



# University Regulations

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## **TITLE 3. UNIVERSITY REGULATIONS.**

### **Article 1: Organization and Governance.**

The organizational description provided in the following sub-sections describes the relationships between and among the principle executive and administrative offices of the University and the distribution of authority from the Board of Trustees to these offices. These offices shall have such authority as is expressly provided in the following statements 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. Refer to organization charts on the Web - further review of position descriptions located in Human Resources.

#### **3-1-101 University Committees.**

**3-1-101(1) Faculty Representation on University Committees.** All committees concerned with University-wide issues established by Academic Affairs (for purposes of position search, oversight, consultation, ad-hoc, etc.) will be constructed on the basis of one member for each school or college or one member for each fifty (50) faculty members of a college, whichever is greater.

#### **3-1-102 M. Lucile Harrison Award Committee.**

**3-1-102(1) Purpose.** The committee shall recommend criteria to be used in the selection of the award recipient. The committee shall also review files of the applicants/nominees and make recommendations to the Vice President for Academic Affairs.

#### **3-1-102(2) Composition.**

1 Representative of Undergraduate Council

1 Representative of Graduate Council

2 Representatives of Faculty Senate

(All of the above serve four-year terms.)

1 Representative of the Deans

1 Representative from past recipients

(Appointed by the Vice President for one-year terms)

Chaired by a staff member in Academic Affairs

## Article 2: Student Affairs.

**3-2-101 General Policy.** [See also Board Policy Manual, Title 1, Part 4]

### **3-2-102 Application and Admission Requirements.**

**3-2-102(1) Definitions and General Rules.** For the purposes of Title 1, Part 4, 1-1-403 the following shall apply. Undergraduate application and admission policies are published annually in the University catalog and are available in the on-line catalog published by Academic Affairs.

- (a) Quarter credit hours shall convert to semester credit hours at a ratio of 3 to 2, e.g., 45 quarter hours shall convert to 30 semester hours.
- (b) References to accredited colleges, universities, high schools, or institutions shall mean accreditation by a regional accrediting agency approved by the U.S. Department of Education.
- (c) Satisfaction of admission requirements shall be determined in the sole discretion of UNC.
- (d) Accredited status must exist at the time the applicant attended a college, university, high school or institution in order to be accepted.

**3-2-102(2) Freshmen.** The academic standards for admission of freshman and transfer students are published in the University Catalog.

**3-2-102(3) Special Students.** Special students are those individuals over 20 years of age at the time of the first day of class and are not enrolled in a degree program. They are permitted to continue enrolling in courses provided they maintain a "C" average. The students may remain in a special student category as long as the individual can benefit from higher education. These individuals will be counseled into a degree program on an individual basis depending on their academic readiness. This will occur usually between 15 and 30 semester hours. The faculty advisors or staff at the Academic Advising Center will work with these individual students.

**3-2-102(4) Graduate Students.** The academic standards for admission of graduate students are published in the Catalog and in the Graduate School Policies and Procedures manual, Graduate Study (application packet), and Graduate Student Handbook.

**3-2-103 Student Financial Resources.** Application and Financial Aid information is published in the Catalog and in brochures published by the Student Financial Resources Office.

**3-2-104 Registration.** Policies and procedures concerning undergraduate/graduate enrollment and degree requirements are published in the catalog and in the Handbook of Graduate Education.

**3-2-105 Academic Standards.** Policies and procedures related to academics.

**3-2-106 Degree Requirements.** In Catalog.

**3-2-107 Academic Appeal Procedure.** [See also Board Policy Manual, Title 2, Article 1, Part 2.]

**3-2-108 Financial Policies.**

**3-2-108(1) Tuition.** Policies and Procedures related to tuition and fees are published in the Catalog and on the Registrar's WEB site.

**3-2-108(2) Fees.** Mandatory student fees may not be used to fund ideological, political or religious activities. The allocation and distribution of mandatory student fees shall be made without regard to the viewpoint of the activity that is funded.

**3-2-108(2)(a) Definitions.**

- (I) Ideological and political activities are: partisan political programs or events; political parties; and election campaigns in support of or in opposition to an individual candidate, slate of candidates, or ballot issue in elections outside the University.
- (II) Religious activities are: worship services.

**3-2-108(2)(b) Viewpoint Discrimination.** If mandatory student fees are used to fund activities by student organizations before local, state or national legislative bodies, which (I) advocate or advance viewpoints on particular public policies or positions, or (II) seek to affect public policy decisions by local, state or national legislative, executive or administrative governmental bodies, including the payment of dues or fees to other organizations which fund such viewpoint advancement by those organizations, or (III) advocate, communicate or proselytize a particular religious denomination, sect, or belief, including the payment of dues, fees or contributions to other organizations which engage in such activities, then mandatory student fees funds shall be made equally available to student organizations which seek to advance contrary or competing viewpoints.

**3-2-109 Student Rights and Responsibilities.** Student Rights and Responsibilities are published in the Student Handbook.

**3-2-109(1) Student Conduct.** Policies and Procedures related to conduct are published in the Student Handbook. [See also Board Policy Manual, Title 2, Article 1, Part 5.]

**3-2-109(2) Absence Policy.** Regular attendance in all classes is assumed. Each instructor determines the relationship between class attendance, the objectives of the class and the student's grade. The instructor is responsible for informing students of attendance policies and the effect of attendance on their grade. The student is responsible for knowing the policy of each course in which he or she enrolls.

Only the instructor can approve a student request to be absent from class. The student is responsible for requesting such approval when absence is unavoidable.

Students involved in University-sponsored activities, including intercollegiate athletics, may need to be excused from a class, lab, or studio meeting. In all instances it is the student's responsibility to present a written request for permission for the absence from the instructor. The student must also discuss how the absence will affect his/her ability to meet the course requirements. Students should do this as early in the semester as possible. While instructors should seek to the greatest extent possible, consistent with course requirements, to make reasonable accommodations for a student

involved in University-sponsored activities, students should recognize that not every course can accommodate absences and neither the absence (nor the notification of an absence) relieves them from meeting the course requirements.

In recognition of the diversity of the student body, the University provides that a student may request an excused absence from class for participation in religious observances. In all such instances, it is the student's responsibility to request, in writing, that the instructor permit the absence. The student must also discuss how the absence will affect the student's ability to meet the course requirements. A student should make any such requests before the course drop deadline for the semester.

Attendance during the first two class sessions is required. The instructor has the option to drop a student from class if he or she does not attend the first two hours during which the class meets, in order to allow other students to enroll. Not all instructors will exercise this option; therefore, a student should not assume that non-attendance will automatically drop him or her from class.

**3-2-109(3) Immunizations.** Policies and Procedures related to immunizations are published in the Catalog.

**3-2-109(3)(a) Definition of Non-Traditional Adult Student.** For immunization purposes the following UNC students will be identified as non-traditional adult students and are exempt from the regulation:

- (i) persons born before January 1, 1957
- (ii) persons attending conferences/classes of one week duration or less;
- (iii) conference attendees not registered in course work for academic credit
- (iv) high school students attending university classes (are subject to law/rules/regulations pertaining to high school students in their high school).

**3-2-109(3)(b) Effective Dates.** As of July 1, 1995, in order to register for classes at the University of Northern Colorado, all students born on or after January 1, 1957 who do not meet the definition of "non-traditional adult student" identified in 3-2-109(2)(a) above, are required to complete and submit to the University of Northern Colorado Student Health Center, an official Certificate of Immunization signed by a physician, nurse, or public health official or a Certificate of Exemption signed according to criteria identified below. The Certificate must specify that the individual has immunity to Measles, Mumps, and Rubella or is exempt from Certification according to the criteria identified below.

**3-2-109(3)(c) Certification Requirements.**

- (i) Measles (Rubeola). Two doses of measles administered on or after the first birthday, and at least 30 days apart and after 1967- **OR** - written evidence of a laboratory test showing immunity to measles. (Physician documentation of measles is not acceptable as proof of immunity).
- (ii) Mumps. Two doses of mumps administered on or after the first birthday, and at least 30 days apart and after 1966. (If the second *measles* dose was administered

prior to July 1, 1992, then only the mumps dose is required), - **OR** - written evidence of a laboratory test showing immunity to mumps. (Physician documentation of mumps is not acceptable as proof of immunity).

- (iii) Rubella (German Measles). Two doses of rubella administered on or after the first birthday, and at least 30 days apart and after June 1, 1969. (If the second measles dose was administered prior to July 1, 1992, then only one rubella dose is required), - **OR** - written evidence of a laboratory test showing immunity to rubella. (Physician documentation of rubella is not acceptable as proof of immunity).

**3-2-109(3)(d) Provisional Enrollment.** A student may be permitted to register and attend classes if a written Provisional Enrollee Plan is signed showing he/she is "in the process of receiving or obtaining the required immunizations." The provisional enrollment plan should be able to be met within 30-45 days; however 60 days from the enrollment date is the maximum allowable. A completed Certificate of Immunization or Certificate of Exemption must be submitted within the 30-60 days as agreed. No further provisional enrollments are permitted. If the provisional enrollment agreement is not met the student shall not be permitted to register for further classes. For purposes of this regulation the "enrollment date" is the date the student seeks a registration clearance through the Student Health Center and signs a Provisional Enrollee Plan.

**3-2-109(3)(e) Exemption Requirements.** Medical Exemption. In order to qualify for a medical exemption, a licensed physician must sign the medical exemption section of the Certificate of Immunization indicating that the physical condition of the student is such that immunization would endanger life or health or is otherwise medically contra indicated.

Religious or Personal Exemption. In order to qualify for a religious or personal exemption, one parent or guardian, or student of 18 years of age or older, or an emancipated minor must sign the religious or personal exemption section of the Certificate of Immunization indicating that the parent or guardian, or student of 18 years of age or older, or an emancipated minor adheres to a religious or personal belief opposed to immunization.

**3-2-109(3)(f) Suspension From Classes.** Individuals who do not have proof of immunity against measles, mumps and/or rubella may be suspended from classes at the University of Northern Colorado or removed from university housing during an outbreak/epidemic. If a student is removed from university housing, the university will not be responsible for the student's off campus expenses.

**3-2-109(3)(g) Faculty and Staff.** Effective August 1, 1992, all UNC faculty and staff born on or after January 1, 1957 must submit an official Certificate of Immunization or exemption to Human Resources and a copy of the same to their immediate supervisor. Faculty and staff must meet the immunization requirements as outlined in the UNC Measles, Mumps and Rubella Regulation as revised 6/92.

In the event of an outbreak/epidemic the record must be immediately available to UNC's Health Center or State/County Health Department personnel. Individuals with records which do not have proof of immunity against measles, mumps, and/or rubella may be excluded from campus and suspended from duties at UNC during an outbreak/epidemic.

During outbreaks of measles, mumps, or rubella on campus, general public health statute allow the Department of Health to impose an exclusion or quarantine which will affect faculty, staff and other employees.

Academic departments/schools will be responsible for replacing faculty who are quarantined due to not meeting the immunization requirements. Exempt administrators and classified staff will be required to use vacation time if they are suspended or quarantined due to not meeting the immunization requirements. If an employee is required to exhaust all available leave time before returning from a suspension of duties, the employee will be required to take leave without pay.

**3-2-109(4) Eligibility for Health Services.** All students enrolled for one or more credit hours at UNC are eligible for care at the Student Health Center.

Students not enrolled for credit hours for the current academic term, but who attended the previous academic term and who plan to attend the next academic term, will be entitled to purchase services at the Student Health Center for the same Health Fee assessed to full-time students. Currently enrolled students' spouses may elect to pay the full Health Fee and have access to basic services.

Students actively working on a dissertation who have paid the assessed Graduate Student Continuous Registration Fee will be allowed to purchase the health services for the Health Fee assessed full-time students.

**3-2-109(5) Student Organizations.** All student organizations must be chartered annually by the University. Such organizations may request a charter through the Student Representative Council. Upon SRC's recommendation, student organizations are reviewed and chartered by the Vice President for Student Affairs. Recognition of student organizations may be withdrawn by the University at any time for violation of any institutional standards of conduct or for other good cause.

**3-2-109(6) Hazing Regulation.** Rules and procedures related to hazing are published in the Student Rights and Responsibilities Handbook.

**3-2-110 Verifiable Documents.** When the university provides a service for which the recipient is required to provide proof of identification, the university shall not accept, rely upon, or utilize an identification document unless it is a secure and verifiable document. "Secure and verifiable document" means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. The matricula consular and other identification documents issued by foreign governments are not considered "secure and verifiable" documents.

**3-2-111 Student-Faculty Dispute Resolution Processes.** UNC is committed to creating an inclusive and respectful environment where every member of the University community is afforded the right to speak freely and where freedom of speech and academic freedom are given vigilant protection and respect. Debate and disagreement are integral to the teaching and learning process, and students and faculty members are strongly encouraged to attempt to resolve their disputes through respectful discussion.

As described in 3-2-111(1), UNC has four processes for resolving student-faculty disputes, and the nature of the dispute determines which process is used.



All parties involved in the resolution of a Student-Faculty Dispute should familiarize themselves with the Student-Faculty Dispute Resolution Processes as well as UNC's policies regarding Student Rights and Responsibilities (Board Policy 2-3-301), Teaching Responsibilities (Board Policy Manual 2-3-402), Academic Freedom (Board Policy Manual 2-3-601), and Professional Ethics (Board Policy Manual 2-3-602).

**3-2-111(1) Determination of Student-Faculty Dispute Resolution Process Used.** When a complaint is received by the Dean of Students (e.g. using the Report a Concern Form ("Form") on the Dean of Students website), the Dean of Students and the Title IX Coordinator will jointly determine which of the following processes the complaint will follow.

- (a) Discrimination Complaint Procedures (3-6-127) are used when a complaint involves potential violations of UNC's Equal Opportunity Policy, which addresses matters of discrimination, harassment, and retaliation. All of the following criteria must be met for a complaint to be routed to the Discrimination Complaint Procedures.
  - (I) The complaint is alleged to be based on the protected class status of an individual who is covered by UNC's Discrimination Complaint Procedures.
  - (II) The alleged conduct is related to one's protected class status and has unreasonably interfered with the individual's academic performance, created an intimidating or hostile educational environment or caused adverse consequences on the basis of the complainant's protected class.
- (b) Academic Appeal procedures (2-1-201) are used when a complaint involves an academic decision. All of the following criteria must be met for the complaint to be routed to the Academic Appeals procedures.
  - (I) The behavior described in the complaint involves an academic decision made according to standards or practices that are specific to a course (e.g., grades, class policies, exam practices), discipline, program, department, school, or college.
  - (II) The complaint concerns an academic decision that the complainant considers arbitrary, capricious, or contrary to University policy.
- (c) Student Conduct Code procedures (2-1-501) are used when the complaint involves student behavior that is prohibited by the Conduct Code.
- (d) Complaints that are not subject to Discrimination Complaint Procedures, Academic Appeal procedures, or Student Conduct Code procedures follow the procedures for Other Student-Faculty Disputes in 3-2-111(2).

**3-2-111(2) Other Student-Faculty Disputes.**

- (a) **Submitting a Student-Faculty Dispute complaint.** A complaint about a Student-Faculty Dispute may be submitted by a student involved in the dispute, by a faculty member involved in the dispute, or by both.

Complaints can be submitted in writing using the Report a Concern Form ("Form") on the Dean of Students website. If complaints are received by other means, they will be entered into the Form before the dispute resolution procedures begin.

Complaints should be submitted at the earliest possible date, but no later than seven (7) calendar days after the final grades deadline of the semester in which the event occurred, or seven (7) calendar days after the event in question, whichever occurs later.

**(b) Facilitating resolution of Student-Faculty Dispute complaints not subject to 3-2-111(1)(a), 3-2-111(1)(b), or 3-2-111(1)(c).**

The Dean of Students, Title IX Coordinator, and Department Chair/School Director/Program Area Coordinator or Dean may appoint a designee to fulfill the duties described below.

The Dean of Students will forward the Student-Faculty Dispute Complaint to the Department Chair/School Director/Program Area Coordinator of the Department/School/Program in which the student-faculty interaction occurred (or, if the Department Chair/School Director/Program Area Coordinator is involved in the complaint, to the Dean in the same college). The Department Chair/School Director/Program Area Coordinator will notify the Dean or his or her designee that a complaint was received.

The Department Chair/School Director/Program Area Coordinator to whom the complaint is assigned will take the following steps to facilitate resolution.

- (I) If the person who filed the complaint (“Complainant”) is a student, the Department Chair/School Director/Program Area Coordinator will share the complaint Form submitted with the faculty member(s) named in the complaint. If the Complainant is a faculty member, the Department Chair/School Director/Program Area Coordinator will share the complaint Form submitted with the student(s) named in the complaint.
  - (II) The Department Chair/School Director/Program Area Coordinator will meet with the Complainant to discuss the dispute and will advise the Complainant that the person named in the complaint (“Respondent”) has been notified, determine if the Complainant has approached the Respondent, and discuss a process for attempting to resolve the dispute. The Complainant may elect at this point whether or not to pursue the complaint further.
  - (III) If the dispute is not resolved in the initial meeting between the Department Chair/School Director/Program Area Coordinator and Complainant, the Department Chair/School Director/Program Area Coordinator will meet separately with the Respondent to discuss a process for attempting to resolve the dispute.
  - (IV) After meeting separately with the Complainant and Respondent, the Department Chair/School Director/Program Area Coordinator will determine if the dispute is sufficiently serious to warrant further discussion and if so, will invite both to meet to discuss how to resolve the matter. If the Department Chair/School Director/Program Area Coordinator determines that the dispute is not sufficiently serious to warrant further discussion, the complaint will be closed.
  - (V) At any point in the process, before or after closure, the Dean of Students staff are available to offer counseling services to either party.
- (c) Closure of complaints and notification of closure.** For each complaint submitted, the Department Chair/School Director/Program Area Coordinator will notify the Dean of Students, the faculty member, and the student when the complaint is closed and give the reason for closure. A complaint is closed when:

- (I) the student or faculty member who submitted the complaint decides not to pursue the complaint further;
- (II) the dispute has been resolved to the satisfaction of the student or faculty member who submitted the complaint;

(III) the Department Chair/School Director/Program Area Coordinator determines that the dispute is not sufficiently serious to warrant further discussion; or

(IV) the student and/or faculty member declines to participate jointly in resolving the dispute.

- (d) **Record of complaints.** All complaints, including those determined not sufficiently serious to warrant further discussion after the Department Chair/School Director/Program Area Coordinator meets separately with the student and faculty member, will be kept on file in the Dean of Students Office, for 10 years in order to comply with the Higher Learning Commission (HLC).

**3-2-111(3) Review.** The Chief Academic Officer (or designee) will annually compile a report that lists all Student-Faculty Dispute Complaints that were filed, and those that were closed during the previous academic year, including those directed to the Discrimination Complaint Process, Student Code of Conduct process, Academic Appeals process, and process for other Student-Faculty Disputes. The report will be delivered to the Faculty Senate no later than September 30th each year, beginning fall of 2018. For complaints directed to the Discrimination Complaint Process or process for other Student-Faculty Disputes, the report will include a description of each complaint and its resolution, with names and other identifying characteristics redacted. Upon request of the Faculty Senate Welfare Committee, additional information concerning the details of the report will be made available to the committee and will be kept confidential.

### **3-2-201 Student Code of Conduct (“BEAR Code”) – Purpose and Scope**

The University of Northern Colorado (“UNC”) values freedom of expression and the exchange and exploration of diverse viewpoints. UNC’s Student Code of Conduct contains Behavioral Expectations and Responsibilities. The “BEAR Code” (or “Code”) provides guidance for students so that they can exercise personal and organizational responsibility as members of the UNC community. It is expected that UNC students and registered student organizations act responsibly and consistent with the BEAR Code to promote a safe and respectful learning and living environment within the UNC community.

The Dean of Students Office is responsible to educate Students and Registered Student Organizations (“RSOs”) about the BEAR Code and to initiate and conduct proceedings involving alleged Misconduct under the Code. The outcomes of these proceedings are designed to guide Students and RSOs to act responsibly and consistent with the Code’s provisions. When they fail to do so, the outcomes may include educational requirements that guide Students’ and RSOs’ future conduct, but may also result in separation from UNC, either temporarily or permanently, based on the nature and severity of the Misconduct.

The BEAR Code is contained in the University Regulations. Any additions or changes to the University Regulations must be approved by UNC’s President.

### **3-2-202 Application of the BEAR Code**

The BEAR Code applies to anyone who is a Student who engages in Misconduct as those terms are defined in the Code. In addition, any Registered Student Organization/RSO is subject to the provisions and requirements of the BEAR Code.

- (1) A person is a Student for purposes of the BEAR Code from the time they are issued a Bear Number until the time they are awarded a degree by UNC or until their date of withdrawal from UNC, whichever occurs last. Until a degree is awarded or a person withdraws from UNC, a

person's Student status continues uninterrupted. In addition, a person is a Student for the purposes of the Code when they engage in conduct while a Student that constitutes Misconduct under the Code. Therefore, a person cannot avoid Student status under the Code by withdrawing or by the awarding of a degree if they engaged in the Misconduct while they are a Student.

- (2) The BEAR Code applies to Misconduct by a Student that occurs on UNC Property or off-campus, including but not limited to Misconduct that occurs at UNC Sponsored Activities. It includes Misconduct that occurs between semesters or when classes are not in session.
- (3) The Dean of Students has the authority and discretion to determine, on a case-by-case basis, if the BEAR Code shall be applied to off-campus Misconduct.

