considered for promotion. [See also 1-1-307 Faculty Evaluation, 2-3-801, et seq., Faculty Evaluations and 3-3-801, et seq., Implementation of Faculty Evaluation Procedures.]

Promotion and tenure become effective upon BOT approval.

**2-3-902 Tenure.**

**2-3-902(1) Purpose.** The purpose of tenure is to create an environment in which the concept of academic freedom is protected. The decision to grant or not grant tenure is influenced by the desirability of maintaining a continuing collegial and professional relationship between the candidate and his or her peer professionals. While a department/school cannot remain viable under conditions of sharp disharmony, neither can it achieve vitality in the absence of a diversity of interests, opinions, and personalities; a balance of these considerations must, therefore, be sought. Members of educational institutions -- concerned as they are with lively exchange of ideas and with students who themselves are varied in terms of interests and personalities -- should be particularly receptive to such differences, and particularly mindful of accepting them when making decisions about tenure. These areas necessitate that professionals must accept their responsibilities to other professionals, to students, to the University, and to the community at large.

**2-3-902(2) Eligibility.** Eligibility shall be calculated on full academic years in which the individual was contracted to a full-time, tenure-track position. Time which the individual has spent on leave or as a visiting faculty member shall not be calculated as applicable toward eligibility for tenure. Tenure is in a person's program area and does not apply to any administrative position.

**2-3-902(3) Tenure Guidelines.** Tenure-track faculty become eligible for tenure consideration in their fifth year at UNC but must receive tenure consideration in their sixth year. If tenure is denied in the fifth year, faculty may reapply in their sixth year. If tenure is not granted before the end of the sixth year, the seventh will be the terminal year.

- (a) Promotion and tenure become effective upon BOT approval.
- (b) In unusual circumstances, immediate tenure may be granted to faculty being hired from outside the University as associate and full professors.
- (c) Up to three years credit (out of the five-year probationary period) toward both promotion and tenure, may be negotiated by newly hired faculty who have been tenured, or who have held tenure-track appointments at another institution of higher education, or who possess a record of outstanding achievement in the area in which they are being hired.
- (d) Under exceptional circumstances, faculty may become eligible for early consideration for promotion and/or tenure.
- (e) Applications for promotion to the rank of associate professor by tenure-track faculty must always be accompanied by an application for tenure, so that the two decisions may be considered at the same time. In these cases, tenure and promotion to the associate rank must be granted at the same time.

**2-3-902(4) Administrators with Tenure.** Tenure shall not be lost by appointment to an administrative position and may be granted to administrative officers in their respective teaching disciplines or program area. Upon termination of the non-teaching position, a faculty member with tenure may return to the previous professional assignment or one of equal status in accordance 3-4-102, Contract/Appointment Status.

**2-3-902(5) Voting.** In all cases, tenure shall be granted only upon approval of a plurality of the faculty voting in the academic program area in which the faculty member will hold tenure. In the case of a negative program area vote on tenure, an appeal may be made to the Tenure Appeals Committee (Committee) as outlined in 2-3-902(6) below.

**2-3-902(6) Tenure Appeals Committee.** In the case of a program area voting against tenure, the faculty member may appeal to the Tenure Appeals Committee (Committee) which is herein established. The committee shall consist of two faculty representatives from each college, and one from the University libraries. Each college representative shall be a member of the faculty and shall serve for a term of two years. Elections shall be held annually so that one member of each college is elected each year. At the initial elections, one position in each college shall be designated as a one-year term. Elections will be conducted by the Faculty Senate and will be held during the spring semester. Terms of office will begin with the next academic year. The Committee shall select its own chair, and establish its own bylaws.

Appeals must be filed within ten working days (excluding winter and spring breaks) of notification of the program area vote. The Committee will hear appeals only in those cases in which the faculty member alleges that the program area's negative vote on tenure was arbitrary, capricious, or the result of prejudice. The Committee shall conclude its deliberations no fewer than ten working days before the date on which recommendations on tenure are due in the Office of Academic Affairs. If by a majority vote the Committee finds reasonable grounds for the allegations that the program area's decision was arbitrary, capricious or the result of prejudice, its decision, with rationale and a vote count, will be forwarded to the appropriate officer. If however, the Committee does not find reasonable grounds to support the candidate's allegations, tenure will be denied in that program area and the appellant will be notified.

## **Part 10 Faculty Leaves. [See Also 1-1-309 Faculty Leaves.]**

### **2-3-1001 Sabbatical Leave**

**2-3-1001(1) Purpose:** The sabbatical leave program at the University is designed to provide an opportunity for faculty growth and renewal and must be for the manifest, demonstrable benefit of the University in the promotion of teaching and scholarship. The purpose of sabbatical leave is to enhance professional growth, knowledge in the discipline, students' educational experience, and the University's reputation.

**2-3-1001(2) Sabbatical Leave Eligibility. [See also 3-3-1001(2) Term Faculty Considerations Agreement Addendum.]** Tenured and tenure-track faculty members, including librarians holding faculty appointments, shall be eligible for sabbatical leave consideration during the sixth year of full-time service to the University, i.e., eligibility occurs in the sixth year for leaves to be taken in the seventh, or in a subsequent year. Faculty members hired and continuously employed on term contracts will not be eligible for sabbatical leave consideration. Part-time tenured faculty members as defined in Title 2, Article 3, Part 2 Faculty: Definition and Contracts, and Title 2, Article 3, Part 4, Faculty Responsibilities and Conditions of Employment, 2-3-401, Faculty Workload will receive prorated credit toward their sabbatical leave eligibility in proportion to their FTE assignments, e.g., two semesters at .50 FTE will be counted as one semester of time-in-service. Only tenured faculty members are eligible to take a sabbatical leave. Exempt administrators who have faculty status are not eligible for sabbatical leave nor do they accumulate time-in-service toward sabbatical leave, but may be eligible for administrative leave (see 2-2-307).

Eligibility for sabbatical leave consideration shall be counted from a) the faculty member's date of hire, or b) the time of completion of a previous sabbatical leave, or c) the date established

according to the postponement provisions in 2-3-1001(5), Approval Procedures. Full-time service during an academic year, including paid sick and disability leaves, will count as one year toward time-in-service for sabbatical leave eligibility and a semester of full-time service will count as a half year toward time-in-service for sabbatical leave eligibility. Employment beyond the academic year, unless specified by contract, shall not count as time-in-service. Time spent in leave-without-pay shall not count as time-in-service.

If time spent in leave-without-pay is for the purpose of enhancing teaching, scholarship, or research, a request may be made to the department chair/school director and to the appropriate dean that the leave count as time-in-service for a sabbatical leave. This request must be part of the leave-without-pay application and must have the approval of the department chair/school director and the dean prior to the commencement of the leave.

**2-3-1001(3) Appropriate Use of Sabbatical Leaves.** [See also 3-3-1001(1) Sabbatical Proposals]. The activities undertaken during sabbatical leave must be related to the individual's on-campus responsibilities. The proposal must specify the effect on professional growth, development of knowledge in the discipline, influence on the students' educational experience, and the enhancement of the University's reputation. Once the goals and plan are approved, the faculty member is obligated to fulfill them, unless amended [See also 2-3-1001(5) Approval Procedures].

- (a) Examples of acceptable sabbatical proposals include, but are not limited to:
  - (I) The pursuit of research or study at an institution of higher education or similar entity where improvement of oneself as a teacher-scholar is the focus.
  - (II) The pursuit of research projects or creative endeavors within a faculty member's specialty to advance knowledge; improve the "state of the art," or to produce material for publication.
  - (III) The acquisition of practical experience that will directly enhance the individual's capacity to meet University responsibilities.
  - (IV) The pursuit of special studies or projects for the purpose of expanding institutional-related services beyond the faculty member's obligations.
- (b) Examples of unacceptable sabbatical proposals include, but are not limited to:
  - (I) Study at an institution of higher education, the primary purpose of which is to gain a degree in an area or discipline not related to current University responsibilities.
  - (II) Travel that is not directly related to University responsibilities. (A significant distinction is made herein between travel to improve oneself as a teacher-scholar and travel in and of itself.)
  - (III) Any sabbatical request within the faculty member's current obligations to the University. (Examples include rewriting of course materials, course development, and the like.)
  - (IV) Activities or research not related to current University responsibilities.

**2-3-1001(4) Restrictions.**

- (a) A sabbatical leave may not be terminal leave and may not be taken in the last year of service to the University. In accepting a sabbatical leave, the faculty member shall

agree to return to the University for at least the full-time equivalent of one academic year immediately thereafter. When the faculty member terminates his or her employment at the University within one academic year immediately after leave, the faculty member shall refund the sabbatical remuneration (including salary and benefits) to the University. In the case of permanent disability or death prohibiting the return to service, neither the individual nor the heirs shall be obligated to refund any part of the paid leave or benefits.

- (b) Leaves may be requested only for fall and/or spring semesters. However, summer term may be considered as a semester for University Libraries faculty sabbaticals.
- (c) A sabbatical leave may not immediately precede or follow an unpaid leave of absence unless recommended by the dean and approved by the CAO.
- (d) The appropriate dean and department chair/school director will insure that student academic programs will not be unduly disrupted by the granting of sabbatical.
- (e) Except as provided under 2-3-1001(6) Compensation, sabbatical leave shall not be used as a means of augmenting personal income.

**2-3-1001(5) Approval Procedures.** Approval of a leave request will be based upon the merits of the proposal communicated by the specific goals and plan for achievement outlined in the proposal.

