



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 Doctoral University: Higher Research Activity, 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)].

Policy History

1-1-102 VISION STATEMENT.

Subsection 1-1-102(1) Description unnumbered paragraph amended (Jun 2017)



Part 2 – Governance

1-1-201 Board of Trustees (BOT) [See C.R.S. Section 23-40-101 et. Seq].

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) Student and Faculty Trustees. Pursuant to Colorado Revised Statutes, one trustee shall be an elected member of the student body who is a full-time junior or senior student at the University of Northern Colorado. The term of said elected office shall be one year, beginning July 1. The elected student office shall be advisory, without the right to vote. The elected student member of the board shall have resided in the state of Colorado not less than three years prior to their election. Another trustee shall be an elected member of the faculty at large elected by other members of the faculty at large for a term of one year, beginning July 1, and such office shall be advisory, without the right to vote.

1-1-201(3) 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(4) 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(5) 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(5);
- (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(5) 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(4).

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. They shall direct and administer all operations and activities of the University subject to the right of superintendence and preemption of the BOT.

1-1-203(1) President Duties and Responsibilities. 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:

- (a) 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;
- (b) prepare and present to the BOT annually a financial budget for the operation of the University within the limit of available funds;
- (c) hire, sever and administer the employment relationship of all University employees;
- (d) 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;
- (e) prepare, maintain and provide to each member of the BOT a compilation of University policies, regulations, and procedures;

- (f) maintain University operations and activities in compliance with applicable federal, state and local governmental unit and agency laws and regulations;
- (g) prepare and maintain an inventory of all physical assets of the University;
- (h) 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;
- (i) recommend to the BOT the adoption of such policies as are necessary and appropriate to the proper governance of the University;
- (j) prepare and maintain an inventory of courses, programs, and degrees offered by the University;
- (k) recommend to the BOT the establishment of tuition and fees;
- (l) recommend to the BOT the establishment of programs of study and degrees;
- (m) secure the assets of the University, both tangible and intangible against loss, theft, unauthorized use and infringements;
- (n) 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.

1-1-203(2) Procedure for Presidential Evaluation.

- (a) Purpose:
 - (I) This Procedure sets forth the University of Northern Colorado ("UNC" or the "University") Board of Trustees ("Board") process for review of the President's performance.
 - (II) Consistent with the Board's Bylaws and as outlined in Section 5 below, presidential evaluation results may also inform the Board's review of the President's compensation.

(b) Authority:

- (I) The Board has the authority to do all things lawfully appertaining the University in like manner as municipal corporations in the State of Colorado on behalf of the University. Section 23-40-104(1)(a), C.R.S.
 - (II) The selection of the President, who is the chief executive and administrative officer of the University, is a function and responsibility of the Board. Board Policy Manual 1-1-201(3), 1-1-203.
 - (III) The President is an exempt employee who is appointed by, and serves at the pleasure of, the Board. Assessing the effectiveness of the President is a fundamental, non-delegable responsibility of the Board the purpose of which is to:
 - (A) Ensure institutional goals are pursued and achieved,
 - (B) Foster enhanced employee performance and advance the strategic position of the University,
 - (C) Identify areas of strength and potential for continued growth, and
 - (D) Inform and guide successful leadership of the University.
 - (IV) The Board may (Bylaw(s) No. 8, 11):
 - (A) Designate a Presidential Evaluation Committee comprised of voting Trustees for the purpose of stewarding Presidential Evaluation as outlined in Bylaws and (4) below, and
 - (B) Designate a Presidential Evaluation Committee comprised of voting Trustees to discuss and propose changes to this Procedure, in consultation with the President, with any such changes to be approved by the full Board during a public meeting.
- (c) Guiding Principles: Evaluation(s) will be conducted in an objective manner that facilitates clear and transparent communication, reflects best practices, fosters a trusting relationship between the President and the Board, and supports development of the President and success of the University.
- (d) Process:
- (I) Methods: The Board assesses the President's performance in achieving goals and metrics established by the Board in partnership with the President through two distinct methods: the Annual Evaluation and the Periodic Comprehensive Evaluation.
 - (II) Annual Evaluation:

- (A) The Board will annually (Bylaw No. 11) solicit information for the purpose of reviewing the President's performance.
 - (B) The Annual Evaluation period will run concomitant with the University's fiscal year: July 1 through June 30.
 - (C) The Annual Evaluation is based on the President's written annual Self-Assessment Report ("Report") and on progress toward, and achievement of, annual goals adopted by the Board that align with the University's Strategic Plan.
 - (i) The Report is due 14 calendar days before the Board's final regular meeting of the fiscal year and will be based on information available as of the due date.
 - (ii) The Report will minimally include:
 - 1. Progress on meeting the annual goals, including relevant data,
 - 2. Preliminary data on agreed upon annual metrics, with final data provided to the Board at or before the first regular Board meeting of the fiscal year,
 - 3. An assessment of the University's advancement of key actions outlined in the Strategic Plan, and
 - 4. The President's proposed goals for the next year.
 - (iii) Review of the Report will be conducted as follows:
 - 1. The President will submit their Self-Assessment Report to the Chair.
 - 2. All Trustees will be given an opportunity to review the Report and to provide individual input.
 - (D) The Board will meet with the President at the final regular Board meeting of the fiscal year in Executive Session to review the President's performance, as well as to discuss and provide input about the President's goals for the succeeding year(s).
 - (E) The Board will provide a written summary of feedback to the President to include any associated recommendations.
- (III) Periodic Comprehensive Evaluation:

- (A) The Board will from time-to-time (Bylaw No. 11) conduct a Comprehensive Evaluation, which may be facilitated by an external consultant hired by the Board for that purpose.
 - (B) The Board may conduct a Comprehensive Evaluation at least once every five years (or prior to contract renewal), including more or less frequently as it deems necessary.
 - (C) The Comprehensive Evaluation is based on cumulative progress toward, and achievement of, long-term goals adopted by the Board that align with the University's Strategic Plan, and all prior Annual Evaluations since the prior Comprehensive Evaluation.
 - (D) The Board will solicit and consider feedback from a diverse sampling of constituents including faculty, staff, and students, as well as of external campus partners.
 - (E) Prior to commencing a Comprehensive Evaluation, the Presidential Evaluation Committee will make recommendations to the Board about the specific constituents, identified in consultation with the President, and the methods by which input will be gathered from those constituents.
 - (F) Comprehensive Evaluation feedback will be provided to the President as set forth in (4)(b)(iv-v).
 - (G) In the year in which a Comprehensive Evaluation is conducted, it will replace the Annual Evaluation.
- (IV) Goals and Metrics:
- (A) The Board has authority to approve and set Presidential goals and metrics.
 - (B) The President will propose annual goals and metrics, which the Board will review and offer feedback regarding.
 - (C) Goals and metrics should align with the University's Strategic Plan and any priorities set forth in the President's employment contract.
 - (D) The President will provide updates, periodically and upon request, to the Board on progress toward achievement of the goals in alignment with metrics.

- (e) Compensation: The President's compensation is set by the Board of Trustees through its written contract with the President, the term of which may be up to five (5) years as set forth in Section 24-19-104(1.5)(a)(I), C.R.S. The Board may, in its discretion, offer a compensation increase to the President mid-term of that contract in response to any Annual or Comprehensive Evaluation cycle. Prior to offering a mid-term increase, the Board may review information from sources including national repositories of compensation data reported by peer institutions, the Colorado Department of Higher Education's survey of other Colorado postsecondary institutional executive compensation, and other data points in order to ensure that the University is compensating the President consistent with the Colorado Equal Pay for Equal Work Act.
- (f) Confidentiality: Colorado law governs the treatment of personnel records. Evaluations will be received and maintained in a manner consistent with Section 24-72-202(4.5), C.R.S. to maximally maintain confidentiality of the employee. Likewise, the Board will meet with the President in an Executive Session to discuss the result of both Annual and Comprehensive Evaluations as permitted by Section 24-6-402(3)(b)(i), (d), C.R.S.

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 as a member of the President's Cabinet and an ex officio member of University committees as appropriate, including committees of the Faculty Senate;
- (2) provide administrative assistance 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) provide formal and informal training 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 and/or requested by the president.

1-1-205 Internal Auditor.

The Internal Auditor shall be the principal coordinator of the University's auditing activities. They 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.

Policy History

1-1-201 BOARD OF TRUSTEES (BOT).

Section 1-1-201 Board of Trustees amended (May 2020)

Subsection 1-1-201(2) Student and Faculty Trustees amended (May 2020)

Subsection 1-1-201(3) Presidential Search amended (May 2020)

Subsection 1-1-201(4) Budget Process amended (May 2020)

Subsection 1-1-201(5) University Funding Priorities amended (May 2020)

1-1-203 PRESIDENT.

Section 1-1-203 amended (December 2023)

1-1-204 UNIVERSITY COUNSEL.

Section 1-1-204 amended (December 2023)



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 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]. Instructors can be promoted through the sequence of assistant professor, associate professor and professor. Lecturers can be promoted through the ranks of lecturer and senior lecturer. 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, senior lecturer, 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, senior lecturer, 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 unit leader, 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.

Faculty evaluation and the process used to evaluate faculty reflects our collective responsibility for providing a basis for professional growth and development. Faculty and administrators play an important role in establishing the institution's mission, in providing feedback, in assessing performance, and supporting the context for individual faculty professional development. Our faculty evaluation process is built on faculty and administrators working together to promote a caring and trusting community within colleges and the university at large, working to support honest and transparent faculty assessment, and encouraging dialogue and discussion among faculty.

1-1-307(1) Purposes and Intent of Evaluation.

Together, the faculty and administration aspire to be a university of distinction, recognized for excellence in teaching and learning centered on academic scholarship, research, and creative works. The following policies for the evaluation of faculty have been established to provide an equitable and fair assessment of each individual faculty member and their contribution within the context of the explicit goals of the institution, as reflected in the mission and strategic plan.

The purposes and intent of faculty evaluations are:

- (a) to provide a regular, systematic evaluation of performance that contributes to the mission and goals of the University, the colleges and

the departments/schools/programs.

- (b) to provide support and opportunities for professional development and renewal
- (c) to assess progress toward tenure and promotion and to be the foundation for tenure, promotion, and post-tenure review decisions
- (d) to recognize individual excellence and achievement
- (e) to provide a basis for merit salary increases
- (f) and to provide adequate feedback on how to improve for those who are not achieving at satisfactory levels.

The intent of the procedures is that the evaluation be done by peers in the discipline and as appropriate, by peers with interdisciplinary expertise relative to the faculty member's role. The evaluation process should encourage excellence in both traditional and innovative approaches to teaching, research, scholarship and creative works, 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, research, scholarship and creative works, and service. These expectations are to be defined by the evaluatee's program area with unit, college, and University consideration of the mission and goals.
- (b) the evaluation shall be based on the process described in 2-3-801(3)(b).
- (c) evaluations must be consistent with principles of academic freedom, due process, and principles of tenure (for tenured faculty).
- (d) faculty members may appeal the results of the review process using established faculty grievance procedures. [See 2-3-1201 Faculty Grievance.]

1-1-307(3) Post-Tenure Review.

All faculty at the University are subject to annual/biennial/triennial 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/biennial/triennial 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 or interdisciplinary areas.

Review will provide regular and systematic evaluation of performance of faculty in the areas of teaching, research, scholarship and creative works, 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 /program coordinators 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.,

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 them 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.]

Policy History

1-1-301 FACULTY CONTRACTS.

Subsection 1-1-301(2) Contract Renewable amended (Nov 2012)
Section 1-1-301 Faculty Contracts amended (Nov 2011)
Subsection 1-1-301(1) Term deleted and replaced (Nov 2011)
Subsection 1-1-301(2) Contract Renewable amended (Nov 2011)
Subsection 1-1-301(3) Tenure Track amended (Nov 2011)
Subsection 1-1-301(4) Tenure amended (Nov 2011)

1-1-302 ACADEMIC RANK AND TITLES.

Section 1-1-302 amended (Nov 2012)
Section 1-1-302 amended (Nov 2011)

1-1-307 FACULTY EVALUATION.

Subsection 1-1-307(3) Post-Tenure Review amended (Jun 2021)
Section 1-1-307(1)(2)(3) Faculty Evaluation amended (Jul 2016)
Subsection 1-1-307(1)(e) Purposes and Intent of Evaluation amended (May 2011)
Subsection 1-1-307(3) Post-Tenure Review amended (May 2011)

1-1-308 PROMOTION.

Section 1-1-308 unnumbered paragraph three amended (May 2011)



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, ethnicity, 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 their 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, ethnicity, religion, gender, age, national origin, disability, sexual orientation, gender identity, gender expression, 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 their 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 their 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.

Consistent with applicable law, and for University students whose course work requires any physical presence in the United States regardless of course location or method of delivery, all (1) undergraduate students who register for nine (9) or more credit hours per semester, (2) degree seeking graduate students who register for six (6) or more credit hours per semester, and (3) international students who register for any number of credit hours per semester, are required to have adequate health insurance protection against illness, accident and hospitalization while attending the University. All undergraduate, graduate and international students who meet the applicable credit hour requirement will be enrolled automatically in the University Student Health Insurance Plan (SHIP) and the cost will be added to their University student bill. All students have the option to seek a waiver from the SHIP by completing the insurance waiver by the deadline set by the University showing proof of U.S.-based

equivalent insurance coverage. Students seeking such waiver are responsible to provide documented proof of equivalent insurance coverage.

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 them 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, ethnicity, 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.

Policy History

1-1-403 APPLICATION AND ADMISSION

Section 1-1-403 amended (February 10, 2023)

1-1-404 EQUAL OPPORTUNITY FOR STUDENTS

Section 1-1-404 amended (February 10, 2023)

1-1-406 STUDENT FEES.

Section 1-1-406 amended (Jun 2011)

1-1-411 HEALTH INSURANCE.

Section 1-1-411 Health Insurance amended (June 2019)

1-1-413 CAMPUS ACTIVITIES

Section 1-1-413 amended (February 10, 2023)



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.

1-1-502(1) Purpose. In the course and scope of their employment, University employees must exercise independent judgment in the best interests of the University. The purpose of this policy is to guide employees to identify and avoid acting in situations in which their ability to exercise such independent judgment is, or may be, compromised.

1-1-502(2) Definitions.

- (a) Amorous Relationship: A consensual relationship between individuals that is romantic or sexual in nature. See 1-1-503 Amorous Relationships.
- (b) Conflict of Interest: An interest of, or relationship maintained by, an employee, that prohibits or inhibits, or has the potential to prohibit or inhibit the employee from exercising independent judgement in the best interests of the University. Conflicts of interest can occur as a result of an interest of, or relationship maintained by, an employee irrespective of the employee's title, position, or duties and responsibilities with the University. Conflicts of interest may arise as a result of an interest of, or relationship maintained by, an employee with relatives, dependents, spouse, any other person who is as member of the employee's household, a person with whom the employee has an amorous relationship, or a person or organization with whom the employee has a business or financial interest.
- (c) Dependent: A "dependent" of an employee is defined as in the Internal

Revenue Code, as such definition may be amended.

- (d) Personnel Decision: An action relating to employment or compensation that includes, but is not limited to, hiring, evaluation, promotion, demotion, tenure, discipline, grievance, termination, sabbatical leave, matters regarding grants or sponsored programs, professional development, and/or travel. Personnel decisions do not extend to day-to-day operational issues such as scheduling and room assignments.
- (e) Relative: A person within five degrees of consanguinity of an employee of the University.

1-1-502(3) Types of Conflict of Interest.

- (a) Non-Personnel Decisions: A University employee shall disclose to their 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 that might cause a conflict of interest to arise. Such disclosure shall be made in writing as soon as is reasonable after the employee becomes aware of the circumstances causing the conflict of interest. A 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 conflict of interest is submitted shall forward the report to the supervisor's jurisdictional vice president who shall determine any steps they deem necessary to protect the interests of the University. The determination of the vice president is subject to review by the President, who may modify the determination of the vice president as deemed necessary to protect the interests of the University.
- (b) Personnel Decisions: An employee shall not participate in a personnel decision where a conflict of interest would arise.

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. See 1-1-502 Conflict of Interest.

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 their obligations under these laws and regulations from the Director of Environmental Safety or their 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 their authority.

1-1-508 Equal Opportunity.

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

1-1-508(1) Purpose. It is the purpose of this Equal Opportunity Policy, and the Discrimination Complaint Procedures contained in the University Regulations, to eliminate discrimination and sexual harassment through education, information and discussion, and to provide procedures to investigate complaints of those subjected to alleged acts of discrimination, sexual harassment and/or retaliation prohibited under applicable Federal and State laws and under this Equal Opportunity Policy. A University employee, official or student who violates any provision of the Equal Opportunity policy will be subject to discipline including but not limited to termination of employment or expulsion. The President is charged with the implementation of the University's Equal Opportunity Policy.

1-1-508(2) Non-Discrimination Policy. The University will not engage in unlawful discrimination against any person with respect to employment or the provision of educational services because of race, ethnicity, color, religion, sex,

age, national origin, disability, sexual orientation (heterosexuality, homosexuality, bisexuality, transgender status, or another individual's perception thereof), gender identity, gender expression, or veteran status, as prohibited under the applicable provisions of the Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title IX of the Education Amendments of 1972, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Family Medical Leave Act of 1993, the Uniformed Services Employment and Reemployment Rights Act, the Vietnam Veterans' Readjustment Assistance Act of 1974 and the Colorado Anti-Discrimination Act. It is the University's policy to prohibit discrimination in employment or the provision of educational services on the basis of political affiliation. The University will take affirmative action to ensure that applicants for employment, its employees, applicants for student admission, and its students are treated by the University without regard to race, ethnicity, color, religion, sex, age, national origin, disability, sexual orientation, gender identity, gender expression, veteran status, or political affiliation. Affirmative action will include training programs, outreach efforts, recruiting activity and other positive steps in accordance with the laws of the United States and the State of Colorado. The University will post in conspicuous places notices setting forth the provisions of this University's Equal Opportunity Policy.