### 3-2-203 Definitions

The following definitions apply to the BEAR Code:

- (1) **Advisor:** A person chosen by the Responding Party (if they choose to do so, and at their own expense) to assist them during the Hearing. An Advisor may have no other role in the case and is not permitted to speak or participate directly in the Hearing. The Responding Party's selection of an Advisor may not unduly delay the proceedings, as determined by the Dean of Students, in their discretion.
- (2) **Code Due Process:** Receipt of a Notification and the opportunity for a Hearing with the Dean of Students and to respond to the alleged Code violation(s). Code Due Process is not the same as due process in criminal or civil court proceedings.
- (3) **Dean of Students ("DOS"):** The UNC employee who is directly responsible for Student disciplinary matters, regardless of the title of the employee's position. The Dean of Students, in their discretion, may designate other UNC employees to perform the duties and responsibilities of the DOS as described in the BEAR Code. All references to the Dean of Students/DOS in the BEAR Code include any designee of the DOS.
- (4) **Hearing:** A meeting between a Responding Party and the Dean of Students in which the Responding Party has the opportunity to respond to the alleged Misconduct summarized in the Notification.
- (5) **Interim Actions:** A restriction of a Responding Party's privileges, ordered by the Dean of Students prior to the issuance of a Resolution when the Dean of Students has determined that there is reasonable cause to believe the continued presence of the Responding Party on UNC Property or the Responding Party's engagement in specific activities presents an immediate and significant risk of substantial harm to themselves or others, the disruption of UNC operations or activities, or is necessary to provide reasonable protection to any person who may be adversely affected prior to the issuance of a Resolution. Interim Actions include suspension, no contact orders, persona non grata ("PNG") orders, and/or an order prohibiting the Responding Party from engaging in specific activities until a Resolution is issued. A Responding Party subject to Interim Actions may be, among other things, prohibited from attending classes, participating in any UNC activities, and/or from being present on UNC Property.
- (6) **Misconduct:** Conduct by a Student and/or RSO that, when considered in the totality of the circumstances, violates the BEAR Code regardless of where the conduct occurs. Students and RSOs are responsible for the Misconduct of their guests or agents.
- (7) **Notification:** A written document from the Dean of Students informing the Responding Party(ies) that Reasonable Cause has been found with regard to their alleged conduct and that

Code Due Process has been initiated. The Notification shall be delivered either by BearMail or by personal delivery and will summarize the Misconduct and the Code Due Process. Delivery by BearMail occurs when the Notification is time and date recorded in the inbox of the Responding Party(ies).

- (8) **Outcome:** An action described in a Resolution to be implemented with regard to a Responding Party. Outcomes include but are not limited to:
- (a) **Warning:** Notice to a Responding Party that they have engaged in Misconduct and that further Misconduct may result in further Outcomes.
  - (b) **Probation:** A stated period during which a Responding Party is subject to review and during which the Responding party must demonstrate compliance with the BEAR Code.
  - (c) **Loss or Restriction of Privileges:** A stated period during which a Responding Party, including an RSO, is not allowed to engage in specific activities.
  - (d) **Restitution:** Monetary compensation, replacement or completion of one or more tasks or projects for loss, damage or injury to those adversely affected by Misconduct.
  - (e) **Education or Counseling:** Research, education, counseling or completion of one or more projects designed to assist the Responding Party in their appreciation of the impact of their Misconduct upon others including but not limited to a required mental health assessment.
  - (f) **Residence Hall and/or University Suspension:** A specified or indefinite period in which stated conditions must be satisfied during which a Responding Party is not allowed (a) in UNC residence halls or other residences, (b) in specific or all areas of UNC property, and/or (c) to participate in specific activities.
  - (g) **Residence Hall and/or University Expulsion:** The permanent (a) ban of a Responding Party from UNC residence halls or other residences, (b) ban of a Responding Party from specific areas, or from the entirety, of UNC property, (c) termination of a Responding Party's academic program at UNC, and/or (d) prohibition of a Responding Party from applying for future re-enrollment at UNC.
  - (h) **Revocation of Admission and/or Degree:** Revocation of a Responding Party's admission to UNC or the award of a degree due to Misconduct including but not limited to fraud, misrepresentation, or plagiarism.
  - (i) **Withholding Admission or Degree:** Admission of or the award of a degree otherwise earned by a Responding Party may be withheld until completion of Outcomes imposed.
  - (j) **Withdrawal Agreement:** A Responding Party may, with the approval of the Dean of Students, enter into an agreement to withdraw from UNC and not to re-apply for a specified period or permanently as part of the Outcomes imposed.
  - (k) **Loss of Recognition:** Recognition as an RSO may be revoked and/or denied for a specified or indefinite period in which stated conditions must be satisfied or permanently.

The determination of the Outcome(s) imposed will be informed by the totality of the circumstances regarding the Misconduct including, but not limited to, the nature and severity of the Misconduct, the prior conduct history of the Responding Party, and reasonable and appropriate actions for the safety of adversely affected individual(s) and the UNC community.

- (9) **Preliminary Inquiry:** An informal process, during which Code Due Process does not apply, by which the Dean of Students, in their discretion, gathers information about alleged Misconduct that is brought to its attention through information provided by, and/or outreach to, people who may have knowledge of information that is relevant to the issue of whether Misconduct has occurred.
- (10) **Preponderance of the Evidence:** Information from which the Dean of Students concludes that it is more likely than not that Misconduct has occurred.
- (11) **Reasonable Cause:** Information that, if true, supports the proposition that Misconduct has occurred.
- (12) **Registered Student Organization (“RSO”):** A group whose membership is comprised primarily of, and led by, currently enrolled UNC students, and is formally recognized by UNC and conferred with privileges and benefits not offered to non-recognized groups.
- (13) **Remedy:** An action described in a Resolution to be implemented with regard to specific person(s), organizations (including RSOs) or the UNC community to mitigate the effects of the Misconduct of a Responding Party.
- (14) **Resolution:** The written decision of the Dean of Students in a Code Due Process proceeding, summarizes the matters in issue, states whether a Preponderance of the Evidence supports the proposition that the Responding Party(ies) committed Misconduct and, if so, describes the Outcomes imposed on the Responding Party(ies) because of the Misconduct and any Remedies implemented for those who have been adversely affected by the Misconduct. A Resolution will be delivered by either BearMail or personal delivery as is described for a Notification.
- (15) **Responding Party:** Student(s) and/or RSO(s) who have been provided with a Notification.
- (16) **Student:** A person who has applied for admission to UNC (or is otherwise stated specifically to be subject to the BEAR Code) and continuing until that person is awarded a degree from UNC, withdraws from UNC, or until the expiration of any leave of absence or suspension of the person, whichever occurs last. A person continues to be a Student for purposes of the BEAR Code with regard to all Misconduct in which the person is alleged to have engaged while a Student whether or not the person has withdrawn or been awarded a degree. If a Student attempts to avoid a Notification by withdrawal from UNC, a hold will be placed on their transcript and registration, that may remain in effect until a Resolution of the matter is achieved.
- (17) **University (“UNC”):** The University of Northern Colorado.
- (18) **UNC Official:** Any person employed by, or authorized to act on behalf of, the University, who is performing assigned administrative or professional responsibilities in the conduct of University business.
- (19) **UNC Property:** All land, buildings and other facilities owned, leased, used, controlled, or in the possession of the University, including adjacent streets, sidewalks and paths.
- (20) **UNC Sponsored Activity:** Any activity or event, either on University Premises or elsewhere which is initiated, aided, authorized or supervised by the University.
- (21) **Witness:** A person who has information relevant to the alleged Misconduct.
- (22) **Working Day:** Monday through Friday of each week, other than those days designated as “university holiday,” “university closed” or “spring break” on the UNC Calendar.

**3-2-204 Misconduct**

Any of the following conduct constitutes Misconduct under the BEAR Code:

- (1) **Physical Injury/Endangerment.** Conduct that has the purpose and/or effect of causing physical injury to another person, creating a substantial risk of physical injury to another person, or placing or attempting to place another person in fear of physical injury including but not limited to the creation or maintenance of health and/or safety hazards.
- (2) **Discrimination/Harassment/Retaliation.** Conduct that constitutes “Discrimination”, “Harassment”, and/or “Retaliation” as those terms are defined in the UNC Discrimination Complaint Procedures (“DCP”).
- (3) **Threatening Behaviors.** Any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that, for any reason, is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any person, including but not limited to any such behavior that is directed toward a Student on the basis of their academic performance or against whom federal and state laws prohibit “Discrimination” as that term is defined in the DCP.
- (4) **Hazing.** Conduct, including but not limited to forced and prolonged physical activity; forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption; prolonged deprivation of sleep, food, or drink, that has the purpose and/or effect of endangering the health or safety of, or causing a risk of bodily injury to another person, or that destroys or removes public or private property, for the purpose of initiation, admission into, and/or affiliation with an RSO or a group or organization that engages in activities on UNC’s campus; except that “hazing” does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the State of Colorado or the United States.
- (5) **Stalking.** A threat, physical action or repeated conduct made by one person to a second person that would cause a reasonable person to fear for their safety and, in connection with such threat, action or conduct, the first person follows, approaches, contacts (either face-to-face or by mail or electronic means), places under surveillance, makes an audio or video recording of, or communicates with the second person or a third person with whom the second person has had a continuing relationship, for the purpose and/or effect of causing serious emotional distress in the second person.
- (6) **Disorderly Conduct.** Making a coarse and obviously offensive utterance, gesture, or display in a public place that tends to incite an immediate breach of the peace.
- (7) **Rioting.** Engaging in, attempting, soliciting others, or conspiring with others to commit a public disturbance involving three or more persons that has the purpose and/or effect by tumultuous and violent conduct of creating grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.
- (8) **Deadly Weapons Violations.** Unlawfully carrying, bringing or being in possession of a deadly weapon (including a firearm whether loaded or unloaded, a knife, bludgeon or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, can produce death or serious bodily injury) on UNC Property.

- (9) **Theft.** Obtaining, retaining or exercising control over property of another without authorization, or by threat or deception, with the purpose and/or effect of depriving the person(s) to whom the property belongs of its use or benefit.
- (10) **Damage/Destruction of Property.** Conduct that has the purpose and/or effect of damaging or destroying UNC Property or the property of another person.
- (11) **Fire Safety Violations.** Conduct that violates federal, state, local, or campus fire policies including but not limited to causing a fire that damages UNC Property and/or causes physical injury to another person, failure to evacuate UNC Property during a fire alarm, improper use of UNC fire safety equipment, or tampering with or improperly engaging a fire alarm or fire detection/control equipment while on UNC Property.
- (12) **Trespass.** Entering or remaining on the premises of UNC Property or the property of another person, or the motor vehicle of another person, without legal authorization to do so.
- (13) **Unauthorized Access and Entry.** Unauthorized possession, duplication or use of keys to any UNC Property, unauthorized entry to any UNC Property, and/or unauthorized propping or use of alarmed or locked doors to any UNC Property.
- (14) **Controlled Substances Violations.** Possession, use, distribution, manufacturing, dispensing or sale of any controlled substance prohibited by federal, state and/or local law.
- (15) **Alcoholic Beverages Violations.** Possession, use, distribution, manufacturing, dispensing or sale of alcoholic beverages prohibited by applicable federal, state and/or local law or by UNC policy or regulation including but not limited to consumption or possession of alcoholic beverages by students under the age of 21 and provision of alcoholic beverages to minors by students 21 years of age or older.
- (16) **Smoking, Vaping and Tobacco Violations.** Use of tobacco (or other substances including but not limited to cloves) by smoking, e-cigarettes, vape pens, or any other device used to consume tobacco products or other solid or liquid substances where use of tobacco is prohibited and/or, in the case tobacco or tobacco products, use by chewing or dipping.
- (17) **Dishonesty.** Conduct constituting:
  - (a) **Academic Misconduct.** Cheating (the use, or attempt to use, academic work, material, information or study aids that are not permitted by the instructor), plagiarism (the use of another person's work or reuse of your own work without giving proper credit to the original source), fabrication (the creation of material or a source that does not exist to use as authority in academic work), or other acts of academic dishonesty;
  - (b) Providing false information to a UNC Official or other person in connection with a UNC matter;
  - (c) Initiating or circulating a false report, warning or threat that relates to any facet of UNC operations; or
  - (d) Forgery (Creating, completing or altering a written instrument for the purpose and/or effect of using or submitting the instrument, directly or indirectly, in connection with educational activities and/or matters related to the conduct of UNC business).
  - (e) Unauthorized use of UNC organizational names and images.
- (18) **Interference with UNC Operations.** Conduct, or directing or inciting others to engage in conduct (either face-to-face or by other methods including but not limited to electronic means)



that has the purpose and/or effect of impeding the staff or faculty of UNC in the performance of their lawful duties or of impeding a Student in the lawful pursuit of educational activities (including but not limited to access to instruction, research, administrative functions, meetings, public events, facilities, or proceedings under any UNC policy, regulation, procedure or rule).

- (19) **Failure to Comply with Directives of UNC Officials.** Failure to identify oneself to, or comply with, reasonable directives of UNC Officials, faculty or law enforcement officers in the performance of their duties and responsibilities.
- (20) **Abuse of BEAR Code Procedures.** Conduct that has the purpose and/or effect of interfering with or failure to comply with BEAR Code procedures including but not limited to:
- (a) Falsifying, distorting or misrepresenting information submitted during BEAR Code proceedings.
  - (b) Destroying or concealing information or physical evidence during BEAR Code proceedings.
  - (c) Threatening, coercing or otherwise discouraging, or attempting to threaten, coerce or otherwise discourage, a person's good faith participation in, or use of, BEAR Code proceedings.
  - (d) Instituting or participating in BEAR Code proceedings in bad faith.
  - (e) Soliciting or aiding, or attempting to solicit or aid, another person to commit an abuse of BEAR Code procedures.
- (21) **UNC Policy Violations.** Conduct that violates:
- (a) The UNC Housing & Residential Education Handbook. and/or
  - (b) Any UNC policy, rule, procedure or regulation published in hard copy and/or available electronically on the UNC website including but not limited to the Board Policy Manual, University Regulations, and all student, academic, residence, information technology, athletic and/or safety handbooks.
- (22) **Violation of Statute.** Conduct that violates any applicable Federal, State of Colorado, or local statute, ordinance and/or regulation.

### 3-2-205 Submission of Information About Misconduct

Any person may submit information or inquiries about Misconduct under the BEAR Code using any of the following methods:

- (1) Call the Dean of Students Office - (970) 351-2001
- (2) Call the UNC Police Department (UNCPD) - (970) 351-2245 - non-emergency  
911 - emergency

Submit an online incident report through the Dean of Students Office –  
<https://www.unco.edu/dean-of-students/share-concern.aspx>

- (3) Submit an online incident report through MySafeCampus -  
<http://www.unco.edu/mysafecampus>.

Anonymous reports of Misconduct will be investigated to the extent allowed by the information provided, but anonymity may limit UNC's ability to investigate the matter effectively.

### **3-2-206 Time Limitations for Submission of Information About Misconduct**

- (1) If the Misconduct occurred during a period in which the BEAR Code applied to the Student and/or RSO alleged to have committed the Misconduct, there is no time limit within which the Misconduct must be reported.
- (2) UNC's ability to investigate Misconduct may be improved if information about the Misconduct is submitted when it is first observed. For that reason, UNC urges people with information (or questions) about Misconduct to submit the information or questions when they arise using one of the methods described above.

### **3-2-207 Preliminary Inquiry After Information About Misconduct is Received**

Once information about alleged Misconduct is received from any source, the Dean of Students may proceed with a Preliminary Inquiry of the matter and may request that Student(s) and/or RSO(s) representatives and others who may have relevant information meet with the Dean of Students to gather information about the Misconduct. As a result of the Preliminary Inquiry, the following actions may occur, any of which may be implemented in the discretion of the Dean of Students:

- (1) That there is insufficient information to support a determination of Reasonable Cause and that no further proceedings will occur at this time;
- (2) That additional information should be gathered through a continuing Preliminary Inquiry into the matter;
- (3) That, as a result of the information gathered, one or more persons who have been contacted in the course of the Preliminary Inquiry do not contest that they have engaged in Misconduct and that a Resolution is issued about the matter or that additional discussions may occur to attempt to issue a Resolution; or
- (4) That CSCR has determined that Reasonable Cause exists, that Responding Party(ies) have been identified and that the Code Due Process should begin.

### **3-2-208 Reasonable Cause and Code Due Process**

If, either with or without a Preliminary Inquiry, the Dean of Students determines that Reasonable Cause exists, it may begin Code Due Process as follows:

- (1) The Dean of Students will deliver a Notification to the Responding Party and to any UNC Official with a "need to know" in the performance of their responsibilities to UNC.
- (2) A Hearing will be set by the Dean of Students no sooner than three (3) Working Days following delivery of the Notification to the Responding Party.
- (3) At the discretion of the Dean of Students, Responding Parties who have been delivered Notifications that arise out of the same transaction, occurrence or relevant facts may be scheduled for a joint Hearing, rather than separate Hearings.
- (4) If a joint Hearing is set, the Dean of Students will conduct the Hearing in a manner such that each Responding Party will hear the evidence related to their alleged Misconduct and be permitted to present evidence separately in response.

- (5) The Responding Party must submit to the Dean of Students a list of any witnesses and/or information for review 24 hours prior to the scheduled Hearing.
- (6) The Hearing is not public and people other than the Dean of Students, the Responding Party, and the Responding Party's Advisor may only be allowed by mutual consent of the Dean of Students and the Responding Party.
- (7) The Dean of Students will conduct the Hearing, at which Hearing the Responding Party is responsible for presenting their own evidence but may be assisted by an Advisor within the scope of the Advisor's role as described above.
- (8) If the Responding Party's Advisor at the Hearing is legal counsel, then the Dean of Students may also decide to have legal counsel present at the Hearing.
- (9) The Dean of Students will present evidence that supports the proposition that the Responding Party committed Misconduct.
- (10) The Dean of Students may impose limits upon the number of witnesses or amount of evidence that may be submitted if the evidence is repetitive or not relevant to the Misconduct alleged.
- (11) Rules of evidence or procedure used in court proceedings do not apply in the Hearing and general considerations of relevancy and fairness will be used by the Dean of Students during the course of the Hearing.
- (12) After all the evidence is presented at the Hearing, the Dean of Students must decide whether the Preponderance of the Evidence supports a determination that the Responding Party has committed Misconduct.
- (13) A Resolution that Misconduct has occurred must be supported by a Preponderance of the Evidence and the burden is on UNC to do so.
- (14) After the Hearing is completed, the Dean of Students will issue a written Resolution of the matter and will provide a copy of the Resolution to the Responding Party and to any UNC Official with a "need to know" in the performance of their responsibilities to UNC;
- (15) If the Responding Party is found to have engaged in Misconduct, the Resolution will describe the Outcome(s) imposed and any Remedy(ies) implemented with respect to people adversely affected by the Misconduct.
- (16) People who have been affected adversely by the Misconduct that was the subject of the Hearing may be informed of the Resolution to the extent reasonable and necessary and to allow effective imposition of Outcome(s) and effective implementation of Remedy(ies).
- (17) Other than described above, the Resolution will not be a public document and will not be provided to others unless required by applicable law or a subpoena issued by a court of competent jurisdiction.

### **3-2-209 Interim Actions**

- (1) The Dean of Students has the authority to order Interim Actions including suspension, no contact orders, persona non grata ("PNG") orders, and/or an order prohibiting the Responding Party from engaging in specific activities until a Resolution is issued. These orders are issued to mitigate immediate and significant risks of substantial harm, or provide protection, to a Responding Party or others, or prevent disruption of UNC operations or activities.

- (2) A Responding Party who has been Interim Suspended may be prohibited from attending classes, participating in any UNC activities, and/or from being present on UNC Property.

### **3-2-210 Appeal Procedures**

If a Responding Party is determined to have committed Misconduct, the Responding Party may file a written appeal of the Resolution's determination of Misconduct and/or the Outcome(s) imposed as follows:

- (1) A Responding Party may appeal the Resolution on one or more of the following bases:
  - (a) Denial of Code Due Process (that is, a claim that Code Due Process provided in the Code was not provided to the Responding Party in one or more respects); or
  - (b) Existence of new evidence (that is, a claim that the Responding Party is aware of additional evidence that was not available at the time of the Hearing and that new evidence is sufficiently substantial to change the outcome of the Hearing as determined in the Resolution in a significant manner); or
  - (c) The Outcome(s) were inappropriate given the nature of the Misconduct that was committed (but only to the extent that the Responding Party is suspended or expelled from the University.)
- (2) The appeal does not involve a new Hearing in the case.
- (3) The appeal is based on the Hearing record and the Resolution issued in the Hearing (and, if the appeal is based on "new evidence," the evidence that is claimed was not available and would have been sufficient to change the outcome of the Hearing.)
- (4) In order to appeal, the Responding Party must submit a Statement of Appeal Form to the Dean of Students within five (5) Working Days following delivery of the Resolution to the Responding Party.
- (5) If the Statement of Appeal Form is not filed within the five (5) Working Day period, the appeal is untimely and will not be considered.
- (6) An appeal on one or more of the bases described above, and submitted by the deadline stated above, will be reviewed by one or more appeal readers, who will be appointed by the Dean of Students.
- (7) The appeal readers, after reviewing the record and the Statement of Appeal, will issue a written decision in which they may affirm or reverse the Resolution or may remand the matter to the Dean of Students for further consideration.
- (8) A Responding Party who appeals the Resolution may not have contact with the appeal reader(s) while the appeal is pending.

### **3-2-211 Academic Integrity and the BEAR Code**

- (1) Academic integrity is a foundation of UNC, and it is expected that Students will conduct themselves in a manner that demonstrates care and excellence in their academic pursuits. Learning how to express original ideas, cite sources, work independently, and share results accurately and honestly are transferrable skills for students beyond their academic career.
- (2) Behavior that violates academic integrity is commonly referred to as academic misconduct and is included in the definition of "Misconduct", above. Thus, the BEAR Code applies to issues of Academic Misconduct.

- (3) A Student who has been found to have committed multiple Academic Misconduct violations may also be subject to other additional Outcomes under the BEAR Code that may be imposed by the Dean of Students.
- (4) Any person may submit information or inquiries about Academic Misconduct by using the methods outlined as described in Section 3-2-205, above. A faculty member who is concerned that a Student may have committed Academic Misconduct may, in their discretion, deliver a Notification to the Student and/or meet with the Student to discuss the matter and provide evidence of Academic Misconduct. In either case, the faculty member must submit a report to the Dean of Students describing the alleged Academic Misconduct.
- (5) The purpose of a meeting between the faculty member and the Student is:
  - (a) for the faculty member to explain and present evidence to the Student about the Academic Misconduct allegation and
  - (b) to allow the Student an opportunity to provide information in response to the alleged Academic Misconduct. At any stage in the process of the faculty member's contact with the Student, the faculty member may consult with their program chair, college Dean's office, the student's advisor, or Dean of Students.
- (6) After the meeting with the Student:
  - (a) If the faculty member determines that Academic Misconduct did not occur, the matter will be closed.
  - (b) If the faculty member determines that Academic Misconduct did occur the faculty member will also determine an outcome that is appropriate and consistent with UNC policy and the course syllabus, and that may include one or more of the following:
    - (i) A grade reduction on the assignment or exam in which the Academic Misconduct occurred;
    - (ii) A grade of "F" on the assignment or exam in which the Academic Misconduct occurred;
    - (iii) A grade reduction in the course in which the Academic Misconduct occurred; or
    - (iv) A grade of "F" in the course in which the Academic Misconduct occurred.
  - (c) If the faculty member determines that other educational outcomes are appropriate, they may consider:
    - (i) Requiring an additional assignment(s);
    - (ii) Assignment of a reflection essay related to the Academic Misconduct; and/or
    - (iii) Other educational outcome(s) as assigned.
- (7) The faculty member will deliver a Resolution to the Student and will also provide the Resolution to the Dean of Students.
- (8) If a Student is found to have committed Academic Misconduct, they may file an appeal if allowed under the Academic Appeal Procedure found at Section 2-1-201 of the UNC Board Policy Manual.