- (a) **Sabbatical Proposal Submission.** Individual sabbatical leave proposals shall first be submitted to the department chair/school director, who will then call a meeting of the faculty. (See 3-3-1001(1) Sabbatical Leave Application Procedures.) After due consideration, this group will either recommend approval or disapproval of the proposal based on protocols developed by the department/school faculty in consultation with the chair/director and approved by the dean. This decision shall be based upon the merits of the proposal according to the standards of the academic discipline as well as resource and/ or staffing issues.
- (b) Proposals recommended by the faculty for approval will be forwarded to the department chair/school director who will make recommendations based upon the merits of the proposal according to the standards of the academic discipline as well as resource and/or staffing issues. Proposals not approved by the faculty for reasons of academic merit are disapproved and go no further in the process except for reporting purposes as specified in section (c) below. Proposals not recommended for approval by the faculty for reasons of resources and/or staffing issues will be forwarded to the department chair/school director who will make recommendations based upon the merits of the proposal according to the standards of the academic discipline as well as resource and/or staffing issues. The recommendations of the faculty and the department chair/school director will be forwarded to the dean who will make his/her recommendations based solely on resource and/or staffing issues, and on whether the proposal clearly addresses how it meets one or more of the appropriate uses of sabbatical leaves as specified 2-3-1001(3). The recommendations of the faculty, the department chair/school director and the dean will be forwarded to the CAO who will make the final decision and report such decision to the President and to the BOT. The applicant will be informed of the recommendations and will be afforded an opportunity to respond at each level of the review process up to the CAO, whose decision is final.
- (c) All proposals that are not recommended for approval, with the exception of those withdrawn by the faculty member, will be forwarded to the department chair/school director, dean, and CAO for reporting purposes.

- (d) All sabbatical leave proposals approved by the CAO will be presumed to be of equal merit. If for any reason in a given year the University cannot support all of the sabbatical leaves that have been approved, the CAO or his or her designee(s) will prioritize the proposals in the following manner:
- (I) Sabbatical leave proposals that are time sensitive will take precedence over proposals that are not time sensitive. A proposal will be deemed time sensitive if it cannot be completed at all if postponed beyond the proposed dates. Information relevant to making this determination must accompany the sabbatical leave proposal (See 3-3-1001(2) for required information.)
  - (II) Within each group of proposals ordered as in paragraph (I), any proposals that have already been postponed in favor of more time sensitive proposals will take precedence over proposals that have not been so postponed. Notes of any previous postponements must accompany the proposal.
  - (III) Within each group ordered by the above principles, proposals from faculty members for whom the period of time since last sabbatical leave has been longest take precedence over those for whom the period since the last sabbatical has been shorter. Proposals will contain an indication of the period of time since the last sabbatical leave or, in the case of a first sabbatical leave, since the time of hire.

When a leave is postponed for the above reasons, eligibility for the next sabbatical leave will be calculated as if postponement had not occurred.

- (e) Delay of Leave by Faculty Member. Faculty members who apply for and are granted a sabbatical leave, and who, for any reason, are unable to take the leave at the time specified, may request postponement of the leave for up to one year. Postponement requires the recommendation of the department chair/school director and dean. If in this time the individual has not begun the leave, the leave is null and void and the individual must submit a new application. When a leave is postponed, eligibility for the next sabbatical leave will be calculated as if postponement had not occurred.
- (f) Delay of Leave by the Dean. The dean for the affected unit has the right to change the effective dates of the leave. The dean may not postpone the leave for more than one year from the requested beginning date, unless the affected faculty member agrees. When a leave is thus postponed, eligibility for the next sabbatical leave will be calculated as if postponement had not occurred.
- (g) Proposal Revisions. Revisions of approved leave plans must be approved by the department chair/school director and dean. The applicant will be informed of the recommendations and, if the revised proposal is not approved, will be afforded an opportunity to provide additional information.

### **2-3-1001(6) Compensation**

- (a) Salary. Remuneration for a one-semester leave will be at full salary and for a full academic year (i.e., two semesters) will be 60 percent of the academic year instructional base salary. Faculty members on sabbatical leave may not receive compensation for overload teaching for the university.
- (b) Non-salary Compensation. During the period of sabbatical leave, in addition to the salary received from the institution, the faculty member may accept grants, awards, contracts, fellowships, allowances for transportation and/or cost-of-living differentials, or other compensation or stipends related to the approved sabbatical leave project. Any

such additional compensation is to be explained in the sabbatical leave proposal, or to be appended to the proposal if awarding occurs after the sabbatical leave proposal has been approved by the CAO. Policies regarding consulting and other outside activities remain applicable when a faculty member is on sabbatical leave. [See 2-3-409 Outside Activities and 3-3-401 Outside Activities.] In all cases, the acceptance of additional income by a person on sabbatical leave is justified only if the activity from which such income is accepted is congruent with the purposes of research, scholarly writing, creative endeavors, or clearly related professional experience and study for which the sabbatical leave is granted.

**2-3-1001(7) Sabbatical Leave Workload.** The work outlined in the approved sabbatical leave proposal constitutes the entirety of the faculty member's workload obligation to the University (1.0 FTE in the case of a full-time faculty member) during the sabbatical leave, whether for one semester or for two semesters.

**2-3-1001(8) Faculty Report Obligation.** In accepting a sabbatical leave, the faculty member agrees to provide to the department/school faculty a written report of the activities, the goals attained, and the benefits derived during the course of the leave. Upon approval of the faculty, the report will be forwarded to the department chair/school director and the dean. The department chair/school director and the dean will review the report to ensure it clearly addresses how the sabbatical leave met the appropriate uses of sabbatical leaves as specified in 2-3-1001(3). If the department chair/school faculty or dean finds the report unacceptable, the faculty member will be notified in writing and will have the opportunity to respond. Once the report has been accepted, copies will be forwarded to the CAO. Faculty members who do not submit an acceptable report within one academic year of completion of the leave shall not be eligible for subsequent sabbatical leaves.

**2-3-1001(9) Institutional Accountability.**

- (a) All sabbatical leave records and approved and disapproved plans, will be available for inspection, upon request, by the Joint Budget Committee, the Education Committees of the Senate and the House of Representatives, and the Colorado Commission on Higher Education. Withdrawn plans will not be included in the records and will be returned to the faculty members.
- (b) Final sabbatical reports are not considered a part of personnel files and become open record for public disclosure pursuant to the Colorado Open Records Statute (C.R.S. 24-72-204).

**2-3-1002 Special Leaves.** Provisions are made herein for leaves with pay not covered in the sections on sabbatical leave and administrative leave. Special leave may be granted upon its merits by recommendation through the appropriate administrative channels. Examples of special leaves include: leaves for retraining faculty who are changing instructional specialties at the request of the University, leaves to update or retrain administrators who are transferring from administrative duties to the primary duty of classroom instruction and leaves demanding full-time service to assume leadership in national organizations.

**2-3-1003 Paid Leaves.**

**2-3-1003(1) Holiday Leave.** Holiday leaves are determined in accordance with State regulation. Since the University may be in session during approved holidays, compensatory time is declared at the option of the University, either on days adjacent to University holidays or during vacation periods. [See also 2-2-304 Holiday Leave.]

**2-3-1003(2) Short-Term Disability Leave.** Full-time faculty employees of the University shall be granted 90 days sick leave eligibility per academic year at full pay. The days of sick leave are to be calculated according to State personnel regulations. Loss to the University of professional services due to sick leave within the 90-day period will be covered by professional colleagues whenever possible. A long-term disability program is available through insurance providers (contact Human Services). Upon termination or retirement, payment for unused sick leave eligibility shall not be granted. [See also 2-2-30 Short-Term Disability (Sick) Leave.]

**2-3-1003(3) Maternity Leave.** Maternity leave as used in this section is defined as that period of time in which a woman is unable to perform the duties of her position directly due to birth of a child, medical complications of pregnancy, or medical complications of childbirth. The University treats complications of pregnancy, childbirth, false pregnancy, terminations of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any temporary disability for all job related purposes.

The University requires no arbitrary date of commencement nor termination of maternity leave. The leave shall commence when the staff member is physically unable to perform the duties of her assigned position and shall terminate when she is physically able to return to those duties. The University reserves the right to require a qualified professional's statement to support the individual's request for specific beginning and ending dates of maternity leave. In addition, the University reserves the right to request a second qualified professional's opinion. If a second opinion is requested, it shall be made by a qualified professional designated by the University and paid by the University. In case of disagreement, the ultimate decision regarding length of maternity leave shall rest with the administration.

Upon return from maternity leave, the individual's position, title, and salary shall be the same as if the individual had not been on leave, subject to existing University policies, regulations, and procedures. Accrued sick leave and accrued vacation leave benefits (where applicable) shall be used for maternity leave. Requests for maternity leave shall be directed to the individual's supervisor and to the appropriate dean or vice president. The University requests that notice regarding maternity leave shall be directed to the individual's supervisor and to the appropriate dean or vice president. The University requests that notice regarding maternity leave be given with ample time to allow planning for replacements and all other arrangements necessary for the continuation of the duties of the individual who will be on leave. Requests for extended leave beyond necessary durations or after exhaustion of accrued sick or vacation leave, not directly relating to physical inability to perform the duties of a position due to birth of a child, medical complications of pregnancy, or medical complications of childbirth may be granted as leave without pay.