1-1-508(3) Sexual Harassment Policy. 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 includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is so frequent or severe that it creates a hostile or offensive employment or educational environment. 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(4) Non-Retaliation Policy. The University will not tolerate retaliation of any kind against an individual who in good faith: complains of discrimination, sexual harassment and/or retaliation under applicable law or this Equal Opportunity Policy; provides information with respect to any complaint regarding prohibited discrimination, sexual harassment or retaliation; or participates in an investigation of such complaint.

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 their supervisor of any unsafe condition on University premises, or practices of the University or any of its employees which they observe or become aware of that may affect their 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 their 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.

Policy History

1-1-502 CONFLICT OF INTEREST.

Section 1-1-502(1) Purpose amended (Jan 2019)

Section 1-1-502(2)(a)(b)(c)(d)(e) Definitions amended (Jan 2019)
Section 1-1-502(3)(a)(b) Types of Conflict of Interest amended (Jan 2019)

1-1-504 NEPOTISM.

Section 1-1-504 Nepotism amended (Jan 2019)

1-1-507 HAZARDOUS MATERIALS.

Section 1-1-507 amended (Jan 2013)

1-1-508 EQUAL OPPORTUNITY.

Section 1-1-508(2) Non-Discrimination Policy amended (February 10, 2023)
Section 1-1-508(1) Equal Opportunity Purpose amended (Apr 2015)
Section 1-1-508(2) Non-Discrimination Policy amended (Apr 2015)
Section 1-1-508(3) Sexual Harassment Policy amended (Apr 2015)
Section 1-1-508(4) Non-Retaliation Policy amended (Apr 2015)
Section 1-1-508(1) Non-discrimination Policy amended (Nov 2014)



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.

1-1-603 Requests for Public Records under the Colorado Open Records Act

The following constitutes the policy of the University of Northern Colorado regarding requests for inspection of "public records" ("Request") as that term is defined under the Colorado Open Records Act ("CORA"), C.R.S. § 24-72-201 *et seq.* The provisions of this policy are reasonably necessary for the protection of the University's public records and the prevention of unnecessary interference with the regular discharge of the duties of the Director of University News and Public Relations, who is the Official Custodian of records for the University ("Custodian").

- (1) All Requests must be submitted in writing to the Custodian. Requests other than those made in writing and/or those made to any other person or office

within the University will not be accepted. In addition to any requirements under CORA, a Request must:

- (a) be identified as a "Colorado Open Records Act" or "CORA" Request;
 - (b) include the requester's name, mailing and email address;
 - (c) be sent to the Custodian at fax: 970-351-1834 or mailing address: University of Northern Colorado, ATTN: CORA Request, Carter Hall 2006, Campus Box 4, Greeley, CO 80639; and
 - (d) describe the requested public records in enough detail (including but not limited to the relevant dates covered by the Request) to enable the Custodian, or the employee(s) designated by the Custodian, to locate such records in a reasonable amount of time and with a reasonable amount of effort.
- (2) The Custodian is not obligated to act upon a Request for public records unless it meets each of the requirements of sub-sections (1)(a) through (d). Due to spam filters and similar computer software, the University cannot guarantee that an email Request has been received by the Custodian and, therefore, Requests made by email will not be automatically accepted. At the sole discretion of the Custodian, email Requests may be accepted by the Custodian but shall be deemed rejected unless and until the Custodian expressly confirms acceptance.
- (3) If a Request complies with sub-sections (1)(a) through (c), above, but not with sub-section (1)(d), above, the Custodian may, in their discretion, not act on the Request as it does not comply with each of the requirements of this paragraph or, in the alternative, require that the requestor provide additional information in order to comply with sub-section (1)(d).
- (4) The time allowed under CORA for response to a Request shall begin on the first business day after the University's receipt of a Request that complies with the requirements of this policy.
- (5) Charges for responses to Requests are:
- (a) for photocopies of public records, \$0.25 per page or, for documents in non-standard formats, the actual duplication costs incurred for the copy;
 - (b) where more than one (1) hour of total time of the Custodian and/or the employee(s) designated by the Custodian is required to respond to the Request, the requestor will be charged, unless waived by the Custodian, a reasonable fee based on the actual cost of responding, including the Custodian's and/or the employee(s)' time spent

gathering, preparing, redacting and copying the requested records, at hourly rate of pay of the Custodian and/or the employee(s) who performed the work;

- (c) where a manipulation of data is performed to generate a record in a form not used by the University, the requestor will be charged, unless waived by the Custodian, a reasonable fee not to exceed the actual cost of manipulating the data and generating the record;
 - (d) where the record is a result of computer output other than word processing, the requestor will be charged, unless waived or reduced by the Custodian, the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system and/or
 - (e) unless waived by the Custodian, the cost of transmitting the records to the requestor by United States mail or other delivery service.
- (6) Subsequent to the approval of this policy, if CORA is amended to reduce or eliminate the maximum amount of any charges described in section (5), above, the policy will be applied consistent with the provisions of such amendments.
- (7) If the total charges for the response to a Request as described in this policy are expected to exceed \$20.00, the Custodian or designee will provide the requestor with an estimate of the cost of responding prior to responding and the Custodian may require, at their discretion, that a deposit or the estimated amount of the cost of responding be received from the requestor prior to commencing work on the response and, in such case, the time allowed for response to the Request shall begin on the first business day after receipt by the University of the deposit.
- (8) If a requestor wishes to inspect records responsive to a Request in advance of receiving copies, such inspection shall be arranged by prior appointment during normal business hours in the Custodian's office, or such other University location designated by the Custodian. Such inspection must be supervised by the Custodian or the employee(s) designated by the Custodian and the requestor may be charged a reasonable fee for the Custodian's and/or the employee(s)' time spend in supervising the inspection. Requests for inspection of records will not take priority over the regular work of the Custodian or the employee(s) designated by the Custodian to supervise the inspection.

Policy History

1-1-603 REQUESTS FOR PUBLIC RECORDS UNDER THE COLORADO OPEN RECORDS ACT.

Section 1-1-603 section added (Mar 2014)



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 day 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.

Policy History

1-2-101 GENERAL PROVISIONS.

1-2-101 section added (Jan 2012)



Part 1 – Student Government Constitution

2-1-101 Mission Statement.

The University of Northern Colorado (UNC) Student Government Association serves as the representative body for all students at UNC and its members shall function in an open and available capacity to all members of the campus community. The members of the Student Government Association shall fulfill their obligations to advocate for student rights and interests, encourage student involvement, and promote student wellness while maintaining an open, informed, and responsible relationship with the students, faculty, and staff of UNC.

2-1-102 Name and Purpose.

2-1-102(1) Name.

The name of this organization shall be the Student Government Association of the University of Northern Colorado (SGA). It is recognized that the University of Northern Colorado is a state educational institution operating under the authority of the Board of Trustees Policy.

2-1-102(2) Purpose of Student Government Association.

- (a) Actively address matters of student affairs and experiences.
- (b) Promote understanding and communication between administrators, faculty, staff, and students.
- (c) Work with administration in all matters affecting the welfare of the University of Northern Colorado.

2-1-102(3) Non-Discrimination Policy.

We the Student Government Association, uphold the values of our University, do not discriminate on any basis, including but not limited to age, race, gender, religion, non-religion, sexual orientation, disability, veteran status, genetic

information, gender identity, gender expression, or national origin.

2-1-103 Executive Branch.

2-1-103(1) Executives.

- (a) The Executive Officers of the Student Government Association shall be chosen by the direct vote of the student body no later than the last full week of April and will begin a full-year term the following August 1st.
- (b) The time between the certification of the elections and May 15th shall be used as a transitional period, during which the Officers-elect shall work with the current Executive Officers to create a smoother transition.

2-1-103(2) Elected Executive Officers.

There shall be elected from among the students of UNC, the following Student Government Association Executive Officers: President, Vice President, Recording Secretary, Parliamentarian, and Treasurer.

2-1-103(3) Executive Officer Qualifications.

- (a) The President must have completed forty (40) semester hours, thirty (30) of which shall have been completed at any branch of UNC. The individual must have been at least a committee chair or executive officer for one semester in good standing.
- (b) The Vice President must have completed thirty (30) semester hours, twenty (20) of which shall have been completed at any branch of UNC. The individual must have been at least a Senator for one semester in good standing.
- (c) The Recording Secretary must have completed twenty-four (24) semester hours, twenty (20) of which shall have been completed at any branch of UNC. The individual must have been at least a Senator for one semester in good standing.
- (d) The Treasurer must have completed twenty-four (24) semester hours, twenty (20) of which shall have been completed at any branch of UNC. The individual must have been at least a Senator for one semester in good standing.

- (e) The Parliamentarian must have completed twenty-four (24) semester hours, twenty (20) of which shall have been completed at any branch of UNC. The individual must have been at least a Senator for one semester in good standing.
- (f) Any additional executive officers must have completed twenty-four (24) semester hours, Twenty (20) of which shall have been completed at any branch of UNC. The individual must have been at least a Senator for one semester in good standing.
- (g) To be qualified as an executive officer, in addition to all other specified requirements, a student must have and maintain an institutional grade point average of 2.75 or higher. If an officer's GPA falls below that requirement, he or she shall be automatically removed from office at the end of the current academic semester.
- (h) Good judicial standing with the university shall be a requirement for all students running for executive offices. Furthermore, if any executive officer should fall into poor judicial standing with the university they shall be subject to a mandatory hearing with the Student Judicial Board. The Judicial Board will then have the authority to remove any executive officer whom the justices deem unfit to hold office due to their judicial standing by way of a simple majority vote.

2-1-103(4) Cabinet Positions

- (a) The President or President-Elect of the Student Government Association shall have the power to create executive cabinet positions that shall be charged with the operation and management of executive tasks and programs.
- (b) The President or President-Elect shall propose the creation of new cabinet positions to the Senate for confirmation with a simple majority vote.
- (c) The President or President-Elect shall appoint any full-time student in good academic standing that they sees fit to fill a created position and shall also retain the power to remove a student from a position at any time for any reason.
- (d) A cabinet position, created by the President and confirmed by the Senate, shall expire at the end of each academic year; the executive branch must re-create each cabinet position each year if the President-Elect desires to retain staff operations in a recurring manner.

- (e) The Senate shall have the power to review a cabinet position at any time, and upon a (2/3) vote may eliminate a cabinet position.
- (f) Additional Cabinet Positions
 - (i) The Director of Student Affairs shall be appointed by the newly elected Student Government Association President, no later than 30 days after the spring election, and be confirmed by a two-thirds (2/3) majority approval of the current Senate.
 - (ii) The Chief of Staff shall be appointed by the newly elected Student Government Association President, no later than 30 days after the spring election, and be confirmed by a two-thirds (2/3) majority approval of the current Senate.
 - (iii) The Election Commissioner shall be appointed by the newly elected Student Government Association President, no later than 30 days after the spring election, and be confirmed by a two-thirds (2/3) majority approval of the current Senate.

2-1-103(5) Succession to the Executive Office.

- (a) In the event of a President's inability to serve, through removal from office, death, resignation, withdrawal, or lack of qualifications, the Vice-President of the Student Government Association shall become President. If the Vice-President does not meet the qualifications of President the succession will go down the line in the following order of succession to the Presidential Office: Recording Secretary, Treasurer, Parliamentarian, Chief of Staff.
- (b) In the event of a Vice-President's inability to serve, through removal from office, death, resignation, withdrawal, or lack of qualifications, or filling the position of President, the Recording Secretary shall serve the remainder of the term.
- (c) In the event of the Recording Secretary, Treasurer, or Chief of Staff is the inability to serve, through removal from office, death, resignation, withdrawal, or lack of qualifications, a qualified replacement shall be chosen among the Senate members, by the Student Government Association President and shall be approved by two thirds (2/3) majority of the Senate, to serve the remainder of the term.

2-1-104 Legislative Branch.

2-1-104(1) Legislative Officers.

The Legislative Officers of the student body shall be chosen by the direct vote of the student body by the first thirty (30) days of the fall semester and will begin their one-year Senate term upon taking the "Oath of Office" as a senator.

2-1-104(2) Membership.

- (a) The membership of the Senate shall be apportioned by class status
- (b) There shall be five (5) Senators from each of the following classes: 1st year, Sophomore, Junior, and Senior
- (c) Classification shall be determined by the number of credit hours earned at the time of the senate election.
- (d) In addition, there shall be five (5) at-large Senators, with one (1) position designated for each college, that shall be open to any qualified candidate regardless of class rank.

2-1-104(3) Qualifications.

- (a) Any enrolled student at UNC with a cumulative grade point average of 2.50 or higher, and in good academic standing, shall be eligible to run for election or be appointed to the Senate. If a senator's GPA falls below the requirement, he or she shall be automatically removed from office at the end of the current academic semester.
- (b) If any Senator should fall into poor conduct standing with the university, they shall be subject to a mandatory hearing with the Student Judicial Board. The Judicial Board will have the authority to remove any senator whom the justices deem unfit to hold office, due to their judicial standing, by way of a simple majority vote.

2-1-104(4) Organization.

- (a) The Vice President of the Student Government Association shall preside as President of the Senate.
- (b) The Recording Secretary of the Student Government Association shall serve

as the Clerk of the Senate. In the absence of the Recording Secretary, the Treasurer shall serve as the Clerk of the Senate.

- (c) The Senate shall follow Robert's Rules of Order in all instances where the Constitution and By-Laws do not apply.

2-1-104(5) Quorum

The Senate must have a quorum to conduct business. Quorum is defined as having a minimum of two-thirds (2/3) of all Senators in attendance, excluding Senators with excused absences.

2-1-104(6) Legislation

- (a) Bills – A bill is defined as legislation that is a request for funding from the Student Government Association by an approved Recognized Student Organization. No bill shall be passed unless it is by the Senate. The Senate shall adopt no bill until all affected individuals or organizations have had at least one (1) week to be heard. All bills must be referred to the Appropriations Committee in either their original or amended form for a minimum of one week before a vote may be taken.
- (b) Resolutions – All other legislation is defined as a resolution. No resolution shall pass unless it is by the Senate.
- (c) Before enactment, all legislation must be:
 - (i) Read before the Senate.
 - (ii) Entered into the minutes.
 - (iii) Passed by a Senate majority vote.
 - (iv) Signed by the Student Government Association President.
- (d) All legislation that passes through the Senate must then be presented to the Student Government Association President. The President has the authority to:
 - (i) The President can approve the legislation by signing it.
 - (ii) The President can return it with objections in the form of a line-item veto.
 - (iii) The President can veto the entire bill or resolution and return it to the Senate within two (2) weeks after presentation through the Recording Secretary of the Senate.

- (e) Every resolution, having been enacted by the Senate and approved by the Student Government Association President shall be submitted to the President of UNC.
- (f) Senate Action of vetoes:
 - (i) Legislation vetoed by the Student Government Association President can be overridden by a two-thirds (2/3) majority vote of Senators.
 - (ii) Line-item vetoes by the Student Government Association President can be overridden by a two-thirds (2/3) majority votes of Senators.

2-1-104(7) Succession of Senators.

If the seat of a Senator is vacated by resignation, academic probation, recall election, non-enrollment at UNC, or otherwise, the Student Government Association President will receive a slate of candidates from the remaining Senators within that classification and, from this list, shall appoint a new Senator. The newly elected/appointed Senator shall take office during the next regularly scheduled Student Government Association meeting, after taking the "Oath of Office."

2-1-104(8) Senator Absence Policy.

- (a) If a senator has accumulated 3 unexcused absences from scheduled meetings and/or events, the senator shall be removed from office.
- (b) Mandatory meetings include regular meetings of the Senate and a particular senator's scheduled committee meetings, both standing and ad-hoc committees.
- (c) Additionally, committee chairs may make events directly associated with their committee mandatory for the members of their committee.
- (d) Any senator may propose an event to be mandatory for the Senate at large; however, the said proposition must pass a simple majority roll call vote of the Senate.
- (e) Senators may be excused from mandatory events, or regular meetings of the Senate, provided they contact the Clerk of the Senate and present a valid excuse for their absence at least 24 hours in advance.
- (f) Senators wishing to be excused from committee meetings, or events made mandatory by their committee chair, must appeal to their respective

committee chair for an excused absence.

2-1-105 Student Trustee.

The Powers of the Student Trustee shall be vested within the UNC Board of Trustee Bylaws and the Student Government Association Constitution. The position of Student Trustee shall be elected through the annual SGA Elections and shall report to the Board of Trustees as expected in their position description.

2-1-105(1) Responsibilities of the Student Trustee.