## Article 3: Faculty

### Part 1: Faculty Governance

#### 3-3-101 Faculty Senate Officer Workload Reassignment.

**3-3-101(1) Purpose.** Recognizing that the duties of certain officers of the Faculty Senate make considerable demands on their time, Academic Affairs will provide compensation to the colleges of those officers for the purpose of workload reassignment.

#### 3-3-101(2) Compensation Rates.

- (a) Academic Affairs will compensate the Faculty Senate Chair's college for six (6) credit hours of teaching responsibility per academic year. The colleges in which the chairs of the Welfare Committee, Academic Policies Committee, and Codification Committee have appointment will be compensated for three (3) credit hours of teaching responsibility per academic year.
- (b) Compensation will be paid at the average adjunct rate in the college in question.

#### 3-3-101(3) Granting of Workload Reassignment.

- (a) Compensated colleges may grant workload reassignments during either or both of the two regular semesters.
- (b) By accepting compensation, colleges acknowledge their responsibility to grant workload reassignment to those of their faculty serving in those positions as specified in (2)(a) above during the relevant academic year. If both the compensated college and the corresponding Senate officer agree that workload reassignment is impractical, compensation funds may be spent by the college in a manner that benefits the affected officer's work-related activity, as determined by both the officer and the relevant college.

### Part 2: Faculty: Definition and Contract

#### 3-3-201 Faculty Contracts. [See also 3-3-801(3) Calendar for Faculty Evaluation.]

#### 3-3-201(1) Contract-Renewable Faculty.[See also 2-3-202(2) Contract-Renewable.]

- (a) Considerations and conditions for conversion to tenure-track.
  - (I) When programs are allocated a tenure-track position, department chairs/division directors may request, on behalf of the department, an eligible person currently occupying a contract-renewable position be hired in the tenure-track position without further search [See also (II)(A) below.]
  - (II) Persons in contract-renewable positions are eligible for consideration for a tenure-

track position if:

- (A) they were hired as a result of a national search; and
  - (B) they demonstrate a level of excellence in teaching, scholarly activity, and service required for the position.
- (III) Persons in contract-renewable positions that are converted to tenure-track will negotiate the following with the University at the time of conversion:
- (A) years of credit toward tenure consideration,
  - (B) years of credit toward promotion consideration, and
  - (C) years of credit toward sabbatical leave eligibility. [See also, 2-3-1001 Sabbatical Leave Procedures.]

Note: In the case of a faculty member whose next available promotion would be to the rank of Associate Professor, the number of years of credit toward tenure consideration and the number of years of credit toward promotion consideration must be the same so that the faculty member is eligible to apply for tenure and for promotion at Associate Professor at the same time, as required by the University's promotion and tenure policy (2-3-902(3)(e)).

- (b) Application procedures for contract-renewable faculty conversion to tenure-track.
- (I) The faculty member will discuss the potential for conversion of his/her position with the department chair/division director. She/he will also discuss the potential of hire into an allocated tenure-track position without further search. The faculty member will submit a letter to the department chair/division director requesting conversion of his/her position to tenure-track. The faculty member sends a copy of the letter to the dean. The dean will analyze the application and inform the department chair/division director of the faculty member's eligibility and the availability of a tenure-track position.
  - (II) The department chair/division director notifies the Departmental Evaluation Committee (DEC) of the need to schedule a meeting of the department/division faculty to discuss the faculty member's conversion request, and to vote on the conversion. The DEC arranges for the voting faculty to review the faculty member's material, schedules the meeting, and conducts voting of the department/division faculty on (II) converting the position. Voting faculty are the same as those who would vote on promotion for the faculty member.
  - (III) Materials to be submitted by the faculty member include copies of annual reports and evaluation results for the years served, and an updated faculty vita.
  - (IV) The department/division faculty review the material submitted by the faculty member and vote on the conversion request. The DEC notifies the department chair/division director, the faculty member, and the voting faculty of the results of the vote.

- (V) The department chair/division director reviews the material submitted by the faculty member and makes a recommendation.
- (VI) The department chair/division director sends notice of his/her recommendation with reasons in writing, to the Dean, faculty member, and voting faculty within the area.
- (VII) The dean will review all of the materials and make a recommendation to the CAO and notify the department chair/division director and faculty member. An affirmative recommendation will specify the following:
  - (A) the position to be converted,
  - (B) the number of years of eligibility towards tenure application,
  - (C) the number of years of eligibility towards promotion, and
  - (D) the number of years of eligibility towards sabbatical leave.

Note: In the case of a faculty member whose next available promotion would be to the rank of Associate Professor, the number of years of credit toward tenure consideration and the number of years of credit toward promotion consideration must be the same so that the faculty member is eligible to apply for tenure and for promotion at Associate Professor at the same time, as required by the University's promotion and tenure policy (2-3-902(3)(e)).
- (VIII) The decision of the CAO will be forwarded in writing, to the faculty member, the department chair/division director, and the dean. Conversion to tenure-track status may be done either immediately or for the next academic year.

### **Part 3: Academic Rank and Titles**

#### **3-3-301 Department Chair Selection and Evaluation.**

##### **3-3-301(1) Department Chair Selection.**

- (a) Chairs are at-will employees in their capacity as chair. Normally they will be appointed from tenured or tenure track faculty within the department. Chairs will be appointed for a three-year term. There is no limit to the number of terms a chair may serve. If the chair is to be selected from the current faculty of the department, an agreement between the dean and a majority of the faculty of the department, outlining the recommendation process, including faculty involvement, will be required prior to initiating the search for a chair. Faculty involvement may include department faculty vote and/or conferences with the faculty in the department. Upon completion of this process, the dean of the college shall recommend a department chair to the CAO for approval.
- (b) When no qualified faculty member is willing to accept appointment as chair and/or the department and dean agree that it is in the best interest of the department not to



recommend a chair from present faculty, or when the department and dean cannot reach agreement on the appointment of a chair, the following applies:

- (i) The dean may request and receive authorization to advertise externally for a department chair. Selection of off-campus candidates for the position of department chair will follow established University procedures for the hiring of full-time tenure track faculty, or
- (ii) The Chief Academic Officer (CAO), in consultation with the dean and the department, will appoint a chair from among the faculty of the University for a term of no more than one year.

**3-3-301(2) Temporary and/or Permanent Vacancies.** In all cases of anticipated vacancy due to causes such as illness, resignation, or leave, the dean, after seeking faculty involvement, may appoint an acting chair who will assume responsibilities immediately. If necessary, the procedures for the selection of a permanent chair will commence immediately.

**3-3-301(3) Relief of Department Chair Responsibilities.** If for any reason the dean believes that a change in departmental leadership is necessary, the dean may, in consultation with the CAO, relieve the individual of chair responsibilities. Unless circumstances prohibit, such action will not be taken except after consultation with the departmental faculty.

**3-3-301(4) Department Chair Evaluation.** Evaluation of those in the position of chair shall follow the standard University evaluation process (see Board Policy Manual, 1-1-307 and 2-3-Part 8 and University Regulations 3-3-Part 8). The portion of a chair's workload devoted to chair duties shall be evaluated as "Chair Responsibilities" as a separate subcategory under service, which will be averaged into the overall service score as a weighted average according to workload. Although the dean does not assign scores in the annual/biennial evaluation process, the dean will assign scores in evaluating the "chair responsibility" section of the service. This evaluation will be averaged with the department faculty's evaluation of the chair's workload in his/her capacity as chair. If there is a disagreement as to the level of evaluation (as defined in 3-3-801(f)) between the department faculty's evaluation of the chair, in his/her capacity as chair, and the dean's evaluation, the results of each evaluation will be sent to the Chief Academic Officer as an information item. If the department faculty's or dean's evaluation of the chair's performance as chair is at the level of "unsatisfactory" or "needs improvement", the dean shall convene a meeting with the department faculty to discuss the evaluation.

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

### **3-3-401 Outside Activities.**

#### **3-3-401(1) Consulting.**

**3-3-401(1)(a) Consulting and Other Professional Activities.** The University encourages its employees to be involved in a variety of professional development activities which serve to assist them in maintaining currency in their fields and permit them to apply their expertise to current problems. The appropriateness, relevance, and value of consulting, contractual commitments, other pay-for-service activities, or non-remunerated professional efforts outlined in this document must be approved by University officials through the process outlined in this document.

The intent of this policy is to:

- (I) provide faculty, exempt staff, and administrators with appropriate review procedures to facilitate their professional development and not to prevent them from undertaking such activities;
- (II) emphasize the importance of obtaining approval for these efforts to insure compliance with relevant State of Colorado (State) statutes;
- (III) include procedural details to avoid confusion and insure equitable consideration of employee requests;
- (IV) construct appropriate communication and record keeping procedures to effectively address public inquiries regarding consulting and related activities among University employees; and
- (V) clarify the directives included in the *Policy Manual of the Board of Trustees for the University of Northern Colorado* (Board Policy Manual) Title 1, Article 1, Part 3, 1-1-303 Faculty Responsibilities and Conditions of Employment, Title 2, Article 3, Part 4, 2-3-401 Faculty Workload, and Title 2, Article 3, Part 4, 2-3-4010 Outside Activities.

Academic and administrative departments/divisions at the University are encouraged to develop specific review and approval processes, consistent with this policy, related to off-campus assignments, consulting activities, additional remuneration for extra work or from grant funds, and disclosure statements listing affiliations that have the potential for conflict of interest. The policies included here apply to all faculty, administrators, and exempt staff at the University. Violations of the policies are to be addressed through already-established disciplinary procedures governing faculty, administrators, and exempt staff as described in this Board Policy Manual and State personnel procedures documents.

**3-3-401(1)(b) Consulting and Other Professional Development Activities.** The opportunity for employees to accept occasional professional consulting engagements is a traditional privilege extended to members of the University community. Such activities are recognized as desirable and constitute legitimate means by which employees may develop and maintain professional relationships, and contribute to growth and development of the University and the State. Consulting activities must not be allowed to interfere with the education processes of the University or the contractual obligation of the employee to the University. Faculty, administrators, and exempt staff are obliged to render the University the most effective service possible and no outside activities should be undertaken, with or without pay that might interfere with this paramount obligation. As employees of the State, special attention must be devoted to avoiding unfair competitive practices, such as establishing lower than standard fee structures or bidding practices that might threaten the livelihood of other citizens of the State and thereby be subjected to valid criticism by the public as being detrimental to the best interest of the public.

A University employee who accepts a consulting assignment shall not use institutional resources without prior written approval of the chair/director. When institutional resources are required, the University will assess an appropriate monetary charge consistent with institutional overhead assessed to external grants.

Full-time exempt staff employees may not contract to teach for other State educational institutions during their University contract period without the prior written approval of the chair/director, dean, and CAO/vice president. In accordance with State Fiscal Rules (Chapter 2, Section 2.3), dual employment between State agencies also requires a written agreement signed by both employers.

- (I) Faculty. It is the responsibility of the employee and chair/director to see that instructional, advisory, administrative, or other support services are not adversely affected due to an employee's absence for consulting or related professional activity. The employee's department chair/division director should approve arrangements for a substitute instructor or class activity for any missed scheduled classes.

Furthermore, the employee's department chair/division director must approve, in advance, an absence for consulting or related professional activity which:

- (A) entails absence for more than one contracted day a week while the University is in session; OR
- (B) requires being absent, during a semester, for more than three days when the employee has scheduled responsibilities to the University (including classes, committee meetings, or office hours).

In either of these cases, application for approval must be made using the standard Request for Approval of Off-Campus Consulting or Professional Activity. A copy of the application, along with the decision of the chair/director, will be forwarded to the dean. The dean should, within one week of receipt of the application, notify the applicant and chair/director of any change in approval status which the dean believes should be made in accordance with the intent of this policy. In the event that the chair/director does not approve the application, the employee may appeal to the dean.

(II) Additional Remuneration for Extra Work

- (A) The University can contract for extra services performed by faculty if approved by the chair/director, dean, and CAO/vice president. The following factors will be examined when considering such approval;
  - (i) provision of the service is not included in the employee's contract;
  - (ii) the service is not an integral component of the University's commitment to the curriculum or administrative operation;
  - (iii) the employee possess expertise in the area of the proposed service activity;
  - (iv) the activity is not being provided by other employees for no remuneration;
  - (v) the service is determined to be valuable to students, staff, faculty, or administrators, and would not otherwise be available; and
  - (vi) provision of the service/activity does not interfere with the faculty member's contractual obligations.

(B) Faculty can be paid for additional work through the use of the Personal Services Agreement (PSA) only when:

- (i) the chair/director and dean have approved the request in advance;
- (ii) such paid activities, as determined by the dean, are not part of the faculty member's University employment responsibilities;
- (iii) requests have been reviewed and approved by the chair or director and dean; and
- (iv) Prior-approval letters must accompany any PSA submitted.

Additional salary may be paid for such activities as teaching courses through continuing education cash-funded programs and for incidental services such as translating a document from a foreign language, providing statistical analysis when performed for another organizational unit of the University, etc. Supplemental payments are not made for committee work, for preparation of program review/accreditation reports, for faculty class loads when heavier than normal, or for participation in curriculum development.

(III) Off-Campus Assignment. The University may allow faculty members to accept temporary full-time off-campus assignments which are not a part of normal duties but which are consistent with the employee's usual professional responsibilities as well as the University's mission, or are of national or state interest, as long as these do not conflict with the needs of the employee's department/division. All requests for such assignments must be reviewed and approved by the chair/director, dean, and CAO/vice president prior to acceptance of such assignments.

(IV) Leaves of Absence. Salary earned during approved unpaid leaves of absence shall be of concern only to the individual and the employing agent. However, all requests for such leaves must be reviewed and approved by the chair/director, dean, and CAO/vice president in accordance with this Board Policy Manual and State personnel regulations.

(V) Other Employment. The primary responsibility of full-time employees is to the University. Employees are discouraged from owning/operating a business/practice whenever such activities interfere with the paramount obligation. As employees of the State, special attention must be devoted to avoiding unfair competitive practices, such as establishing lower than standard fee structures or bidding practices that might threaten the livelihood of other citizens to the State, and must not be open to valid criticism by the public as being detrimental to the best interests of the public.

Employees, who own/operate such a business, are required to complete a disclosure statement listing affiliations that have the potential for conflict of interest. Examples of situations that have a potential for conflict of interest include, but are not limited to:

- (A) outside employment or offers of outside employment involving assignments that might interfere with the employee's contractual agreement with the University or may place the employee or the University in a position of conflict of interest;

- (B) performing work for clients for pay when the work in question falls within the regular responsibilities or job assignment of the employee;
- (C) any outside activities that conflict with the teaching, research, service, and/or administrative responsibilities of the employee;
- (D) financial interest in, or contractual agreements with, companies and other organizations that benefit, directly or indirectly, from the employee's position or role in the University; and
- (E) financial gain to employees that result from involvement in the University decisions or activities performed as part of regularly assigned duties.

### **3-3-402 Conflict of Interest.**

#### **3-3-402(1) Financial Conflict of Interest Pertaining to Sponsored Projects.**

This policy sets forth procedures and guidelines that are to be followed in disclosing and resolving actual and potential faculty and staff conflicts of interest pertaining to externally funded projects conducted, sponsored, or administered by the University, including where the University has subcontracted or intends to subcontract to an external organization under one of the University's sponsored projects.

The University and its faculty and staff often benefit from participation in both public and private outside activities. The University has no interest in setting forth detailed rules that may interfere with faculty and staff members' legitimate outside interests that do not conflict with requirements of applicable Federal and/or State statutes or regulations.

Faculty and staff members, in turn, must ensure that their outside obligations, financial interests, and activities do not conflict or interfere with their commitment to the University. This obligation pertains to both full-time and part-time faculty and staff as well as to students who are employed on externally funded projects.

This regulation does not alter or amend Board Policy 1-1-502 (Conflicts of Interest) applicable to all University employees.

#### **(a) Definitions.**

- (I) Financial Conflict of Interest (FCOI): a significant financial interest that could directly and significantly affect the design, conduct, or reporting of research, educational, or other activities funded by an external sponsor
- (II) Financial Interest: anything of monetary value, whether or not the value is readily ascertainable.
- (III) Designated Institutional Official (DIO): the individual designated by the University to solicit and review disclosures of Significant Financial Interest from Investigators, and who oversees the process of managing and reporting Financial Conflicts of Interest. The University has designated the Assistant Vice President for Research (AVPR) to serve as DIO. If, for whatever reason, the AVPR is unable to assume this role, the Chief Academic Officer will appoint another UNC employee with research expertise to serve in this capacity.

- (IV) Institutional Responsibilities: those professional responsibilities an Investigator has by virtue of being a University employee, including, but not limited to, research, teaching, service, consultation, professional practice, performance, management and administrative duties.
- (V) Investigator: the project director (PD) or principal investigator (PI) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research or other educational activities funded by an external sponsor, or proposed for such funding (This may include collaborators or consultants.)
- (VI) Manage: taking action to address an FCOI
- (VII) NSF: National Science Foundation
- (VIII) PHS: Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS, including the National Institutes of Health (NIH)
- (IX) Research: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge, including basic and applied research and product development
- (X) Significant Financial Interest: an Investigator's Financial Interest (see II, above), aggregated with those of the Investigator's spouse and dependent children, that reasonably appears to be related to the Investigator's Institutional Responsibilities (see IV, above), and where:
- (A) With respect to PHS funded projects, a Significant Financial Interest exists if:
- (i) the value of any remuneration received from a publicly traded entity in the twelve months preceding the disclosure, and the value of any equity interest in the entity as of the date of disclosure that, when aggregated, exceeds \$5,000. Remuneration includes salary and any payment for services not otherwise identified as salary such as consulting fees, honoraria, or paid authorships. Equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value; or
  - (ii) the value of any remuneration received from any non-publicly traded entity in the twelve months preceding the disclosure that, when aggregated, exceeds \$5,000, or when the Investigator (or his/her spouse or dependent children) holds any equity interest such as stock, stock options, or other ownership interests; or
  - (ii) intellectual property rights and interests such as patents and copyrights, upon receipt of income related to such rights and interests;
- or**
- (B) With respect to NSF funded projects, a Significant Financial Interest exists if:
- (i) the value of any equity interest that, when aggregated for the Investigator and his/her spouse and dependent children, exceeds \$10,000 as determined through reference to public prices or other reasonable measures of fair market value, and represents more than a 5% ownership interest in any single entity; or

- (ii) the value of any salary, royalties, or other payments received in the twelve months preceding the disclosure that, when aggregated for the Investigator and his/her spouse and dependent children, are not expected to exceed \$10,000.

**or**

- (C) With respect to projects funded by other external entities, a Significant Financial Interest exists if the Investigator (or his/her spouse or dependent children) is an officer, director, partner, trustee, employee, advisory board member, or agent of an external organization or corporation that is funding a sponsored project or is providing goods and services under a sponsored project on which the Investigator is participating;

**however,**

- (D) A Significant Financial interest does not include:

- (i) salary, royalties, or other remuneration paid by the University to the Investigator if the Investigator is currently employed or otherwise appointed by the university, including intellectual property rights assigned to the University and agreements to share in royalties related to such rights;
- (ii) income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles;
- (iii) income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an institution of higher education (as defined at [20 U.S.C. 1001\(a\)](#)), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or
- (iv) income from service on advisory committees or review panels for a federal, state, or local government agency, an institution of higher education (as defined at [20 U.S.C. 1001\(a\)](#)), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

**(b) Guidelines for Determining Relatedness of Significant Financial Interests and Existence of FCOI**

When reviewing a disclosure to determine if a Significant Financial Interest is related to the sponsor funded research, educational, or other activities, the DIO will consider whether the Significant Financial Interest could be affected by the funded work or is in an entity whose financial interest could be affected by the work.

To determine if an FCOI exists, the DIO will consider whether the Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the sponsor funded work. The DIO may involve the Investigator in making these determinations, and he/she may convene the Conflict Review Committee to assist in the review and determination process.

**(c) Disclosure of Significant Financial Interests**

An Investigator, in his/her own best interest, is responsible for disclosing any financial or related interest that could present an FCOI as noted in subsection (a), above. Disclosure is an important legal requirement and a key factor in protecting an Investigator's reputation and career from potentially embarrassing or harmful allegations of misconduct.

- (I) All Investigators must disclose their Significant Financial Interests to the University, through the DIO or designee, prior to submission of an external proposal. The University will not submit a proposal unless all Investigators have submitted such disclosures.
- (II) Pertaining to PHS funded projects: regardless of when the initial disclosure was made, all Investigators must submit annual disclosure updates between November 1 and November 30, throughout the duration of an award.
- (III) Pertaining to all sponsored projects: Investigators must submit updates within 30 days of discovering or acquiring any new or previously undisclosed Significant Financial Interests.

**(d) Travel Disclosure**

Investigators must disclose travel that is related to their institutional Responsibilities and is paid on behalf of or reimbursed to the Investigator, excluding travel that was paid by a federal, state, or local government agency, an institution of higher education as defined at [20 U.S.C 1001\(a\)](#), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education as defined at [20 U.S.C 1001\(a\)](#). Travel disclosures must include, at a minimum, the purpose of the trip, the identity of the sponsor/organizer, the destination, the duration, and, if known, the monetary value. The DIO will determine if additional information is needed to determine whether the travel constitutes an FCOI with the Investigator's sponsored project.

**(e) Review and Determination**

- (I) If a disclosure reveals a Significant Financial Interest, it will be reviewed promptly by the DIO or designee for a determination of whether it constitutes an FCOI. If it is determined that an FCOI exists, the DIO will take action to eliminate, reduce, or manage the conflict, as appropriate. The DIO may consult the Conflict Review Committee for guidance or in the application of this policy to particular situations.
- (II) The Conflict Review Committee (Committee) is comprised of a faculty member designated by the chair of the Faculty Senate; an administrator designated by the Chief Academic Officer, and the Dean of the Graduate School, and is advised by the University's legal counsel.
- (III) In reviewing disclosures, the DIO and the Committee will be guided by the following practices and apply them as appropriate:
  - (A) Assure adherence to the requirements of applicable Federal and/or State statutes and/or regulations and relevant policies contained in the Board of Trustees Policy Manual and the University Regulations.
  - (B) Consider the nature and extent of the financial interest and the relationship of the Investigator and the external organization.
  - (C) Give special consideration to the project proposal and/or the terms and conditions of sponsored awards that may inform the reasonable determination of whether an FCOI exists, including any mitigating or complicating factors.
  - (D) Consult with, and obtain additional information from, the Investigator as may be helpful in determining whether an FCOI exists.
  - (E) Act in a timely manner so as not to unduly delay the conduct of the project.