**2-3-1003(4) Parental Leave Policy.** [See also 2-2-307(4) Parental Leave Policy.] Any full-time University faculty or exempt employee who becomes the primary caretaker of a child under the age of six, whether through birth or adoption, shall, upon request, be granted leave subject to the following conditions:

- (a) In the case of a birth parent, written notification containing a specific request for parental leave shall be given the University employee's immediate supervisor at least 90 calendar days prior to the anticipated birth of the child. Should birth occur more than 90 calendar days in advance of the anticipated birth of the child, parental leave may be requested immediately.

- (b) In instances of adoptive custody of a child, written notification shall be given the employee's immediate supervisor when the adoption home study or custody home evaluation has been completed and approved. This notification must contain a specific request for parental leave. In cases of private adoptive custody placement, such notification must be given the employee's immediate supervisor as soon as such placement has been authorized by the affected parties or their legal representatives.
- (c) Leave for one person designated as the primary caretaker [for purposes of this document, "primary caretaker" shall refer to the individual(s) identified by the family as most responsible for fulfilling significant nurturing needs of the child]. Only one University employee within a family may be the primary caretaker at a given time which will commence at the time of birth or adoptive custody and continue for 60 continuous days. These days shall be taken first from the employee's accrued sick leave, and, if necessary, from accrued vacation leave. If adequate accrued sick/vacation days are not available, the remaining days shall be unpaid leave. Should (c) a woman who gave birth be on maternity leave from the University, she shall be considered the primary caretaker, at least during the time of her maternity leave.
- (d) Should additional leave be required, the primary caretaker may be granted unpaid leave as provided for in Leaves Without Pay. Written requests for such leave shall be submitted to the employee's immediate supervisor within 30 calendar days of the time the child enters the home. In considering such leave requests, the age/special needs of the child and the requirement(s) of the adoptive agency (if applicable) shall be taken into consideration by the Administration.
- (e) Upon return from parental leave, the individual's position, title, and salary shall be the same as if the individual had not been on leave, subject to existing University policies, regulations, and procedures.

**2-3-1003(5) Vacation Leave.** Full-time librarians shall be entitled to vacation leave as provided in 2-2-301, Vacation Leave.

**2-3-1004 Unpaid Leave.**

**2-3-1004(1) Leave of Absence.** A leave without pay may be granted by the University upon request of a faculty or staff member. Leaves without pay will be approved by the department chair, the dean, the CAO, the President, and the BOT. A leave without pay may be granted an individual for the pursuit of a degree program, leaves for the betterment of society including election to a city, State, or national office, etc. Time spent on leave without pay granted prior to tenure shall not, in itself, affect a faculty member's rank, but will not be counted as time toward eligibility for consideration for tenure. With respect to appointment term, promotion period, and salary schedule, the individual's position shall be the same as it would be if the individual had not been on leave. A period of time spent on leave without pay will, however, affect an individual's service credit toward PERA benefits as well as the survivor and disability protection of the employee. A "Certification of Leave of Absence" form must be completed prior to the "Leave of Absence." It is important that appropriate provisions are made with the appropriate University offices for continuation of fringe benefits, if desired, prior to the beginning of the leave without pay. The employee on leave shall be responsible for payment of all amounts necessary to continue such benefits.

Leaves without pay may be granted for periods up to one year and may be renewable for a period of no more than one fiscal additional year.

**2-3-1004(2) Military Leave.** The provisions of 2-2-305, Military Training Leave, and 2-2-306, Military Leave, govern the exempt staff.

## **Part 11 Disciplinary Action [See Also 1-1-310 Disciplinary Action of Tenured Faculty.]**

### **2-3-1101 Disciplinary Action of Tenured Faculty**

**2-3-1101(1) Internal Review.** See 1-1-310(1), Internal Review.

**2-3-1101(2) Suspension.** See 1-1-310(2), Suspension, and 2-3-1101(3)(a), Initiation of Proceedings.

**2-3-1101(3) Dismissal.** See 1-1-310(3), Dismissal.

**2-3-1101(3)(a) Initiation of Proceedings.** Proceedings which may result in a recommendation of dismissal of a faculty member may be initiated by the President, Chief Academic Officer (CAO), academic deans, or directors by communicating said recommendation to the President. The President will send such recommendation to the Faculty Senate Faculty Welfare Committee (Welfare Committee). The President may direct that the affected faculty member be relieved of some or all of his or her duties and responsibilities, without prejudice and without loss of compensation, pending the final disposition of his or her case.

**2-3-1101(3)(b) Conduct of Proceedings.** Upon receipt of a recommendation for dismissal, the Welfare Committee shall give written notice within five working days to the faculty member affected and to the chair of the Faculty Senate. The notice shall state the charges (as prepared by the President or the CAO) and shall advise the faculty member that he or she has the right to a hearing before the Welfare Committee upon making written request to said Committee not later than ten working days after receipt of the notice. Any member of the Welfare Committee who is directly involved in the case shall be disqualified.

- (I) The Welfare Committee shall within ten working days initiate a hearing of the case referred to it and may call upon anyone for relevant information. The President, CAO, and the administrative unit, in which the affected faculty member is employed, or their representatives or counsel(s), and the affected faculty member and his or her advisor(s)/counsel(s) may:
  - (A) be present at all meetings of the committee in which evidence or argument on the case is heard;
  - (B) present such evidence as each deems appropriate;
  - (C) call, examine and cross-examine witnesses;
  - (D) examine all documentary evidence received by the Welfare Committee;
  - (E) make recommendations to the Welfare Committee prior to the conclusion

of the Welfare Committee's investigation whereupon such recommendations shall become a part of the Welfare Committee's record of the case.

If there are multiple sessions of the hearing, these shall take place within a twenty working day period. A full stenographic record of the hearing shall be taken.

- (II) After the completion of the hearing, the Welfare Committee shall file a written report within fifteen (15) working days with the Faculty Senate. The report shall contain the grounds for the Welfare Committee's conclusions and recommendations. The Faculty Senate may exercise its right of review of its Welfare Committee's actions.
- (III) Within fifteen (15) working days, after receiving the conclusion and recommendations of the Welfare Committee, a written report of the action taken by the Welfare Committee, together with the record of its review proceedings, shall be filed by the Senate with the affected faculty member, the administrative head of the college or school who initiated the proceedings, the CAO, and the President. In filing the report and record with these persons, the Faculty Senate may also include its recommendations on the Welfare Committee's findings, conclusions and recommendations. The affected faculty member, the CAO, and the administrative heads of the college and school affected may, within ten working days after receiving copies of the Welfare Committee's report and the record, file written comments with the President.
- (IV) The President shall thereafter review the record of the case and shall formulate recommendations and the reasons therefore. The affected faculty member and the Faculty Senate shall be furnished copies of the President's recommendations and may, within ten working days after receiving same, submit to the President written comments respecting the recommendations. The full record of the case, including the recommendations of the President and any comments by the affected faculty member or the Faculty Senate, shall then be transmitted by the President to the BOT for final action.
- (V) Within ten (10) working days after the President transmits a recommendation to the BOT, the affected faculty member may submit a request in writing to the BOT for a hearing. A hearing before the BOT will be in accordance with the procedures established by the BOT which may include, but not be limited to, a subcommittee of the BOT or the appointment of a hearing officer.
- (VI) The final action taken by the BOT will be communicated to the chair of the Faculty Senate, the school director, the dean, the CAO and the President.

## Part 12 Faculty Grievance.

### 2-3-1201 Faculty Grievance.

This policy sets forth definitions and procedures concerning faculty grievances. All discussions, deliberations, and documents under this policy shall be held in the utmost confidence.

#### 2-3-1201(1) Definitions.

**2-3-1201(1)(a) Eligibility.** All faculty members shall have the right to seek redress of grievances within the University community.

**2-3-1201(1)(b) Grievable Matters.** Grievable matters are those in which one or more faculty members in a specific instance allege(s) that a university policy or procedure has been violated to the detriment of his or her/their academic freedom, professional status, compensation, and/or the advancement in the profession s/he/they represent or in other ways. In cases of dismissal of tenured faculty, the applicable procedures are those at 1-1-310 and 2-3-1101. In cases of contract non-renewal of all other faculty, the applicable procedures are those outlined in this policy.

**2-3-1201(1)(c) Faculty Grievance Committee.** The Faculty Grievance Committee (Grievance Committee) is designated as the hearing authority for all grievances except for those which have their own procedures. A Grievance Committee of twelve (12) full-time faculty members shall be appointed by the Chair of the Faculty Senate and confirmed by the Senate to three-year, staggered terms. The Grievance Committee shall select its own chair and two (2) other committee members who, in addition to the chair, may be asked to chair hearing panels. In the instance of especially **2-3-1201(1)(c)** heavy case loads, the Chair of the Senate may appoint with Senate confirmation additional members to the Grievance Committee.

**2-3-1201(1)(d) Working Days.** "Working Days," as used in this Board Policy Manual, means all days other than (a) those designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, (b) the days following the last day of classes of the fall semester and prior to the first day of classes of the spring semester, (c) the days following the last of classes of the spring semester and prior to the first day of classes of the fall semester of the following academic year, and (d) Saturdays and Sundays.

**2-3-1201(2) Preliminary Procedures.** The aggrieved person(s) (herein after called the grievant(s)) shall discuss the alleged violation with the appropriate department chair/school, director, academic dean, and the Chief Academic Officer (CAO) in that order. These discussions must take place within thirty (30) working days of the date of the alleged violation. Should these discussions fail to resolve the issue, the CAO shall notify the grievant(s) in writing within fifteen (15) working days that the administrative review processes have been exhausted.