- (a) Report to the Student Government Association Senate and Executive Board weekly and as the calendar permits.
- (b) Report to the SGA within two (2) weeks following each Board of Trustees meeting if the calendar permits.
- (c) Serve of the UNC Board of Trustees, attend the Board of Trustees meetings, and report to the Student Government Association.
- (d) Meet as necessary with the President of the University and Chief of Staff (or equivalent position) and report to the Student Government Association.
- (e) Meet monthly with the University President and report to the Student Government Association.
- (f) Meet monthly with the President of the Student Government Association
- (g) Be responsible for presenting the views of the UNC student body to the Board of Trustees.
- (h) Be responsible for presenting the views of the UNC student body to other state colleges, universities, legislators, and other elected officials as deemed necessary.
- (i) Take office on July 1 after elections and remain in office until June thirtieth of the following year. If the predecessor trustee graduates or leaves the institution before July 1, the succeeding trustee will take office upon the date the predecessor separates from the University.
- (j) The Student Trustee is not permitted to serve a role in the SGA.

2-1-106 Judicial Board.

2-1-106(1) Student Judicial Board.

The Student Judicial Board is responsible for hearing cases through an

educational peer review process. The process, which ensures fundamental fairness and appropriate sanctions determines student accountability pertaining to the SGA Constitution and Bylaws.

2-1-106(2) Composition of the Judicial Board.

- (a) The Judicial Board shall consist of five (5) student members and one (1) faculty/staff advisor.
- (b) The SGA President shall select a chair responsible for conducting pre-hearings, hearing, and any task necessary for the operation of the Judicial Board.
- (c) The Judicial Board chair shall be a full-time student, in good standing, and shall not be a seated member of the Judicial Board, a seated Senator, or an SGA executive.
- (d) The SGA President shall appoint all student positions comprising the Judicial Board.

2-1-106(3) Qualifications.

Judicial Board members shall be students of UNC in good academic standing and disciplinary standing when they are appointed and during their term in office. They must have a grade point average of 2.50 or higher and be in good academic standing. Judicial Board members shall serve one calendar year from the time they are appointed in the fall semester of each academic year.

2-1-106(4) Appointment.

The Judicial Board Chair shall present a slate of candidates to the Student Government Association President who shall appoint ten (10) student members. Since the Student Judicial Board exists primarily to provide an educational peer review process, at least six (6) of the student members must be students at the main campus.

2-1-106(5) Jurisdiction.

- (a) The Judicial Board shall interpret all policies of the Student Government Association and have original jurisdiction in any cases concerning Student Government Association policies, laws, impeachment hearings, and activities, including elections.

- (b) The Judicial Board will also handle disputes concerning approved Recognized Student Organizations.

2-1-107 Advisor.

There shall be at least one professional staff member employed by UNC to work with the Student Government Association in the role of Advisor.

2-1-107(1) Selection.

The Advisor shall be selected by the UNC Administration in consultation with the members of the Executive Branch of the Student Government Association.

2-1-107(2) Qualifications.

The qualifications for the Advisor shall be determined by the UNC Administration in consultation with the members of the Executive Branch of the Student Government Association.

2-1-107(3) Advisor Responsibilities.

- (a) Assisting in and advisory capacity in the day-to-day operations of the Student Government Association.
- (b) Attending and participating as an active advisor at all Student Government Association regularly scheduled meetings.
- (c) Acting as an administrative liaison between the Student Government Association and the UNC Administration.

2-1-108 Compliance and Approval.

2-1-108(1) Amendments.

Amendments to the Student Government Association Constitution must be approved by the UNC Board of Trustees and ratified by a majority vote of the student body in either a regular or special election.

2-1-108(2) Access to information.

In order to ensure open and responsible information sharing, Student Government Association documents (not dealing with student grievances,

personnel, or legal items) shall be open and available to the public, pursuant to the Colorado Open Records Act.

Policy History

STUDENT GOVERNMENT CONSTITUTION

2-1-101 through 2-1-123 replaced February 10, 2023



Part 2 – Academic Appeal Procedure

2-1-201 Purpose.

The purpose of the Academic Appeals Process (“AAP”) described below is to provide a means for appealing and resolving disputes concerning an “Academic Decision” (defined as a final course grade or the termination of a student’s program) that the affected student considers “arbitrary,” “capricious,” or a “violation of University policy.” These terms are defined as follows:

- (1) arbitrary: disparate treatment of persons in essentially identical circumstances;
- (2) capricious: no discernible relationship between the act or decision complained of and the legitimate interests or considerations affecting or motivating such act or decision; and
- (3) violation of University policy: misinterpretations, misapplications, or violations of authorized University policies.

In the AAP, the student, faculty member, Department, School or Program Area Committee may be referred to severally or collectively as the “parties” and any one of them may be referred to as a “party.”

“Working Days,” as used in this University Regulations, 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 day 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.

2-1-202 Relationship to Other Appeals Procedures.

The AAP shall be used by students to appeal actions taken according to standards or practices that are specific to a course, discipline, program, department, school,

or college. The AAP may not be used to appeal decisions pursuant to the University's Student Code of Conduct.

2-1-203 Rights and Responsibilities.

- (1) **Informal Communication with Faculty Member, Department, School or Program Area Committee.** Prior to submitting an appeal under the AAP, the student is encouraged to discuss the Academic Decision with which they disagree in an informal communication with the faculty member and/or the Department, School or Program Area Committee (collectively "DSPAC") who made the Academic Decision.
- (2) **Initiation and Maintenance of Formal Appeal by the Student.** If the student is not satisfied with the outcome of the informal communication and they want to initiate the AAP, they must do so in writing with the faculty member or appropriate DSPAC Chair/Director, as the case may be. It is the responsibility of the student to initiate the formal appeals procedure in writing at each level described in the AAP. If the student fails to initiate or maintain their appeal as required by this policy, the Academic Decision with which the student disagrees shall be final and not subject to further appeal.
- (3) **Written Submission Under the AAP.** All written submissions under the AAP must be submitted to the required recipients to their University email addresses.
- (4) **Student's Right to Academic Counsel.** At any time during the AAP, the student is encouraged to ask questions they have about the AAP to their academic advisor, the appropriate DSPAC Chair/Director, the Dean of their College, the Graduate Dean/AVP of Undergraduate Studies, and/or the Dean of Students. The student may also designate one person (who has not served on a prior academic appeal board regarding the student) to serve as their academic counsel. The academic counsel functions as the student's advisor through the appeals process and, as such, shall provide the following assistance:
 - (a) help guide the student through the AAP including but not limited to discussing whether the decision being appealed was arbitrary, capricious or a violation of University policy; and
 - (b) except for a Preliminary Review pursuant to 2-1-204(5), be present at all required conferences and the hearing before the Hearing Panel (2-1-208).

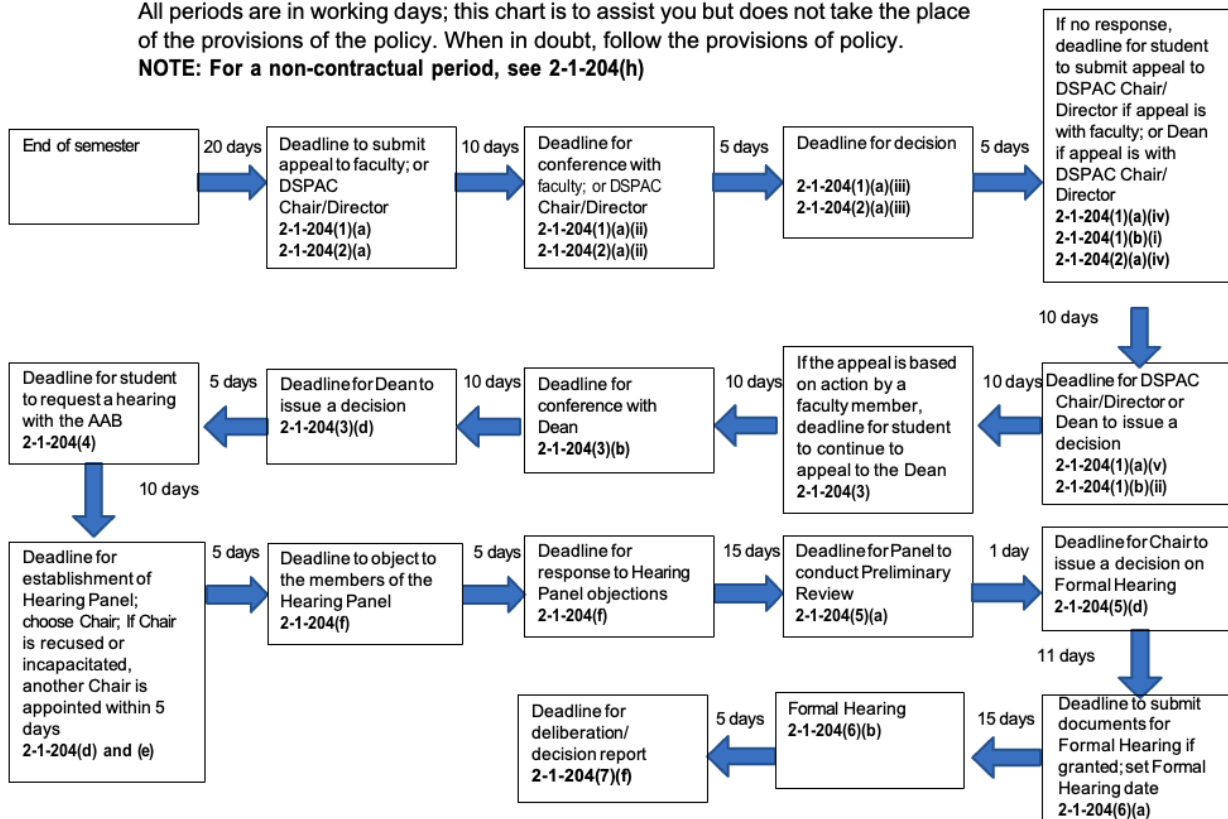
- (5) **Faculty Member's or DSPAC's Right to Academic Counsel.** The faculty member or DSPAC may each designate one person (who has not served on a prior academic appeal board regarding the student) to serve as their respective academic counsel. The academic counsel functions as the faculty member's advisor through the appeals process and, as such, shall:
- (a) help guide them through the AAP including but not limited to discussing whether the decision being appealed was arbitrary, capricious or in violation of University policy; and
 - (b) except for a Preliminary Review pursuant to 2-1-204(5), be present at all required conferences and the hearing before the Hearing Panel (2-1-208).
- (6) **Extension of Deadlines.** At any stage of the AAP, any party may request an extension of any deadline described in this policy by submitting, prior to the deadline, a written request to the individual or body involved in that phase of the appeal process. Any deadline under this policy may be shortened or extended in order to prevent manifest injustice to one or more of the parties or other participants as determined by the individual or body to whom the request is made. The individual or body to whom such a request is made must act on it no later than five (5) working days after receipt of the request.
- (7) **Provision of Evidence.** The respective parties are responsible for providing the evidence on which they intend to rely at each stage of the AAP. Evidence submitted, and any oral and written arguments, should be directed to the issue of whether the action being appealed is arbitrary, capricious, or a violation of University policy. Copies of all physical evidence presented at each stage of the AAP shall be retained by the individual or body who shall issue a decision in that stage of the AAP. Such evidence and the written decision shall be provided to the individual or body in the next step of the AAP should the student choose to proceed.
- (8) **Grade Changes During AAP.** During the AAP, grade changes can only be made:
- (a) by the faculty member who issued the original grade, provided that the faculty member is still employed by UNC;
 - (b) by the DSPAC Chair/Director to which the faculty member who issued the original grade was assigned, only if the faculty member is no longer employed by UNC; or
 - (c) by the Registrar, as a result of the Hearing Panel's decision as described in 2-1- 204(6)(k) and, in such case, the grade change must be

consistent with the Hearing Panel's decision.

2-1-204 Steps for Appeal.

All periods are in working days; this chart is to assist you but does not take the place of the provisions of the policy. When in doubt, follow the provisions of policy.

NOTE: For a non-contractual period, see 2-1-204(h)



2-1-204(1) Appeal Based on Action by a Faculty Member.

(a) **Initiation of Appeal Based on Action by a Faculty Member.** No later than twenty (20) working days after the day grades are due at the end of the semester or session in which the academic action occurred, the student shall submit their written appeal to the faculty member.

- (i) The written appeal shall describe how the Academic Decision is arbitrary, capricious, or a violation of University policy.
- (ii) The faculty member shall schedule a conference with the student within ten (10) working days after the faculty member's receipt of the appeal. At the conference, the student and faculty member shall discuss the student's written appeal. If a resolution of the appeal is reached as a result of the conference, then the student and faculty member shall prepare a written document that describes the terms of the resolution, shall sign the document

confirming the resolution achieved, and shall take all actions necessary to implement the resolution. When the resolution document is signed, no further appeal proceedings under the AAP will occur.

- (iii) If the conference does not result in a resolution of the matter, no later than five (5) working days after the conference, the faculty member shall issue a written decision on the student's appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of university policy and the reasons for the determination.
- (iv) If the faculty member does not issue a decision within five (5) working days after the conference, the student may submit their appeal to the DSPAC Chair/Director no later than ten (10) working days after the conference. If the student does not do so, the appeal shall be considered withdrawn and the Academic Decision which was the subject of the AAP shall be final and not subject to further appeal.
- (v) If the DSPAC Chair/Director is from a discipline other than that of the faculty member whose action is appealed, the DSPAC Chair/Director may designate a faculty member from the relevant program area to consider the appeal. The DSPAC Chair/Director, or their designee may request information from and discuss the appeal with the faculty member whose Academic Decision has been appealed. The DSPAC Chair/Director shall have ten (10) working days from the date the student submits the appeal to issue a written decision as described in subsection (iii), above.
- (vi) If the faculty member whose Academic Decision is being appealed is also the Department Chair or School Director, the student shall begin the appeal process as in 2-1-204(3) by requesting a conference with the Dean of the faculty member's college.

(b) **Conference with the Department Chair, School Director, or Program Area Committee Chair.** If the student does not believe that the faculty member's decision described in 2-1-204(1)(a)(iii), above, has resolved the appeal, or a decision is not issued within the time required in 2-1-204(1)(a)(iv), above, the student may request a conference with the faculty member's DSPAC Chair/Director Chair.

- (i) Within five (5) working days, the student shall submit to the DSPAC Chair/Director their appeal referenced in 2-1-204(1)(a), as well as

the decision, if any issued by the faculty member. The DSPAC Chair/Director shall confer with the faculty member whose Academic Decision is being appealed. The DSPAC Chair/Director may affirm or reverse the faculty member's decision or may recommend a resolution to the parties for their consideration.

- (ii) The DSPAC Chair/Director shall issue a written decision to the parties within ten (10) working days from the date the student submits their appeal as described in 2-1- 204(1)(b)(i), above. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of University policy and the reasons for the determination.

2-1-204(2) Appeal Based on Academic Decision by DSPAC.

- (a) **Initiation of Appeal Based on Action by a DSPAC.** No later than twenty (20) working days after the day grades are due at the end of the semester or session in which the Academic Decision occurred, the student shall submit their written appeal to the DSPAC Chair/Director.

- (i) The written appeal shall describe how the DSPAC's Academic Decision is arbitrary, capricious, or a violation of University policy.
- (ii) The DSPAC Chair/Director, as the case may be, shall set a conference with the student within ten (10) working days after the receipt of the appeal. At the conference, the student and the other party shall discuss the student's written appeal. If a resolution of the appeal is reached as a result of the conference, then the student and the other party shall prepare a written document that describes the terms of the resolution, shall sign the document confirming the resolution achieved and shall take all actions necessary to implement the resolution. When the resolution document is signed, no further appeal proceedings under the AAP will occur.
- (iii) If the conference does not result in a resolution of the matter, no later than five (5) working days after the conference, the DSPAC Chair/Director, as the case may be, shall issue a written decision on the student's appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or a violation of University policy and the reasons for such determination.
- (iv) If a written decision is not issued within five (5) working days after the conference, the student may submit their appeal to the College

Dean or Dean of the Graduate School, as the case may be, no later than ten (10) working days after the conference. If the student does not do so, the appeal shall be considered withdrawn and the action which was the subject of the AAP shall be final and not subject to further appeal.

2-1-204(3) Conference with the College Dean or the Dean of the Graduate School. If the student does not believe that the decision referenced in 2-1-204(1)(b)(ii) or (2)(a)(iv), above, has resolved the appeal, then the student may request a conference with the appropriate Dean no later than ten (10) working days after the decision of the DSPAC Chair/Director. An undergraduate student should request a conference with the Dean of the College in which the program of study is housed and a graduate student should request a conference with the Dean of the Graduate School, or their respective designee.

- (a) Within the period stated in 2-1-204(3), above, the student shall submit to the appropriate Dean their appeal referenced in 2-1-204(1)(a) or (2)(a), above, as well as the decision, if any, issued by the other party. In this submission, the student shall also describe how the decision previously issued did not resolve the appeal satisfactorily. If the student does not do so, the appeal shall be considered withdrawn and the action that was the subject of the appeal shall be final and not subject to further appeal.
- (b) The appropriate Dean shall set a conference with the student that shall occur no later than ten (10) working days from the student's submission described in 2-1-204(3)(a), above.
- (c) The Dean shall confer with the party whose decision is being appealed.
- (d) The Dean shall issue their decision within ten (10) working days of the conference referenced in 2-1-204(3)(a), above, and submit their decision to all parties involved in the appeal. The decision shall state whether the Academic Decision was arbitrary, capricious, or violated university policy and the reasons for such determination.

2-1-204(4) Request for Academic Appeals Board Hearing. If the student is dissatisfied with the outcome of the appeal review, they may submit a request to the Chair of the Academic Appeals Board (AAB) for a formal hearing. The request for a hearing before the AAB must be submitted within five (5) working days after the Dean's decision is issued as described in 2-1-204(3)(d), above.