- (IV) An FCOI will exist when the DIO or designee determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the research, educational, or other activities funded by the external sponsor. If the DIO determines that there is an FCOI that can be managed, he/she must require and approve a written management plan before any related research or educational activities go forward. The affected Investigator or the Committee is responsible for developing and submitting a proposed management plan in consultation with the DIO Official.

Conditions or restrictions that might be imposed include, but are not limited to:

- (A) public disclosure of Significant Financial Interests (e.g., in presentations or publications);
- (B) monitoring of the sponsored work by independent reviewers;
- (C) modification of the scope of work or research plan;
- (D) disqualification from participation in the portion of the project that would be affected by Significant Financial Interests;
- (E) divestiture of Significant Financial Interests;
- (F) severance of relationships that create conflicts.

**(f) Sanctions**

Violations of this policy, such as willful concealment of financial interests, may result in sanctions such as suspension of all relevant activities or other disciplinary action being imposed upon the violating Investigator until the matter is resolved or other action deemed appropriate by the DIO is implemented

The DIO's decision to impose sanctions on an Investigator because of failure to comply with this Policy, or failure to comply with the decision of the DIO, will be described in a written explanation of the decision to the Investigator, the Committee, and if applicable, the IRB. The Investigator will also be informed of his/her right to appeal the decision.

**(g) Appeal Procedure**

If the Investigator is dissatisfied with a determination of an FCOI, he/she may appeal to the Chief Academic Officer (CAO) who will consult with the Investigator, the DIO and the Committee as he/she deems necessary and appropriate to the particular circumstance. The decision of the CAO will be final.

**(h) Retrospective Review Pertaining to PHS Projects**

If the DIO determines that an FCOI was not identified or managed in a timely manner, including but not limited to an Investigator's failure to disclose a Significant Financial Interest that is determined to be an FCOI, or failure by an Investigator to materially comply with a management plan for an FCOI, the Conflict Review Committee will complete a retrospective review of the Investigator's activities and the sponsored project to determine whether the work conducted during the period of non-compliance was biased in its design, conduct or reporting.

Documentation of the retrospective review will include the PHS project number, the OSP award number, project title, PI/PD, name of the Investigator with the FCOI, name of the entity with which the Investigator has the FCOI, reason(s) for the retrospective review, detailed methodology used for the retrospective review, and findings and conclusions of the review.

The DIO will update any previously submitted report to the PHS or the prime PHS-awardee relating to the project, specifying the actions that will be taken to manage the FCOI going forward. If bias is found, the report will include a mitigation report in accordance with the PHS regulations, including a description of the impact of the bias on the research project and the plan of action to eliminate or mitigate the effect of the bias.

**(i) Training**

All Investigators must complete training on financial conflict of interest prior to engaging in work funded by the PHS, and at least every four years throughout the duration of any PHS funded award. They must also complete training within a reasonable period of time as determined by the DIO in the event that this policy is substantively amended in a manner that affects the requirements of Investigators, or if it is determined that the Investigator has not complied with this policy or with a management plan related to his/her activities.

**(j) Record Retention**

The DIO or designee will retain all disclosure forms, conflict management plans, and related documents for a period of three years from the date the final expenditure report is submitted to the sponsor or the prime sponsor awardee or until the resolution of any sponsors' actions involving the records, whichever is longer.

To the extent permitted by law, all such records will be maintained in strict confidence. However, the University may make such information available to an agency funding the work, to a requestor of information concerning an FCOI related to PHS funding, or to the primary entity who made the funding available to the University, if requested or required. If the University is requested to provide disclosure forms or related documents to an outside entity, the Investigator will be informed.

**(k) Public Accessibility Pertaining to PHS Funded Projects**

Prior to the expenditure of awarded funds, the University will publish on a website that is accessible to the public, information concerning any Significant Financial Interest that meets the following criteria:

- (I) the Significant Financial Interest was disclosed and is still held by the Investigator;
- (II) a determination has been made that the Significant Financial Interest is related to the PHS-funded work; and
- (III) a determination has been made that the Significant Financial Interest is an FCOI.

The information to be made available will be consistent with the requirements of the PHS regulations.

**(l) Reporting**

- (I) Pertaining to PHS Projects: Should any reported conflict or non-compliance require reporting to PHS, the DIO will report in accordance with PHS regulations. If the funding for the project was made available from a prime PHS-awardee, such reporting will be made available to the prime awardee such that they may fulfill their reporting obligations to the PHS.
- (II) Pertaining to NSF Projects: If the DIO finds that the University is unable to satisfactorily manage an FCOI, he/she will inform the NSF Office of the General Counsel as required by NSF.

**(m) Sub-recipient Compliance Pertaining to PHS and NSF Funded Projects**

Should any PHS or NSF funded work be carried out through a sub-recipient, the University will take reasonable steps to ensure that all sub-recipient Investigators comply with regulations governing the disclosure and management of FCOIs.

**(n) Conflicting Requirements**

Should an external sponsor have requirements regarding disclosure and management of FCOIs that differ from this policy, the sponsor's requirement will generally prevail.

**3-3-403 World Wide Web Policy.** The purpose of the document is to provide a philosophical statement and to outline general principles relative to the use of the World Wide Web at the University of Northern Colorado (University). The purpose of the University's World Wide Web presence is to support the mission of the University, to develop well educated citizens and to improve the quality of life in the state and region through teaching, learning, the advancement of knowledge and community service. The University's World Wide Web presence is a reflection of the University, its students, and faculty. The University recognizes the value of World Wide Web pages and connections with the Internet and encourages students, staff, and faculty to use the electronic resource. Anyone using the University resources on the World Wide Web must adhere to the policies approved by the University. All users will meet the expectations outlined in the policy and will adhere to all applicable local, state, and federal laws.

Because all users of the World Wide Web at the University are accountable to the taxpayers of the State of Colorado, the resources provided through the World Wide Web need to be used in an efficient and ethical manner. The University has the right to disable any website if the user violates the guidelines outlined in this document.

The University World Wide Web Committee will serve to review and update the policy, to ensure the goals of the World Wide Web applications, and to provide guidance to maintain the quality of the University's World Wide Web presence. The Web Committee is not a supervisory or enforcement body. Self-monitoring of web guidelines is expected.

All home pages on the UNC server must be related to University responsibilities and activities. University home pages may link directly to personal homepage(s), but those personal home pages must be housed on a non-University owned server.

**3-3-403(1) Style and Content Guidelines.**

- (a) The content and use of official University World Wide Web pages must be consistent with University policies including harassment and plagiarism, as well as applicable local, state and

federal laws. All copyright and other ownership laws are applicable.

- (b) All University World Wide Web pages will be current, accurate and consistent with the mission of the University. Pages should be reviewed for accuracy, grammar, spelling, and functional links.
- (c) Web pages may not be used for personal profit, unauthorized commercial gain, or for organizational purposes external to the University. University units must include an official UNC logo or "University of Northern Colorado" presented in the approved format. Assistance to web users is available on the University homepage.
- (d) The confidentiality of student information must be maintained.
- (e) Essential information will be "single source" and made available from World Wide Web pages by linking to the official source. "Single source" suggests that information dealing with topics like, but not limited to, tuition, degree requirements, admission requirements, financial aid, etc., will be provided to all users from a designated source who will assure the accuracy of the information from that source. For example, the University *Bulletin* is the single source for degree requirements and course descriptions. College and department home pages will link directly to the electronic *Bulletin* for that information. Other units will link directly to the *Bulletin* for other approved information.
- (f) The E-mail address, telephone number, and the office and/or person responsible for the World Wide Web page must be provided in the footer. The footer also should contain a link for "Return to UNC Homepage." The date of the last revision of the web page must appear (f) on the bottom of the individual web page or on the homepage of a website. Page contents, including graphics and tables, should be small enough to load quickly. Links to pages "Not Found" or "Under Development" or "Under Construction" should be avoided.
- (g) Students using server space for class related activities are responsible to the supervising faculty member.
- (h) Students developing personal home pages related to course work must adhere to all policies outlined in the document, with the exception of inclusion of the UNC logo.

### **3-3-403(2) Procedures.**

- (a) Deletion of e-mail and websites will be a part of UNC employee checkout.
- (b) Students will have access, if available, on servers within each college. Guidelines for access and maintenance will be developed at the college level.
- (c) Links to student home pages will be available only to pages residing on UNC servers; links will not be available to student home pages residing on external servers.
- (d) Any complaint related to the lack of adherence to the above policies that involve faculty members will be reported to the faculty member involved and, if necessary, the Chief Academic Officer (CAO). If a resolution is not mutually agreed to, the CAO will forward the complaint to the Senate Faculty Welfare Committee which will review the complaint and

make recommendations to the CAO.

## Part 5: Curriculum

**3-3-501 Curriculum Approval Process.** The purpose of the curriculum approval process is to ensure the integrity and quality of academic programs through a collaborative effort between faculty and administration. The process described below recognizes the important but different roles played by those groups.

The faculty's role and responsibility is to develop and deliver academic programs and curriculum. The administration's role is to assure that curriculum proposals are appropriate to the disciplinary responsibility of the unit and the University and that adequate resources are available to implement proposed curriculum.

**3-3-501(1) Responsibilities of the Originating Unit.** Curriculum changes originate with faculty members in the appropriate academic units, departments, program areas, schools, or colleges. Units include multi-disciplinary programs, departments, program areas, schools, and colleges. Each academic unit shall establish a curriculum committee/committees consisting either of all the faculty in each program area or a proper subset thereof. As a faculty member, a department chair may serve on the curriculum committee of his or her program area.

### **3-3-501(2) Curriculum Change Procedures.**

#### (a) General Provisions

- (I) There are three types of curriculum changes (minor change, variable title, major change), each with its own set of procedures outlined below for those programs housed in single colleges.
- (II) For those programs of study not housed within a specific college, the Undergraduate Council or Graduate Council as appropriate will take the place and assume the same responsibilities as the College Curriculum Committee. Once this step is completed, the originating unit will send curriculum change proposals to the Chief Academic Officer (CAO).

#### (b) Minor Change

- (I) A change which will have a minimal impact on any student's program and does not affect other units. Only the following are minor changes:
  - (A) Changes in standard codes (except for changes in course fees).
  - (B) Dropping prerequisites.
  - (C) Changes in title and/or catalog description that does not alter the basic nature of the course program.
  - (D) Deletion of a course not required in other programs.
  - (E) Adding prerequisites that are internal to the unit and do not change the number of

credit hours in the program.

(II) Process Steps in Curriculum Approval for Minor Changes. This is to ensure that the proposed changes are minor.

(A) Curriculum Committee

(B) College Curriculum Committee (advisory, no veto power - remarks sent to originating unit)

(C) Chair of Department/Director of school housing originating program area

(D) Dean of college housing the originating unit

(c) Variable Title. Each college is responsible for setting up internal procedures for reviewing changes to existing variable title courses, including new topics.

(I) Undergraduate variable title courses will be reviewed once when initially proposed.

(II) Graduate variable title courses will be reviewed every two years.

(d) Major Change.

(I) Any curriculum change not listed as a minor change is considered a major change.

(II) Process Steps in Curriculum Approval for Major Changes.

(A) Originating Unit Curriculum Committee

(B) College Curriculum Committee (advisory, no veto power – remarks sent to the originating unit)

(C) Chair of Department/Director of school housing originating program area

(D) Dean of college housing the Originating Unit

(E) Liberal Arts Council (if general education)

(F) Professional Education Council (if teacher education)

(G) Dean of the College of Education & Behavioral Sciences (if teacher education)

(H) Dean of the Graduate School (if graduate curriculum)

(I) Chief Academic Officer

(J) Board of Trustees (if necessary)

**3-3-501(3) Roles and Responsibilities of Governing Groups for Major Changes.**

- (a) General Provisions. Units originating curriculum changes (new course/program modifications) will submit catalog copy reflecting the proposed change and course information as required by Academic Affairs. New course proposals (or major modification to existing courses) must include a course syllabus. New or modified program proposals must be accompanied by necessary course proposals. The originating unit will forward curriculum changes which shall include the following for all changes:
- (I) Description of the change.
  - (II) Rationale for the change.
  - (III) Impact of the change both within and outside of the originating unit including resources, equipment, and supplies.
  - (IV) Assurance that all affected parties have been notified of the proposed change along with a summary of any objectives from affected units.
  - (V) Inclusion of all appropriate forms.
- (b) College Curriculum Committee
- (I) Ensure changes are consistent with college objectives and academic standards/integrity.
  - (II) Ensure any necessary codes are included and correct.
  - (III) Ensure that affected areas have been contacted about the proposal.
  - (IV) Ensure that all necessary documents are included and complete.
  - (V) Complete review within three weeks of receipt of curriculum proposal. Curriculum change shall move forward if remarks are not submitted within three weeks.
  - (VI) Forward committee remarks to the originating unit.
- (c) Department Chair/School Director
- (I) Ensure that the change is consistent with disciplinary responsibilities of the department/school.
  - (II) Determine if adequate resources are available to support the proposed change.
  - (III) Complete review within two weeks of receipt of curriculum. Curriculum change shall move forward if remarks are not submitted within two weeks.
  - (IV) Forward proposed changes to the dean along with the remarks of advisory councils and committees.
  - (V)

## (d) Dean

- (I) Ensure that the change is consistent with disciplinary responsibilities of the college.
- (II) Determine if adequate resources are available to support the proposed change. Lack of adequate resources is sufficient grounds to reject a proposed change.
- (III) Complete review within two weeks of receipt of curriculum. Curriculum change shall move forward if the dean does not act within two weeks.
- (IV) Forward approved changes to the CAO along with the remarks of advisory councils and committees.
- (V) Return rejected curriculum proposals to the originating unit with an explanation of the grounds for rejection.

## (e) Liberal Arts Council

- (I) Ensure that the course meets the criteria for the General Education program and for the specific category for which the course is proposed.
- (II) Ensure that the course meets any other requirements that the Liberal Arts Council may establish.
- (III) Complete review within three weeks of receipt of curriculum. Curriculum change shall move forward if the Council does not act within three weeks.
- (IV) Forward approved curriculum to the CAO.
- (V) Return rejected curriculum proposals to the originating unit.

## (f) Professional Education Council

- (I) Ensure that the proposed change is consistent with education standards and objectives for teacher education programs.
- (II) Ensure that all affected units are aware of the change and have had an opportunity to comment.
- (IV) Complete review within three weeks of receipt of curriculum. Curriculum change shall move forward if the Council does not act within three weeks.
- (IV) Forward approved curriculum to the Dean of the College of Education & Behavioral Sciences.
- (V) Return rejected curriculum proposals to the originating unit.
- (VI)



## (g) Chief Academic Officer

- (I) Ensure that the University will support implementation of the proposed change.
- (II) Ensure that proposed curriculum is consistent with the University's mission and goals.
- (III) Complete review within three weeks of receipt of curriculum. Curriculum change shall move forward if the Council does not act within three weeks.
- (IV) Maintain and monitor a time line for each proposed curriculum change.
- (V) Complete review within two weeks of receipt of curriculum. Curriculum change is accepted if the CAO does not act within two weeks.
- (VI) Forward curriculum to the Board of Trustees if necessary.
- (VII) Place approved curriculum in the Bulletin.
- (VIII) Return rejected curriculum proposals to the originating unit.

**3-3-501(4) Appeal Process.** A curriculum change may be rejected during the approval process and returned to the originating unit. Rejection by a Dean or CAO will normally be for reasons of cost or conflict with college or University missions. Appeals of decisions by faculty bodies will proceed as follows:

Adverse decisions of the Professional Education Council or Liberal Arts Council may be appealed by the originating unit to the dean of the originating unit, the Dean of the College of Education & Behavioral Sciences, or CAO respectively. There is no appeal process from the college curriculum committees since they are not decision-making bodies. The dean may concur with the rejection, in which case the decision is final, or overrule the rejection and send the proposal to the CAO.

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

**[See also Board Policy Manual]**

## **Part 7: Faculty Salaries.**

### **3-3-701 Faculty Salary Distribution.**

#### **3-3-701(1) Faculty Compensation Procedures.**

- (a) The University is committed to a faculty salary distribution process which meets the following objectives, subject to available resources:
  - (I) To increase and maintain salaries to a competitive level for both recruitment and retention of faculty at all ranks.
  - (II) To provide compensation increases for all faculty who at least receive an overall annual/biennial evaluation of "meets expectations" or above.

- (III) Faculty who receive less than a “meets expectations” in their overall annual/biennial evaluation shall not receive an annual salary increase. For each year that a faculty member receives an overall annual/biennial evaluation of less than “Meets Expectations,” one year in rank (or two years in the case of biennial evaluation) shall be deducted from the total number of years in rank used to calculate parity.
- (b) Further, the University is committed to the determination of an individual faculty member’s salary in accordance with the following principles:
  - (I) Continuing full-time faculty will not have their salaries reduced as a result of modifications to the University compensation policy.
  - (II) Continuing full-time faculty will receive no less than their current academic year salaries, excluding administrative and extra duty stipends. (Note: For faculty in the University Libraries, the academic year salary is the fiscal year salary.)
- (c) The following guidelines will determine the distribution of any salary increase monies available each fiscal year:
  - (I) The salary increase monies available for distribution (salary and benefits) will be determined through the annual budget setting process.
  - (II) The faculty salary increase for promotion from lecturer to senior lecturer shall be \$2,000. The faculty salary increase for promotion from instructor to assistant professor shall be \$2,000. The faculty salary increase for promotion from assistant professor to associate professor shall be \$3,000. The faculty salary increase for promotion from associate professor to full professor shall be \$5,000. If the resulting salary after the promotional increase for any rank is below the minimum parity threshold established by the CAO in the salary distribution process, the salary will be increased to the minimum parity threshold.
  - (III) The CAO will provide annually, before the end of each fall semester, to the Salary Equity Committee a compensation distribution report for the previous year which includes, but is not limited to, distribution of the parity pool and merit monies.
  - (IV) Each year the Salary Equity Committee shall recommend to the Senate a salary distribution model.
- (d) Notwithstanding the provisions of subsection (b), above, the President may implement temporary salary reductions for the 2020-2021 academic year. Substantially similar percentage reductions shall be implemented for administrative/professional exempt staff. The reduction shall be based on a formula applicable to all faculty and administrative/professional exempt staff.

**3-3-701(2) Overload Pay Rate.** The pay rate for all courses taught as an overload will be \$1545.00 per credit, including those taught for Extended Studies.

**3-3-702 Summer and Interim Session Compensation and Workload Policy.**

**3-3-702(1) Workload.**

- (a) The maximum credit hours of instruction for summer sessions regardless of mode of delivery, location, or funding source is 12 credit hours with 6 credit hours maximum for each 6-week session and 9 credit hours maximum for an 8- or 12-week session.
- (b) The maximum credit hours of instruction for interim sessions is 6 credit hours.

**3-3-702(2) Compensation.**

- (a) The compensation per credit hour for all faculty holding the rank of lecturer, senior lecturer, instructor, assistant professor, associate professor, or professor regardless of mode of delivery, location, or funding source is (1) 1/36<sup>th</sup> of the faculty member’s current academic year salary if the faculty member is on a full-time contract or (2) in the case of non-full-time faculty, holding one of the above ranks, 1/36<sup>th</sup> of what the current salary would be if the faculty member were full-time.
- (b) The following compensation table shows the relationship between compensation and enrollment.

Undergraduate Class Size	Undergraduate Prorated Rate	Graduate Class Size	Graduate Prorated Rate
15+	100%	10+	100%
14	94%	9	90%
13	87%	8	80%
12	80%	7	80%
11	80%	6	80%
10	80%	5	80%
9	80%	4	40%
8	80%	3	30%
7	80%	2	20%
6	40%	1	10%
5	33%		
4	27%		
3	20%		
2	13%		
1	7%		

- (c) The minimum compensation per credit hour for summer and interim session courses is \$1500.00 for a class size of 15+ undergraduate students or 10+ graduate students.
- (d) With the approval of the applicable Dean, full payment to a faculty member may be made where the enrollment requirements of sub-section (b), above, are not achieved if the average enrollment of all of the program’s courses in the interim or the combined summer sessions is at least 20 undergraduate students or at least 15 graduate students.
- (e) If undergraduate and graduate students are combined in a single course, the rate applicable to the majority cohort applies.

- (f) When the maximum enrollment for a course is limited by the number of laboratory stations, accreditation requirements, clinical instruction, student teaching, or any externally required constraints, the minimum rate of compensation is the greater of \$1500.00 per credit hour or the compensation described in the sub-section (a), above.

**3-3-702(3) Notification Deadlines.** A faculty member must notify his/her chair/director of his/her intent not to teach an assigned summer or interim session course at the compensation specified in Section 3-3-702(2) at least twenty (20) days prior to the beginning of the applicable summer or interim session.

**3-3-703 Grant Incentive Salary Awards.** Faculty who have funds available from external sources to support their research activities during the summer shall be paid at a rate equivalent to their base salary during the previous academic year. The amount of pay is determined by the FTE of work to be conducted during the summer. Faculty salary is calculated on the number of months available (i.e., 3.25 months) between academic year contracts (i.e., academic year is 8.75 months)

- (1) Faculty may receive a Grant Incentive Award as follows:
  - (a) Academic Year. A Grant Incentive Award can be added to the faculty member's base salary during the academic year.
  - (b) Summer Term. A Grant Incentive Award of up to ten percent of the summer research base salary can be added to that summer salary.
- (2) Federal funds cannot be used for the Grant Incentive Award.
- (3) Should the faculty member also teach during the summer semester, the rate currently approved by their college should be paid for those hours and the percentage FTE recomputed for the amount of salary they will receive for conducting their research.

## Part 8: Faculty Evaluation

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

### 3-3-801 Implementation of Faculty Evaluation Procedures.

**3-3-801(1) Comprehensive Review.** 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.

- (a) Promotion Review [See Section 2-3-801(2)(b) Pre-Tenure Review.
  - (I) Tenure track faculty members will undergo a comprehensive pre-tenure review in their third year, except in the circumstance noted in 3-3-801(1) (a) (III).
  - (II) Procedures. Pre-tenure review procedures are the comprehensive evaluation procedures which includes scores and reasons, given in the Board

Policy Manual Title 1, Part 3, 1-1-307 Faculty Evaluation and Title 2, Article 3, Part 8 Faculty Evaluation.