**2-3-1201(2)(a)** If the grievant(s) then wishes to file a grievance, s/he/they shall submit it in writing to the chair of the Grievance Committee within thirty (30) working days of written

notification by the CAO. The grievant(s) shall state:

- (I) the exact nature of the grievance,
- (II) name(s) of the party(s) (herein after called the respondent(s)) alleged to have committed the violation, and
- (III) the relief requested.

**2-3-1201(2)(b)** Within ten (10) working days of receipt of the written notification, the chair of the Grievance Committee shall do the following:

- (I) select five (5) members of the Grievance Committee, including a chair, to form the Hearing Panel (Panel) to hear the grievance.
- (II) convey to the President, the chair of the Senate, the panel members, and the respondent(s) copies of the grievance.
- (III) provide the grievant(s) and respondent(s) with the proposed time-table and procedure for the hearing.

From this point, the Panel assumes responsibility for conducting the grievance proceedings.

**2-3-1201(2)(c)** Upon receipt of the written notification from the chair of the Grievance Committee, the grievant(s) and respondent(s) shall have ten (10) working days to submit in duplicate initial arguments, a list of witnesses, exhibits and other evidence to be presented at the hearing, together with the name of his or her/their counsel. This information, together with all exhibits and evidence, shall be delivered to the chair of the Panel who shall promptly make it available to grievant(s), respondent(s), and the Panel.

**2-3-1201(2)(d)** Once the exchange of evidence is complete, the Panel shall within twenty (20) working days hold a hearing on the case. A full audio recording of the hearing shall be taken.

**2-3-1201(3) The Hearing - General.** The expectation is that the hearing shall be reasonable and fair. The participants in the hearing shall be the Panel, the grievant(s) and his or her/their counsel and **witnesses**, and the respondent(s) and his or her/their counsel and witnesses. The hearing shall be closed to all other parties. Witnesses will be present only during their own testimony unless all parties agree otherwise. The goal of the proceedings shall be to insure that the Panel shall be able to hear all relevant positions, examine all materials submitted in the exchange of evidence, and analyze all dimensions of the case.

**2-3-1201(4) Hearing Procedures.** Members of the Panel may ask questions of either party in the case or any witness called. All parties in the case shall be given the opportunity to ask **questions of all witnesses called by either side. Steps in the hearing itself will be as follows:**

**2-3-1201(4)(a)** The chair of the Panel shall introduce the case by reviewing the steps below for the hearing, clarifying any procedural points regarding evidence to be introduced, stating that the burden of proof lies with the grievant(s), and any matter which should appropriately be resolved before hearing the case. Matters of concern should be raised at this point if any party to the case

has a question or complaint. Questions regarding procedure shall be decided by the Panel prior to the beginning of the hearing.

**2-3-1201(4)(b)** The grievant(s) shall be given the opportunity to make an opening statement outlining his or her/their case.

**2-3-1201(4)(c)** The respondent(s) shall then be given the opportunity to make an opening statement outlining his or her/their case.

**2-3-1201(4)(d)** The grievant(s) shall present his or her/their case.

**2-3-1201(4)(e)** The respondent(s) shall present his or her/their case.

**2-3-1201(4)(f)** The grievant(s) shall be given the opportunity to make closing arguments.

**2-3-1201(4)(g)** The respondent(s) shall be given the opportunity to make closing arguments.

**2-3-1201(5) Hearing Panel Report.** Within ten (10) working days of completion of the hearing, the chair of the Panel shall file a copy of the report with the President, grievant(s), and respondent(s). The Panel's report shall consist of three (3) parts: findings of fact, recommended course of action, and rationale. If the action already taken is upheld, the report shall contain a specific statement of the rationale or reasons supporting that recommendation. The chair of the Panel shall file a copy of the report and the audio recording of the hearing with the Faculty Senate Office. Within ten (10) working days after receiving this report, the affected persons may submit an appeal in writing to the President. The President shall consider any such appeal before taking final action or making a recommendation for action to the BOT. The President will render a decision within ninety (90) calendar days. Final disposition of the case by the President shall be reported to the Senate in executive session. S/he shall notify the grievant and respondent of the decision prior to reporting to the Senate. A copy of the President's final report shall be filed in the Faculty Senate Office.

## **Part 13 Severance.**

### **2-3-1301 Severance.**

**2-3-1301(1) Non-Reappointment.** A recommendation not to reappoint or not to grant tenure to a non-tenured faculty member shall be made to the faculty member in writing. A recommendation not to continue the appointment of a faculty member holding tenure with more than three years of service at the University because of program or budget exigencies shall be made in accordance with 2-3-1301(5)(d), Identification and Notice of Faculty Whose Contractual Rights, are to be Reduced or Terminated. The provisions of this section shall not be applicable to a dismissal for other good cause.

**2-3-1301(2) Resignation.** An employee may terminate his or her contract:

- (a) by giving written notice to the University's signatory on the contract at least sixty (60) calendar days prior to the first day of the contract period, or
- (b) at the end of an academic term, provided written notice is given to the University's signatory on the contract at least thirty (30) calendar days prior thereto.

**2-3-1301(3) Retirement.** No age limit.

**2-3-1301(4) Transitional Appointments.** Full-time tenured faculty members may be granted a transitional appointment, subject to the approval of the President and fulfillment of the conditions in this section 2-3-1301(4). A transitional appointment allows for a phased disengagement from full-time teaching, research, and service in anticipation of retirement. During the time of transitional appointment the faculty member continues to be an active, productive member of the academic unit while at the same time having the time and opportunity to prepare for the time of full retirement. The faculty member on a transitional appointment continues to participate in the teaching, advising, service and research activities of the department/school subject to the part-time provisions of his or her appointment.

- (a) Eligibility. Full-time, tenured faculty members are eligible to request a transitional appointment. Academic administrators who also hold a tenured faculty appointment are eligible to request a transitional appointment within the context of their academic faculty roles. Administrative professionals and non-tenure track academic faculty are not eligible for transitional appointments. A transitional appointment may not be used in lieu of any other form of leave provided at the University, including, but not limited to, parental, medical, disability or personal leave.
- (b) Review and approval. Transitional appointments must be approved by the President after review by the department chair/school director, dean and chief academic officer. Transitional appointments will be evaluated on the basis of the needs of the University.
- (c) Procedure for requests. Requests for transitional appointment should be submitted in writing to the department chair/school director one full academic year before the requested commencement of the transitional appointment. A time period of less than one year may be allowed only in those cases where such appointments with lesser notice are considered to be in the interest of the University and with the approval of the department chair/school director, the dean, the chief academic officer (CAO) and the President.
- (d) Term. A transitional appointment is normally for a term of one year, but may have a term of no more than four years with the approval of the department chair/school director, dean, CAO, and the President. A transitional appointment concludes with the abrogation of tenure. However, this does not preclude subsequent full-time or part-time employment in a non-tenured position subject to the needs and resources of the university. After the commencement of the transitional period, a transitional appointment may not be modified to a regular appointment. A faculty (d) member may elect to take full retirement prior to the end of the transitional contract provided he/she gives notice of his or her intent to retire at least thirty (30) days prior to the end of the academic term immediately prior to the faculty member's chosen retirement date.
- (e) Tenure status. A faculty member on a transitional appointment retains tenure until the conclusion of the transitional appointment.
- (f) Salary/workload. The terms of a transitional appointment shall normally be fifty (50) percent of the faculty member's normal appointment time and fifty (50) percent of a full work load at 50 percent salary, but exceptions which permit a variation from the fifty (50) percent may be negotiated. In no case shall the percentage of salary paid during a transitional appointment

exceed the pro rata percentage of the assigned FTE during the transitional appointment contract. Exact percentages are subject to negotiation between the University and the faculty member and shall be spelled out in the transitional appointment contract and approved by the process provided in 2-3-1301(4)(d).

- (g) **Benefits.** Faculty members on transitional appointments who participate in the University's Optional Retirement Plan (ORP), are eligible for all benefits, and receive the University's benefits contribution on the same basis as other faculty with regular appointments within the ORP. Faculty members on transitional appointments who are PERA annuitants are eligible for all benefits except university contributions to PERA, but may be subject to PERA's annuity penalty for "post retirement" work for a PERA affiliated employer, including the University, in excess of 110 days in any calendar year. Transitional faculty receiving PERA annuity should determine directly with that organization what effects, if any, these transitional appointments have on their PERA annuity amounts.
- (h) **Pay and benefit adjustments.** Faculty members on transitional appointments are considered for any pay and benefit increases on the same basis as faculty holding regular appointments, proportionate to the extent of the appointment. Leave policies shall be in effect, except that faculty on transitional appointments are not eligible for sabbatical leaves.

**2-3-1301(5) Reduction in Force.** This document establishes the process which shall be followed by the University in implementing a Reduction in Force. This document also sets forth procedures for the identification of faculty whose contractual rights are to be reduced or terminated due to a Reduction in Force and defines the procedure which is due each individual affected by Reduction in Force. This document may be supplemented or amended from time to time, as set forth in 2-3-1301(5)(h), Amendment.