- (a) The AAB Hearing Panel shall be comprised of:
- (i) In the case of an appeal submitted by an undergraduate student, five (5) faculty members appointed by the Faculty Senate and five (5) undergraduate students appointed by the Student Senate;
 - (ii) In the case of an appeal submitted by a graduate student, five (5) members of the Graduate Faculty appointed by the Graduate Council (at least two (2) of whom shall have doctoral research endorsement status) and five (5) graduate students appointed by the GSA;
 - (iii) And, in either case, a Chair, who shall be appointed by the Chief Academic Officer/Provost ("CAO") and confirmed by majority vote of each of the Faculty Senate and Student Senate.
- (b) AAB members shall serve one-year terms and may be reappointed. The Chair shall serve a two- year term and may be reappointed, and re-approved by Faculty Senate/Student Senate. In appointing members to the AAB, the Faculty Senate, Graduate Council, Student Senate, and GSA shall strive for maximum diversity in terms of college representation and, in the case of faculty, rank.
- (c) Appointments shall be made by the end of the spring semester. If the Faculty Senate or Student Senate does not make appointments in a timely manner, the CAO shall make temporary faculty or undergraduate student appointments to the AAB as appropriate. If the GSA does not make appointments in a timely manner, the Dean of the Graduate School shall make temporary graduate student appointments as appropriate.
- (d) In the event of the Chair's recusal or incapacity, the CAO, from the membership of the AAB, shall appoint a new Chair within five (5) working days.
- (e) Within ten (10) working days of receipt of the student's request for a formal hearing, the Hearing Panel shall be established by the Chair. All members of the Hearing Panel present at the hearing shall be voting members. The Chair shall forward the names of those selected to the student and the student's College Dean.
- (f) Within five (5) working days after notification of the membership of the Hearing Panel, either party may submit a written objection to the selection of any Hearing Panel member to the Chair. Objections may be made only on the basis of alleged conflict of interest of the member. Within five (5) working days after submission of any objection(s), the Chair

shall either replace the member(s) to whom an objection has been submitted or retain the member(s) and refer the question of conflict of interest to the CAO. The CAO may uphold the Chair's decision or require replacement(s) for any of the member(s) about whom objection has been submitted. The CAO's decision is final.

- (g) In the event the Chair must replace any Hearing Panel member because of an objection or a member's recusal or incapacity, the Chair shall request that a replacement be chosen by the group who appointed that member.
- (h) The appropriate Dean shall determine, in their sole discretion, whether AAB Hearing Panel proceedings shall be held during a non-contractual period. If it is determined that Hearing Panel proceedings shall not be held during a non-contractual period, such proceedings shall occur during the next semester. If it is determined that Hearing Panel proceedings shall be held during a non-contractual period, the appropriate Dean shall appoint an ad hoc chair of the Hearing Panel. The faculty members of the Hearing Panel must be approved by the Executive Committee of the Faculty Senate. The student members of the Hearing Panel must be approved by the Student Senate President or GSA President. If the ad hoc Chair cannot establish a Hearing Panel during a non-contractual period, the Panel shall be established within the first five (5) working days of the next semester. If the ad hoc Chair can establish a Hearing Panel during a non-contractual period, the Hearing Panel proceedings shall be scheduled no later than seven (7) calendar days prior to the end of the non-contractual period. With respect to any Hearing Panel proceedings held during a non-contractual period, the time periods in 2-1-204(5), (6), and (7) that are calculated in working days are modified such that for every five (5) working days, seven (7) calendar days are allotted. (Examples: fifteen (15) working days become twenty-one (21) calendar days; eleven (11) working days become fifteen (15) calendar days).

2-1-204(5) Preliminary Review of Student's Request for Formal Hearing.

- (a) No later than fifteen (15) working days after the deadline for filing objections to the Hearing Panel members, or after the date on which any objections are resolved, whichever occurs later, the Hearing Panel shall meet to conduct a Preliminary Review of the student's request for a formal hearing. The Preliminary Review meeting shall occur in closed session. No persons other than the Chair and the Hearing Panel members

shall be allowed to attend.

- (b) The Chair shall request written statements, that may include supporting documentation, from the parties in support of their respective positions and shall set a deadline for the submission of such written statements. The Chair shall forward promptly to each member of the Hearing Panel the written statements received.
- (c) A quorum for purposes of the Preliminary Review shall consist of the Chair, at least three (3) faculty members and at least three (3) student members of the Hearing Panel.
- (d) At the Preliminary Review, the Hearing Panel shall decide whether there is prima facie evidence that the Academic Decision that is the subject of the appeal was arbitrary, capricious, or a violation of University policy. If three (3) or more members of the Hearing Panel believe that prima facie evidence exists that the Academic Decision was arbitrary, capricious, or a violation of University policy, the student's appeal shall proceed to formal hearing. If not, the matter shall not proceed to formal hearing, the student's appeal shall be dismissed, and no further proceedings under the AAP shall occur. The decision of the Hearing Panel is final and not subject to further review. The Chair shall inform the parties of the Hearing Panel's decision pursuant to 2-1-203(3) no later than one (1) working day after the decision is made.

2-1-204(6) Preparations for the Formal Hearing.

- (a) If the Hearing Panel decides pursuant to 2-1-204(5)(d) that the student's appeal shall proceed to formal hearing, within eleven (11) working days after such decision, each party shall submit the following to the Chair and to all other parties:
 - (i) All documents and other materials that the party may seek to introduce at the formal hearing; and
 - (ii) The name, address and contact information (email and phone) of each person who the party may call as a witness at the formal hearing, together with a description of the subject matter to which the witness is expected to testify.
- (b) The Chair shall set the date, time, and place of the formal hearing, and shall make a good faith effort to set the formal hearing in a manner that accommodates the schedules of all parties. The formal hearing shall occur no later than fifteen (15) working days after the items described in

subsection (a), above, have been submitted by the parties within the required deadline. No materials may be submitted after the deadline stated in subsection (a) above.

2-1-204(7) Hearing Procedure.

- (a) **General Matters.** The Chair shall preside over the formal hearing. Each party shall have the opportunity to present testimony of witnesses and to submit documents. The Chair shall conduct the formal hearing in a manner that allows for the orderly presentation of testimony and documents, but is not required to follow rules of evidence and procedure utilized in a court of law. For the protection of the parties, the formal hearing shall occur in closed session and, with the exception of the presence of non-party witnesses during their testimony, no one other than the Chair, the Hearing Panel, the parties, and the parties' respective Academic Counsel (who may not be called as a witness in the formal hearing) shall be present. The information presented at the formal hearing shall not be provided to third persons except to the extent required to effectuate the decision of the Hearing Panel. The parties may be assisted and/or advised by Academic Counsel, but the parties shall be the only persons who shall present their respective positions and arguments, and question witnesses before the Hearing Panel. The Chair shall make reasonable efforts to notify all persons identified by each party as potential witnesses and to arrange for the appearance of such witnesses at the formal hearing. If the appearance of a witness is not possible, the Chair may allow, in their discretion, such witness to provide a written statement of matters relevant to the appeal.
- (b) **Quorum.** A quorum for purposes of the formal hearing shall consist of the Chair, at least three (3) faculty members and at least three (3) student members of the Hearing Panel.
- (c) **Record.** A record of the proceeding shall be made and consists of an audio recording of the formal hearing, all documents presented, and the Hearing Panel's written decision pursuant to 2-1-204(7)(g).
- (d) **Burden of Proof.** The burden of proving that the Academic Decision was arbitrary, capricious, or a violation of University policy is on the student. The Hearing Panel may consider all evidence, regardless of who presents the evidence, in determining whether the burden of proof has been met.
- (e) **Formal Hearing Protocol.**

- (i) The Chair shall call the formal hearing to order, identify the issues and parties involved and give an overview of the hearing process.
- (ii) An opening statement may be made by each party.
- (iii) The Chair shall moderate the presentation of witness testimony in a manner that facilitates the receipt of relevant evidence of which the witness has first-hand knowledge or other indicia of reliability. Each party may call any witness identified by any party and may ask relevant questions of any witness called to testify.
- (iv) The Chair shall moderate the introduction of documents and other materials into the record in a manner that facilitates the introduction of relevant evidence that demonstrates their authenticity.
- (v) The Chair may adjourn the formal hearing for a reasonable period of time, if required, to complete the introduction of relevant evidence. Once the Hearing Panel has determined that all relevant evidence of the parties has been presented, the Chair shall close the formal hearing.
- (f) **Deliberation and Decision.** Within five (5) working days of the closure of the formal hearing, the Hearing Panel shall deliberate and decide whether, by a preponderance of the evidence, the Academic Decision that the student has appealed was arbitrary, capricious, or a violation of University policy. The decision of the Hearing Panel must be one to which at least two-thirds of the Hearing Panel agrees.
- (g) **Preparation of Written Decision of the Hearing Panel.** The members of the Hearing Panel shall assist the Chair in the preparation of a written decision that contains findings of relevant facts that support the decision of the Hearing Panel. The written decision shall also contain separate statements of each conclusion decided by the Hearing Panel based upon its findings. The written decision shall not disclose opinions or conclusions of individual Hearing Panel members. The written decision, once final, shall be distributed by the Chair to the parties, the DSPAC, the appropriate Dean, and the CAO no later than one (1) calendar day following its preparation.
 - (i) In appeals involving a final grade, if the Hearing Panel's decision is that a final grade change should be made, the Chair shall contact the faculty member regarding the decision about the specific final grade change recommended by the Hearing Panel. If the faculty

member does not agree with the Hearing Panel's recommendation, the Chair shall provide the written decision to the DSPAC for its determination of the final grade change consistent with the written decision of the Hearing Panel. Such determination to be made no later than five (5) working days following its receipt of the written decision. The final grade change of the DSPAC shall be submitted to the Registrar for entry of the final grade.

(ii) In appeals involving program termination, if the Hearing Panel's decision is that the student's program not be terminated, the decision shall be communicated to the DSPAC, who shall take all actions necessary to reinstate the student's program. The Hearing Panel's decision may also include recommendations, if any, about remedial actions as part of the reinstatement of the student's program. In their discretion, the CAO shall consider any remedial recommendations and may implement such remedial actions as they deem reasonable and appropriate.

(h) **Disposition of Records.** After the Hearing Panel's written decision is distributed to the parties, the DSPAC, the appropriate Dean, and the CAO, the Chair shall forward all records of the formal hearing to the CAO. Except when required by a valid subpoena issued by a court of competent jurisdiction, access to the records of the formal hearing shall be confined to authorized University personnel, who require access in connection with the performance of their duties.

Policy History

2-1-201 ACADEMIC APPEALS.

Subsection 2-1-201(3) Purpose amended (Jun 2013)

Section 2-2-201 Purpose amended (Jun 2020)

2-1-202 RELATIONSHIP TO OTHER APPEALS PROCEDURE.

Section 2-1-202 amended (Jun 2013)

Section 2-1-202 amended (Jun 2020)

2-1-203 RIGHTS AND RESPONSIBILITIES.

Subsection 2-1-203(d)(f) amended (Jun 2013)

Section 2-1-203 unnumbered paragraph amended (Jun 2013)

Section 2-1-203(1)(2)(3)(4)(5)(6)(7)(8) amended (Jun 2020)
Subsection 2-1-203(4)(a)(b) amended (Jun 2020)
Subsection 2-1-203(5)(a)(b) amended (Jun 2020)
Subsection 2-1-203(8)(a)(b)(c) amended (Jun 2020)

2-1-204 STEPS FOR APPEAL.

Section 2-1-204 amended (Jun 2013)
Subsection 2-1-204(3) Conference with the College Dean or the Dean of the Graduate School unnumbered paragraph two amended (Jun 2013)
Subsection 2-1-204(4) Request for Academic Appeals Board ("AAB") Hearing (a)(b)(c)(d)(e) amended (Jun 2013)
Subsection 2-1-204(5) Preliminary Evaluation of Case by Hearing Panel unnumbered paragraph one and four amended (Jun 2013)
Subsection 2-1-204(6)(a)(b)(c) Preparations for the Hearing amended (Jun 2013)
Subsection 2-1-204(6) Preparation for the Hearing (a)(b)(c) amended (Jun 2013)
Subsection 2-1-204(7) Hearing Procedure (a)(b)(d)(d)(e)(f)(g)(h)(i)(j)(k)(l) amended (Jun 2013)
Section 2-1-204 amended (Jun 2020)
Subsection 2-1-204(1)(a)(i)(ii)(iii)(iv)(v)(vi) amended (Jun 2020)
Subsection 2-1-204(1)(b)(i)(ii) amended (Jun 2020)
Subsection 2-1-204(2)(a)(i)(ii)(iii)(iv) amended (Jun 2020)
Subsection 2-1-204(3)(a)(b)(c)(d) amended (Jun 2020)
Subsection 2-1-204(4)(a)(i)(ii)(iii) amended (Jun 2020)
Subsection 2-1-204(4)(b)(c)(d)(e)(f)(g)(h) amended (Jun 2020)
Subsection 2-1-204(5)(a)(b)(c)(d) amended (Jun 2020)
Subsection 2-1-204(6)(a)(i)(ii)(b) amended (Jun 2020)
Subsection 2-1-204(7)(a)(b)(c)(d)(e)(i)(ii)(iii)(iv)(v)(f)(g)(i)(ii)(h) amended (Jun 2020)



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 their 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 their 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.]



2-1-501 University Standards of Conduct. (Section moved to University Regulations and replaced by revised Student Code of Conduct (BEAR Code))

Board Policy Manual

2-1-506 INTERIM SUSPENSION PROCEDURES.

Section 2-1-506 Interim Suspension Procedures deleted (Apr 2015)

2-1-507 SPECIAL PROCEDURES – SEXUAL ASSAULT CASES.

Section 2-1-507(1)(2)(3)(4) Special Procedures – Sexual Assault Cases deleted (Apr 2015)



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 their 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, they 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 their 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 their decision. The President's decision shall be final.

Policy History

2-2-106 GRIEVANCE PROCEDURE.

Subsection 2-2-106(3)(c) Definitions amended (Jan 2012)



Part 2 – Discrimination Review Procedures

(2-2-201 through 2-2-201 deleted effective April 15, 2015)

Policy History

2-2-201 PURPOSE AND SCOPE.

Section 2-2-201 Purpose and Scope deleted (Apr 2015)

2-2-202 POLICY STATEMENT.

Section 2-2-202 Policy Statement deleted (Apr 2015)

2-2-203 DEFINITIONS.

Section 2-2-203(1)(1a)(2)(3)(4)(5)(6)(7) Definitions deleted (Apr 2015)

2-2-204 PROCEDURES.

Section 2-2-204(1)(2)(3)(4)(5)(5a)(5b)(6)(7)(8)(9)(10) Procedures deleted (Apr 2015)

2-2-205 INFORMAL COMPLAINTS PROCEDURE.

Section 2-2-205(1)(2) deleted (Apr 2015)

2-2-206 FORMAL COMPLAINTS PROCEDURE.

Section 2-2-205(1)(2)(2a)(2b)(2c)(2d)(2e)(2f)(2g)(3)(4)(5)(6)(6a)(6b)(6c)(7) Formal Complaints Procedure deleted (Apr 2015)

2-2-207 DISCRIMINATION GRIEVANCE APPEAL COMMITTEE.

Section 2-2-207(1)(2)(3)(4)(5)(6)(7)(8) Discrimination Grievance Appeal Committee deleted (Apr 2015)

2-2-208 HEARINGS PROCEDURE.

Section 2-2-208(1)(2)(3)(4)(5)(6)(7) Hearings Procedure deleted (Apr 2015)

2-2-209 VICE PRESIDENT APPEAL.

Section 2-2-209 Vice President Appeal deleted (Apr 2015)

2-2-210 SEXUAL HARASSMENT

Section relocated to 2-2-301 (Dec 2010)



Part 3 – Sexual Harassment

(2-2-301 through 2-2-311 deleted effective April 15, 2015)

Policy History

2-2-301 SEXUAL HARASSMENT.

Section 2-2-301(1)(2)(3) Sexual Harassment deleted (Apr 2015)

Section relocated from the Discrimination Procedures (Dec 2010)

Section added (Jun 2010)

2-2-302 DEFINITIONS.

Section 2-2-302(a)(b)(c) Definitions deleted (Apr 2015)

Subsection 2-2-302(c) Working Days amended (Jan 2012)

2-2-303 SCOPE.

Section 2-2-303(1)(1a)(1b)(1c)(2)(3)(4) Scope deleted (Apr 2015)

2-2-304 GENERAL CONSIDERATIONS.

Section 2-2-304(1)(2)(3)(4) General Considerations deleted (Apr 2015)

2-2-305 COMPLAINT PROCEDURES.

Section 2-2-305(1)(2)(3) Complaint Procedures deleted (Apr 2015)

Subsection 2-2-305(1)(a)(b)(bi)(bii)(biii)(2)(a)(b)(bi)(bii)(biii)(biv)(bv)(bvi)(c)(d)(e)(f)(fi)(fii)(g)(h)

Informal Complaint Procedures deleted (Apr 2015)

2-2-306 SEXUAL HARASSMENT COMPLAINT APPEAL COMMITTEE.

Section 2-2-306(1)(2)(2a)(2b)(2c)(2d)(3)(4)(5) Sexual Harassment Complaint Appeal Committee deleted (Apr 2015)

2-2-307 HEARING PROCEDURE.

Section 2-2-307(1)(2)(3)(4)(5)(6)(7) Hearing Procedure deleted (Apr 2015)

2-2-308 VICE PRESIDENT APPEAL.