- (III) Evaluation Period and Dossier. Comprehensive pre-tenure review requires a faculty member to prepare a dossier that summarizes and provides evidence of the individual's performance accomplishments. The dossier for pre-tenure review should reflect activities accomplished while a member of the UNC faculty. The dossier may include activities accomplished in time periods occurring prior to service at UNC only when such time periods are negotiated at the time of hire as credit toward promotion and/or tenure. Faculty members who negotiate two (2) years of credit toward tenure and promotion may request a pre-tenure review in their first or second year at the University of Northern Colorado. Faculty members who negotiate three (3) years of credit toward tenure and promotion may request a pre-tenure review in their first year at the University of Northern Colorado. [See Section 2-3-801 (1) Definitions.]
- (b) Tenure Review [See Section 2-3-801(2)(c).]
- (c) Post-Tenure Review.
- (I) Guidelines. Every tenured faculty member must have a comprehensive review at least once every six (6) years. If a faculty member requests a comprehensive review (for promotion, or any other reason) this will establish a new six-year (6) review cycle.
- (II) Procedures. Post-tenure review procedures are described in this Board Policy Manual 1-1-307 Faculty Evaluation and 2-3-801 Faculty Evaluation.
- (III) Evaluation Period and Dossier. The dossier for post-tenure review should include only activities accomplished since the last comprehensive review. If hired with tenure, the dossier should include activities since time of hire.
- (IV) Evaluation Areas. A faculty member is evaluated on assigned workload over the post-tenure period. In each area, a faculty member's performance will be evaluated on a five-point scale. [See 3-3-801(2) (f)].
- (V) Post-Tenure Review Decisions. The result of a post-tenure review is either satisfactory or unsatisfactory. A faculty member's post-tenure review is satisfactory if he/she receives an overall evaluation of level III or higher with a level III or higher evaluation in teaching. If the overall evaluation is below level III, or if the evaluation is below level III in teaching, then the result of the post-tenure review is unsatisfactory. Faculty evaluated as unsatisfactory on a post-tenure review will meet with the department chair/school director/program coordinator and the program area faculty or their designee to develop a performance plan that is approved by the department chair/school director/program coordinator, and the dean. Faculty have two years to achieve a satisfactory evaluation. Failure to do so will constitute grounds for disciplinary action. [See 1-1-310 and 2-3-1101].

**3-3-801(2) Annual/Biennial Review.** Procedures for annual/biennial review are conducted for the purpose of performance evaluation and to determine eligibility for merit pay consideration.

- (a) **Criteria.** Evaluation criteria are established by each program area [see Board Policy Manual 2-3-801].
- (b) **Procedures.** Annual/Biennial Review procedures are described in the Board Policy Manual Title 1, Article 1, Part 3 Faculty Evaluation, and Title 2, Article 3, Part 8 Faculty Evaluation.
- (c) **Evaluation Period.**
  - (I) **Annual Review:** Faculty activities from January 1 through December 31 (or a portion of a calendar year, as appropriate) are the subject of the evaluation conducted during the period of January 1-May 31 of the subsequent year.
  - (II) **Biennial Review:** Faculty activities from January 1 through December 31 two-year period (or a portion of a calendar year, as appropriate) are the subject of evaluation conducted during the period of January 1-May 31 of the subsequent year.
- (d) **Evaluation Areas.** Evaluation is based on an assigned workload approved by the chair/director/program coordinator.
- (e) **Evaluation Outcomes.** Faculty are evaluated in each relevant performance area; contributions in each area vary according to assigned workload. In each area a faculty member's performance will be evaluated on a five (5) point scale. Each faculty member will receive an overall evaluation based on the outcome in the individual areas. This will be accomplished using a numerical weighting system which incorporates the percentage of workload for each of the performance areas as specified in the agreed upon faculty workload. The weighted average will be calculated by the evaluation scale in 2-3-801(4)(a)(XII).
- (f) **Employment Status and Annual/Biennial Review**
  - (I) **Adjunct Faculty.** Adjunct faculty are evaluated by the program area faculty in consultation with the department chair/school director/program coordinator. Colleges will develop procedures for evaluating adjunct faculty.
  - (II) **Contract-Renewable Faculty.** Contract-Renewable faculty must complete an annual/biennial review at least once every other year and may request an annual/biennial review in any year.
  - (III) **Tenure-Track Faculty.** Tenure-track faculty must complete an annual review in years 1, 2, 3 (in conjunction with pre-tenure review), 4 and 5. In the third year pre-tenure review, materials must be organized so that an annual review can also be completed. If, on the pre-tenure review, the evaluatee receives "exceeds expectations" or higher in either instruction or professional activity, and "meets expectations" or higher in the other areas, then he/she may opt out of the fourth year annual review. If not, then a fourth year annual review is required. In the absence of an application for tenure, which would include the fifth year annual review, an annual review in the fifth year is required.
  - (IV) **Tenured Faculty.** Tenured faculty must complete an annual/biennial review at least once every other year, and they may request an annual/biennial review in any year. If

the annual/biennial review coincides with a comprehensive review, materials must be organized so that an annual/biennial review can also be completed.

**3-3-801(3) Calendar for Faculty Evaluation.** Colleges will establish calendars for the review of evaluation materials as described in the Board Policy Manual 1-1-307 Faculty Evaluation, and 2-3-801. Faculty Evaluation.

- (a) Reappointment Recommendations for Tenure-Track Faculty. [ See Board Policy Manual 2-3-202(2).]
- (b) Reappointment upon Denial of Tenure. Faculty members who do not receive tenure in year six (6) will be given a contract in year (7), for their final year.
- (c) Contract-Renewable Faculty Member Position Notification. Decisions to offer a subsequent contract-renewable agreement should be communicated to the faculty member by April 1.

**3-3-802 Confidentiality and Professional Ethics.** 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, all information reviewed, evaluation data collected, committee deliberations, decisions, and other materials generated during the course of evaluations conducted in accordance with this procedure shall be maintained as confidential.

## **Part 9: Promotion and Tenure Guidelines [See also Board Policy Manual]**

**3-3-901 Faculty Salary Increase for Promotion.** The following faculty salary increases will apply beginning fall 2013. The faculty salary increase for promotion from lecturer to senior lecturer shall be \$2,000. The faculty salary increase for promotion from instructor to assistant professor shall be \$2,000. The faculty salary increase for promotion from assistant professor to associate professor shall be \$3,000. The faculty salary increase for promotion from associate professor to full professor shall be \$5,000.

## **Part 10: Faculty Leaves**

**3-3-1001 Sabbatical Leave.**

**3-3-1001(1) Sabbatical Leave Application Procedures.** [See also 2-3-1001(5) Approval Procedures.]

- (a) The dean of each college shall announce the deadline for submission of proposals at least 60 calendar days before the deadline and all faculty who are eligible for sabbatic leave will be notified.
- (b) Eligible faculty interested in applying for sabbatical leave shall submit to the department chair/school director a proposal which outlines the work to be undertaken and the benefits to teaching and/or scholarship that will result from the project. The proposal shall also include an explanation of
  - (i) any additional compensation [see 2-3-1001(6)(b)] and
  - (ii) the reason, if any, that the work must be completed by the end of the following academic year or earlier;

- (iii) the length of time since the applicant's last sabbatical leave or, if this is the first sabbatical leave application, the date of the initial hire;
  - (iv) and an indication as to whether the applicant's sabbatical leave was postponed after having been previously approved.
- (c) Applications will be reviewed according to the procedures outlined in 2-3-1001(5) Approval Procedures.

## **Part 11: Exempt Administration with Faculty Rank**

**3-3-1101 School Director Policy.** This document sets forth the policies and procedures to governing the selection and evaluation of school directors.

**3-3-1101(1) School Director Selection.** Directors are at-will employees in their capacity as directors.

- (a) Normally the director will be appointed from tenured or tenure-track faculty within the school.

Upon completion of the following process, the dean of the college shall recommend a school director to the Chief Academic Officer (CAO) for approval. If the director is to be selected from the current faculty of the school, an agreement between the dean and a majority of the faculty of the affected school, outlining the recommendation process including faculty involvement, will be required prior to initiating the search for a director. Faculty involvement may include school faculty vote, conferences with individual faculty and/or the school, and/or interviews with potential candidates; evaluations from persons (a) external to the school may also be considered. When no qualified faculty member is willing to accept appointment as director and/or the school and dean agree it is in the best interest of the school not to recommend a director from present faculty, or when the school and dean cannot reach agreement on the appointment of a director, procedures (b) or (c) below will apply:

- (b) The dean may request and receive authorization from the CAO to advertise externally for a school director. Selection of off-campus candidates for the position of school director will follow established University procedures for the hiring of full-time tenure-track faculty.
- (c) The CAO, in consultation with the dean and the school, will appoint a director from among the faculty of the University for an appointment of no more than one year.

**3-3-1101(2) Term of Service.** Directors normally will be appointed for a five-year term.

**3-3-1101(3) Vacancies.** In all cases of unanticipated vacancy due to causes such as illness, resignation, or leave, the dean, after seeking faculty involvement, may appoint an acting director who will assume responsibilities immediately. If necessary, the procedures for selection of a permanent director will commence immediately.

**3-3-1101(4) Evaluation of Director.** The dean will evaluate all directors annually under the University evaluation system. Faculty in the school must be involved in the evaluation. [See also \*reference to the Deans Evaluation\*.]



**3-3-1102 Dean's Review and Evaluation.** Under the authority of the Chief Academic Officer (CAO), deans will be evaluated on a five-year cycle based on the establishment of five-year goals approved by the CAO. Deans will undergo annual review by the CAO to determine progress made toward those goals. Deans will also undergo a five-year comprehensive evaluation.

**(1) Annual Review Timeline.**

- (a) January: The deans shall submit to the CAO an annual report that includes progress towards the five-year goals.
- (b) February: The CAO shall send the annual report to each of the dean's faculty and consults with all faculty in the dean's college through the administration of an evaluation instrument (questionnaire) to be developed by the CAO. The questionnaire will include an opportunity for "open ended comments." Faculty will retain anonymity in returning the questionnaire and should return the questionnaire to the CAO by the end of the month.
- (c) March: The deans shall meet individually with the CAO to review the annual report feedback from respondents and negotiate any adjustments to the five-year goals.

**(2) Five-Year Comprehensive Review Timeline.**

- (a) January: The deans shall submit to the CAO a dossier that summarizes accomplishments and progress towards the five-year goals.
- (b) February: The CAO shall send the dossier and a five-year comprehensive evaluation response form, to be developed by the CAO, to all faculty in the dean's college. The questionnaire will include an opportunity for "open ended comments." Faculty will retain anonymity in returning the questionnaire and should return the questionnaire to the CAO by the end of the month. The CAO has the option, in concert with the dean, to solicit comments from others internal and external to the University.
- (c) April: The deans shall meet individually with the CAO to review the dossier and feedback from respondents. Subsequently, the CAO shall provide the dean with a written evaluative summary of the comprehensive review.

No annual review will be conducted during the comprehensive review year.

## **Article 4: Personnel-Administrative/Professional Exempt Staff.**

**3-4-101 Scope.** The provisions of this chapter shall apply to all administrative/professional exempt staff employees of the University except to the extent that they are superseded by or inconsistent with the employee's individual appointment contract, in which case the latter shall control. For the purpose of this chapter, administrative/professional exempt staff shall mean:

- (1) all non-classified employees in the divisions of Administration, Student Affairs, University Affairs, President's Office, the Board of Trustees Office, and,
- (2) in the division of Academic Affairs, all non-classified employees without academic rank and those

non-classified employees with academic rank serving as dean or a member of the dean's staff, as vice president or a member of the vice president's staff, as a director or a member of a director's staff.

For the purposes of item b. "Level I sports" are football, men's basketball, women's basketball and women's volleyball.

These provisions shall be superseded by the terms and provisions of the employee's individual employment contract to the extent they are inconsistent herewith. The term "employee" when used in this chapter shall mean "administrative/professional exempt staff employee."

**3-4-102 Contract/Appointment Status.** The contract/appointment status of administrative/professional exempt staff employees is of two types: Definite Term and Indefinite Term.

**3-4-102(1) Definite Term.** "Definite Term" contracts are for a designated period of time and automatically terminate upon the expiration of the designated period. Re-employment is subject to the discretion of the University in accordance with the notice provisions of Section 3-4-102(1).

**3-4-102(2) Indefinite Term.** "Indefinite Term" employees serve at the pleasure of the University for an indefinite period of time.

**3-4-103 Recruitment, Appointment, Orientation.** [See also Title 3, Article 6, Personnel.]

**3-4-104 Duties and Responsibilities.**

**3-4-105 General.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-501.]

**3-4-106 Other Duties.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-509.]

**3-4-107 Safety.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-508.]

**3-4-108 Workload.** All full-time administrative/professional exempt staff employees are required to work at least forty (40) hours per week as well as such additional hours as may be reasonable and necessary to the fulfillment of their duties and responsibilities.

All full-time employees are expected to perform their regular services between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, unless another schedule has been approved in advance by their supervisors or is required as a condition of their positions. Each office is encouraged to continue to accommodate individual employee work hour preferences with flex-time scheduling and call-forwarding procedures. By the increased use of flex-time scheduling and call-forwarding technology, the employee 40-hour-work-week preferences and student needs should be accommodated.

The Executive Staff will determine the actual starting and ending date each year.

Compensatory time for hours worked in excess of forty (40) hours in a work week shall not be permitted unless approved in advance in writing by an employee's supervisor and only as permitted by applicable provisions of the fair labor standards act.

Part-time employees shall be required to work a proration of forty (40) hours per work week which is

equivalent to the percentage of one full-time equivalent which has been assigned to their position, e.g., .40 FTE employee is required to work at least sixteen (16) hours per work week. In addition, part-time employees are required to work a reasonable number of additional hours if necessary to the completion of their job duties and responsibilities. Such additional time shall not increase their salary entitlement nor, without written approval of the jurisdictional vice president, entitle them to any of the benefits or prerequisites reserved solely for full-time employees.

Compensatory time for part-time employees shall be subject to regulation by the employee's supervisor and the FLSA.

The schedule of work hours of part-time employees shall be subject to regulation by the employee's supervisor.

**3-4-109 Rest Breaks.** Employees are entitled to one fifteen (15) minute break during each four consecutive hour work segment and a one hour break during each work shift of eight hours or more. Such breaks shall be taken at times approved in advance by the employee's supervisor.

**3-4-110 Reports.** Each employee shall prepare and submit periodically as required a report of time worked or authorized leave used each workday on a form approved by the University. Such report must be approved by the employee's supervisor. Submission of an approved form is a condition precedent to payment of any compensation for the report period.

**3-4-111 Affirmative Action.** Human resource management (Equal Employment, Affirmative Action, and Personnel Management) is a mandatory critical element in the performance of all supervisors at UNC. All supervisors are required to make affirmative efforts toward increasing the cultural, ethnic, and racial diversity of the UNC workforce in accordance with the UNC Affirmative Action Plan. Each administrative/professional supervisor shall develop affirmative action performance objectives as a part of his/her annual performance plan.

#### **3-4-112 Performance Planning and Evaluation.**

**3-4-112(1) Purpose.** The performance planning and evaluation process is intended:

- (a) to promote an exchange between the supervisor and the employee which leads to a better understanding by the employee of the duties and activities in which the employee is to be engaged during the coming year;
- (b) to facilitate an understanding by the employee of the supervisor's performance expectations for the employee;
- (c) to define the expected outcomes for the employee for the coming year;
- (d) to provide an assessment of the quality of the performance by the employee in carrying out assigned duties and activities; and,
- (e) to measure the attainment of the defined outcomes associated with the employee's activities.

**3-4-113 The Performance Planning and Evaluation Process.** The performance planning and evaluation system is an annual process which consists of two phases. The first phase requires

performance planning for the coming year and the second phase consists of the evaluation of the employee's performance. Faculty in administrative positions are evaluated in accordance with the provisions of Section 3-4-1012 and 3-4-1013.

**3-4-113(1) Planning Phase.** In the planning phase of the performance planning and evaluation process, the supervisor and the employee together outline, in as much detail as practicable, and in writing, the duties, responsibilities, activities, and expected outcomes for the employee for the coming year. The planning phase ordinarily takes place in June for continuing employees; within the first month of employment for new assignments.

**3-4-113(2) Evaluation Phase.** The evaluation phase of the performance planning and evaluation process ordinarily takes place during May or June, but must take place prior to or concurrently with the planning phase for the subsequent year. The evaluation of the employee's performance must be in writing. The evaluation must be discussed in a conference between the employee and the supervisor in which the supervisor reviews with the employee the employee's performance in carrying out duties and activities and in achieving the outcomes established for the employee during the planning phase. To facilitate the evaluation, the employee will prepare an annual report to submit it to the supervisor prior to the evaluation conference with the supervisor.

Each employee will receive an overall performance evaluation rating of 1, 2, 3, or 4, according to the following definitions:

- (a) Unsatisfactory. Employee does not meet minimum expectations and should not be continued in employment.
- (b) Needs Improvement. The employee does not meet minimum expectations; however, there is sufficient potential demonstrated by the employee that improvement is possible.
- (c) Achieved Expected Outcomes. The employee achieved the expected outcomes in the manner that was expected by the supervisor.
- (d) Exceeded Expected Outcomes. The employee performed in such a manner that the expected outcomes were exceeded to a significant degree.

**3-4-114 Appeal Process.** [See also University Regulations, Title 3, 3-4-114.]

**3-4-115 Separation.**

**3-4-116 Resignation Layoff and Recall.** [See also University Regulations, Title 3, 3-4-116.]

**3-4-117 Progressive Performance Deficiency Notification.** Progressive performance deficiency notification is defined as disciplinary action which imposes increasingly severe forms of discipline for repetition of offenses. The purpose of progressive performance deficiency notification is as follows:

- (1) To promote positive employee relations by encouraging communication between a supervisor and an employee whose performance is declining.
- (2) To provide an opportunity for the employee to make a self-directed decision regarding his or her employment.

- (3) To provide the employee with advance knowledge of the penalties resulting from violation of University policies, regulations and procedures. Progressive performance deficiency notification shall follow these steps:
- (a) Supervisor identifies the problem.
  - (b) Supervisor discusses the problem with the employee in a face-to-face meeting.
  - (c) Supervisor initiates one or more of the following disciplinary procedures when performance fails to improve after the face-to-face meeting:
    - (I) Written warning signed by employee.
    - (II) Notice of disciplinary probation or suspension without pay. The decision regarding probation or suspension without pay depends on misconduct. The decision is made by the supervisor and jurisdictional vice president.
    - (III) Discharge.

This policy shall not be a condition precedent to the University's right under Statute to terminate the employment of exempt-administrative employees at any time.

Further, the University reserves the right to institute whatever disciplinary sanction it deems appropriate for exempt-administrative employees at any time or in any sequence.

**3-4-118 Position Classification.** Administrative/Professional positions.

**3-4-119 Classification.** The Professional and Administrative Staff positions shall be annually classified into seven levels consistent with the scope of duties associated with their current position descriptions.

- (1) Human Resources shall maintain current position descriptions for all members of the Professional and Administrative Staff. Such descriptions authorized by the appropriate vice president and verified by Human Resources. Shall be the only official descriptions used for classification purposes.
- (2) The President and the Vice President, with the advice of Human Resources and the Professional and Administrative Staff Council, shall annually classify each professional and administrative staff (2) position into one of the following levels on creation of the position and are required by vacancies or changes in assigned duties.

#### Level Descriptions

Listed below are the descriptions for a seven level classification system proposed by the task force. These descriptions would be used to determine in which administrative level a position should be assigned. The descriptions reflect a classification structure that is driven by position responsibilities and degree of expertise, as reflected in a revised PDQ. The descriptions are intended to be a guide in

determining the administrative level for all positions. While it is possible that a position could include components from more than a single level, emphasis should be placed on criteria including levels of expertise, reporting structure, ability to make and influence policy, and impact on and off campus.

#### LEVEL I

Program Staff Level. Provides service in support of daily operations of programs of a department. Provides service directly to clients or program users. May supervise student employees. On-the-job decisions are made within the limits of existing policies and procedures and guidelines are established by supervisor.

#### LEVEL II

Program Supervisor Level. Supervises the daily internal operations of a university programs and delivery of service to clients. May supervise and evaluate the work of one or more operational or support staff personnel. May have authority to expend funds within specific guidelines to support daily operations. Selects proper course of action from among options available in existing policies and procedures to resolve problems and provide guidance to supervised employees. Provides liaison between higher level management and operating personnel. Recommends operating procedure changes and budget needs to higher authority.

#### LEVEL III

Administrative Management Level. Oversees the daily operations of one or more programs that provide services to university-wide clientele. Supervises and evaluates the performance of several program supervisors and/or state classified employees. Has signature authority on operations support, OCE and travel funds. Has responsibility for developing and implementing procedures for achieving overall program objectives. Works with higher level management to develop policies and budgets. May have input or authority on hiring decisions within area of responsibility.

#### LEVEL IV

Managers of major university programs. Directs overall operations of a large program or has specific areas of responsibility in a university wide department. Supervises and evaluates one or more program administrators and/or senior state classified personnel. Has signature authority on all program accounts and authority to make personnel decisions within area of responsibility. Responsible for developing and executing program/area budgets and develops and recommends policy changes to higher management.

#### LEVEL V

Senior University Directors. Directs and is responsible for all aspects of the operations, planning and budgeting of major program groups or departments with a university-wide clientele and impact. Supervises and evaluates one or more program or departmental managers and other supervisory personnel. Has signature authority over all accounts in one or more major program areas and directs all personnel actions and budgets. Ordinarily reports to a University Officer, Dean or Vice President and develops and recommends new policies or policy changes for university-wide adoption.

## LEVEL VI

Deans and Associate Vice Presidents. These positions are responsible for all facets of the instructional, research and public service activities of one of the academic units at UNC, or the operation of a major segment of a non-academic division. Positions assigned to this level are responsible for the quality, content and development of major academic programs and non-academic support operations. Incumbents report directly to Vice Presidents and are responsible for new program development, accreditation, execution of budgets, college level policies, staffing levels, the quality of and delivery of services to the public and maintenance of external/public relations with professional associations and governmental agencies. Supervises employees at differing levels of authority and oversees all personnel actions indirectly through the college/division organizational structure.

## LEVEL VII

University Vice President. Management, direction and supervision of all aspect of a major division of the university. Develops and implements policy for operation of a division and delivery of services to the public. Responsible for developing and execution of division and subunit budgets, expenditure authorization, program development and manpower planning/staffing patterns. Reports directly to the President of the university and is responsible for program and informational reports to and liaison with the Board of Trustees. Supervises and evaluates the performance of Deans, Directors and Department Heads and the operation of their units. Responsible for external reporting and coordination of university activities with state and federal agencies, professional associations and accreditation agencies. Implements planning for the overall growth, financial stability, staffing levels and academic offerings of the university.