**2-3-1301(5)(a) Definitions.**

- (I) **Administrators:** Administrators are exempt employees of the University who are not faculty members as defined below.
- (II) **Board:** The Board is the BOT of the University of Northern Colorado.
- (III) **Faculty Members:** For the purposes of this document, faculty members are employees of the University whose contractual agreement includes an FTE assignment for classroom teaching, research, service, departmental/divisional administration, coaching and/or librarian assignments. For the purposes of this document, individuals who are serving in faculty and/or administrative positions and who maintain the right to a tenured or tenure-(III) track position within the University shall be considered faculty members to the full extent of their tenure rights. Individuals who maintain the rights to a faculty position and whose salaries are fully or in part paid by grants or other non-State funds shall be considered faculty members to the full extent of their retained rights. The term "faculty member" shall not include graduate or teaching assistants, emeritus faculty appointments, or employees within the Colorado State Personnel System.
- (IV) **Financial Exigency:** Financial exigency is a bona fide and demonstrable financial crisis which materially threatens the ability of the University to continue its

statutorily mandated function, and which is caused by:

- (A) A substantial reduction in the legislative general fund revenues appropriated and available to the University or
  - (B) A substantial reduction in tuition funds or other cash funds available to the University, which cannot be alleviated by less drastic means.
- (V) Full-time Faculty Members: Full-time faculty members are faculty members with 1.0 FTE assignments within the University for at least two semesters in the fiscal year in which the plan is being formulated which consists of classroom teaching, research, service, departmental or divisional administration, coaching, and/or librarian assignments. Employees who maintain the right to return to a full-time faculty position shall be considered full-time faculty members. BOT approved leaves, including, but not limited to sabbatical leave, shall not affect full-time status for the purposes of this document.
- (VI) Joint Retrenchment Committee. The Joint Retrenchment Committee (JRC) is an ad hoc committee consisting of the CAO, two other University employees chosen by the President, five (5) faculty members elected by the faculty according to procedures to be established by the Faculty Senate Elections Committee and, at the discretion of the Student Senate, one (1) student chosen by the Student Senate. Such procedures shall assure that the five (5) faculty members come from five different schools/colleges. The chair of the Faculty Senate shall then select an additional faculty member to preside over the Joint Retrenchment Committee who shall not vote except in the case of a tie vote. The committee will remain in force throughout the period of the financial exigency and the completion of all aspects of the plan (including recall).
- (VII) Part-time Faculty: Part-time faculty members are faculty members who are not full-time faculty as defined above.
- (VIII) President: The President is the chief executive officer of the University. Duties of the President as described in this document may be delegated in writing by the President to a designee.
- (IX) Program Area: Program area is that portion of a department, division, or school having a clearly defined existence as designated by the CAO in consultation with the appropriate chair/director and the unit dean, in which faculty members perform their duties and as may be designated in each faculty members' contract of employment.
- (X) Program Discontinuance or Reduction: Program discontinuance or reduction is the elimination or reduction of a program area pursuant to a Reduction in Force.
- (XI) Reassignment: Reassignment is the change of the job title, job description, and/or job assignment of a faculty member employed by the University on the date the BOT initiates a Reduction in Force.

- (XII) Recall: Recall shall be the appointment of a faculty member whose contractual rights were reduced or terminated by a Reduction in Force, to a position which is equivalent to the position formerly held before the Reduction in Force. The President, in consultation with the JRC, shall determine the equivalency of the positions.
- (XIII) Recall Period: The recall period is for 1,095 calendar days following the effective date of a Reduction in Force.
- (XIV) Reduction in Force: Reduction in Force is the partial or complete separation from service to the University of tenured faculty, or the removal of tenure-track or term faculty prior to the end of the specified term of their contract. A Reduction in Force is accomplished pursuant to the process and procedures described in this document, and except for dismissal or suspension for cause pursuant to 1-1-310(3), Dismissal, is the only means by which tenured faculty may be reduced or terminated. A Reduction in Force must be based on one (1) of the following factors:
- (A) Financial exigency;
  - (B) A material change in the educational priorities of the University, made in good faith;
  - (C) The clearly demonstrated failure of a program to contribute to the University's established role and mission; or
  - (D) A legislative or gubernatorial directive to change the educational priorities of the University or to eliminate or reduce teaching or faculty personnel or a program, degree or course of study.

When Reduction in Force is based on financial exigency, factors other than financial crisis, including the desire to reorganize the University or to implement long-range educational policy, shall not be used to justify the declaration of financial exigency. However, declaration of financial exigency shall not preclude consideration of these factors in developing solutions for resolving the crisis.

When Reduction in Force is being considered for reasons other than financial exigency, financial reasons may play a significant role in the decision to reduce the number of programs or the scope and size of specific programs, however, the identification of the program(s) proposed for elimination or reduction and the final decision on whether the program(s) will be reduced or discontinued shall be based primarily on reasons of educational policy.

- (XV) Reduction in Force Plan: A Reduction In Force Plan is a plan developed pursuant to 2-3-1301(5)(c), Procedures for the Development of a Reduction in Force Plan, as a result of the BOT decision to initiate a Reduction in Force.
- (XVI) Re-employment: Re-employment shall occur when a faculty member whose contractual rights were reduced or terminated by a Reduction in Force is employed in a position within the University which is neither equivalent to the position

formerly held nor the result of a reassignment.

(XVII) Retrenchment: A reallocation, reduction, or elimination of resources which may include a Reduction in Force.

(XVIII) College: Colleges include the following units of the University: Arts and Sciences, Business Administration, Education, Health and Human Sciences, Performing and Visual Arts, and the University Libraries. For purposes of this section 2-3-1301, Severance, "Unit" and "College" may be used interchangeably.

(XIX) Tenured Faculty Member: A tenured faculty member is a faculty member serving under a tenure contract.

(XX) Tenure-Track Faculty Member: A tenure-track faculty member is a faculty member who is serving under a tenure-track contract.

(XXI) Term Faculty Member: A term faculty member is a faculty member under a term contract.

(XXII) Time-In-Service

Time-In-Service in a Program Area: The total number of semesters that a faculty member has been employed within a program area.

Time-In-Service in a Department/Division: The total number of semesters that a faculty member has been employed within a department/division/school.

Time-In-Service in the University: The total number of semesters that a faculty member has been employed within the University.

- (A) Only faculty members who have at least a 0.50 FTE academic year assignment in classroom teaching, research, service, departmental/divisional administration, coaching, and/or librarian assignments shall be eligible to accrue time in service in a program area or in a department/division/school.
- (B) Semesters spent on sabbatical leave or other approved leave of absence will count toward time-in-service in a program area, a department/division/school, and in the University.
- (C) Except for approved leaves of absence under the conditions of (B) above, the recall provision in 2-3-1301(5)(e)(V), Recall of Reduced Faculty to Equivalent Positions, the reassignment provisions in 2-3-1301(5)(e)(III)(A), and the retraining provisions in 2-3-1301(5)(e)(III)(B), Assistance for Faculty Facing Reduction in Force, a break in service in a program area, a department/division/school, and the University has occurred when a faculty member has not been employed in the University for two or more semesters in a fiscal year. A faculty member shall not be entitled to count any time-in-service in a program area, a department/division/school, or the

University accrued prior to such a break in service: time-in-service in a program area, a department/division/school, and the University shall not be considered broken by BOT-approved leaves of absence, paid or unpaid.

- (D) Time-in-service shall be determined as of the date the BOT initiates a Reduction in Force.
- (E) Chief Academic Officer (CAO)/Vice President for Academic Affairs: The Vice President for Academic Affairs is the Chief Academic Officer (CAO) of the University. Duties of the Vice President for Academic Affairs as described in this document may be delegated in writing by the CAO to a designee.

**2-3-1301(5)(b) The Joint Retrenchment Committee.**

- (I) Creation of the Committee: The Joint Retrenchment Committee shall be created as set forth in 2-3-1301(5)(a), Definitions, at such time as the President shall make a preliminary determination, as described in 2-3-1301(5)(c), Procedures for the Development of a Reduction in Force Plan, that a financial exigency may exist or that one of the other factors which may authorize a Reduction in Force may exist.

The President's preliminary determination and all related documentation (supporting or opposing the President's preliminary determination) shall be submitted to the Joint Retrenchment Committee, which shall thereupon conduct an investigation and submit its written report to the President within sixty (60) days after its creation. The report shall reflect the Joint Retrenchment Committee's determination that:

- (A) A financial exigency may or may not exist.
- (B) That any of the other factors which may give rise to a Reduction in Force does exist or does not exist.
- (C) If a financial exigency may exist, a recommendation of those means, short of a Reduction in Force, which may be utilized to prevent or minimize a Reduction in Force.
- (D) If any of the other factors which may give rise to a Reduction in Force may exist, a recommendation of those means, short of a Reduction in Force, which may be utilized to prevent or minimize a Reduction in Force.
- (E) A legitimate basis, after exhaustion of all other alternatives, exists for the BOT to initiate a Reduction in Force.

Upon receipt of the report of the Joint Retrenchment Committee, the President shall take such action as may be authorized pursuant to 2-3-1301(5)(c), Procedures for the Development of a Reduction in Force Plan.