Section 2-2-308 Vice President Appeal deleted (Apr 2015)

2-2-309 PRESIDENTIAL APPEAL.

Section 2-2-309 Presidential Appeal deleted (Apr 2015)

2-2-310 RETALIATION.

Section 2-2-310 Retaliation deleted (Apr 2015)

2-2-311 MALICIOUS OR FALSE ACCUSATIONS.

Section 2-2-311 Malicious or False Accusations deleted (Apr 2015)



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 workday 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 their 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 their 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) workdays 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 their 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 employee'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 Board of Trustees 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 Board of Trustees 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 their 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 their assigned position and shall terminate when they are 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, they shall be considered the primary caretaker, at least during the time of their maternity leave.

- (I) 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 their 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 their 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 their 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.

Policy History

2-2-408 TUITION GRANTS.

Subsection 2-2-408(1)(a)(c)(e) and unnumbered paragraphs two, three, four, five, six, seven Dependent and Domestic Partner Tuition Grants amended (Dec 2010)

Subsection 2-2-408(2)(a)(c)(e)(h)(i)(j) Employee Tuition Grant amended (Dec 2010)



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, senior lecturer, 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) faculty assignment in instruction, professional activity, and/or service (including chair service) as defined in 2-3-401(2)(b). The voting faculty also includes librarians. The voting faculty does not include faculty on full-time administrative assignment, such as deans, assistant/associate deans, and school directors. 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 their 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) The chair of the Faculty Senate may appoint a parliamentarian, who shall assist in questions of parliamentary procedure at faculty meetings. The most recent edition of *Robert's Rules of Order* shall serve as the parliamentary authority. In the absence of a parliamentarian at meetings of the faculty, questions of parliamentary procedure shall be addressed to the vice-chair of the Faculty Senate or, in the absence of the vice-chair, the secretary of the Faculty Senate.
- (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, 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, 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.
- (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 Nominations Elections and Appointments.

- (1) As used in this Section 2-3-105, "faculty governance bodies" includes the Faculty Senate, committees of the Faculty Senate, committees constituted by the Faculty Senate (as defined in the Faculty Senate Bylaws), representative faculty committees (as defined in 2-3-104(3)), and the Constitutional Review Authority (as defined in 2-3-109).
- (2) The Faculty Senate shall determine and supervise the processes to be used for all elections and appointments of faculty members to faculty governance bodies.
 - (a) Questions of eligibility for nomination, election, or appointment to faculty governance bodies or for voting in elections shall be decided by the Faculty Senate in a manner not inconsistent with the provisions of the Faculty Constitution and the Faculty Senate Bylaws.
 - (b) At least two weeks prior to the date of elections for faculty governance bodies, the Faculty Senate shall notify the appropriate faculty of vacancies.
- (3) No faculty member shall hold concurrent membership on more than one of the following faculty governance bodies except as provided for in 2-3-106(4)(e): Faculty Senate, Liberal Arts Council, Graduate Council, Professional Education Council, Undergraduate Council, Faculty Research and Publications Board, and the Constitutional Review Authority.
- (4) Voting shall be by secret ballot.
 - (a) Each ballot shall contain instructions for voting.
 - (b) To be elected, a nominee must receive a plurality of the votes cast.
 - (c) If two or more nominees receive the same number of votes, a run-off election shall be held.
- (5) Elections to faculty governance bodies shall be held during the spring semester of each year. Elections to the Faculty Senate shall be held before elections are held for other faculty governance bodies.
- (6) With the exception of the Constitutional Review Authority (2-3-109(2)) and the Tenure Appeals Committee (2-3-902(6)), terms of office on faculty governance bodies shall be three years. On a newly established faculty

governance body, some of the initially elected faculty may hold one-or- two year terms in order to establish staggered terms for such faculty governance body. A faculty member of a faculty governance body may also serve less than a three-year term if their unit loses representation through reapportionment. A student member of a faculty governance body shall serve a one-year term. Terms of office on the faculty governance bodies (other than those elected pursuant to subsection (10) below) shall begin on July 1 of the year in which the member is elected.

- (7) The Faculty Senate has the authority to arrange terms of office so that approximately one-third of the members of each faculty governance body will be elected each year.
- (8) There is no limit to the total number of terms that a faculty member may serve on the same faculty governance body provided, however, that no faculty member may serve three consecutive terms on that body.
- (9) An officer of a faculty governance body shall be eligible to succeed themselves.
- (10) If an elected or appointed member of a faculty governance body resigns or is unable to serve for a period of time exceeding one semester, their seat shall be considered vacant. The chair of each faculty governance body 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 or make appointments to fill such vacancies. Whenever possible, elections or appointments 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.
- (11) A member of a faculty governance body who will be absent from a majority of the meetings of that body during one semester, shall appoint an alternate from among the voting faculty in the entity they represent, and shall inform the Faculty Senate of any such appointment prior to the first meeting attended by the alternate.
- (12) A member of a faculty governance body who will be absent from a single meeting of that body, may appoint a proxy from among the membership of that body, and shall inform the chair of that body of such proxy appointment prior to the commencement of that 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, 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 their designee shall act upon Faculty Senate recommendations within twenty working days of their receipt by the President or their 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, a member of the emeritus faculty selected by the emeritus faculty, and 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 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 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 Curriculum (the Curriculum), 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 Curriculum.

(b) Members and Officers of the LAC. The membership consists of seventeen (17) voting and two (2) ex-officio members:

- (I) Voting members shall consist of the chairs of the Core Curriculum Committees (Written Communication and World Languages; History, Literature, and the Humanities; Philosophy and the Arts; Social and Behavioral Sciences; Mathematics and Natural Sciences; and International and Multicultural Studies); one (1) faculty member elected from each college; two (2) additional faculty members apportioned among the colleges according to student credit hour production in the Curriculum (a college teaching fifty-one (51) percent of the program will elect one (1) member; a college teaching seventy-six (76) percent will elect both members); one (1) additional member elected by and from the Life of the Mind faculty; one (1) student undergraduate member selected by the Student Senate; one (1) member of the UGC elected by its membership; and one (1) elected member of the University Libraries faculty.
- (II) The Assistant Vice President of 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 (3) 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 (1) 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 (1) 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 Curriculum.
- (II) To review and make recommendations concerning Curriculum courses nominated for inclusion in the Guaranteed Transfer (GT) Pathways General Education Curriculum.
- (III) To recommend modifications to the Curriculum.

- (IV) To develop and maintain data on the Curriculum.
- (V) To make an annual report on the status of the Curriculum to the Assistant Vice President of Undergraduate Studies.
- (VI) To approve bylaws governing LAC procedures.
- (VII) To develop and implement a program for assessing the Curriculum.
- (VIII) To carry out other duties related to the Curriculum as assigned by the Assistant Vice President of 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 of Undergraduate Studies shall, with the advice of the appropriate Deans, department chairs/school directors, and approval of the Faculty Senate, appoint members of the faculty to six (6) Core Curriculum Committees to aid the LAC in its work with the Curriculum. The committees, their areas of responsibility, and their membership are indicated below. Appointments shall reflect the disciplines offering courses in the relevant areas and their subdivisions.
 - (A) Written Communication and World Languages: four (4) members; two (2) from Written Communication; two (2) from World Languages.
 - (B) History, Literature, and the Humanities: five (5) members; three (3) from Literature and Humanities; two (2) from History.
 - (C) Philosophy and the Arts: five (5) members; three (3) from Arts and Expression; two (2) from Ways of Thinking.
 - (D) Social and Behavioral Sciences: five (5) members; two (2) from Economic or Political Systems; one (1) from Geography; two (2) from Human Behavior and Social Systems (e.g. Anthropology, Communication, Sociology, and

Psychology).

- (E) Mathematics and Natural Sciences: seven (7) members; two (2) from Mathematics; three (3) from Physical Sciences (e.g. Earth Sciences, Physics, Chemistry); two (2) from Life Sciences (e.g. Biology, Sports and Exercise Science, Nutrition).
 - (F) International and Multicultural Studies: five (5) members; two (2) from International Studies; three (3) from Multicultural Studies.
- (II) Appointments to the above committees shall be for three (3) years.
 - (III) At least thirty (30) days prior to the end of the spring semester, each committee named above shall elect a chair from its membership. The chairs shall be voting members of the LAC. The term of office for all chairs shall be for one (1) year, commencing on July 1.
- (e) Relationship to the Undergraduate Council. The UGC shall elect one (1) 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 sixty (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 of 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 representatives from each college; six (6) additional faculty representatives distributed proportionally to the number of annualized graduate FTE students

taught within the respective 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 their designee; a faculty librarian appointed by the library administration; the director of the Computer Center or their 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 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 their 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 Assistant Vice President for Research or their designee; an academic dean appointed by the CAO; 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 Assistant Vice President for Research 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 their 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 their 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 their 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 their designee, every academic semester, informing them 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.

Policy History

2-3-103 ORGANIZATION OF THE FACULTY.

Subsection 2-3-103(2)(c) Membership of the Faculty amended (Jun 2022)
Subsection 2-3-103(3)(c)(VI) Meetings of the Faculty amended (Jun 2017)
Subsection 2-3-103(2)(a) Membership of the Faculty amended (Nov 2012)
Subsection 2-3-103(2)(c) Membership of the Faculty amended (Jun 2011)
Subsection 2-3-103(2)(a) Membership of the Faculty amended ((Nov 2011)

2-3-104 DELEGATION OF POWERS AND DUTIES OF THE FACULTY.

Subsection 2-3-104(1)(b)(c) General Provisions amended (Jun 2012)

2-3-105 PROCEDURES FOR NOMINATIONS, ELECTIONS AND APPOINTMENTS.

Subsection 2-3-105(1)(2)(a)(b)(3)(4)(a)(b)(c)(5)(6)(7)(8) (9)(10)(11)(12) amended (Feb 2016))

2-3-106 ORGANIZATION, STRUCTURE, AND FUNCTION OF THE FACULTY SENATE.

Subsection 2-3-106(4)(e) Membership of the Faculty Senate amended (June 2016)
Subsection 2-3-106(1)(c) Powers of the Faculty Senate amended (Jun 2012)
Subsection 2-3-106(4)(c) Membership of the Faculty Senate amended (Jun 2012)
Subsection 2-3-106(8) Quorum of the Faculty Senate amended (Jan 2012)

2-3-107 UNIVERSITY COUNCILS.

Subsection 2-3-107(2)(a)(b)(c)(d)(e)(f)(g) Liberal Arts Council amended (Feb 2021)
Subsection 2-3-107(1)(c) Relationship to Faculty Senate amended (Feb 2020)
Subsection 2-3-107(1)(d) Staff and Support Services amended (Feb 2020)
Subsection 2-3-107(1)(b)(I)(III) Members and Officers of the UGC amended (Jun 2012)
Subsection 2-3-107(2)(d)(I) Core Curriculum Committees amended (Jun 2012)

Subsection 2-3-107(3)(d)(I)(III) Members and Officers of the GC amended (Jun 2012)
Subsection 2-3-107(1)(d) The Undergraduate Council (UGC) amended (Jun 2011)
Subsection 2-3-107(2)(f) The Liberal Arts Council (LAC) amended (Jun 2011)
Subsection 2-3-107(2)(f)(ii) Relationship to Faculty Senate (Jun 2011)
Subsection 2-3-107(3)(g) The Graduate Council (GC) amended (Jun 2011)
Subsection 2-3-107(4)(f) The Professional Education Council (PEC) amended (Jun 2011)
Subsection 2-3-107(3)(d)(I) Members and Officers of the GC amended (May 2010)
Subsection 2-3-107((1)(b)(II) The Undergraduate Council Bylaws amended (May 2010)
Subsection 2-3-107(I)(c)(XIII) The Undergraduate Council added (May 2010)

2-3-108 UNIVERSITY BOARDS.

Subsection 2-3-108(1)(b)(II) The Faculty Research and Publications Board (FRPB) amended (Jun 2017)
Subsection 2-3-108(1)(e) The Faculty Research and Publications Board (FRPB) amended (Jun 2017)
Subsection 2-3-108(1)(d) The Faculty Research and Publications Board (FRPB) amended (Jun 2011)

2-3-110 BOARD OF ATHLETIC CONTROL.

Subsection 2-3-110(4)(e) BOAC Chair amended (Jun 2011)



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, senior lecturer, 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.

There are four types of faculty contracts which are designated as: “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 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].

Contract-renewable faculty will have one of the following ranks: Lecturer, Instructor, Senior Lecturer, 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's Chief Academic Officer 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's Chief Academic Officer 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, 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.

Policy History

2-3-201 FACULTY DEFINITION AND CONTRACTS.

Section 2-3-201 amended (Nov 2012)

Section 2-3-201 amended (Nov 2011)

Subsection 2-3-201(1) Full-Time Faculty amended (Nov 2011)

2-3-202 FACULTY CONTRACTS.

Subsection 2-3-202(2) Contract-Renewable amended (Nov 2012)

Section 2-3-202 Faculty Contracts amended (Jun 2012)

Subsection 2-3-202(2) Contract-Renewable unnumbered paragraph two amended. (Jun 2012)

Subsection 2-3-202(3) Tenure Track amended and unnumbered paragraph one (Jun 2012)

Subsection 2-3-202(4) Tenure amended (Jun 2012)

Section 2-3-202 Faculty Contracts amended (Nov 2011)

Subsection 2-3-202(1) Term deleted and replaced (Nov 2011)
Subsection 2-3-202(1) Adjunct added (Nov 2011)
Subsection 2-3-202(2) Contract Renewable added (Nov 2011)
Subsection 2-3-202(3) Tenure Track amended (Nov 2011)
Subsection 2-3-202(4) Tenure Track amended (Nov 2011)
Subsection 2-3-202(2)(a)(b) Tenure Track amended (Dec 2010)



Part 3 – Academic Ranks and Titles

2-3-301 Academic Ranks.

Academic ranks used for faculty shall consist of lecturer, instructor, senior lecturer, 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 three types of contract-renewable faculty not holding professorial rank [See 2-3-202(2) Contract-Renewable]. They are lecturer, senior lecturer and instructor.

- (A) The rank of lecturer and senior lecturer are reserved for contract-renewable faculty not holding professorial rank whose highest degree is a master's degree or equivalent. Lecturers can be promoted to the rank of senior lecturer.
- (ii) The rank of Instructor is reserved for contract-renewable faculty not holding professorial rank whose highest degree is a Ph.D., other terminal degree, or the equivalent. Instructors can be promoted through the ranks of assistant professor, associate professor, and professor.

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. Positions may be advertised to permit applicants who have not completed the minimum degree requirement. When the position is filled by a candidate who has not completed the minimum degree requirement, the initial contract will specify the time period by which the degree requirements shall be

completed.

(1) 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) Senior Lecturer: The minimum preparation is completion of at least seven (7) years of successful academic performance and

- (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 qualifications as outlined in 2-3-303 Equivalencies.

(1) Instructor: The minimum preparation is:

- (a) the doctoral degree, other terminal degree, or equivalent in the discipline in which the faculty member will have primary teaching responsibility, or
- (b) the doctoral degree, other terminal degree, or equivalent 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) qualifications as outlined in 2-3-303 Equivalencies.

(2) Assistant Professor: The minimum preparation is:

- (a) the doctoral degree, other terminal degree, or equivalent in the discipline in which the faculty member will have primary teaching responsibility, or
- (b) the doctoral degree, other terminal degree, or equivalent 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) qualifications as outlined in 2-3-303 Equivalencies.

(5) 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 (4) years of successful academic performance.

(6) 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 they are in the relevant discipline or their 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 they are in the relevant discipline or their 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 their 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, senior 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.

- (VII) 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].
- (VIII) 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].

- (IX) 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].
- (X) 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].

Policy History

2-3-301 ACADEMIC RANKS.

Section 2-3-301 unnumbered paragraphs one and two amended (Nov 2012)

Subsection 2-3-301(i) amended (Nov 2012)

Subsection 2-3-301(ii) amended (Nov 2012)

Section 2-3-301 amended (Nov 2011)

2-3-302 RANK REQUIREMENTS.

Section 2-3-302 amended (Jun 2013)

Subsection 2-3-302(1), (2), (3), (4), (5) and (6) amended (Nov 2012)

Section 2-3-302 amended (Nov 2011)

Subsection 2-3-302(1) Instructor/Lecturer amended (Nov 2011)

Subsection 2-3-302(2)(a)(b)(c)(d) Assistant Professor amended (Nov 2011)

Subsection 2-3-302(3) Associate Professor amended (Nov 2011)

Subsection 2-3-302(4) Professor amended (Nov 2011)

2-3-304 SPECIAL STATUS FACULTY.

Subsection 2-3-304(2) Emeritus Faculty amended (Nov 2011)

Subsection 2-3-304(1) Affiliate Faculty unnumbered paragraph three amended (Nov 2011)

Subsection 2-3-304(1)(d) Affiliate Faculty unnumbered paragraph four and 4(d) amended (Nov 2011)

2-3-305 ACADEMIC TITLES.

Section 2-3-305 amended (Mar 2013)

Section 2-3-305 Academic Titles section added (Nov 2011)



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.
 - (l) 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 thirty (30) workload units per academic year. The default assignment for a typical tenure-track and tenured faculty in each semester consists of nine (9) workload units of Instruction, three (3) workload units of Scholarship, and three (3) workload units of Service. The default assignment for a typical contract renewable faculty in each semester consists of twelve (12) workload units of Instruction and three (3) workload units of Service. Unit leaders are responsible for assigning workloads including deviations from the typical workload under the following guidelines:

- (I) In case the department chair/school director is in the same discipline as the program area, they 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, they 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 their department chair/school director or their 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. The pay rate for all courses taught as an overload can be found in University Regulations [3-3-701(2)].