**3-4-119(1) Salary Distribution.** The Professional and Administrative Staff shall be assigned compensation in the following manner:

- (a) The President and Vice Presidents shall annually recommend a salary range for each of the seven classification levels. The salary range shall reflect the following factors: internal equity with other University salary distribution systems, relevant marketplace dimensions, relationship to University role and mission, and prevailing national higher education practice.
- (b) Upon funding by the Board of Trustees, each incumbent in a Professional and Administrative Staff position shall be assigned an annual salary within the salary range approved for the appropriate classification level.

**3-4-120 Individual Compensation Review.** Salary adjustments for exempt employees will be determined by the responsible vice president after an evaluation of each position and the individual who holds the position. The vice president will consider the current nature of the position, any changes in the nature and duties of the position which would be in the best interests of the University, and how any changes, if necessary, can be effected. The vice president will consider the structure and function of all areas within his or her responsibility in evaluating positions, including the transfer, elimination or addition of duties from one unit to another in order to maximize efficiency and quality of the function being performed. The vice president will establish appropriate pay ranges for the positions evaluated. After completion of the 3-4-120 evaluation of positions, the vice president will then evaluate the individuals who are or will be in those positions in order to determine appropriate salary adjustments. No across the board increases will be awarded. The vice president will consider in his or her evaluation of individuals the interest of the University in developing an efficient, creative, high quality professional staff with the

appropriate skills, education, training and experience for the jobs involved. The vice president will recognize excellent past and potential job performance with pay rates determined within the context of competitive pay rates, equity, parity with similar institutions, and the overall contribution of the individual in his or her position to the goals and mission of the University.

**3-4-121 Overtime.** Exempt employees are not compensated for overtime and are generally not eligible for compensatory time. [See also Title 3, Article 4, 3-4-108]

**3-4-122 Payroll.** Wages or salaries earned by employees are paid by the University on the last working day of each calendar month.

Payment of wages or salary earned are subject to withholding requirements of local, state, and federal governments and withholding deductions authorized by employees for programs for which the University has authorized a payroll deduction plan. It is understood and agreed that the University may deduct from wage or salary payments owned to any employee outstanding obligations owed by the employee to the University for which demand has been made by the University for which remittance has not been made in a timely manner by the employee.

**3-4-123 Conditions of Employment.** (reserved)

**3-4-124 Conflict of Interest.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-502 Conflict of Interest.]

**3-4-125 Nepotism.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-503 Nepotism.]

**3-4-126 Outside Activities.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-504 Outside Activities.]

**3-4-127 Copyright Law Compliance.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-505 Copyright Law Compliance.]

**3-4-128 Hazardous Materials.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-506.]

**3-4-129 Family Education Rights and Privacy Act (FERPA).** Employee must comply with provisions of Title 1, Article 1, 1-1-408.

**3-4-130 Leaves.** [See also Board Policy Manual, Title 2, Article 2, Part 3.]



## **Article 5: Classified Personnel.**

See Colorado Department of Personnel

General Support Services (GSS)

Human Resource Services

State Personnel Board Rules and Administrative Procedures

[http://www.state.co.us/gov\\_dir/gss/hr/rules/rules\\_toc.htm](http://www.state.co.us/gov_dir/gss/hr/rules/rules_toc.htm)

## Article 6: Personnel.

### 3-6-101 Appointment Procedures for Exempt Staff.

**3-6-102 Hiring Pools.** Colleges/Schools/Departments are encouraged to develop college-wide/school-wide/department-wide hiring pools of candidates for temporary assignments. Assignments may be part or full-time but the duration of employment shall not exceed three (3) consecutive academic semesters.

(1) The Process:

- (a) In order to initiate a college-wide/school-wide hiring pool, the PAF & FA are prepared in the office of the Dean and forwarded to the offices of the Academic Vice President and the DAA.
- (b) The VA must include all affected disciplines within the college/school/department as well as all general requirements, e.g., a minimum three (3) years teaching experience, terminal degree (see Appendix O).
- (c) Upon approval, the “pool” announcement shall be advertised for a minimum of twenty (20) calendar days, following the regular advertising procedures (see Appendix D).
- (d) The hiring pool must be updated and advertised on an annual basis. Updating and advertising will be done during Spring Semester so that the pool can be used the following academic year. To update, a letter shall be sent to each current member of the pool stating that if the member wishes to remain in the pool, he/she must submit either an updated vita or forward some affirmative response. The letter must include a closing date, e.g., 15-20 calendar days from date of mailing. If no response has been received by the closing date, an applicant’s file shall be removed from the pool. A copy of the letter shall be placed in the applicant’s file.

A current applicant’s file must contain, at minimum, a vita, a notation of the date the initial application was received and dates of all updates, and copies of all correspondence, including the update letters. All applicant files shall be retained for a minimum of one fiscal year.

- (e) Each college/school/department shall establish an initial screening committee to evaluate applications as they arrive. The screening committee is to evaluate only if the applicants meet minimum qualifications for acceptance into the hiring pool. The files of those meeting the minimum qualifications are then forwarded to the respective program areas.

The screening committee must keep a written record of a:

All applicants and the number of denials and reason(s) for denial.

All applicants who are denied acceptance into the pool shall be so notified in writing.

A copy of this letter shall be kept in the applicants’ file.

All applicants who are accepted into the pool shall be so notified in writing, and must enclose

an AA/EO Data Card. The terms of acceptance must be stated in this letter, e.g., temporary assignment, need for annual update, etc.

- (f) Upon receipt of the files of qualified applicants, the department chair/school director shall appoint a review committee from faculty in the appropriate program area(s) to include a minimum of one member from an affected class. The review committee shall evaluate the files, make a list of those qualified to teach specific courses ranking them in priority order and forward the list to the department chair/school director.
- (g) When a vacancy occurs, the department chair/school director, in consultation with the designee in the appropriate program area, shall write a specific position description including all responsibilities and duties for that position, e.g., classes to be taught, course number, title and credit hours, supervisory duties, administrative duties, advisement, etc. The description must also state whether professional activity and/or service shall be required for that position and the terms of said requirements. This information shall then be incorporated into the candidate's written contract.

The department chair/school director, or his or her designee in cases where the director is not in the appropriate program area, shall also make a written recommendation to the dean of the most qualified person from the pool to fill the position. The file of the person recommended must accompany the recommendation.

NOTE: For part-time hires, copies of contract order-related materials, forwarded to the Personnel Office, shall be concurrently sent to the Vice President for Academic Affairs, for information.

- (h) The Vice President for Academic Affairs shall review the files of those applicants recommended for full-time positions. Written authorization must be obtained from the Vice President for Academic Affairs before a contract is offered for such positions.
- (I) The contract formulation shall follow the regular guidelines for contracts for new hires.
- (II) At the end of each semester, the Dean shall prepare a summary report of hiring pool activity for the semester. The report shall include the number of applicants in the pool, the hiring activity, and the names, sex and race of all hired from the pool. This report is to be submitted to the Office of Affirmative Action with a copy to the Vice President for Academic Affairs. (Sample form at Appendix P - actual form will be forwarded at the appropriate time.)

**3-6-102(1) Exceptional Appointments.** Hiring units are encouraged to plan for vacancies and for new positions so that the regular search process can be used. It is expected that all full-time positions will be filled through either the regular search process or from hiring pools.

The following process may be used in cases relating to emergencies only with the authorization of the DAA and President. Situations which may lead to a request for authorization include, but are not limited to, the following.

- (a) Search fails.

- (b) Time does not allow for a search, e.g., last minute resignations, deaths, budget considerations, leaves of absence.
- (c) Visiting faculty.
- (d) To assist the University in its efforts to increase diversity.
- (e) Unique credentials.

An exceptional appointment shall be initially authorized for one fiscal year, however, reappointments to temporary positions may be recommended by the Dean/Chair/Director or his or her designee in the case where the director is not in the appropriate program area, but must have the concurrence of the appropriate Vice President, verified by the DAA, and approved by the President.

(I) Process:

- (A) Dean/Chair/Director, or his or her designee in the case where the director is not in the appropriate program area, initiates "Request for Exceptional Appointment" form (sample form at Appendix Q, - actual form must be requested from the Office of Affirmative Action.) Supporting materials must be attached to the "Request." Materials must include the resume of individual recommended and such additional documentation to adequately assess qualifications for the position.
- (B) The Request is forwarded to the appropriate vice president for concurrence or non-concurrence.
- (C) The request is then forwarded to the DAA for verification and monitoring. When signed, the request is then forwarded to the President.
- (D) If the President approves the request, the hiring process shall be initiated by the hiring unit.

If the President does not approve the request, he/she shall state, on the form, the rationale for the refusal and alternative methods of filling the position.

**3-6-103 Equal Opportunity.** Equal Opportunity in employment and education is an essential priority for the University of Northern Colorado and one to which the University is deeply committed. The University of Northern Colorado is dedicated to providing an equal opportunity climate and an environment free from discrimination and harassment. In accordance with established laws, the University prohibits discrimination based on race, religion, gender, age, national origin, disability, sexual orientation, gender identity, gender expression, military service, or political affiliation for employees in all aspects of employment and for students in academic programs and activities.

**3-6-104 Affirmative Action.**

(1) Conflict of Interest: Any relationship between a person involved in the employment selection process on behalf of the University and a candidate for appointment, which raises the appearance of undue influence or bias, including without limitation, biological relationship to the third degree of consanguinity; marital relationships past or present; past or present employment relationships; past or present professional association, e.g., co-authorship, enterprise/partnership, etc. Affirmative Action is the commitment to actively enhance the diversity of the workforce through a system of action oriented procedures. The University of Northern Colorado is committed to take "affirmative" steps to recruit, hire, and advance minorities and women when they are underrepresented in the University and are qualified and available in the labor force.

The University's commitment to affirmative action includes achievement of relevant objectives as a part of its management performance evaluation system. This commitment is also reflected in the University's affirmative action plan and its attendant procedures for recruitment and selection of exempt staff and faculty.

All procedures dealing with Affirmative Action and Equal Opportunity Employment are available in the Affirmative Action Office.

**3-6-105 Equal Opportunity.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-507.]

**3-6-106 Statement of Commitment to Employment Opportunities.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-508.]

**3-6-107 Equal Opportunity for Students.** [See also Board Policy Manual, Title 1, Article 1, Part 4, 1-1-404.]

**3-6-107(1) Student Admission.** [See also Board Policy Manual, Title 1, Article 1, Part 4, 1-1-403.]

**3-6-107(2) Campus Activities.** [See also Board Policy Manual, Title 1, Article 1, Part 4, 1-1-413.]

**3-6-107(3) Student Housing.** [See also Board Policy Manual, Title 1, Article 1, Part 4, 1-1-414.]

**3-6-108 Policy on Discrimination and Sexual Harassment.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-508(2).]

**3-6-109 Discrimination Grievance Procedure.** [See also Board Policy Manual, Title 2, Article 2, Part 2, 2-2-201(1)(a).]

**3-6-110 Employment Conditions.**

**3-6-111 Nepotism.** [See also Board Policy Manual, Title 1, Article 1, Part 5, 1-1-504.]

**3-6-112 Immunization Requirements.** Beginning July 2, 1988, in order to be employed at UNC, all individuals are required to complete and submit to Human Resources, a properly executed UNC Immunization Record Form. The Immunization Record must certify that the individual has immunity to Rubeola (Measles) and Rubella (German Measles), or is exempt from certification according to the criteria identified below:

**Certification Requirements:**

- (1) Rubeola (Measles) - Immunization administered 1968 or later (immunization must have been administered after first birthday); or physician diagnosed case; or before 1957 (are considered to have naturally acquired immunity).
- (2) Rubella (German Measles) - Immunization administered June 1969 or later (immunization must have been administered after first birthday); or a positive blood test for Rubella immunity performed by qualified medical personnel (diagnosis of disease or age are not acceptable proof of immunity).

**Exemption Requirements:**

- (1) In a health emergency, the University President or his/her designee shall have the right to request from any employee or other person in extended presence on University premises for proof of immunization or exemption from immunization as defined by the University. In the absence of either, the designee may require any person without proof of immunization or an exemption to remove himself/herself from University premises for the duration of the health emergency employee(s) so affected may use any accrued and unused sick or annual leave.
- (2) Individuals, who for medical, religious, or personal beliefs refuse to provide the immunization information, must complete the appropriate statement of exemption in the UNC Immunization Record Form.

**Suspension:**

Employees who do not have proof of immunity against Rubeola or Rubella and have signed an exemption may be suspended from employment and placed on sick leave (to the extent available) or unpaid leave of absence.

**3-6-113 Fringe Benefits.****3-6-114 Statutory.**

**3-6-114(1) Worker's Compensation.** The University provides worker's compensation coverage for employees in accordance with the laws of the State of Colorado. For details concerning coverage and benefits, contact Human Resources.

Effective May 1, 1988, procedures have changed regarding Worker's Compensation. If these procedures are not followed, State Compensation Insurance Authority will not pay the claim.

- (a) Report the injury to your supervisor and Human Resources. You will then be referred to a designated provider at Occupational Medicine, North Colorado Medical Center.
- (b) If the injury is an emergency, go to North Colorado Medical Center's Emergency Room at 1801 16th Street. Then follow-up with Human Resources.
- (c) Identify UNC as the Worker's Compensation employer to the doctor or North Colorado Medical Center.

- (d) In all cases of injury to University of Northern Colorado employees first occurring after March 1, 1988, in order to be entitled to benefits under the Workmen's Compensation Act for services rendered to the injured employee by any physician, the injured employee must use a physician selected by the University of Northern Colorado unless permission is otherwise given by the University, the University's Worker's Compensation insurer, or the Division of Labor of the State Department of Labor and Employment.

**3-6-114(2) Unemployment Compensation.** The University provides unemployment insurance coverage for employees in accordance with the laws of the State of Colorado. For detailed information concerning coverage and benefits, contact Human Resources.

**3-6-114(3) Pension.** The University provides pension, disability and survivor benefits through the Public Employees' Retirement System and the optional retirement plan. For details concerning coverage and benefits, contact University Personnel.

**3-6-114(4) Liability.** University employees are provided liability coverage under the State of Colorado self-insurance program.

**3-6-115 Carrier.** The following benefits are provided to certain University employees. The descriptive statement provided for each benefit is a summary statement. Details of coverage and benefits may be obtained from Human Resources. The University reserves the right to modify coverage's, change carriers or terminate invested benefits as is determined appropriate in the best interest of the University.

**3-6-115(1) Tax-Sheltered Annuities.** All full-time employees of the University are authorized to participate on an optional basis in a tax-sheltered annuity program under Internal Revenue Code (IRC) 403(b), as amended by Public Law 93-406 (Employee Retirement Income Security Act of 1974). Certain commercial life insurance companies and TIAA/CREF have been approved for participation in this plan. Other tax sheltered investment programs are available through the 401(K) plan offered by PERA, and the 457 deferred compensation plan offered by the state of Colorado.

The employee elects to join the program by signing a statement of intent to elect an Exclusion Allowance and a salary reduction agreement. Election of the tax shelter plan is open all year. Transfers between variable and fixed features of annuity contract can be made according to policy provisions.

Contracts may be purchased with only one company during any calendar year. Actual computation of the maximum employee contribution is controlled by federal government regulations and must be determined for each individual employee.

The annuity is paid by reducing the gross appointment salary of the employee by a stipulated constant amount and the purchase coextensively of an annuity contract to be funded by an annuity from an authorized company.

Tax shelter does not affect the percentage contribution to the Public Employees Retirement Fund which must be based upon and computed from the gross appointment salary of the employee less any pre-tax contributions to IRS Section 125 benefit plans.

**3-6-116 Health Insurance.** The University currently provides qualified and eligible exempt employees accidental death and dismemberment and health and dental insurance benefits under a group policy

arrangement. The University pays one-half of the premium for employee coverage for all employees with assignments of at least .50 FTE. With certain limited exceptions, all employees with assignments of at least .50 academic year FTE are required to participate. For details concerning coverage and eligibility contact Human Resources.

**3-6-117 Life Insurance.** The University currently provides qualified and eligible exempt employees life insurance under a group policy arrangement. The amount of life insurance is based upon the employee's age and basic annual earnings level. The University pays one-half of the premium for employee coverage for all employees with assignments of at least .50 FTE are required to participate. For details concerning coverage and eligibility contact Human Resources.

**3-6-118 Disability Insurance.** The University currently provides qualified and eligible employees disability insurance under a group policy arrangement. Such coverage is coordinated with the disability benefits provided under the Public Employees' Retirement System. Coverage begins after a qualifying period. The University pays one-half of the premium for employee coverage for all employees with assignments of at least .50 FTE. With certain limited exceptions, all exempt employees with assignments of at least .50 FTE are required to participate. For details concerning coverage and eligibility contact Human Resources.

**3-6-119 Travel Insurance.** The University currently provides qualified and eligible exempt position employees travel insurance coverage for University-related business travel. Premiums are paid by the University. For details contact Human Resources.

**3-6-120 Health Insurance for Retirees.** Beginning January 30, 1988, University faculty, administrative and professional personnel eligible to retire under PERA or ORP rules will relinquish enrollment entitlement to all UNC sponsored health care insurance programs. At time of retirement, all PERA eligible retirees qualify for and may elect to enroll in one of PERA's health care insurance programs. University faculty and professional administrative staff retiring from UNC under the ORP, who are not eligible for PERA benefits, may elect to participate in the medical plan established for the ORP pension plan. As provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA); UNC faculty, administration and professional personnel refusing enrollment in a PERA sponsored health care insurance plan, may elect to continue the UNC group health insurance coverage for a maximum of 18 months upon payment of a monthly premium equal to 102% of contract premium rates for active employees. Further continuance of dependent health/dental insurance coverage past 18 months is contingent upon qualifying events regulated by COBRA, but in any event shall not exceed 36 months.

UNC faculty, administration and professional personnel may continue dental coverage as provided by COBRA upon retirement. Coverage is for a maximum of 18 months, and cannot exceed age 65, upon payment of a monthly premium equal to 102% of contract premium rates for active employees.

### **3-6-121 University Benefits.**

**3-6-121(1) Dependent Tuition Grants.** For the purpose of this section, the following definitions shall apply:

- (a) "Employee" shall mean all exempt and classified staff and officers of the University of Northern Colorado, excluding graduate assistants, teaching assistants 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 except for those employees who are full time (.50 FTE and greater).
- (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.

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

Dependents 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 is enrolled and accepted. In order for a dependent 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 of part-time employees 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 of employees are eligible for a tuition grant for any academic term beginning after the employee's first day of employment with UNC.

Dependents 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, 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 are subject to the same eligibility requirements and limitations as for employees to the extent applicable, provided, however, that dependents 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 dependent children, the benefits shall continue as long as the child qualifies for dependent status and has not attained age 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 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 in degree seeking 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.

**3-6-121(2) Employee Tuition Grant.** The following procedures and policies have been formulated by a University committee to accommodate the implementation of a program whereby University employees, faculty, classified staff and exempt employees will be allowed to take classes without payment of tuition.

- (a) Permanent employees paid through Human Resources are eligible to enroll without tuition charges, on a space available basis, according to the following schedule:

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 -	6 Credits per FY

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 waivers received and not earned.

- (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. All registration materials will be available in Human Resources, Carter Hall Room 2002.
- (d) Eligibility for class enrollment is available at the time of employment.
- (e) Since enrollment is on a space-available basis, employees are required to register on the day following registration.
- (f) Prior to registration the employee must secure the approval of his/her immediate supervisor, the department head, and Human Resources.
- (g) Supervisors are encouraged to allow employees to enroll in any class of their choice.

- (h) Classes taken during working hours require that the time be made up. 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.
- (i) State Fiscal Rules provide for the waiving of tuition charges. UNC will waive fees except for any course related fees (e.g. science labs).
- (j) The tuition waiver does not apply to Outreach classes.
- (k) A high school diploma is not required prior to enrollment in University classes.

**3-6-121(3) Credit Union.** Credit Union services are available to University employees in accordance with the policies, regulations and procedures established by the College Credit Union of Greeley.

**3-6-121(4) Aims/UNC Exchange Tuition Grant.** The following regulations have been formulated to provide for the joint implementation of a program whereby ongoing employees of the University of Northern Colorado and Aims Community College will be permitted to take courses at the other institution without payment of tuition.

- (a) Employees will receive tuition grants in the amount of in-state tuition only.
- (b) Employees must pay all other applicable fees.
- (c) University off-campus courses and Aims non-credit courses are not available for this exchange program.
- (d) Each institution's current definition of ongoing employee will be acceptable to the other.
- (e) The applicant is responsible for meeting all admission and registration requirements at the institution of enrollment.
- (f) In order to take advantage of the Exchange Program, the University and Aims College will require each participant to complete the Tuition Grant Form signed by their respective Human Resources personnel and cognizant supervisor prior to enrolling in courses. The forms are available from Human Resources.
- (g) For UNC employees, the Tuition Grant Form will be processed through the Aims Office of Financial Aid. For Aims employees, the Tuition Grant Form will be processed through the Aims Personnel Office. Forms for personnel from both institutions must be completed prior to registration.
- (h) Employees will not enroll for courses at times that interfere with their home institution responsibilities.
- (i) UNC policy will restrict UNC employees participating in this program to a maximum of 6 hours of tuition-free credit per academic term. These hours must be taken to be available -- that is, the hours available are not cumulative. In addition to Aims courses, UNC employees may take 6 semester hours per year from UNC. The University has established a University Employee Benefits Committee. [See also 3-1-102.]

**3-6-122 Employment Contracts.** Guidelines for Personnel Contracts. All full-time and part-time exempt employee contracts (including GA, TA and GRA) shall be on forms approved by the University and prepared in accordance with the University. Human Resources shall be the responsible office for disseminating these forms and procedures.

**3-6-123 Separation From Service.** Upon leaving the University, all employees must check out with Human Resources. Procedures are explained regarding PERA Refunds, continuation of Health and Dental insurances, return of University property and basic check out policies.

**3-6-124 Merit Pay.** All personnel within the University will undergo an evaluation process. These evaluations will be used for all personnel decisions, including merit pay.

**3-6-124(1) Guidelines for the Recruitment and Selection of Teaching Assistants, Graduate Assistants and Graduate Research Assistants.** The policies and procedures outlined apply to the filling of all TA, GA, and GRA positions regardless of funding source.

**3-6-125 Discrimination Complaint Procedures - Purpose and Scope.** Consistent with Board Policy 1-1-508 and applicable Federal and State law, these Discrimination Complaint Procedures of the University of Northern Colorado (“DCP”) apply to all Complaints of Discrimination, Harassment and/or Retaliation, as those terms are defined below, with respect to students, faculty and/or staff. For additional provisions applicable to “formal complaints” of “sexual harassment” alleged to have occurred on or after August 14, 2020 as described in the “Title IX Rule” referenced in Section 3-6-135, below, should the Title IX Rule be in force and effect on or after August 14, 2020, please see Sections 3-6-135 through 145.