- (II) Powers of the Committee: The JRC shall have the enumerated powers set forth

below and any other powers not specifically enumerated to enable it to fulfill its purpose as contemplated herein:

- (A) To interpret all policies and procedure specified in this Reduction in Force document.
  - (B) To conduct a full investigation and report as outlined in 2-3-1301(5)(b)(I), Creation of the Committee.
  - (C) To retain such outside experts and professional assistance as may be reasonably necessary to facilitate its duties; provided, however that any requests for funding in excess of the amount allowed by the State fiscal policies shall first be submitted to, and approved by a person or group having authority to approve such expenditures (i.e., the President, the BOT, the Faculty Senate, etc.).
  - (D) To conduct any supplemental investigations which may be required to fulfill its duties in the event the BOT initiates a Reduction in Force as set forth in 2-3-1301(5)(c), Procedures for the Development of a Reduction in Force Plan.
  - (E) To draft a Reduction in Force Plan for submission to the President and/or the BOT.
  - (F) To identify faculty members whose contractual or other rights may be reduced or terminated as a result of an approved Reduction in Force.
  - (G) To appear and make presentations to any other person or committee designed to hear the grievances or complaints of any faculty member identified pursuant to subsection vi. above.
- (III) Conduct of Committee Business: A condition for an individual accepting membership on the JRC shall be that the individual agrees to maintain confidentiality of all discussions, except as may be required to be disclosed at any hearing initiated by a reduced or terminated faulty member. The CAO shall provide such clerical staff as will be necessary for preparing all minutes and motions and shall be responsible for all mailings. All clerical staff and outside experts and professionals shall be required to maintain confidentiality at least to the same extent as committee members.

**2-3-1301(5)(c) Procedures for the Development of a Reduction in Force Plan.**

- (I) The President shall periodically review the entirety of the University's needs and circumstances; provided, however that such review shall be conducted at least once every three years. In conducting his or her review, the President may, but need not, consult with such University committees or with the Faculty Senate committees as s/he deems appropriate. Upon conclusion of his or her review, the President shall submit a written preliminary report to the Faculty Senate, stating whether or not s/he believes one or more factors exist which may require a

Reduction in Force. If the President preliminarily concludes that a Reduction in Force may be required, he/she shall immediately cause the JRC to be created and initiate its work.

- (II) If the President's preliminary report indicates that one or more factors exist which may give rise to a Reduction in Force for financial reasons, the report shall include:
  - (A) Description of the nature and degree of the financial crises faced by the University, which gives rise to a claim of financial exigency.
  - (B) A list of the alternative measures already taken and those which could be taken in order to avoid resorting to a Reduction in Force, including the anticipated dollars and FTE positions which will be saved by normal attrition, and an identification and review of all vacant positions.
  - (C) A statement of the reasons those measures and normal attrition are not adequate to alleviate the financial crisis.
  - (D) A statement of the reasons the financial crisis is of sufficient severity to justify the belief that a Reduction in Force may be required.
  
- (III) If the President's preliminary report indicates that one or more factors exist which may give rise to a Reduction in Force for reasons other than financial exigency, the report shall include:
  - (A) An identification of the specific reason or reasons a Reduction in Force is deemed necessary.
  - (B) A statement and analysis of the educational policy considerations being relied upon to support a Reduction in Force.
  - (C) A list of the alternative measures already taken and those which could be taken in order to avoid resort to a Reduction in Force, including the anticipated dollars and FTE to be saved by normal attrition and an identification and review of all vacant positions. If the report identifies specific program areas recommended for discontinuance or reduction, then this provision shall apply as to each program area identified.
  - (D) A statement of the reasons those measures and normal attrition are not adequate to alleviate the need for a Reduction in Force. If the report identifies specific programs or areas to be recommended for reduction, then this provision shall apply as to each program or area identified.

The President's report will be presented to the JRC for consideration and act in accordance with 2-3-1301(5)(b), The Joint Retrenchment Committee.

- (IV) Upon receipt of the report of the JRC, as described in 2-3-1301(5)(b), The Joint Retrenchment Committee, the President may take any one or more of the following actions:

- (A) Accept the report and recommendation of the JRC and take such action as may be authorized below.
  - (B) Reject the report and recommendation of the JRC in whole or in part. In such event the specific issues of the rejection shall be set out in writing and submitted to the JRC for consideration. Within fifteen days after the submission of the President's rejection document to the JRC, the President shall meet with the JRC to determine if any disputed matters can be resolved and a joint report agreed upon. If a joint report is agreed upon which recommends a Reduction in Force, such report shall be submitted to the BOT for consideration and action. Upon submission to the BOT, copies of the joint report shall be furnished to the Faculty Senate, deans, the STUDENT SENATE, and made available to other appropriate University organizations upon request.
  - (C) If the President and the JRC are not able to resolve their differences and either the President or the JRC advocate a Reduction in Force, a report recommending a Reduction in Force may be submitted by the advocate of a Reduction in Force along with the report of the other side. Copies of the submissions to the BOT shall be submitted to the Faculty Senate, deans, the STUDENT SENATE, and made available to other appropriate University organizations upon request. The Faculty Senate, a deans' representative, and the STUDENT SENATE shall have fifteen days from receipt of the reports to prepare and submit position papers or other submissions to the BOT.
- (V) Initiation of Reduction in Force. After receiving the report referred to above, and any alternative reports and/or comments, the BOT shall determine whether sufficient grounds exist for a Reduction in Force. If the BOT determines that sufficient grounds exist, the BOT shall initiate a Reduction in Force by directing the President to have a Reduction in Force Plan developed and prepared consistent with this document.
- (A) Planning Constraints. The plan within these Reduction In Force policies and procedures and consistent with 2-3-1301(5)(a), Definitions, may curtail or delete certain programs at the same time that other programs are being retained, expanded, or added only after both the long term and short-term educational and economic implication of such reorganization have been reviewed and evaluated and recommendations are made by the JRC, within a time period established by the President. Programs and services most necessary to meet the educational needs of the students and the State, consistent with the established missions, goals, and values of the University, shall be the highest priority for retention when Reduction in Force is being considered.
  - (B) Development of the Plan. The JRC, in consultation with the President, shall prepare a Reduction in Force Plan within ninety (90) days after the BOT initiates the Reduction in Force. The plan shall contain:

- (i) An explanation of how the Reduction in Force and accompanying reorganization will assist in the resolution of the circumstances giving rise to Reduction in Force.
  - (ii) The University's long range strategy for stability and how the Reduction in Force contributes to the accomplishment of the objective.
  - (iii) The projected impact of retrenchment on the affected program area(s) and other program area(s) academically dependent upon them. Issues of accreditation, academic soundness, and academic integrity shall be addressed.
  - (iv) Explicit criteria for reviewing programs, departments, schools, and colleges shall be specified.
- (C) University Review. The Reduction in Force Plan shall be submitted to all faculty including deans, and to the Student Senate. The President, the faculty and students may submit to the JRC, in writing, any disagreements, agreements, or suggested revisions regarding the Plan. The JRC shall review all material submitted and, within twenty-one (21) calendar days after the publication date of the plan, submit the plan (as it may be amended) to the President, with copies to the Faculty Senate, the deans, and the Student Senate. The President, after reviewing the Plan, may propose revisions to the Plan, which revision will then be submitted to the JRC, the Faculty Senate, the deans and the Student Senate with reasons for the revisions. Then the President, accompanied by the chair of the JRC, shall present the Plan and the President's proposed revisions to the BOT. The JRC, the Faculty Senate, the deans, and the Student Senate, or their designated representatives, may present alternative plans, or any portion thereof, and/or their views of the Reduction in Force Plan to the BOT. All plans and proposals shall be submitted to the BOT within 140 calendar days after the Initiation of a Reduction in Force by the BOT. The President has authority to extend any deadlines regarding the preparation and submission of the Reduction in Force plan.
- (D) If the JRC fails to submit a plan within the time limits set out in 2-3-1301(5)(c)(V)(B) and (C), Procedures for the Development of a Reduction in Force Plan (as extended by the President), the President shall thereupon assume the functions and duties of the JRC, and shall prepare and submit the Initial Reduction In Force Plan.
- (E) BOT Review and Action: The BOT after review of the JRC Plan and any proposed revisions or recommendations presented may direct the President to implement the Reduction in Force Plan as received or modified by the BOT. The date of BOT action adopting the Reduction in Force Plan shall be the effective date of the Reduction in Force Plan.

**2-3-1301(5)(d) Identification and Notice of Faculty Whose Contractual Rights Are to Be**

**Reduced or Terminated.** The following process shall be carried out according to a schedule established by the CAO.

(I) Criteria for the Identification of Faculty to be Reduced in Force: Faculty members whose contractual rights are to be reduced or terminated shall be identified by following procedures A through E below. The status of each faculty member within each category below shall be that status as of the date the BOT initiates a Reduction in Force. Implementation of the following procedures F through I shall be completed in accordance with a time schedule established by the Plan. This schedule may be modified by the President from time to time as the process is being carried out, after consultation with the JRC or its authorized representative.

(A) The first faculty members to be reduced from a program area shall be those in category (I)(A)(i) below, those in (I)(A)(ii) below shall be reduced next, those in (I)(A)(iii) below next; and so on. The following categories refer to part-time faculty status within the University.

- (i) Part-time term faculty.\*
- (ii) Full-time term faculty.\*
- (iii) Part-time tenure-track faculty.\*
- (iv) Full-time tenure-track faculty.\*
- (v) Part-time tenured faculty.
- (vi) Full-time tenured faculty.

\*In the case of faculty used to replace faculty on leave or in administration, as defined in 2-3-1301(5)(a), Definitions, the faculty members being replaced shall be listed among affected faculty and the replacement removed from the list.

(B) Within the categories in (I)(A)(i) above, faculty identified to be reduced first shall be those in category (I)(B)(i) below, followed by those in (I)(B)(ii) below, and so on.