2-3-402 Teaching Responsibilities.

- (1) At the beginning of each term, instructional staff are responsible for stating the approved course descriptions and the instructional objectives of each course. It is expected that each instructional staff member shall direct their instruction toward the fulfillment of these objectives, and that their examinations will be consistent with these objectives. Instructional staff are responsible for orientation of content in the courses they are assigned to teach.
- (2) Instructional staff are responsible for informing their students of the methods to be employed in determining the final course grade, and of any special requirements of attendance that differ from the attendance policy of the University.
- (3) Regular attendance in all classes is expected and encouraged. The instructor shall determine the relationship between attendance and the objectives of the class, and the way in which the instructor shall evaluate attendance as a factor in student achievement. The instructor is responsible for informing students of such policies as these relate to the students' grades. Students also have the responsibility to know the policies of each course.
- (4) Due dates for all assignments, including changes to any tentative dates of assignment listed in the initial course syllabus, shall be communicated with sufficient notice for students to complete the assignments.
- (5) Instructional staff are responsible for grading all required examinations, papers, and projects completed by students. Instructors are required to make graded coursework available for student inspection and discussion. Grades for assignments should be made available within two (2) weeks, in a manner that allows students to determine their current grade in the course. All examinations, papers, and projects submitted for evaluation not returned to the student shall be retained for the next semester of the academic school year. In courses without written examinations, papers, or projects, the instructor shall provide a written explanation articulating the basis for all grades submitted for that course. Sufficient detail must be provided to demonstrate that the evaluation is not arbitrary or capricious.
- (6) In each section of a course with at least three (3) enrolled students, the instructional staff member shall maintain a course site (or *shell*) on the

University's Learning Management System ("LMS"). Elements of the course outline are described in 2-3-501. Instructors are encouraged to use the LMS for communications with students, distribution of course materials, scheduling of assignments, and reporting of grades, as appropriate for the content and methodology of the course. Academic units may implement policies for the use of the LMS among instructional staff delivering their courses.

- (7) All instructional staff are expected to meet their classes regularly through the last scheduled session of the semester or part of term, at the scheduled time, and through the delivery mode stated on the course schedule. In cases of illness or any other emergency, the instructor shall notify the department chair/school director so that appropriate support can be provided. The University reserves the right to make any necessary temporary changes of class schedules and/or mode of delivery. Such changes must be approved by the respective department chair/school director and dean.
- (8) In addition to the course sessions in the Schedule of Classes, instructors may require attendance at course-relevant events (e.g., study sessions, training sessions, lectures, concerts, theatrical productions). Such requirements shall be articulated in the course syllabus, although specific times and dates may be determined during the progress of the semester or term. In setting such requirements, however, instructors shall make reasonable accommodations for students with significant scheduling or logistical challenges through multiple opportunities or alternative means to satisfy a given requirement.
- (9) All instructional staff whose responsibilities involve students are expected to schedule a reasonable number of office hours for student conferences. Such office hours shall be scheduled at times convenient for both students and instructors with the additional option of prearranged appointments for students when there is a schedule conflict. The number of office hours shall be determined at the appropriate administrative level.
- (10) Instructional staff responsible for academic advising shall be available at specified hours agreed upon by the instructor and student.
- (11) Instructional staff are responsible for providing an opportunity for student evaluation of each course taught, provided that more than one (1) student is enrolled in the course. This opportunity shall be consistent with the student evaluation policies and procedures approved by the academic unit. Each college dean shall ensure that such policies and procedures exist within their college/University library. In consultation with the relevant unit leader, deans may approve unit-specific student evaluation policies and procedures.

(12) 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.

2-3-404 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 their 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 their 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 their 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 their 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 their immediate supervisor all facts and circumstances related to any University transactions, activities, contracts or other dealings which might directly or indirectly involve themselves 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, they 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 their 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 their 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 their 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 their 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.

Policy History

2-3-401 FACULTY WORKLOAD.

Subsection 2-3-401(3)(a) Workload Assignments amended (February 10, 2023)

Section 2-3-401 amended (Feb 2011)

Subsection 2-3-401(1)(b) General Provisions amended (Feb 2011)

Subsection 2-3-401(2)(b)(III) Service amended (Feb 2011)

Subsection 2-3-401(3) Workload Assignments: (a)(I), (II), (IV), and (VI) and (b) amended (Feb 2011)

Subsection 2-3-401(3)(b) Workload Assignments amended (Nov 2011)

2-3-402 TEACHING RESPONSIBILITIES.

Subsection 2-3-402(1)(a-b) On-Campus Programs amended (June 9, 2023)

Subsection 2-3-402(2) Off-Campus Programs removed (June 9, 2023)

Subsection 2-3-402(1)(b)(IV) On-Campus Programs amended (Jun 2017)

Subsection 2-3-402(2)(b)IV) Off-Campus Programs amended (Jun 2017)

Subsection 2-3-402(b)(III) Teaching Responsibilities & On-Campus Programs amended (Feb 2011)

Subsection 2-3-402(1)(b)(iv) On-Campus Programs added (Jun 2017)

Subsection 2-3-402(1)(b) (v)(vi)(vii)(viii) renumbered (Jun 2017)

Subsection 2-3-402(2)(b)(vi) Off-Campus Programs added (Jun 2017)

Subsection 2-3-402(2)(b) (v)(vi)(vii)(viii) renumbered (Jun 2017)

Subsection 2-3-402(1) On Campus Programs amended (May 2010)

Subsection 2-3-402(2) Off Campus Programs amended (May 2010)

2-3-408 RECORDS.

Section 2-3-408 amended (Feb 2011)

2-3-409 OUTSIDE ACTIVITIES.

Subsection 2-3-409(2) Consulting amended (Feb 2011)



Part 5 – Curriculum

2-3-501 Course Outline.

For the mutual benefit and protection of students and faculty, every faculty member is obligated to share in writing with students before the add deadline:

- (1) the course objectives/outcomes.
- (2) the general strategy, topics, subject matter, materials and tasks to be employed to meet those objectives/outcomes.
- (3) evaluation criteria and weight to be applied to each assignment/activity in determining the final grade.
- (4) a list of tentative deadlines for accomplishment of assignments.
- (5) policies for determining final grades in the event that a university closure occurs during the class's final exam period.

Policy History

2-3-501 CURRICULUM.

Section 2-3-501 amended (Mar 2015)

Section 2-3-501 amended (December 2023)



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

[See Also Title 3, Article 3, Part 3, 3-3-303(5) Performance Evaluation.]

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, and one's college, department, school, or free standing program; 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 instruction, research, scholarship, and creative works.

The substantive evaluation of a faculty member's performance is necessarily restricted to those with the disciplinary or, as appropriate, multi-disciplinary or interdisciplinary expertise needed to make the required judgments. The authority of the program area faculty and the chair/director/coordinator in this area carries with it significant responsibilities. These include the responsibility to make fair and honest judgments based on agreed upon criteria and to provide feedback regarding progress towards tenure and/or promotion when appropriate.

Graduate Faculty Status Review. Faculty will be reviewed on a cycle established by the graduate dean and is separate from Comprehensive Review.

2-3-801 Comprehensive Review

Comprehensive review is a single process which is used for a variety of purposes. A faculty member must receive a comprehensive review in any year upon request. In addition, the results of comprehensive review are the sole basis for decisions concerning pre-tenure review, tenure, promotion, and post-tenure review. Every comprehensive review of a tenured faculty member, for whatever purpose, is at the same time a post-tenure review.

The requirement that review decisions (such as tenure and promotion) be based only on the results of comprehensive review in the areas of faculty endeavor (teaching, professional activity and service) precludes the use of collegiality as a separate dimension in making such decisions. The term collegiality has, historically, meant

different things to different people. Sometimes, it indicates a legitimate concern for cooperativeness and team work. Sometimes, however, it has been used to foster an unhealthy uniformity of opinion that is a threat to academic freedom. The University of Northern Colorado adheres to the position of the American Association of University Professors: <http://www.aaup.org> "On Collegiality As A Criterion for Faculty Evaluation" (November 1999). Collegiality should not be used as a separate category in reaching evaluative decisions. Where legitimate, it should be incorporated into the criteria for instruction, professional activity, and service.

2-3-801(1) Definitions.

- (a) Comprehensive Review Period: The relevant years for the purposes of pre-tenure, tenure, promotion, and post-tenure review, or if not for any of these purposes, from the previous comprehensive review. [See also 2-3-901(1) Time Guidelines.] See 2-3-801(2).
- (b) Dossier: Portfolio of information relative to performance during the comprehensive evaluation period, which shall include a narrative of accomplishments during the review period, an updated vita in approved university format; appropriate documentation; all student evaluations, from each year, covering all teaching assignments, all of the pre-tenure review and annual/biennial/triennial evaluations submitted by program area faculty, the chair/director/program area coordinator, and the dean for the period under review and other materials as the evaluatee deems appropriate.
- (c) Professional activity: Activities pertaining to research, scholarship and creative works.
- (d) 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.
- (e) Program Area: For the purposes of this policy, "program area" shall mean a discipline-based unit which may be multidisciplinary, interdisciplinary, or unidisciplinary and may consist of several emphasis areas or graduate and undergraduate degrees.
- (f) Department: A department is an administrative subdivision of a college, which shall be considered to consist of one program area.
- (g) Free standing program: An administrative unit of a college that is neither a department nor housed within a school. The coordinator of such a

program will fulfill the duties assigned to department chairs/school directors in the evaluation process.

- (h) 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. The faculty of a department are also a program area faculty.
- (i) Program Coordinators: For the purposes of this policy, program coordinators refer to the coordinator of a free standing program where there is no chair or director.
- (j) Department Faculty: All of the faculty in a department will be considered to be members of a single discipline based unit or program area.
- (k) Multidisciplinary or interdisciplinary activities: Teaching or professional activities that draw from or are at the intersection of more than one discipline.
- (l) Evaluation level: There are five levels of evaluation: Excellent (= V), Exceeds Expectations (= IV), Meets Expectations (= III), Needs Improvement (= II), and Unsatisfactory (= I). The evaluation level is determined by the following evaluation scale in (m) below:
- (m) Evaluation Scale (Round to the nearest 10th)

V. 4.6 - 5.0 Excellent

IV. 3.6 - 4.5 Exceeds Expectations

III. 2.6 - 3.5 Meets Expectations

II. 1.6 - 2.5 Needs Improvement

I. 1.0 - 1.5 Unsatisfactory

- (n) Overall Evaluation: The average, weighted in accordance with workload, of evaluation levels in all performance areas. This is used for post-tenure review and annual/biennial/triennial review, although not for promotion or tenure review. For example, a faculty with a workload of 0.6 instruction, 0.2 professional activity, and 0.2 service, who received a score of 4 for

instruction, 3 for professional activity and a score of 1 for service would have an overall score of $3.2 (0.6 \times 4) + (0.2 \times 3) + (0.2 \times 1) = 3.2$ which falls in the range of III Meets Expectations.

- (o) Performance Areas: There are three performance areas: teaching, professional activity, and service.

2-3-801(2) Types of Comprehensive Review.

Comprehensive Review is used for faculty who are under consideration for promotion, pre-tenure review, tenure, or post-tenure review. A tenured faculty member will undergo a comprehensive post-tenure review at least once in every six academic years. A faculty member must receive a comprehensive evaluation in any year upon their request. [See also 1-1-307 et seq., Faculty Evaluation and University Regulations 3-3-801 et. seq., Implementation of Faculty Evaluation Procedures.] The following considerations apply to comprehensive reviews for specific purposes:

- (a) Promotion Review. Promotion review, when requested by the evaluatee, shall include:
 - (I) degree of progress toward promotion.
 - (II) action recommended (to promote or not).
- (b) Pre-tenure Review. Tenure-track faculty members will undergo a pre-tenure review in their third year of a tenure-track appointment (see University Regulations 3-3-801 et seq. implementation of faculty evaluation procedures for details, including exceptions to the third year rule). Pre-tenure review shall note degree of progress toward tenure/promotion and what further achievements are expected for tenure/promotion and will include scores and reasons based on the program area's approved criteria.
- (c) Tenure Review. Tenure review will address one or more of the following:
 - (I) degree of progress toward tenure.
 - (II) deficiencies in meeting the evaluation criteria.
 - (III) the outcome of the evaluation, which determines whether tenure is recommended.
- (d) 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) The outcome of the evaluation, which determines whether satisfactory or unsatisfactory.

2-3-801(3) Comprehensive Review Procedures

(a) Preliminaries.

The Program Area faculty develops criteria within the framework of the University's mission that reflect the nature of teaching, professional activity, and service as valued within the discipline for each evaluation level. Each unit should develop criteria for the following purposes: pre-tenure review, tenure, post-tenure review, and promotion. The criteria developed for each may differ from each other. However, since a positive tenure decision must be accompanied by a positive decision on promotion to associate professor, the criteria for these two purposes must be the same. The criteria must be approved by the program faculty, the chair/director/program coordinator, the dean of the relevant college, and the Chief Academic Officer. No criteria will be adopted unless acceptable to the program area faculty, the chair/director/program coordinator, the dean, and the Chief Academic Officer. As part of Program Review, each program area will review and submit for approval their evaluation criteria according to the process described above. Program areas with approved criteria in place prior to spring 2016 need not resubmit those criteria for approval until the next Program Review.

(b) Process.

At each step of the review, the evaluatee will be informed in writing which will be transmitted via campus mail and university email, of the decision made. The evaluatee will be given the opportunity to respond to that review, with the option of providing additions and/or clarifications to their dossier. This additional information allows for the reconsideration of the decision made and provides additional information to the next step in the process. At each level of review, and prior to the next, the evaluatee and prior reviewers have one opportunity to respond.

- (I) The evaluatee prepares a dossier covering accomplishments over the evaluation period. Failure to submit a dossier for review shall result in an overall evaluation rating of unsatisfactory.
- (II) The tenured and tenure track faculty members in the program

area, excluding the evaluatee and the chair/director/coordinator, review(s) the dossier and whatever other relevant material can reasonably be gathered and assign(s) a score in each of the performance areas relevant to the workload of the evaluatee. Contract-renewable faculty may participate in the discussion and share relevant information, but may only participate in the assignment of scores regarding contract-renewable faculty members. If the unit has fewer than 3 tenure/tenure-track faculty members, aside from the evaluatee and chair, then the evaluating faculty must include extra members as required to bring the number to 3. To accomplish this, a list of names of faculty members from the University of Northern Colorado who have related expertise must be submitted by the evaluatee, to consist of twice the number of people required. The faculty, including the chair, will select from that list to bring the total number to 3. For interdisciplinary programs (e.g., ENST, LOM) which have faculty advisory boards, the advisory board must choose from among its members, at least 3 faculty members to serve as the program area faculty for evaluation purposes.

- (III) The scores of the program area faculty may be determined either by using mean, median, mode scores or by a vote of the participating individual faculty members. In either case, the process must result in a single score for each of the performance areas. In addition, the program area faculty explains, in writing, its reasons, in terms of the approved program area criteria, for its scores. Each program area will decide the mechanisms whereby the rationale is determined and the scores are tabulated.

- (A) Tenure Applications

- If the program area faculty's evaluation results in a positive recommendation for tenure [see 2-3-902(5)] its evaluation (scores and reasons) will be forwarded to the department chair/school director/program coordinator and will be shared with the evaluatee.

- If the program area faculty's evaluation does not result in a positive recommendation for tenure, the evaluatee and the chair/director/program area coordinator will be notified in writing and tenure will be denied unless the evaluatee appeals to the Tenure Appeal Committee (2-3-

902(7)). The sole basis for such appeals is that the program area faculty's evaluation was not consistent with the program area's approved criteria and procedures which resulted in a negative recommendation for tenure. Once the tenure appeal process is complete, the Tenure Appeal Committee will forward its findings, in writing, and the documentation it has received, to the chair/director/program area coordinator and shared with the evaluatee. If the Tenure Appeals Committee finds that the program area faculty's evaluation was not consistent with the program area's approved criteria the evaluation process will proceed to step IV below. If the committee finds that the program area faculty's evaluation was consistent with the program area's approved criteria and procedures, tenure will be denied.

(B) Pre-Tenure, Promotion, and Post-Tenure Review, and other comprehensive reviews.

The program area faculty's evaluation (scores and reasons addressing criteria) will be forwarded to the department chair/ school director/program coordinator in writing, and will be shared with the evaluatee.

- (IV) The department chair/school director/program coordinator will assign a score in each of the performance areas relevant to the workload of the evaluatee. The chair/director/coordinator's evaluation (scores plus reasons addressing criteria) will be shared with the program area faculty and with and the evaluatee. The faculty will have the opportunity to respond to the chair/school director/program coordinator. Both the program area faculty's evaluation (scores plus reasons) and the chair/directors/program coordinator's evaluation (scores plus reasons) will be forwarded, in writing, to the college dean.
- (V) The dean reviews the evaluations of the program area faculty and the chair/director/coordinator to verify that the scores assigned, and the reasons given, are consistent with the approved program area criteria and procedures. The dean may include confidential personnel information about the evaluatee if it has bearing on the evaluatee's teaching, professional activity or service. Unless the

university's general counsel or the director of human resources deems that the information is to remain confidential, this information must be shared with the faculty and chair/director/program coordinator and included in the evaluation process.