The DCP contains the only University processes that can be utilized by University students, faculty and/or staff for claims of Discrimination, Harassment and/or Retaliation and no other review, grievance or appeal processes of any type (including but not limited to those contained in Board Policy 2-2-106 and 2-3-1201) may be utilized unless specifically stated to the contrary in the DCP. If an allegation of Discrimination, Harassment and/or Retaliation is made during any other review, grievance or appeal process, such review, grievance or appeal will be held in abeyance pending resolution of such allegation under the DCP.

### **3-6-126 Definitions**

The following definitions apply to the DCP:

- (1) “Arbitrary and/or capricious” means a Decision that is devoid of factual support and/or based on a personal grudge or bias.
- (2) “Appeal Meeting” means the meeting convened by the Appeal Decision Maker at which the Complainant and the Respondent have the opportunity to make an oral presentation in support of their respective positions about the appeal(s).
- (3) “Burden of proof,” as it applies to a Decision under the DCP, means the requirement that the person who makes an assertion must prove that assertion by a “preponderance of the evidence.”
- (4) “Collaborator” means an Investigator who works with another Investigator or a Decision Maker who works with another Decision Maker to issue a Decision.
- (5) “Complainant” means the person who brings a Complaint alleging Discrimination, Harassment or Retaliation. The Complainant may allege that he/she or another person has been subjected to Discrimination, Harassment or Retaliation. If the Complaint alleges that one or more persons other than the Complainant have been subjected to Discrimination, Harassment or Retaliation, any such person(s) are deemed a Complainant as that term is used in the DCP.

- (6) "Complaint" means the document filed under the DCP by the Complainant.
- (7) "Days" means calendar days. In computing any time period stated in the DCP, the day on which the period of time begins to run will not be counted and the last day of the period will be included unless it is a Saturday, Sunday or day designated as "university holiday," "university closed" or "spring break" on the UNC Calendar maintained on the University website, in which case the period will end on the next day which is not a Saturday, Sunday or day designated as "university holiday," "university closed" or "spring break."
- (8) "Decision" means the written decision issued by the Decision Maker(s).
- (9) "Decision Maker" means an individual who issues a Decision.
- (10) "Disciplinary Action" means an action described in a Decision or Appeal Decision implemented with respect to a Respondent employee.
- (11) "Discrimination" means acts prohibited under Title VI and Title VII of the Civil Rights Act of 1964, Executive Order 11246, the Equal Pay Act of 1963, the Americans with Disabilities Act, the Family and Medical Leave Act, the Age Discrimination in Employment Act of 1967, the Colorado Anti-Discrimination Act, the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Uniformed Services Employment and Reemployment Rights Act and/or the Vietnam Veterans' Readjustment Assistance Act of 1974.
- (12) "Harassment" means unwelcome and/or nonconsensual Discrimination that is severe OR pervasive and creates an intimidating, hostile or abusive work or educational environment.
- (13) "Interim action" means an action taken while a Complaint is pending to provide reasonable protection to the Complainant, the Respondent or any other person who might be adversely affected prior to issuance of a Decision or Appeal Decision.
- (14) "Investigator" means the person who investigates a Complaint and who may also be a Decision Maker with respect to that Complaint.
- (15) "Judicial Proceeding" means a proceeding in a State, Federal or Municipal court.
- (16) "No contact order" means an order issued by the University that prohibits a person from contacting a person or persons or limits the circumstances under which such contact may occur.
- (17) "PNG (persona non grata)" means an order issued by the University that prohibits a person from being on University property or a defined portion of University property.
- (18) "Preponderance of the evidence" means that considering all the evidence, an assertion is more probably true than not true, even to the slightest degree. If the person making an assertion fails to meet his/her burden of proof or if the evidence weighs so evenly that the Decision Maker(s) are unable to say that there is a preponderance on either side, the Decision Maker(s) must resolve the question against the person who has the burden of proof.
- (19) "Quasi-judicial proceeding" means a proceeding, such as those before the State Personnel Board, which is substantially similar to a Judicial Proceeding but does not occur in a Federal, State or Municipal Court.
- (20) "Remedy" means an action described in a Decision or an Appeal Decision to be implemented with respect to a Complainant in order to mitigate the effects of the actions of a Respondent.

- (21) "Respondent" means a person who the Complainant alleges has engaged in Discrimination, Harassment and/or Retaliation.
- (22) "Retaliation" means an adverse action against an individual that occurs because he/she has complained of Discrimination or Harassment in good faith or because he/she has provided information in good faith in an investigation of alleged or potential Discrimination or Harassment.
- (23) "Sanction" means an action described in a Decision or an Appeal Decision to be implemented with respect to a Respondent student.
- (24) "Standard of review," as it applies to an Appeal Decision under the DCP, means the requirement that the person who appeals a Decision must prove that the Decision was "arbitrary and/or capricious."
- (25) "Title IX Coordinator" means the University employee responsible for overseeing the University's compliance with the provisions of Title IX.
- (26) "University" means the University of Northern Colorado.
- (27) "University Counsel" means the University employee who acts as the chief legal officer for the University.

### 3-6-127 General Procedures.

- (1) **Filing a Complaint.** A Complaint under the DCP is initiated by contacting the appropriate person described below and submitting the Discrimination Complaint Form described in subsection (3), below. The contacts described below may be face-to-face, by telephone or electronic/online means:
  - (a) If the Complainant is a student, by contacting the Assistant Dean of Students/Office of Student Engagement ("Asst DOS") or the Title IX Coordinator.
  - (b) If the Complainant is faculty or staff, by contacting the Director of Human Resources Services ("Dir HR").
  - (c) If the Complainant is a person who is not a student, faculty or staff, by contacting the Title IX Coordinator or Dir HR.
  - (d) If the Respondent is the Asst DOS, Dir HR, and/or the Title IX Coordinator, by contacting the Senior Vice President/Chief Academic Officer.
- (2) **Investigation Where Discrimination Complaint Form Not Submitted.** When a University official, including but not limited to the President, a Senior Vice President, University Counsel, Title IX Coordinator, Asst DOS and/or Dir HR becomes aware of allegations that, if true, constitute Discrimination, Harassment and/or Retaliation, the University may investigate such allegations regardless of whether a Discrimination Complaint Form is submitted and, if reasonable and appropriate, may identify the Complainant(s) and Respondent(s) with respect to such allegations and proceed with the Formal Complaint Procedures described in the DCP.
- (3) **The Discrimination Complaint Form.** After the Complainant contacts the appropriate individual as stated in subsection (1), above, the Complainant will be requested to complete a Discrimination Complaint Form ("Form") to provide information about the Complaint.
  - (a) **Contents.** The Complainant will provide the following information in the Form:
    - (i) The name of the Complainant;

- (ii) The name of the Respondent(s);
  - (iii) A description of the events that the Complainant believes constitute Discrimination, Harassment and/or Retaliation;
  - (iv) The names of persons who the Complainant believes have information that would support the allegations of Discrimination, Harassment and/or Retaliation;
  - (v) The remedy or outcome requested by the Complainant;
  - (vi) Acknowledgment by the Complainant that the University may have the obligation to
    - (A) disclose the names of the Complainant and Respondent, as well as relevant facts about the alleged events, including date, time and location, to the Title IX Coordinator, the University Counsel and other University officials and employees pursuant to the DCP, and
    - (B) investigate these events whether or not a Complaint is filed;
  - (vii) A request, if any, by the Complainant that his/her identity remain confidential;
  - (viii) Acknowledgment by the Complainant that he/she has the right to contact law enforcement authorities to discuss whether the events he/she has described may be grounds to file a criminal complaint;
  - (ix) Acknowledgment by the Complainant that the DCP has been made available to him/her for his/her review; and
  - (x) The signature (either electronically or in hard copy) of the Complainant.
- (b) **Request for Confidentiality.** If the Complainant requests that his/her identity be kept confidential, the University will evaluate, and grant or deny such request in the context of the University's responsibility to provide a safe and nondiscriminatory environment to all students and employees. Among other things, a request for confidentiality by the Complainant may limit the University's ability to initiate or to investigate the Complaint or to impose sanctions or disciplinary action against the Respondent.
- (c) **Notification to the Title IX Coordinator and University Counsel.** The Title IX Coordinator and University Counsel will be notified of the Complaint and will be given a copy of the Form completed by the Complainant.
- (d) **Notification to Law Enforcement Authorities.** Based upon the events that have been alleged in support of a Complaint, the University may deem it appropriate to notify law enforcement authorities of the allegations of the Complaint.
- (e) **Notification to the Respondent.** The Respondent will be notified of the Complaint and will be given a copy of the completed Form subject to redaction of information contained in the form if the University determines that a Complainant's request for confidentiality will be granted.
- (f) **Consent to Disclosure Under FERPA.** To the extent Complainant and/or Respondent have rights to consent to disclosure of education records under the Family Educational Rights and Privacy Act ("FERPA"), filing a Complaint and/or submitting a Response to a Complaint pursuant to the DCP constitutes consent under FERPA by the Complainant and Respondent to disclosure by the University of information and materials received, compiled or prepared in

the course of the investigation of the Complaint in order to comply with its responsibilities under the DCP.

**3-6-128 Interim Actions.** The University will take interim actions it believes are reasonable and necessary to protect the Complainant, the Respondent, and/or any identified persons who may have information relevant to the Complaint. These interim actions may include, but are not limited to, no contact orders, adjustments to class schedules, adjustments to housing assignments, PNG orders, and interim suspension of students, administrative leave of faculty or staff and/or information about sources of advocacy, counseling, and support.

**3-6-129 Limitations on Disclosure to the Public and University Officials, Employees and Students**

- (1) The University will take all reasonable and appropriate measures to object to disclosure under the Colorado Open Records Act of all information and materials received, compiled or prepared in the course of the investigation of a Complaint, including all recommendations, Decisions and Appeal Decisions.
- (2) All information and materials received, compiled or prepared in the course of the investigation of a Complaint, including all recommendations, Decisions and Appeal Decisions, may be shared only with those University officials or employees who need to be informed in order to:
  - (a) Fulfill their supervisory responsibilities over the Complainant or Respondent, and/or
  - (b) Facilitate the efficient operation of the University, and/or
  - (c) Implement and/or monitor the remedies, sanctions or disciplinary action issued with respect to the Complaint.

**3-6-130 Initiation of External Procedures.** The Complainant and/or Respondent have the right to initiate applicable judicial, quasi-judicial (including but not limited to the State Personnel Board) or governmental agency (including but not limited to the Equal Employment Opportunity Commission, the Colorado Civil Rights Division, the United States Department of Labor Office of Civil Rights and/or the United States Office of Federal Contract Compliance Programs) processes, at any time after a Complaint is filed. If any such processes are initiated by either the Complainant or Respondent, the University may, in its discretion, suspend or terminate further action under the DCP.

**3-6-131 Time Limits and Extensions.** Any time requirement or deadline under the DCP may be shortened or extended:

- (1) If agreed to in writing by:
  - (a) The Complainant, the Respondent and the Title IX Coordinator or Dir HR, as the case may be, under the Informal Complaint Procedures, or
  - (b) The Complainant, the Respondent and the Decision Maker or Appeal Decision Maker, as the case may be, under the Formal Complaint Procedures, or
- (2) In order to prevent manifest injustice to one or more of the parties or other participants as determined by:
  - (a) The Title IX Coordinator or Dir HR, as the case may be, under the Informal Complaint Procedures, or
  - (b) The Decision Maker or Appeal Decision Maker, as the case may be, under the Formal Complaint Procedures.



**3-6-132 Informal Complaint Procedures.**

- (1) **Purpose.** The purpose of the Informal Complaint Procedures is to attempt to resolve the Complaint to the satisfaction of the Complainant and the Respondent by use of voluntary mediation.
- (2) **When Informal Complaint Procedures Are Not Allowed.** The Complaint may not proceed under the Informal Complaint Procedures if:
  - (a) The Complainant and/or the Respondent do not agree to utilize the Informal Complaint Procedures,
  - (b) The Complaint contains allegations that, if true, would constitute a violation of criminal laws,
  - (c) Criminal or civil judicial, quasi-judicial and/or governmental agency proceedings have been filed based on the allegations of the Complaint, and/or
  - (d) The Complaint contains a request for confidentiality by the Complainant.
- (3) **Agreement to the Informal Complaint Procedures.** Provided the Complaint is one that is allowed to proceed under the Informal Complaint Procedures, if the Complainant or the Respondent requests that the Informal Complaint Procedures be utilized and the other party does not object to the request, the Informal Complaint Procedures will be utilized.
- (4) **Withdrawal of Request By the Complainant or Respondent.** At any time, the Complainant or the Respondent may, at his/her discretion, request that the Informal Complaint Procedures terminate. If either the Complainant or the Respondent so requests, the Informal Complaint Procedures will terminate and the Complaint will proceed under the Formal Complaint Procedures described below.
- (5) **Responsibility for Leading and Monitoring.** The Informal Complaint Procedure will be led and monitored by the:
  - i. Title IX Coordinator if the Complainant is a student or
  - ii. Dir HR where the Complainant is faculty or staff.
- (6) **Steps In Pursuance of Resolution.** The Title IX Coordinator or Dir HR (or designee), as the case may be, will meet with the Complainant and the Respondent (either together or separately, as determined by the Title IX Coordinator/Dir HR, who shall take into consideration the wishes of the Complainant and Respondent) to discuss resolution of the Complaint in a manner acceptable to both parties. Such meeting will be held no later than 21 days after the Complaint is filed.
- (7) **If Resolution Achieved.** If a mutually acceptable resolution is achieved, the terms and conditions of the resolution will be documented in writing and signed by (a) the Title IX Coordinator or Dir HR, as the case may be, (b) the Complainant and (c) the Respondent. A mutually acceptable resolution must be achieved no later than 10 days after the meeting described in subsection (6), above unless the deadline to do so is extended under Section 3-6-131(2)(a)(i) or (b)(i).
- (8) **If Resolution Not Achieved.** If a mutually acceptable resolution is not achieved, the Complaint will proceed under the Formal Complaint Procedures described below.

**3-6-133 Formal Complaint Procedures.**

- (1) **Respondent's Response to the Complaint.** The Respondent will be asked to provide a written response that contains his/her position with respect to the allegations of the Complaint within 10 days of the date on which the Respondent was provided with a copy of the Form.
- (2) **Contents.** In the written response, the Respondent should provide:
  - (a) His/her response to the allegations of the Complaint,
  - (b) The names of persons who the Respondent believes have information that would support the Respondent's position and
  - (c) Documents or materials that the Respondent believes support the Respondent's position.
- (3) **Burden of Proof.** The Complainant has the burden to prove that he/she has been subjected to Discrimination, Harassment and/or Retaliation.
- (4) **Investigation of the Complaint.**
  - (a) **The Investigatory Process.** The Investigator(s) will review the Form and the written response of the Respondent and will gather additional relevant information by:
    - (i) Interviews of persons who may have relevant knowledge including but not limited to the Complainant, the Respondent and/or persons identified in any written or oral information provided in the course of the investigation of the Complaint and/or
    - (ii) Retrieval of relevant documents and/or other materials.
  - (b) **Advisor for the Complainant and/or the Respondent.** At any interview by the Investigator(s) of the Complainant or the Respondent the party interviewed may have one person of his/her choosing present at the interview as an advisor. The advisor may confer with the party during interview (if the party so requests) but may not otherwise participate in or make any presentation during the course of the interview. The advisor may not submit any written materials to the Investigator(s), the Decision Maker(s), or any consultant employed by the University to conduct or assist with the investigation of the Complaint.
  - (c) **Conduct of the Investigation.** The Investigator(s) will investigate the Complaint as discreetly and expeditiously as possible with due regard for thoroughness and fairness to the Complainant, the Respondent and any other persons who may have relevant information.
  - (d) **Assessing the Information Gathered.** The Investigator(s) and Decision Maker(s) will assess the information gathered in the course of the investigation, including the credibility of the Complainant, the Respondent and of any other person who provides information about the Complaint.
  - (e) **When Investigator(s) is/are not Decision Maker(s).** When the Investigator(s) is/are not the Decision Maker(s), the Investigator(s) will provide the Decision Maker(s) with a written recommendation regarding the investigation that will contain each of the items described in Section 3-6-133(5)(b)(i) through (iii), below.
  - (f) **Use of Outside Consultants.** The University may, in its sole discretion, hire a consultant(s) not employed by the University to conduct or assist with the investigation of a Complaint.
- (5) **The Decision Making Process.**

- (a) **Investigator as Decision Maker.** Except as otherwise described in the DCP, the Investigator will be the Decision Maker and will issue promptly, with due regard for the nature, scope, and complexity of the investigation, a Decision regarding the Complaint.
  - (b) **Contents of the Decision.** The Decision will:
    - (i) Summarize the matters at issue in the Complaint,
    - (ii) Describe the Decision Maker's conclusions about whether the Complainant has met his/her burden of proof that Discrimination, Harassment and/or Retaliation have occurred and the reasons in support of those conclusions and, if the Decision Maker concludes that Discrimination, Harassment and/or Retaliation have occurred:
      - (A) Identify the persons who have been subjected to Discrimination, Harassment and/or Retaliation,
      - (B) Describe the Remedies to be implemented with respect to the Complainant and
      - (C) Describe the Sanctions or Disciplinary Action that will be implemented with respect to the Respondent.
  - (c) **Notification of the Decision.** A copy of the Decision will be provided promptly by the Decision Maker to the Complainant, the Respondent, and the University Counsel.
  - (d) **Implementation of Decision.** Except as otherwise described in the DCP, the Decision Maker will (i) implement or (ii) direct and monitor the implementation of any Remedies, Sanctions and/or Disciplinary Action described in the Decision.
  - (e) **Decision Final and Binding If Not Appealed.** If any portion of the Decision subject to appeal is not appealed as permitted under the Appeal Process described below, that portion of the Decision is final and binding on the University, the Complainant and the Respondent.
- (6) **The Appeal Process.**
- (a) **Who May File an Appeal.** An appeal of the Decision may be filed by either the Complainant or the Respondent.
  - (b) **Matters That May Be Appealed.** An appeal is permitted only with respect to the following matters that may be contained in the Decision:
    - (i) Remedies, and/or
    - (ii) Sanctions (but only to the extent that a student is suspended or expelled from the University) and/or
    - (iii) Disciplinary Action(s) (but only to the extent that the faculty and/or staff suffers termination of employment, demotion or reduction in compensation).
  - (c) **Matters That May Not Be Appealed.** No appeal may be filed with respect to the conclusion of whether Discrimination, Harassment and/or Retaliation have occurred, except in the case of a tenured faculty member who chooses to avail him or herself of 2-3-1101(3), who can appeal any conclusion of whether Discrimination, Harassment and/or Retaliation have occurred.
  - (d) **Standard of Review.** The standard of review that shall be applied by the Appeal Decision Maker in any Appeal Decision is whether the Decision is "arbitrary and/or capricious." If the

appealing party fails to satisfy that burden, the Appeal Decision Maker must affirm the Decision.

- (e) **Reversal or Modification of the Decision.** In order for the Appeal Decision Maker to conclude that the Decision should be reversed or modified, the Appeal Decision Maker must find that the Remedies, Sanctions and/or Disciplinary Action(s) described in the Decision are “arbitrary and/or capricious.”
- (f) **Deadline for Filing an Appeal.** An appeal must be filed by submitting a written Appeal Form with the Appeal Decision Maker no later than 5 days from the date the Decision is provided simultaneously to the Complainant and the Respondent. No appeal will be allowed as a response to an appeal filed by the other party.
- (g) **Contents of the Appeal Form.** The Appeal Form shall describe succinctly:
  - (i) The portion(s) of the Decision that are appealed, and
  - (ii) The relief requested in the appeal.
- (h) **Notification of the Appeal.** After the deadline for filing an appeal has occurred, the Appeal Decision Maker shall provide promptly to the parties all Appeal Forms filed.
- (i) **Initial Review of the Appeal Forms.** The Appeal Decision Maker will perform an initial review of each Appeal Form to determine if the party submitting the Form has appealed a matter outside of the scope of Section 3-6-133(6)(b) and, if so, will inform both parties that the appeal is denied as to each such matter.
- (j) **Written Position Statements in Support of the Appeal.** The Complainant and the Respondent will have 5 days from the notification of the appeal by the Appeal Decision Maker to submit simultaneous written position statements regarding the appeal(s). The written position statements shall address:
  - (i) Whether the portions of the Decision that have been appealed should be affirmed or reversed,
  - (ii) Whether the relief requested in the appeal should be granted, and
  - (iii) The reasons in support of the submitting party’s position.
- (k) **Notification of Written Position Statements.** The Appeal Decision Maker shall provide promptly to the parties the written position statements filed.
- (l) **The Appeal Meeting.** If the Appeal Decision Maker, the Complainant and/or the Respondent requests that an Appeal Meeting be held, separate Appeal Meetings will occur between the Appeal Decision Maker and each party not more than 21 days after the deadline for submission of the written position statements. If the Complainant, the Respondent and the Appeal Decision Maker specifically agree to do so, the Appeal Meeting will be a joint Appeal Meeting attended by both the Complainant and the Respondent.
- (m) **Appeal Advisor for the Complainant and the Respondent.** At the Appeal Meeting, the Complainant and the Respondent may each have one person of his/her choosing to be present as an advisor. The advisor may confer with the appealing party during the Appeal Meeting but may not otherwise participate in, make any presentation to, or submit any written materials to the Appeal Decision Maker.
- (n) **Conduct of the Appeal Meeting.** At the Appeal Meeting, the Appeal Decision Maker may:

- (i) Limit the length of the oral presentations, provided that the same time limit is imposed for each party's presentation, and
  - (ii) Ask questions during or at the conclusion of the parties' presentations regarding matters relevant to the appeal(s).
- (o) **The Appeal Decision.** The Appeal Decision Maker will issue a written Appeal Decision not more than 10 days following the (i) submission of the written position statements or (ii) the conclusion of the Appeal Meeting(s), if Appeal Meeting(s) are held.
- (p) **Contents of the Appeal Decision.** The Appeal Decision will:
- (i) State the Appeal Decision Maker's conclusions about whether the portions of the Decision that have been appealed should be affirmed or reversed,
  - (ii) State whether the relief requested in the appeal(s) is granted, and
  - (iii) Describe the reasons in support of the Appeal Decision Maker's conclusions about (i) and (ii), above.
- (q) **Decision Final and Binding.** The Appeal Decision is final and binding on the University, the Complainant and the Respondent.