- (i) Faculty with a bachelor's degree.
- (ii) Faculty with a bachelor's degree and appropriate certification.
- (iii) Faculty with a master's degree.
- (iv) Faculty with a master's degree and appropriate certification, or with two or more appropriate master's degrees, or with a specialist degree.
- (v) Faculty with a doctorate or other appropriate terminal degree.

- (C) Within the categories in (I)(A) through (I)(B) above, faculty identified to be reduced first shall be those in category (I)(C)(i) below, followed by those in (I)(C)(ii) below, and so one.
- (i) Faculty with the rank of instructor.
  - (ii) Faculty with the rank of assistant professor.
  - (iii) Faculty with the rank of associate professor.
  - (iv) Faculty with the rank of professor.
- (D) Within the categories in (I)(A) through (I)(B) above, faculty identified to be reduced first shall be those in category (I)(D)(i) below, followed by those in (I)(D)(ii) below, and so on.
- (i) Least time-in-service in the affected program area.
  - (ii) Least time-in-service in the affected department/division.
  - (iii) Least time-in-service in the University.
- (E) If after applying steps (I)(A) through (I)(D) above, further reductions are still needed within the program area, the faculty of the affected program area, with the advice of the department chair/division director and the dean, shall make recommendation to the JRC of the individuals to be reduced based on program need and quality.
- (F) A list of faculty members ranked by procedures (I)(A) through (I)(E) above, must be submitted to the JRC by the chair of the department or director of the division housing the affected program area. The JRC is responsible for verifying that the departmental/divisional submission is in conformance with criteria (I)(A) through (I)(E) above. Once the list of faculty ranked by the above procedures has been verified by the JRC, the Committee will identify the faculty whose contractual rights will be reduced or terminated by criteria (I)(A) through (I)(E) above.
- (G) Once the faculty to be reduced by the above procedures have been determined and verified, faculty of an affected department/division/school must determine the impact the proposed reductions will have on their ability to deliver the remaining program(s). If the department/division/school faculty determine that the ability of the department/division/school faculty to deliver the remaining program(s) would be enhanced by rearranging the listing for faculty who were identified to be reduced [by procedures (I)(A) through (I)(E) above], the faculty of the affected department/division/school must present to the JRC documentation of the impact and an alternate plan for determining faculty to be reduced from the department/division/school. In this event, the JRC shall review and evaluate the alternate plan and forward its recommendation to the

President along with all materials received. The President shall decide whether or not to accept an alternate plan. If no alternate plan is submitted by the faculty of the department/division/school, the chair of the department or division housing the affected department/division/school shall send to the JRC a statement to verify that: 1) the faculty to be reduced will be determined by the procedures in (I)(A) through (I)(E) above, and 2) the faculty of the department/division/school have determined that their ability to deliver the remaining program(s) would not be enhanced by an alternate plan to select faculty to be reduced from the department/division/school.

- (H) Within a time limit established by the JRC and approved by the President, individual faculty members in any affected department/division/school may submit a written minority report to the JRC reacting to the Plan relative to program areas within the department/division/school submitted to the JRC. The (H) JRC shall review and evaluate all minority reports and forward its recommendations to the President together with all materials received.
  - (I) Copies of all correspondence received by the JRC from an affected department/division/school shall be sent to every faculty member in that department/division/school within a time limit established by the JRC.
  - (J) Upon review of all materials forwarded by the JRC, the President shall identify the faculty members to be reduced and communicate, in writing, their names to the faculty of any affected department/division/school, the appropriate chair/director, dean, and the JRC.
- (II) Notice of Reduction in Force:
- (A) Tenured faculty members to be reduced or terminated, and tenure-track and term faculty whose contractual rights are to be reduced or terminated prior to the expiration the contract terms, as the result of a Reduction in Force, shall be entitled to receive notice or salary in lieu of notice in accordance with the following schedule; 365 days for tenured faculty and for tenure-track faculty with eighteen months or more of time-in-service in the University; 180 days for tenure-track faculty with less than eighteen months but at least nine months of time in service in the University; ninety (90) days for tenure-track faculty with less that nine months time in service in the University, and for term faculty.

This notice period may be modified if notice of a reduction or termination is given after the end of one academic year, but before the start of the next academic year. Under this circumstance, the faculty member will be compensated for the period of the delay in notice, and the reduced or terminated faculty member's employment will end at the close of the new academic year.

- (B) The notice shall state that the contractual rights which were terminated or reduced were accomplished according to the procedures of this document

and indicate review rights of the faculty member whose contractual rights are being reduced or terminated.

- (C) All faculty are responsible for having on file with the administrative office housing their program area, a current address and telephone contact. The administrative office housing the program area is responsible for supplying to Human Resources, upon request, the current address and telephone contact of each faculty member in the program area. The University will meet its responsibility to affected faculty by sending notices and communications required by this document to the address provided by the administrative office housing the program area or, through University mail, to the faculty member's University address of record and obtaining receipts when reasonably possible indicating that the documents have been delivered to the affected persons.
- (III) Effective Date of Termination or Reduction of Contractual Rights:
- (A) The effective date of the reduction or termination of contractual rights of a faculty member shall be at the end of the academic year with two exceptions: as (A) provided in 2-3-1301(5)(d)(III)(B) and in cases where to do so would violate the notice provisions of 2-3-1301(5)(d)(II)(A) Notice of Reduction in Force. In all such cases in the latter category, the effective date of the reduction or termination shall be the end of the subsequent academic year.
  - (B) If a reduction or termination of contractual rights is due to the reduction or termination of funding from grant or other non-State appropriated sources prior to the end of a academic year, the effective date of the reduction or termination of contractual rights shall be the last day of such non-State appropriated funding. Notice of the reduction will be given sixty (60) calendar days prior to the date of reduction unless the President is not notified of the loss of funding until after that date, in which case notice will be given immediately after the President is informed of the loss of funding.
  - (C) Faculty members affected by termination of grant or other non-State funding, and who maintain the rights to a faculty position funded by State funds, shall return immediately to the State-funded faculty position and the temporary employee who held the State-funded position shall be terminated.
  - (D) If while a faculty member who maintains the rights to a State-funded faculty position is on grant or other non-State funding, a Reduction in Force is required, the State-funded faculty position to which the faculty member has a return right may be considered for the reduction if such position is within an affected program area and the procedures identified in 2-3-1301(5)(d)(III)(B) and (C) shall be implemented, using the qualification of the faculty member on grant or other non-State funding.

**2-3-1301(5)(e) Services, Benefits, and Employment Opportunities for Faculty Facing Reduction in Force.**

- (I) Services and Benefits for Faculty Facing Reduction in Force:
  - (A) A special faculty advocacy task force shall be established by the Faculty Senate Executive Committee in consultation with the President for the purposes of counseling with and advisement of faculty who will be reduced from the University.
  - (B) The Director of Human Resources shall provide the Public Employees Retirement Association (PERA) and such other retirement plan providers approved by the University, with a list of potentially affected faculty members and administrators and solicit the agency's cooperation in providing counseling at individual and group meetings. Such meetings will provide information on retirement benefits and retirement option available to the faculty and administrators.
  - (C) Salary and benefits notwithstanding those provided herein shall cease at the end of the designated academic year, or at the end of the contract term, whichever occurs first, for individuals covered under 2-3-1301(5)(d)(III)(A), Effective Date of Termination or Reduction of Contractual Rights, and shall cease the day after the (C) effective date of termination or reduction of contractual rights for individuals covered in 2-3-1301(5)(d)(III)(B).
- (II) Reassignment. Faculty members in a program area affected by Reduction in Force will receive special consideration for vacant positions within the University according to 2-3-1301(5)(e)(III)(A), and 2-3-1301(5)(e)(III)(B). In addition, the President may reassign faculty members in an affected program area. Reassigned faculty shall be compensated at their then current year's salary and benefit levels for the remainder of that academic year only. In succeeding years, their salary and benefit levels shall be those regularly established for the position to which they were reassigned. Reassigned faculty members may be placed in a vacant faculty, classified, or exempt position. Those faculty members who are reassigned to a vacant faculty position shall retain their status with respect to rank and/or tenure.
- (III) Assistance for Faculty Facing Reduction in Force:
  - (A) The President shall document that every effort has been made to place faculty members facing Reduction in Force within other appropriate, alternate, or equivalent vacant positions within the University or within other University approved retirement options.
  - (B) If placement within the University or other University approved retirement options would be facilitated by a period of retraining, a reduced faculty member may submit to the CAO a plan for retraining, including a targeted vacant position for which the faculty member would be eligible. The plan may be submitted or amended at any time within two (2) years of

notification of reduction. Such plans may include UNC tuition discounts as approved by the Colorado Commission on Higher Education, release time with or without pay, time schedule for retraining, available assistance, or any other resources available. Within thirty (30) calendar days after a plan or an amended plan is submitted, the CAO will forward to the President recommendations regarding any requests for University resources. The President will make a final decision. If the plan is accepted as presented or amended, a contract must be executed setting forth the mutual obligations of the faculty member and the University prior to the initiation or amendment of the retraining program. If, after completion of a program of retraining the affected faculty member is re-employed by the University, all prior rank or tenure rights shall be restored as though no break in service had occurred.

- (C) Reduced faculty shall receive without charge the use of the University placement and career counseling services and staff assistance in maintaining placement files and services.