If the dean finds that the evaluation is not consistent with approved program area criteria or process, they communicate that finding, in writing, with reasons, to the program area faculty, the chair/director/coordinator and the evaluatee. In case of such disagreement, the dean will indicate what scores they believe were warranted by the program area's criteria. The faculty and chair/director/coordinator will have the opportunity to respond to the dean. The dean forwards their findings, along with those of the faculty and chair/director/coordinator, together with all responses to the Chief Academic Officer. In addition, the dean will include the Tenure Appeals Committee findings only if the Tenure Appeals Committee has decided that the program area faculty's evaluation was not in accord with the program area's evaluation criteria or process.

- (VI) The Chief Academic Officer reviews the evaluations of the program area faculty, the chair/director/coordinator, along with the dean's findings on the consistency of the evaluations with the approved program area criteria and process, and in the cases considered by the Tenure Appeals Committee, its findings. The CAO may include confidential personnel information about the evaluatee if it has bearing on the evaluatee's teaching, professional activity or service. Unless the university's general counsel or the director of human resources deems that the information is to remain confidential, this information must be shared with the faculty and chair/director/program coordinator and included in the evaluation process.

The Chief Academic Officer determines whether or not the evaluations are consistent with the approved criteria and procedures. If the Chief Academic Officer disagrees with the scores assigned by the faculty and/or chair/director/coordinator, they must determine what scores were warranted by the program

area's criteria. In the case of applications for tenure, promotion, or post-tenure review, the Chief Academic Officer, consistent with the program area's criteria, makes the final decision as to what action will be recommended to the President and Board of Trustees.

(c) Responsibilities of Participants in the Comprehensive Evaluation Process.

- (I) Evaluatee. Each evaluatee will prepare a dossier covering performance and accomplishments over the comprehensive evaluation period. If years of credit for teaching, professional activity, and/or service at a prior institution have been agreed upon at the time of hire, the activities that occurred during those years will be included in the first comprehensive review dossier. It is the responsibility of the evaluatee to gather and submit evidence to be used as the basis of evaluation. Since the evaluatee is essentially "making a case", it is also the right of the evaluatee to include whatever evidence they believe to be relevant to the evaluation of their performance.
- (II) Faculty, Chair/School Director/Program Coordinator. The substantive evaluation of faculty performance in the areas of teaching, professional activity and service, consistent with the program area criteria, and evaluation procedures, is the responsibility of the faculty and the chair/school director/program coordinator in the program area.
- (III) Dean. The responsibility of the dean is to assure that the scores assigned and the reasons given by program area faculty and the chair/school director/program coordinator are consistent with approved program area criteria and procedures.
- (IV) Chief Academic Officer. The responsibility of the Chief Academic Officer is to assure that the evaluation levels assigned and the reasons given by program area faculty and the chair/ director and dean are consistent with approved program area criteria and procedures. In particular, it is the responsibility of the Chief Academic Officer to resolve disagreement between the program area faculty and chair and the dean on this matter in cases involving application for tenure, promotion or post-tenure review.

2-3-801(4) Annual/Biennial/Triennial Review.

Annual/Biennial/Triennial review provides a mechanism for regular feedback to all faculty members holding academic rank as to their performance and determining merit pay. Satisfactory annual/biennial/triennial reviews do not guarantee or determine a successful comprehensive review. A faculty member may request annual/biennial/triennial review in any year.

(a) Definitions

- (I) Dossier: Portfolio of information relative to performance which shall include a narrative of accomplishments during the review period, an updated vita in approved university format; appropriate documentation; all student evaluations covering all teaching assignments, and other materials as the evaluatee deems appropriate.
- (II) Professional activity: Activities pertaining to research, scholarship and creative works.
- (III) 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.
- (IV) Program Area: For the purposes of this policy, "program area" shall mean a discipline-based unit which may be multidisciplinary, interdisciplinary, or unidisciplinary and may consist of several emphasis areas or graduate and undergraduate degrees.
- (V) Department: A department is an administrative subdivision of a college, which shall be considered to consist of one program area.
- (VI) Free standing program: An administrative unit of a college that is neither a department nor housed within a school. The coordinator of such a program will fulfill the duties assigned to department chairs/school directors in the evaluation process.
- (VII) 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. The faculty of a department are also a program area faculty.

- (VIII) Program Coordinators: For the purposes of this policy, program coordinators refer to the coordinator of a free standing program where there is no chair or director.
- (IX) Department Faculty: All of the faculty in a department will be considered to be members of a single discipline based unit or program area.
- (X) Multidisciplinary or interdisciplinary activities: Teaching or professional activities that draw from or are at the intersection of more than one discipline.
- (XI) Evaluation level: There are five levels of evaluation: Excellent (= V), Exceeds Expectations (= IV), Meets Expectations (= III), Needs Improvement (= II), and Unsatisfactory (= I). The evaluation level is determined by the following evaluation scale in (I) below:
 - V. 4.6 - 5.0 Excellent
 - IV. 3.6 - 4.5 Exceeds Expectations
 - III. 2.6 - 3.5 Meets Expectations
 - II. 1.6 - 2.5 Needs Improvement
 - I. 1.0 - 1.5 Unsatisfactory
- (XII) Evaluation Scale (Round to the nearest 10th)
- (XIII) Overall Evaluation: The average, weighted in accordance with workload, of evaluation levels in all performance areas. For example, a faculty with a workload of 0.6 instruction, 0.2 professional activity, and 0.2 service, who received a score of 4 for instruction, 3 for professional activity and a score of 1 for service would have an overall score of 3.2 $(0.6 \times 4) + (0.2 \times 3) + (0.2 \times 1) = 3.2$ which falls in the range of III Meets Expectations.
- (XIV) Performance Areas: There are three performance areas: teaching, professional activity, and service.

(b) Preliminaries.

- (I) The program area develops criteria for annual/biennial/triennial

review that reflect the nature of teaching, professional activity, and service as valued within the discipline for each evaluation level. Criteria for comprehensive review may be different from criteria for annual/biennial/triennial review.

- (II) Each program area will develop its own procedures for annual/biennial/triennial evaluation subject to the approval of the department chair/school director/program coordinator. Schools/departments/program areas may choose whether or not to stagger biennial/triennial evaluations. Each department's/program area's procedures must include a mechanism to resolve any differences between department/program area faculty evaluations and that of the department chair/school director/program coordinator. [See also (III) below]

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

(c) Process

- (I) The evaluatee shall prepare a dossier covering the accomplishments for the period under review. Failure to submit a dossier for review shall result in an overall evaluation rating of unsatisfactory.
- (II) The program area faculty will conduct their evaluation in accordance with their approved annual/biennial/triennial evaluation criteria and procedures and forward evaluation (scores and reasons), in writing, to the department chair/school director/program coordinator.
- (III) The department chair/school director/program coordinator will conduct their own independent evaluation, based upon the approved program area criteria, of the faculty member's performance.
- (IV) In the case of contract-renewable faculty in promotable ranks, the evaluatee may request that the program area faculty, the department chair/ school director/program coordinator, and the dean comment on the evaluatee's progress toward promotion.
- (V) Both of these evaluations will be forwarded to the dean. The dean will not assign scores except in the case of an evaluatee who appeals their evaluation scores from the program area faculty or

department chair/school director/program coordinator.

- (VI) If, on appeal from the evaluatee, the dean conducts an independent evaluation, and if the dean's evaluation disagrees with that of the department/program area faculty and/or chair/school director/coordinator, 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(5) 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.

Policy History

2-3-801 PROCEDURES FOR EVALUATION OF PERFORMANCE.

Subsection 2-3-801(1)(3)(4)(b)(c) Faculty Evaluation amended (Jun 2021)

Section 2-3-801(1)(2)(3)(4)(5) Faculty Evaluation amended (Jul 2016)

Subsection 2-3-801(1)(h) Definitions amended (Nov 2011)

Subsection 2-3-801(3)(b) General Processes amended (Nov 2011)

Subsection 2-3-801(3)(b)(iv) General Processes amended (Nov 2011)

Subsection 2-3-801(4) Evaluation Areas amended (Nov 2011)

Section 2-3-901 Promotion Guidelines unnumbered paragraph five and six amended (Nov 2011)

Subsection 2-3-901(1)(b)(c) Academic and Professional Qualifications amended (Nov 2011)

Subsection 2-3-901(2) Performance Guidelines unnumbered paragraph one amended (Nov 2011)

Subsection 2-3-901(3) Time Guidelines deleted and replaced (Nov 2011)

Subsection 2-3-901(4) Promotion Criteria deleted and replaced (Nov 2011)

Subsection 2-3-801(1) Definitions: (c)(d), (e), (f), (g) (h), and (i) amended (Dec 2010)

Subsection 2-3-801(2)(b)(III) Tenure Track Review amended (Dec 2010)

Subsection 2-3-801(3) General Processes (a) amended (Dec 2010)

Subsection 2-3-801(3) (a) Comprehensive Review (II), (III), and (IV) amended (Dec 2010)

Subsection 2-3-801(3) (b) Annual Review (I), (II), (III), (IV), and (V) amended (Dec 2010)

Subsection 2-3-801(4) Evaluation Areas amended (Dec 2010)



Part 9 – Promotion and Tenure Guidelines

2-3-901 Promotion.

(For Promotion Stipend see 3-3-701)

Promotion provides a mechanism for the recognition of contributions of faculty members to the mission of the institution and its reputation as well as professional contributions to the advancement of the state of the art and to society at large. While judgment of potential contributions must necessarily be based on past performance, it is expected that persons achieving a given rank shall 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.

Promotion decisions are based only on the outcomes of comprehensive review as described in 2-3-801.

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 shall be discussed by the unit leader with each faculty member in their unit periodically to ensure that each member is cognizant of program area performance expectations. A unit leader shall engage in this process as follows:

- (1) If the unit leader is in the same discipline as the program area, they shall discuss these matters with each faculty member; or
- (2) If the unit leader is not in the discipline of a program area, they together with someone from that program area, shall discuss relevant promotion criteria with each faculty member.

2-3-901(1) 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, regardless of rank 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].
- (d) Lecturers are eligible for consideration for promotion to the rank of senior lecturer after completion of six years of successful academic performance in rank, (or an analogous rank elsewhere, if negotiated), as long as they have met the minimum requirements necessary for appointment to the rank of senior lecturer.

2-3-901(2) Promotion Criteria.

The approved program area evaluation criteria (see 2-3-801) for the relevant promotion shall be the sole basis for promotion decisions.

2-3-901(3) Promotion Decisions.

The decision to promote or not to promote is determined by the outcomes of evaluation in the comprehensive review (see 2-3-801). In what follows the requirements are individually necessary and jointly sufficient. That is, the evaluatee must satisfy all of the requirements listed in order to get a positive promotion decision and must get a positive promotion decision if they satisfy all of the requirements listed.

- (a) Promotion of tenure track/tenured faculty

- (I) Promotion to Associate Professor: Exceeds expectations or higher (level IV

or level V) in either teaching or professional activity and meets expectations or higher (level III, level IV or level V) in the other two areas.

- (II) Promotion to Professor: Exceeds expectations or higher (level IV or level V) in both teaching and professional activity and at least meets expectations (level III) in service.

(b) Promotion of contract renewable faculty

- (I) Promotion of Instructor to Assistant Professor: Exceeds expectations or higher (level IV or level V) in primary area of responsibility and at least meets expectations (level III, level IV or level V) in the other areas of responsibility, if any.
- (II) Promotion from Assistant Professor to Associate Professor: Exceeds expectations or higher (level IV or level V) in primary area of responsibility and at least meets expectations in the other areas of responsibility, if any.
- (III) Promotion from Associate Professor to Professor: Excellent (level V) in primary area of responsibility and at least meets expectations (level III, level IV, or level V) in the other areas of responsibility, if any.
- (IV) Promotion from Lecturer to Senior Lecturer: Exceeds expectations or higher (level IV or level V) in primary area of responsibility and at least meets expectations (level III, level IV or level V) in the other areas of responsibility, if any.

2-3-901(4) 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. 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/program coordinator.

- (a) Newly hired tenure-track faculty members who, at another institution of higher education, have been tenured, or who have held tenure-track appointments, or who possess a record of outstanding achievement in the area in which they are being hired may request up to three years of credit toward promotion and tenure. When granted by the Chief Academic Officer, only the most recent year or years' accomplishments that occurred during the number of credited years, as well as the faculty member's accomplishments at UNC, shall be counted toward promotion and tenure. For contract-renewable faculty whose position is

converted to tenure-track, see 3-3-201(1).

- (b) Lecturers and instructors may request up to three years of credit toward promotion. Such credit may come from prior relevant experience. When granted by the Chief Academic Officer, only the most recent year or years' accomplishments that occurred during the number of credited years, as well as the faculty member's accomplishments at UNC, shall be counted toward promotion.
- (c) Under exceptional circumstances, faculty may become eligible for early consideration for promotion and/or tenure.
- (d) 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.

2-3-901(5) 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 program area criteria for the relevant promotion.

2-3-901(6) Review.

Professional ethics require that decisions regarding promotion be conveyed to the candidate. It is also important that professionals judging fellow professionals accept the responsibility to review appropriate and applicable supporting material to ensure that decisions are fair and based upon the approved criteria. [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 academic freedom is protected.

2-3-902(2) Eligibility.

Eligibility shall be calculated on full academic years in which the individual was

contracted to a full- time position. This may include years negotiated as credit toward tenure [See 2-3-801(3) (c) (I)]. Time that the individual has spent on non- paid leave shall not be calculated as applicable toward eligibility for tenure. [See 2-3-1004 Unpaid Leave].

2-3-902(3) (a) Tenure Guidelines.

Unless extended by the provisions of 2-3-902(3) (b), 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.

- (i) Promotion and tenure become effective upon BOT approval. Tenure shall reside at the university level.
- (ii) In unusual circumstances, immediate tenure may be granted to faculty being hired from outside the University as associate and full professors.
- (iii) Up to three years credit toward 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. When such credit is granted it must be the most recent year or years' accomplishments that will be counted toward promotion/tenure.
- (iv) Under exceptional circumstances, faculty may become eligible for early consideration for promotion and/or tenure.
- (v) 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(3) (b) Tenure Clock Extension. A tenure-track faculty member shall be eligible for an extension of the tenure probationary period for events that may markedly delay the ability to meet the requirements for tenure.

- (i) A maximum of two (2) separate extensions of the tenure probationary period shall be granted for reasons described in subsections (ii)(A) through (ii)(E), below. Any tenure clock extension granted for the reason described in subsection (ii)(F), below shall be in addition to the two (2) separate extensions

limit stated in the immediately preceding sentence.

- (ii) Each extension shall be for a one (1) year period. When an extension to the tenure clock occurs, the total body of the work required for tenure shall not change because of the extension. Notification of the intent to take an extension shall be made by the faculty member within thirty (30) days of the event, or as soon as practicable once the event has been identified given the facts and circumstances in the individual case which, in most cases, should be the same day the faculty member becomes aware of the need for an extension or the next business day thereafter. Events that may markedly delay the ability to meet the requirements for tenure are:
 - (A) A serious health condition as defined in the Family and Medical Leave Act (FMLA) of a parent, child, spouse or domestic partner that persists for a substantial portion of the period for which the extension is sought, and the faculty member is required to act as the primary caregiver for that person;
 - (B) A serious health condition as defined in the FMLA of the faculty member that persists for a substantial portion of the period for which the extension is sought and renders the faculty member unable to perform the functions of their position;
 - (C) The birth or adoption of a child into the faculty member's household (and in such case each parent in the household who is tenure-track faculty is eligible for an extension;)
 - (D) The death of a parent, child, spouse or domestic partner of the faculty member;
 - (E) A catastrophic residential property loss of the faculty member (and in such case each tenure-track faculty member in the household is eligible for an extension;)
 - (F) A complete or partial campus closure caused by a "force majeure event" (defined as a war, fire, flood, epidemic, pandemic, accident, government regulation or other occurrence beyond the control of the University.)
- (iii) Notification of the intent to take an extension for the reasons described in subsections (ii)(A) and (ii)(B), above, shall be submitted in writing by the faculty member to the Director of Human Resources, who shall notify the chair/director that a tenure clock extension notification under the FMLA has been submitted. Notification of the intent to take an extension for the reasons described in subsections (ii)(C) through (ii)(F), above, shall be submitted in writing by the faculty member to the chair/director.

- (iv) In all cases, the chair/director shall forward the notification to the dean and shall state the reason(s), if any, that the chair/director believes the notification is not proper under the provisions of this policy. The dean shall forward the notification to the Chief Academic Officer (CAO) and shall state the reason(s), if any, that the dean believes the notification is not proper under the provisions of this policy. Unless the CAO determines that the notification is not proper under the provisions of this policy, the extension shall be given. The chair/director, dean, and CAO shall each have ten (10) working days in which to complete their responsibilities under this policy as described in subsection (iv).

2-3-902(4) Tenure Criteria.

The approved program area evaluation criteria (see 2-3-801) for tenure will be the sole basis for tenure decisions.

2-3-902(5) Tenure Decision.

The following requirements are individually necessary and jointly sufficient for a positive tenure decision. That is, the evaluatee must fulfill all of the requirements in order to receive a positive tenure decision and must get a positive tenure decision if they do fulfill all of the requirements. The requirements are:

Exceeds expectations or higher (level IV or level V) in either instruction or professional activity and meets expectations or higher (level III, level IV or level V) in the other two areas.

2-3-902(6) Administrators with Tenure.