(IV) Reduction List:

- (A) The names of reduced tenured faculty members shall be placed on a reduction list of 1095 calendar days following the effective date of their Reduction in Force Plan. In addition, for the time period between notification of reduction and the effective date of reduction, names of tenured faculty members so notified will be included on the reduction list. Maintenance of the reduction list shall be the responsibility of the Director of Human Resources. A faculty member's name (A) may be removed from the reduction list at the written request of the faculty member.
- (B) All faculty whose names are on the reduction list shall be sent University position vacancy announcements by the Director of Human Resources. For this purpose, it shall be the responsibility of the faculty member to keep the Director of Human Resources advised of his or her current address.

(V) Recall of Reduced Faculty to Equivalent Positions:

- (A) If during the recall period an affected program department/division/school is authorized to fill a vacancy, the position shall be offered first to those faculty members on a reduction list who were reduced from that department and who are qualified, as determined by the President after consultation with the dean and the appropriate chair/division director. Among those who are qualified, offers of a recall shall be made in the reverse order of reduction.
- (B) If during the recall period a position is created which is equivalent, as determined by the President, after consultation with the dean or the appropriate chair/director, to one which was eliminated or reduced, it shall be offered first to those faculty members on the reduction list who are qualified, as determined by the President after consultation with the dean

and department chair/division director. Among those qualified, offers of recall shall be in the reverse order or reduction. Appeals of equivalence determinations shall be reviewed by the President after consultation with the JRC. Decision by the President or appeals of equivalents shall be final, subject to the faculty member's right to access to the Faculty Grievance Procedures.

- (C) If, after completion of a program of retraining the affected faculty member is re-employed by the University, salary and benefit levels shall be those regularly established for the position to which the faculty member is re-employed; however, all prior rank or tenure rights shall be restored as though no break in service had occurred.
  - (D) All offers of recall shall be made, in writing, by the President and sent by registered or certified mail.
  - (E) Those faculty members who held tenure appointments on the effective date of reduction shall be awarded tenure upon recall in accordance with the University personnel policies and regulations existing at the time of recall, including these Reductions in Force provisions.
  - (F) A faculty member hired in accordance with this section shall have all respective time-in-service in a program area, department/division, and the University accrued prior to the reduction restored at the time of recall.
  - (G) Any reduced faculty member who is recalled shall be eligible to receive the same salary which was received at the time of reduction as adjusted for any changes in salary and benefits that would have been received had reduction not occurred.
  - (H) Reduced faculty who refuse an offer of recall to a full-time position shall be removed from the reduction list and the University shall have no further obligation to them.
  - (I) If during the recall period an administrator holding tenure in an affected program area and whose position was reduced, declares an intention to return to teaching in the affected program area, the administrator's name will be placed on the reduction list and the administrator will assume relative standing on the list as determined by the procedure in 2-3-1301(5)(d), Identification and Notice of Faculty Whose Contractual Rights are to be Reduced or Terminated.
- (VI) Re-employment of Reduced Faculty:
- (A) The President will establish hiring procedures which ensure that faculty whose names are on the reduction list and who are qualified and apply shall receive initial consideration for re-employment.
  - (B) Acceptance of an alternative position by faculty member does not abrogate

the right to recall.

**2-3-1301(5)(f) Review of Reduction in Force Contractual Rights Decisions.**

(I) Faculty Review

- (A) All faculty members who have received notice that their contractual rights will be reduced or terminated by a Reduction in Force will be encouraged, in writing, to request review of the decision by a Faculty Review Panel (Panel). The request shall be made in writing to the President within fourteen (14) calendar days after the receipt of the notice of Reduction in Force. A faculty member waives all rights to review by failure to submit a request in writing to the President within the fourteen calendar days.
- (B) Within seven (7) calendar days after receipt of a timely faculty request for review, the President shall submit the request to the chair of the Faculty Senate and shall report to the chair of the BOT the names of faculty requesting a review by a Panel.
- (C) The chair of the Faculty Senate shall have twenty-one (21) calendar days after receipt of a request to appoint and convene a Panel and submit to the panel the faculty request for review.
- (D) The Panel shall consist of five faculty members chosen at random from all eligible members of the Faculty Grievance Committee. Eligible members of the Faculty Grievance Committee are any present or past members of that committee who are not associated with any department/division identified for discontinuance or reduction in the Reduction in Force Plan and who were not members of the JRC. Eligible members of the Faculty Grievance Committee may decline appointment only for good cause stated in writing to the chair of the Faculty Senate.
- (E) As soon as practical after appointment, the Panel shall give notice of hearing. All proceedings shall be informal and conducted with dispatch. The panel shall keep a complete record of its proceedings and all data or documents gathered or presented to it. The President or any faculty member requesting review may challenge any member of the panel for bias prior to the date of the hearing. Judgement on the challenge by the chair of the Faculty Senate shall be final.
- (F) The cost of the hearing shall be borne by the University but not the cost of transcription for any appeal.
- (G) The burden of proof rests upon the President with regard to establishing that the basis for the Reduction in Force was in accordance with the procedure contained herein. All documents which were relied upon by the President in making his or her decision will be made available to the affected faculty members for inspection and/or photo copying. The photo copying will be at the requestor's expense.

- (H) The faculty member may present evidence in his or her defense.
  - (I) The hearing before a Faculty Review shall be held in accordance with constitutional due process principles. Faculty members are entitled to the active participation of legal counsel of their own choosing and at their own expense. Either the President or the affected faculty member(s) may call members of the JRC as witnesses.
  - (J) If specific issues are common to several hearings, the Panel shall conduct a single hearing to resolve the common issues before proceeding with the remainder of the hearings. Either the President or a faculty member who has requested review may request and receive a single hearing on common issues.
  - (K) Within twenty-eight (28) calendar days of receipt of a faculty request for review from the chair of the Faculty Senate, the Panel shall issue a written report. The report shall briefly identify the issues raised by the faculty member requesting review, summarize the important evidence, and state the Panel's findings and its recommendation on the action taken under the Reduction in Force Plan. Every finding by a Panel shall be deemed an initial decision for purposes of review. The report shall be transmitted to the chair of the Faculty Senate, who shall promptly transmit copies of the report to the President and the affected faculty member. If the number of requests for review makes it impractical for one Panel to comply with this twenty-eight (28) day timeline, additional Panels may be appointed by the chair of the Faculty Senate, and/or the timelines may be extended with the President's approval, such approval not to be unreasonably withheld.
  - (L) In the absence of an appeal to the BOT in accordance with 2-3-1301(5)(f)(II)(A), BOT Review, any initial decision of the Panel shall be the decision of the BOT and shall be final and binding on the parties. Notwithstanding the foregoing, the BOT, on its own motion, may review any initial decision of a Faculty Review Panel if it notifies the parties within twenty-eight (28) calendar days after receipt of the initial decision.
  - (M) The President reserves the right to alter, modify, amend or rescind the original notice of Reduction in Force to the affected faculty member consistent with, in whole or in part, the findings and conclusions of the report of the Panel at anytime prior to final action by the BOT pursuant to 2-3-1301(5)(f)(II)(F), BOT Review.
- (II) BOT Review:
- (A) Within twenty-eight (28) calendar days after receipt of the initial decision of the Panel, the President or the faculty member may request an appeal to the BOT. This appeal must be made in writing and delivered to the Office of the Secretary of the BOT. The letter shall be accompanied by a copy of the Panel's report and a designation of the parts of the transcript of the hearing which that party wishes to have transcribed, if any. The appellant simultaneously shall send a copy of the letter and designation to all other

parties involved in the hearing.

- (B) Within fourteen (14) calendar days after receipt of the designation of transcript, all other parties or the BOT may designate additional portions of the proceedings to be transcribed by sending notice of designation to all other parties involved in that hearing.
- (C) Each party requesting transcription of any portion of the proceedings shall submit to the BOT within fourteen (14) calendar days after the day of such request, evidence of payment in full of the reporter's estimated cost of transcribing the portion of the record designated by the party.
- (D) The BOT shall review and take action on the initial decision of the Panel based solely upon the record developed before the Panel and written and oral arguments presented by the President and the faculty member in accordance with a schedule established by the BOT. At any oral argument permitted by the BOT, the faculty member has the right to the active participation of legal counsel of his or her own choice and at his or her own expense.
- (E) In determining the appeal, the BOT shall be governed by the following standards of review:
  - (i) A Faculty Review Panel determination that a program, division or department be discontinued or reduced shall be deemed presumptively correct.
  - (ii) All issues on which the Panel report and the President's final position statement are in accord shall be deemed presumptively resolved.
  - (iii) All other issues shall be resolved by the BOT with due regard to the President's obligation to meet his or her burden of proof on such issues.

In any event, before reaching a final decision, the BOT must be satisfied that the final decision is in the best interests of the University.

- (F) The BOT shall announce its final decision regarding the appeal within twenty-eight (28) calendar days after the completion of the appeal.
- (G) The President may not seek judicial review of any action of the BOT setting aside or modifying the President's action of reductions in force.

**2-3-1301(5)(g) Mootness of Administrative Process.** A Reduction in Force becomes moot when (a) the reduction notice is rescinded prior to the effective date of termination or reduction of contractual rights by the President and (b) written notification of such decision is mailed to the faculty member involved, and (c) the faculty member has been reinstated. A Reduction in Force also becomes moot when a faculty member is offered a position pursuant to 2-3-1301(5)(e)

Services, Benefits, and Employment Opportunities for Faculty Facing Reduction in Force.

**2-3-1301(5)(h) Amendment.** Section 2-3-1301(5), Reduction in Force, may be amended only by first submitting proposed amendments to the Faculty Senate.