Tenure is granted in the university by its Board of Trustees. An administrator who is a faculty member having tenure at UNC shall retain their tenure while holding an administrative position, and the right to return to their academic unit. An administrator who does not have tenure at UNC prior to their administrative appointment, and who also receives tenure as a faculty member upon administrative appointment, may only be assigned to an academic unit with the approval of the unit's faculty.

2-3-902(7) Tenure Appeals Committee.

- (a) The tenure appeals committee shall consist of two faculty representatives from each college, excluding University College, and one from the University

Libraries. Representatives shall serve a two-year term. Elections shall be held annually so that one member of each college is elected each year. 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 which must be approved by the Faculty Senate.

- (b) The function of the tenure appeals committee is to review appeals from a faculty member who believes that the evaluation by their program area faculty was not consistent with the program area's approved criteria or evaluation process, which resulted in a negative recommendation for tenure.
- (c) Appeals must be filed within ten working days of notification of the program area's decision. The Committee shall conclude its deliberations within twenty working days after receipt of an appeal. [See also 1-2-101 General Provisions.]
- (d) If the committee finds by majority vote that the program area faculty's evaluation is consistent with its approved criteria and evaluation process, tenure is denied. The appellant as well as the department chair/school director/program coordinator will be notified. In all other cases the committee's decision, accompanied by reasons, will be forwarded to the department chair/school director/program coordinator, as well as to the evaluatee, and the evaluation process will resume as described in 2-3-801.

Policy History

2-3-901 PROMOTION GUIDELINES.

Section 2-3-901(1)(2)(3)(4)(5) Promotion and Tenure Guidelines amended (Jul 2016)
Section 2-3-901 unnumbered paragraph six amended (Nov 2014)
Section 2-3-901 unnumbered paragraphs five and six amended (Dec 2010)
Subsection 2-3-901(4) Promotion Criteria unnumbered paragraph two deleted (Dec 2010)
Subsection 2-3-901(5) Eligibility amended (Dec 2010)

2-3-902 TENURE.

Section 2-3-902(1)(2)(3)(4)(5)(6)(7) Tenure Guidelines amended (July 2016)
Subsection 2-3-902(3)(a) Tenure Guidelines amended (Jun 2013)
Subsection 2-3-902(3)(b) Tenure Clock Extension added (Jun 2013)
Subsection 2-3-902(1) Purpose amended (Dec 2010)
Subsection 2-3-902(5) Voting amended (Dec 2010)
Subsection 2-3-902(3)(b)(i)(ii)(iii)(A)(B)(C)(D)(E)(F)(iii)(iv) amended (Jun 2020)



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 beginning of the first full academic year of the faculty member's employment,

or b) the beginning of the academic year following the 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.
- (III) 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 their 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 their 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 their 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 [See 2-3-1003(4) Parental Leave Policy].

2-3-1003(4) Parental Leave Policy.

Purpose: The Family and Medical Leave Act ("FMLA") is a federal law that provides, among other things, eligible employees up to twelve (12) weeks leave per twelve (12)-month period because of the birth of a child and to care

for the newborn child, or because of the placement of a child with the employee for adoption or foster care. The teaching responsibilities of faculty members occur during the semesters (and in some instances the terms) of the academic year. It is not practicable in most instances (due to continuity of instruction and teaching responsibilities of faculty members) for designation of substitute faculty during an academic semester or term. Therefore, parental leave for an eligible faculty member, who is the primary care giver of the child, can be reasonably provided only on a semester basis. In addition, unlike other University employees, faculty members do not receive paid vacation leave. The purpose of this Parental Leave Policy ("Policy") is to provide parental leave for faculty members for birth or adoption of a child under the circumstances required under the FMLA that runs concurrent with, and may exceed, the leave guaranteed by the FMLA. As the exact date of birth or of adoption or foster care placement cannot be predicted with certainty, eligible faculty should give careful consideration to additional or alternative leave arrangements as referenced in this Policy to address uncertainties about the timing of parental leave.

(a) Parental Leave and the FMLA.

The provisions of this Policy are to be interpreted in conjunction with the FMLA and any applicable provisions of State or local law, including any changes to those statutes that may occur after the adoption of this Policy. Parental leave under this Policy, the FMLA, and any applicable State or local law, run concurrently. Thus, parental leave under this Policy is part of, and is not in addition to, leave provided by the FMLA or any applicable State or local law.

(b) Definitions.

As used in this Policy:

- (I) "adoption" means legally and permanently assuming the responsibility of raising a child as one's own.
- (II) "child" means a biological, adopted, or foster child, a stepchild, a legal ward or a child to whom a faculty member stands in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and incapable of self-care because of a mental or physical disability at the time that parental leave is to commence.
- (III) "foster care" means twenty-four (24)-hour care for children in substitution for, and away from, the parents or guardian.

- (IV) "in loco parentis" refers to those eligible faculty members who have assumed the obligations of parental status and discharge the day-to-day responsibilities to care for, and to financially support, the child.
- (V) "parent" means a faculty member who is a biological parent, adoptive parent, foster parent, guardian, or a spouse of a parent, including a faculty member using a surrogate/gestational carrier.
- (VI) "primary care giver" means the eligible faculty member who has assumed the primary day-to-day responsibilities to care for the child immediately following the birth, adoption or commencement of foster care of the child.
- (VII) "son or daughter" means the same as "child".

(c) Eligibility for Parental Leave.

A faculty member who is or anticipated to be a parent and seeking leave for, the birth, adoption, or foster care of a child is eligible for the benefits of this Policy

- (I) when they become eligible for FMLA leave or
- (II) when the faculty member has been employed continuously for one (1) year by the University on a .50 FTE or greater basis, whichever occurs first.

(d) Documentation of Relationships.

To confirm a family relationship with the child, the eligible faculty member's academic dean and/or the Director of Human Resources may require the faculty member giving notice of the need for parental leave to provide reasonable documentation or a statement of family relationship. This documentation may take the form of a simple statement from the faculty member, a child's birth certificate, a court document, or equivalent documentation.

(e) Expiration of Period of Parental Leave.

An eligible faculty member's entitlement to parental leave to be with a newborn child expires at the end of the twelve (12)-month period beginning on the date of the birth. An eligible faculty member's entitlement to leave for adoption or foster care expires at the end of the twelve (12)-month period beginning on the date of the placement.

(f) Parental Leave where both Parents are Eligible Faculty Members.

Except as otherwise allowed expressly by this Policy, where both parents are eligible faculty members and are seeking parental leave for the birth or adoption of a child, they are limited to the combined total paid parental leave described in subsections (i) and (j), below, during any twelve (12)-month period.

(g) Leave Notification.

An eligible faculty member must provide their academic dean and the Director of Human Resources written notice of the intent to take parental leave under this Policy at least thirty (30) calendar days prior to the date on which parental leave is foreseeable based on an expected birth or placement for adoption or foster care. If thirty (30) calendar days' notice is not practicable (because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency), written notice must be given as soon as practicable. For the purposes of this Policy, "as soon as practicable" means as soon as both possible and practical, after considering all the facts and circumstances in the individual case, which, in most cases, should be the same day the employee becomes aware of a need for leave or the next business day thereafter.

(h) Commencement of Parental Leave.

Parental leave under this Policy for the eligible faculty member who is the primary care giver will commence on the first day of the semester designated in the written notice of intent as described in subsection (g), above. Customarily, parental leave will commence on either:

- (I) the first day of the semester in which the child is due to be born or in which the placement of the child with the faculty member for adoption or foster care is expected to occur or;
- (II) the first day of the semester after the child is born or the placement of the child with the employee for adoption or foster care occurs.

The faculty member will not be expected to fulfill on-campus duties until the beginning of the semester following that in which parental leave was taken.

(i) Parental Leave for Eligible Primary Care Giver.

An eligible faculty member who is the primary care giver of the child will receive full pay for the semester in which they are provided parental leave. If applicable, such faculty member may provide notification of a tenure clock extension in accordance with 2-3-902(3)(b).

(j) Parental Leave for Eligible Non-Primary Care Giver.

An eligible faculty member who is the non-primary care giver of the child will receive two (2) weeks of paid parental leave. Additional parental leave will be unpaid unless such parental leave satisfies the requirements for use of sick leave. See 2-3-1003(2) (Short- Term Disability Leave).

(k) Alternative Parental Leave Arrangements.

An eligible faculty member, regardless of whether they provide leave notification pursuant to subsection (g) of this Policy may enter into an additional or alternative parental leave arrangement (including unpaid leave) only if the University, in its discretion, agrees to do so. Any such alternative leave request shall first be submitted by the eligible faculty member to the faculty member's academic dean. The academic dean shall consult with the Director of Human Resources and the General Counsel to determine if the requested additional or alternative leave arrangement is consistent with the requirements of the FMLA, and any applicable State and local laws. Any additional or alternative leave arrangements to which the eligible faculty member's academic dean and the Director of Human Resources agrees must be in writing and signed by the faculty member and faculty member's academic dean on or before the date the parental leave begins.

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.

Policy History

2-3-1001 SABBATICAL LEAVE.

Subsection 2-3-1001(2) Sabbatical Leave Eligibility unnumbered paragraph two amended (Jan 2014)

Subsection 2-3-1001(2) Sabbatical Leave Eligibility amended (Jan 2012)

Subsection 2-3-1001(5)(b) Approval Procedures amended (Jan 2012)

Subsection 2-3-1001(5)(d) Approval Procedures amended (Jan 2012)

Subsection 2-3-1001(5)(d)(I)(III) amended (Jan 2012)

Subsection 2-3-1001(5)(E) Delay of Leave by Faculty Member amended (Jan 2012)

Subsection 2-3-1001(6)(a) Compensation amended (Jan 2012)

Subsection 2-3-1001(8) Faculty Report Obligation amended (Jan 2012)

Subsection 2-3-1001(2) Sabbatical Leave Eligibility unnumbered paragraph three amended (Dec 2010)

Subsection 2-3-1001(4)(d) Restrictions amended (Dec 2010)

Subsection 2-3-1001(5)(a)(b)(c)(e)(g) Approval Procedures amended (Dec 2010)

Subsection 2-3-1001(8) Faculty Report Obligation amended (Dec 2010)

2-3-1003(3) MATERNITY LEAVE.

Subsection 2-3-1003(3) Maternity Leave deleted (Jun 2019)

2-3-1003(4) PARENTAL LEAVE POLICY.

Subsection 2-3-1003(4) Parental Leave Policy amended (Jun 2019)



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, CAO, or academic deans, by communicating said recommendation to the President. The President shall 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 their duties and responsibilities, without prejudice and without loss of compensation, pending the final disposition of their 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 they have 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 their 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 shall be communicated to the chair of the Faculty Senate, unit leader, 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 confidence unless they are required to be disclosed by application of law, or that either the Grievant or Respondent makes a claim that requires the university to defend the claim. Disputes that involve allegations of discrimination, harassment, or retaliation as defined in the Discrimination Complaint Procedures 3-6-125 (DCP) must first follow the DCP; tenure appeal cases must first follow the procedures for Comprehensive Review 2-3-801(3). See also the Tenure Appeals Committee 2-3-902(7).

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. Any grievant has the right to withdraw their formal grievance at any time.

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 misapplication, misinterpretation, or other violation of a university policy or procedure adversely affected their academic freedom, professional reputation, compensation, and/or the advancement in the profession they represent or in other ways. In cases of dismissal of tenured faculty, see 1-1-310 and 2-3-1101 for the applicable procedures. In cases of non- renewal of tenure-track faculty, see 1-1-301(3) and 2-3-202(3).

2-3-1201(1)(c) Faculty Grievance Committee.

The Faculty Grievance Committee (Committee) is designated as the

hearing authority for all grievances stated in this policy. A 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 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 heavy caseloads, the Chair of the Faculty Senate may appoint with Senate confirmation additional members to the Committee.

2-3-1201(1)(d) Working Days. [See 1-2-101 General Provisions]

2-3-1201(2) Preliminary Procedures.

2-3-1201(2)(a) The aggrieved person(s) (Grievant(s)) shall discuss the alleged violation with the appropriate department chair/school director/program area coordinator, academic dean, and the Chief Academic Officer (CAO) in that order if necessary to resolve the issue. Each of these individuals, when meeting with the Grievant(s), should make the Grievant(s) aware of the grievance policy. These discussions must take place within thirty (30) working days of the date that the Grievant(s) knew or should have known of the alleged violation, or of the harm that results, whichever is later. If these discussions fail to resolve the issue within such thirty (30) day period, the Grievant has twenty (20) working days thereafter to file a formal written grievance as described in 2-3-1201(2)(b).

2-3-1201(2)(b)

The formal grievance shall be in writing to the chair of the Committee and shall contain the following:

- (I) a concise description of the grievance; a list of witnesses; exhibits; and other evidence to be presented at the hearing; and the name of their counsel, if any.
- (II) name(s) of the person(s) (Respondent(s)) alleged to have committed the grievable action, and
- (III) the resolution sought by the Grievant(s).

2-3-1201(2)(c) Within five (5) working days of receipt of the written formal grievance, the chair of the Committee shall do the following:

- (I) select five (5) members of the Committee, including a chair, to form the Hearing Panel (Panel) to hear the grievance.
- (II) provide the formal written grievance to the Panel members and the Respondent(s).
- (III) provide written notification to the President and the chair of the Faculty Senate that a written formal grievance has been filed, including the names of the Grievant(s) and Respondent(s).

2-3-1201(2)(d) Upon receipt of the written notification from the chair of the Committee, the Respondent(s) shall have fifteen (15) working days to submit a response to the grievance, together with all exhibits, evidence, and list of witnesses to the chair of the Panel, who shall promptly provide it to Grievant(s) and the Panel.

2-3-1201(2)(e) Once the grievance and the response described above have been exchanged, the Panel shall hold a formal hearing within twenty (20) working days. A full audio recording of the hearing shall be made.

2-3-1201(2)(f) After consultation with each party, the Chair of the Panel shall provide the Grievant(s) and Respondent(s) with the proposed timetable and procedure for the hearing.

2-3-1201(2)(g) If the Grievant(s) miss(es) any of these deadlines due to reasonable circumstances, the Grievant(s) may request in writing an extension to the chair of the Committee, who shall initiate a vote of the entire Committee whether to grant the extension. An extension shall be granted if at least half the Committee members vote to approve the request.

2-3-1201(3) The Hearing - General.

The participants in the hearing shall be the Panel, the Grievant(s) and their counsel and witnesses, and the Respondent(s) and their counsel and witnesses. Both the Grievant(s) and the Respondent(s) can bring legal or other counsel to the hearing, but these counsels may not act or speak on behalf of either party. The hearing shall be closed to all other parties. Witnesses will be present only during their own testimony unless all parties agree otherwise. The Panel shall give due consideration to all relevant positions and all materials submitted

during the hearing.

2-3-1201(4) Hearing Procedures.

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.

- (a) The Grievant(s) shall be given the opportunity to make an opening statement outlining their case.
- (b) The Respondent(s) shall then be given the opportunity to make an opening statement outlining their case.
- (c) The Grievant(s) shall present their case.
- (d) The Respondent(s) shall present their case.
- (e) Members of the Panel and all parties in the case may ask questions of either party in the case or any witness called.
- (f) The Grievant(s) shall be given the opportunity to make closing arguments.
- (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 Panel's report with the President, Grievant(s), and Respondent(s).

The Panel's report shall consist of the following parts: findings of fact, recommended course of action, rationale, and all materials submitted by Grievant(s) and Respondent(s).

The chair of the Panel shall file a copy of the report and the audio recording of the hearing with the Faculty Senate Office, which shall be retained for seven (7) years. Upon request, all parties to a grievance, including the President of the

University, as well their counsel, can listen to the audio recording of the hearing.

Within ten (10) working days after receiving the Panel's report, the Grievant(s) and/or Respondent(s) may submit an appeal in writing to the President.

The President shall consider any such appeal(s) before taking final action on the grievance and may, in their discretion, make a recommendation for action to the Board of Trustees. The President shall render a written decision within forty-five (45) calendar days after receiving the Hearing Panel's report. The President's written decision is final.

The President shall report the final action in the case to the Faculty Senate in executive session. The President shall provide a copy of the written decision to the Grievant(s) and Respondent(s) prior to reporting to the Faculty Senate. A copy of the President's final report shall be filed with the Faculty Senate Office.

Policy History

2-3-1201 FACULTY GRIEVANCE.

Section 2-3-1201 Faculty Grievance amended (June 2021)

Subsection 2-3-1201 Faculty Grievance amended (Jan 2018)

Subsection 2-3-1201(1)(a)(b)(c) Eligibility amended (Jan 2018)

Subsection 2-3-1201(2)(a)(b)(c)(d)(e)(f)(g) Preliminary Procedures amended (Jan 2018)

Subsection 2-3-1201(3) The Hearing General amended (Jan 2018)

Subsection 2-3-1201(4) Hearing Procedures amended (Jan 2018)

Subsection 2-3-1201(5) Hearing Panel Report amended (Jan 2018)

Subsection 2-3-1201(2) Preliminary Procedures amended (Mar 2012)

Subsection 2-3-1201(1)(d) Working Days amended (Jan 2012)



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 their 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 their 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 they give notice of their 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 mended 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 their 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 their review, the President shall submit a written preliminary report to the Faculty Senate, stating whether or not they believe 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, they 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 their 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 of 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 their 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 their 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 their own choice and at their 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 their 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.

Policy History

2-3-1301 SEVERANCE.

Subsection 2-3-1301(4)(b)(c)(d) Transitional Appointments amended (Mar 2011)