### **3-6-134 Investigators, Decision Makers, Collaborators and Appeal Decision Makers**

#### **(1) If both the Complainant and the Respondent are students:**

- (a) The Investigator and Decision Maker is the Assistant DOS, provided, however, that in addition to the designation of an Investigator under Section 3-6-133(4)(f), the Assistant DOS may designate another University employee as Investigator and
- (b) The Appeal Decision Maker is the Senior Vice President/Chief Academic Officer.

#### **(2) If both the Complainant and the Respondent are faculty and/or staff:**

- (a) The Investigator is the Dir HR,
- (b) The Decision Maker is the Senior Vice President or Vice President who has supervisory authority over the Respondent, and
- (c) The Appeal Decision Maker is the Senior Vice President who was not the Decision Maker. If a Senior Vice President was not the Decision Maker, the Appeal Decision Maker will be a Senior Vice President selected by the Title IX Coordinator.

#### **(3) If the Complainant is a student and the Respondent is faculty and/or staff:**

- (a) The Investigators are the Assistant DOS and the Dir HR, both of whom will act as Collaborators,
- (b) The Decision Makers are the Assistant DOS and the Senior Vice President or Vice President who has supervisory authority over the Respondent, both of whom will act as Collaborators and

- (c) The Appeal Decision Maker is the Senior Vice President who was not a Decision Maker. If a Senior Vice President was not a Decision Maker, the Appeal Decision Maker will be a Senior Vice President selected by the Title IX Coordinator.

**(4) If the Complainant is faculty and/or staff and the Respondent is a student:**

- (a) The Investigators are the Dir HR and the Assistant DOS, both of whom will act as Collaborators,
- (b) The Decision Makers are the Assistant DOS and the Senior Vice President or Vice President who has supervisory authority over the Complainant, both of whom will act as Collaborators, and
- (c) The Appeal Decision Maker is the Senior Vice President who was not a Decision Maker. If a Senior Vice President was not a Decision Maker, the Appeal Decision Maker will be a Senior Vice President selected by the Title IX Coordinator.

**(5) If the Complainant and/or the Respondent is a Trustee, the President, University Counsel, or Internal Auditor:**

- (a) The Investigator is a consultant (as described in Section 3-6-133(4)(e)) selected collaboratively by the Dir HR and the Title IX Coordinator,
- (b) The Decision Maker is a Senior Vice President selected collaboratively by the Dir HR and the Title IX Coordinator, and
- (c) The Appeal Decision Maker is a Senior Vice President who was not the Decision Maker selected collaboratively by the Dir HR and the Title IX Coordinator.

**(6) If the Complainant and/or the Respondent is a Vice President, the Dir HR, the Title IX Coordinator or the Assistant DOS, such person(s) shall not serve as Investigator, Decision Maker or Appeal Decision Maker and his/her replacement(s) shall be selected by, in order of precedence, the following individuals who are not the Complainant or the Respondent: the Senior Vice President/Chief Academic Officer, the Senior Vice President/Finance and Administration, the remaining Vice Presidents in order of seniority, the Dir HR, the Title IX Coordinator or the Assistant DOS.**

**(7) If the Respondent is a tenured faculty member and the disciplinary action of the Decision Maker(s) is the Respondent's dismissal (termination of employment), the Respondent may, within the time limit stated in Section 3-6-133(6)(f), provide written notification to the Appeal Decision Maker of his/her decision to exercise his/her right to appeal using either:**

- (a) The procedures described in Board Policy 2-3-1101(3), in which case the Appeal Decision Maker will communicate to the President the Decision of the Decision Maker, or
- (b) The Appeal Process described in the DCP.

If the Respondent files a timely appeal but does not provide written notification of his/her choice of the alternative processes described in subsections (a) and (b), above, the procedures described in Board Policy 2-3-1101(3) will be used with respect to Respondent's appeal.

**(8) Notwithstanding the investigation and decision making processes of a Complaint as described in the DCP, if the Disciplinary Action to be implemented with respect to a Respondent who is a tenured faculty member is his/her dismissal (termination of**

employment), such Respondent is entitled to all the processes contained in Board Policy 2-3-1101(3).

- (9) **If the Respondent is a student and the sanction of the Decision Maker(s) is the Respondent's suspension or expulsion from the University**, the Respondent may, within the time limit stated in Section 3-6-133(6)(f), provide written notification to the Appeal Decision Maker of his/her decision to exercise his/her right to appeal using either:
- (a) The procedures described in Board Policy 2-1-504(1), in which case the Appeal Decision Maker will communicate to the Chief Disciplinary Officer of the University the Decision of the Decision Maker, or
  - (b) The Appeal Process described in the DCP.

If the Respondent files a timely appeal but does not provide written notification of his/her choice of the alternative processes described in subsections (a) and (b), above, the procedures described in Board Policy 2-1-504(1) will be used with respect to Respondent's appeal.

- (10) A Respondent who, under subsection (7) or (9), above, requests the Appeal Process described in the DCP waives his/her right to the procedures referenced in Subsection (7)(a) or (9)(a), above as the case may be.

**3-6-135 Additional Procedures on or After August 14, 2020 – Purpose and Scope** Should the provisions of part 106 of title 34 of the Code of Federal Regulations published by U.S. Department of Education in the Federal Register on May 6, 2020 ("Title IX Rule") be in force and effect on or after August 14, 2020, the following provisions of the DCP shall be applicable to "formal complaints" of "sexual harassment" alleged to have occurred on or after August 14, 2020 as those terms are defined in the Title IX Rule and the provisions of the DCP in Sections 3-6-136 through 145, below. To the extent any of these sections conflict with other provisions of the DCP, the provisions of Sections 3-6-136 through 145 shall supersede other provisions of the DCP only with respect to the Grievance Process for Formal Complaints of Sexual Harassment (as defined below.) In all other circumstances, the provisions of the DCP other than those in Sections 3-6-136 through 145 shall remain in force and effect.

### **3-6-136 Additional Definitions**

The following additional definitions apply to the DCP under the circumstances, and to the extent provided, in Section 3-6-135, above.

- (1) "Actual Knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the University's Title IX Coordinator or to any University official, other than the Respondent(s), who has authority to institute corrective measures on behalf of the University and does not include mere vicarious liability or mere constructive notice. For the purposes of this definition, a University official, other than the Respondent(s), who has authority to institute corrective measures on behalf of the University does not include an individual who has (a) the mere ability or obligation to report Sexual Harassment; (b) the mere ability or obligation to inform a University student about how to report Sexual harassment; or (c) was merely trained to report Sexual Harassment or to inform a University student about how to report Sexual Harassment.
- (2) "Administrative Leave" means the placement of a Respondent who is a non-student employee of the University on leave of absence during the pendency of a Grievance Process.
- (3) "Dating Partner" means a person who is or has been in a social relationship of a romantic or intimate nature with another person and where the determination of whether the two persons are Dating

Partners is determined by consideration of (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the two persons.

- (4) "Dating Violence" means physical violence committed by a Dating Partner of the victim.
- (5) "Determination Regarding Responsibility" (which may be referred to below as the "Determination") means a written document issued by a Decision-Maker following a Live Hearing in which findings, conclusions, and Remedies and Disciplinary Sanctions (if a Respondent has been determined to have engaged in Sexual Harassment), are outlined, as further described in Section 3-6-143, below.
- (6) "Decision-Maker" means the person (who may not be the Title IX Coordinator or an investigator of the allegations of the Formal Complaint) who presides over the Live Hearing and issues a Determination Regarding Responsibility after the conclusion of the Live Hearing.
- (7) "Disciplinary Sanctions" means, and may include, (1) as to a University student, the Outcomes described in Section 3-2-203(8)(a) through (j) of the University Regulations and (2) as to a University employee, any action permitted by law and/or University policy, including but not limited to, placement in the employee's personnel file of the Determination Regarding Responsibility and any other information or documents compiled in the course of the Grievance Process in which the employee is a respondent, completion of required education, or of research or written materials relevant to Sexual Harassment of which the employee was found responsible, suspension (either with or without pay), demotion, or termination of or dismissal from employment with the University.
- (8) "Domestic Violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to the spouse or victim under the domestic or family violence laws of the State of Colorado, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Colorado.
- (9) "Emergency Removal" means the removal of a Respondent from the University's Education Program or Activity after the University (a) undertakes an individualized safety and risk analysis, (b) determines that an immediate threat to the physical health or safety of any student or individual arising from the allegations of Sexual Harassment against the Respondent justifies removal, and (c) provides the Respondent with notice and an opportunity to challenge the removal immediately after it occurs.
- (10) "Filed," in connection with a Formal Complaint, means submitted to the Title IX Coordinator in person, by mail, or by electronic submission, using the office address, electronic mail address and/or telephone number listed for the Title IX Coordinator on the University website.
- (11) "Formal Complaint" means a document or electronic submission filed by a Complainant or signed by the Title IX Coordinator (that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person who has submitted it) that alleges Sexual Harassment by a Respondent and requests that the University investigate the allegation(s) of Sexual Harassment and, at the time the Formal Complaint was filed, the Complainant was participating, or attempting to participate, in a University Education Program or Activity.
- (12) "Grievance Process" means the process of the University that addresses a Formal Complaint and complies with the requirements of 34 C.F.R. Section 106.45.
- (13) "Informal Resolution" means attempts in which the parties may engage voluntarily to attempt to resolve the allegations of the Formal Complaint prior to the issuance of a Determination Regarding Responsibility by the Decision-Maker and may result in dismissal of the Formal Complaint or a portion(s) thereof.



- (14) “Remedies” means actions of the University that are taken after the Grievance Process has been completed, and after a Determination Regarding Responsibility has been issued in which a Respondent has been determined to have engaged in Sexual Harassment and that imposes Disciplinary Sanctions on the Respondent in order to restore or preserve equal access to University Education Programs or Activities.
- (15) “Sexual Assault” means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or an attempt to do any of the above, without the consent of the victim.
- (16) “Sexual Harassment” means conduct on the basis of sex occurring in the United States (a) in which a University employee conditions the provision of an aid, benefit, or service of the University on a person’s participation in Unwelcome Sexual Conduct; (b) that constitutes Sexual Assault (as defined in 20 U.S.C. Section 1092(f)(6)(A)(v)); (c) that constitutes Dating Violence (as defined in 34 U.S.C. Section 12291(a)(10)); (d) that constitutes Domestic Violence (as defined in 34 U.S.C. Section 12291(a)(8)); and/or (e) that constitutes Stalking (as defined in 34 U.S.C. Section 12291(a)(9)).
- (17) “Stalking” means a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.
- (18) “Supportive Measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed, which are designed to restore or preserve equal access to a University Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or to deter Sexual Harassment, and may include counseling, extensions of deadlines or other course-related adjustment, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the University campus, and other similar measures, and such measures must be maintained as confidential by the University to the extent that maintaining such confidentiality would not impair the ability of the University to provide such measures.
- (19) “University Education Program or Activity” means locations, events, or circumstances over which the University exercises substantial control over the respondent and the context in which Sexual Harassment occurs and includes any building owned or controlled by a Registered Student Organization as that term is defined in Section 3-2-203(12) of the University Regulations.
- (20) “Unwelcome Sexual Conduct” means behavior of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University Education Program or Activity.

### 3-6-137 Initiation of the Grievance Process

- (1) **Notice of Allegations** Within five (5) days after a Formal Complaint is filed, the University shall provide written notice of the Formal Complaint” to each Complainant and Respondent identified.
- (2) **Contents** The written notice shall contain:
- (a) A description of the Grievance Process, as well as the Informal Resolution Process;
  - (b) A statement that the Respondent(s) is presumed not responsible for the alleged conduct and that a Determination Regarding Responsibility will be made at the conclusion of the Grievance Process;

- (c) A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, who may inspect and review evidence obtained as part of the investigation that is directly related to the allegations of the Formal Complaint pursuant to 34 C.F.R. Section 106.45(b)(5)(i), be present during any meeting or proceeding at which the parties may be present during the Grievance Process to advise their respective party, provided however, other than at the Live Hearing, the advisor may not otherwise participate in, make any presentation during, or submit any written materials on behalf of their party;
  - (d) A statement that, pursuant to Section 3-2-204(17)(b) and (c) of the University Regulations the parties are prohibited from making knowingly false statements or submitting knowingly false information during the Grievance Process; and
  - (e) Sufficient details of the allegations of Sexual Harassment contained in the Formal Complaint including:
    - (i) The identities of the persons involved in the incident, if known;
    - (ii) The conduct alleged to constitute Sexual Harassment; and
    - (iii) The date and location of the incident during which the Sexual Harassment is alleged to have occurred, if known.
- (3) **Notice of Additional Allegations** If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not described in the original written notice of allegations, the University shall provide notice of the additional allegations to the parties whose identities are known.

### 3-6-138 Dismissal of a Formal Complaint

- (1) **Required Dismissal** After the University investigates the allegations of a Formal Complaint it shall dismiss the Formal Complaint, or certain of the allegations of Sexual Harassment alleged in the Formal Complaint, if the University determines the conduct alleged, even if proved:
  - (a) Would not constitute Sexual Harassment;
  - (b) Did not occur in a University Education Program or Activity; and/or
  - (c) Did not occur within the United States.
- (2) **Permitted Dismissal** After the University investigates the allegations of a Formal Complaint it may dismiss the Formal Complaint, or certain of the allegations of Sexual Harassment alleged in the Formal Complaint, if at any time prior to the issuance of the Determination Regarding Responsibility:
  - (a) The Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the Formal Complaint or any allegations in it;
  - (b) The Respondent is no longer enrolled in the University, if a student, or employed by the University, if an employee, as the case may be; and/or
  - (c) Specific circumstances prevent the University from gathering evidence sufficient to reach a Determination Regarding Responsibility as to the Formal Complaint or the allegations of Sexual Harassment in it.

- (3) **Notice of Dismissal** Upon dismissal by the University as required or permitted above, the University shall send promptly written notice of the dismissal and the reasons for the dismissal to each party simultaneously.

### 3-6-139 Informal Resolution of a Formal Complaint

- (1) **Procedure** After a Formal Complaint is filed that alleges Sexual Harassment and at any time prior to the issuance of a Determination Regarding Responsibility by the Decision-Maker, the University may offer to facilitate informal resolution between/among the parties by which the parties agree voluntarily to resolve the allegations contained in the Formal Complaint, including but not limited to allegations of Sexual Harassment, without proceeding further in the Grievance Process. The University, as part of the offer of informal resolution must:
- (a) Provide each party with the Notice of Allegations described in Section 3-6-137, above;
  - (b) Obtain each party's voluntary written consent to engage in the informal resolution process;
  - (c) Inform each party in writing that:
    - (i) If the parties reach an informal resolution that the terms and conditions of such resolution must be in writing and will preclude the parties from resuming the Grievance Process with respect to the allegations of Sexual Harassment in the Formal Complaint; and
    - (ii) Each party has the right, at any time, to withdraw from the informal resolution process and resume the Grievance Process with respect to the Formal Complaint.
- (2) **When Informal Resolution may not be Offered or Facilitated by the University** The University shall not offer to facilitate or facilitate the informal resolution process to resolve allegations of a Formal Complaint that a University employee engaged in Sexual Harassment of a University student, provided, however, that this prohibition does not preclude the parties from engaging voluntarily in discussions between them that results in a resolution of the allegations and notification by the Complainant that they wish to withdraw the Formal Complaint or any of the allegations in it.
- (3) **Additional Time to be Provided by Decision-Maker** The Decision-Maker shall provide additional time, as necessary, to allow the parties to engage in informal resolution of the Formal Complaint pursuant to this section 3-6-139, or other voluntary discussions between/among the parties in pursuance of resolution of the Formal Complaint, when all parties agree that it is reasonable and appropriate that additional time should be provided.

### 3-6-140 Consolidation of Formal Complaints

The University may consolidate Formal Complaints that contain allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

### 3-6-141 Investigation of a Formal Complaint

- (1) **Responsibility for Conducting the Investigation** The Title IX Coordinator or their designee shall investigate the allegations of Sexual Harassment in the Formal Complaint as described in Section 3-6-133(4)(a) and (c), above, and the burden of proof is on the University to gather evidence sufficient to reach a Determination Regarding Responsibility as to the Respondent(s).

- (2) **Procedures During the Investigation** During the investigation, the University may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence and shall;
- (a) Provide each party with the opportunity to have an advisor of their choice, who may be, but is not required to be, an attorney, who may inspect and review evidence obtained as part of the investigation that is directly related to the allegations of the Formal Complaint pursuant to 34 C.F.R. Section 106.45(b)(5)(i), be present during any hearings, investigative interviews or other meeting at which the parties may be present during the Grievance Process to advise their respective party, provided however, other than at the Live Hearing, the advisor may not otherwise participate in, make any presentation during, or submit any written materials on behalf of the party for whom they are the advisor;
  - (b) Provide each party who is expected to participate in the Grievance Process written notice of the date, time, location, participants, and purpose(s) of all hearings, investigative interviews or other meetings, with sufficient time for the parties to prepare to participate;
  - (c) Provide each party an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint including evidence upon which the University does not intend to present in the Live Hearing with respect to the Decision-Maker's issuance of their Determination Regarding Responsibility, as well as inculpatory or exculpatory evidence whether obtained from a party or other source;
  - (d) Provide each party and their respective advisor, if any, the evidence subject to inspection and review in electronic format or hard copy;
  - (e) Provide each party at least ten (10) days to submit a written response to such evidence, which the investigator will consider prior to completion of the investigation report;
  - (f) Make all such evidence available for each party's inspection and review at any hearing and give each party equal opportunity to refer to such evidence during the Live Hearing, including for the purposes of cross-examination; and
  - (g) Create an investigation report that fairly summarizes relevant evidence and, at least 10 days prior to the Live Hearing, shall provide each party and their respective advisor, if any, the investigation report in electronic format or hard copy for their review and written response, if any.

### 3-6-142 The Live Hearing

- (1) **The Location and Method by Which the Live Hearing Will Occur** The Grievance Process shall include a Live Hearing that will be conducted virtually, with technology that enables the participants to see and hear each other simultaneously.
- (2) **Decision-Maker's Responsibilities with Respect to the Live Hearing** The Live Hearing that shall be presided over by the Decision-Maker, who shall:
- (a) Make all decisions regarding the scheduling and conduct of the hearing, except as otherwise provided in Sections 3-6-135 through 145 or in 34 C.F.R Section 106.45(b)(6);
  - (b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, as well as inculpatory and exculpatory evidence;

- (c) Permit each party's advisor to ask the other party and any witnesses only relevant questions and follow-up questions, including questions challenging the credibility of the parties and any witnesses as further described in Section 3-6-142(3), below;
  - (d) Permit only relevant documentary and other physical materials to be received in at the Live Hearing; and
  - (e) Not permit questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent or lack thereof.
- (3) **Standard of Evidence** The standard of evidence used in the Live Hearing and by the Decision-Maker in their Determination Regarding Responsibility is the "preponderance of the evidence" as described in Section 3-6-126(18).
- (4) **Procedures and Requirements Regarding Cross-Examination** Cross-examination of the parties and other witnesses during the Live Hearing shall be conducted consistent with the following procedures and requirements:
- (a) Cross-examination of a party or other witness may only be conducted by a party's advisor and not by the party themselves;
  - (b) If a party does not have an advisor present at the Live Hearing, the University will provide, without fee or charge to that party, an advisor of the University's choice, who may, but is not required to, be an attorney to conduct cross-examination on behalf of that party;
  - (c) Only relevant cross-examination questions and other questions may be asked of a party or witness, as determined by the Decision-Maker;
  - (d) Before a Complainant or Respondent or a witness answers a cross-examination or other question, the Decision-Maker shall first determine whether the question is relevant to the issues in the Live Hearing and shall explain their decision to exclude a question that they determine is not relevant; and
  - (e) If a party or witness does not submit themselves to cross-examination at the Live Hearing, the Decision-Maker shall not rely on any statement of that party or witness in reaching the Determination Regarding Responsibility, provided however, that the Decision-Maker shall not draw an inference in the Determination based solely on a party's or witness's absence from the Live Hearing or refusal to answer cross-examination or other questions.
- (5) **Recording or Transcript of the Live Hearing** The University, in its discretion, will create an audio or audiovisual recording or a written transcript of the Live Hearing and make the recording or transcript available for the inspection and review of each party.

### 3-6-143 The Decision-Maker's Determination Regarding Responsibility

- (1) **Issuance and Matters Addressed in the Determination Regarding Responsibility** After the Live Hearing has concluded, the Decision-Maker shall issue a written Determination Regarding Responsibility ("Determination") regarding the allegations of Sexual Harassment in the Formal Complaint, which Determination shall apply the "preponderance of the evidence" standard. The Determination must:
- (a) Describe the allegations potentially constituting Sexual Harassment;

- (b) Describe the procedural steps taken from the Filing of the Formal Complaint through the issuance of the Determination including any:
    - (i) Notifications to each party;
    - (ii) Interview of the parties and witnesses;
    - (iii) Site visits;
    - (iv) Methods used to gather other evidence; and
  - (c) State the Decision-Maker's findings of fact supporting the Determination;
  - (d) State the conclusions regarding the application of the relevant University policies and relevant provisions of the DCP to the facts;
  - (e) State the result as to each allegation and the rationale for such result, including the Determination regarding responsibility, any Disciplinary Sanctions the University is to impose on the Respondent, and any Remedies designed to restore or preserve equal access to the University Education Program or Activity that the University will provide to the Complainant; and
  - (f) The University procedures and permissible bases for the Complainant and Respondent to appeal the Determination, if either of them decides to do so.
- (2) **To whom the Determination is Provided** The Decision-Maker must provide the Determination to each of the parties and to the Title IX Coordinator simultaneously.
- (3) **When the Determination Becomes Final** The Determination becomes final either on the date that the University provides the parties with the Determination of the result of an appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### 3-6-144 Appeals

- (1) **Who may Appeal and Under What Circumstances** Either party may appeal from (1) a written Determination Regarding Responsibility or (2) the University's dismissal of a Formal Complaint or any of the allegations in a Formal Complaint, on the following bases only:
- (a) Procedural irregularity that affected the outcome of the matter;
  - (b) New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal of the Formal Complaint (or any allegations contained in the Formal Complaint was issued, that would have affected the outcome of the matter; and/or
  - (c) The Title IX Coordinator, investigator(s) or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent involved in the Formal Complaint, that affected the outcome of the matter.
- (2) **Deadline for Filing an Appeal** The deadline for filing an appeal and the procedures followed regarding such appeals is will be as stated in Section 3-6-133(6).
- (3) **The Appeal Decision-Maker** The Appeal Decision-Maker is:
- (a) The Dean of Students if the Complainant and Respondent are both University students; and

- (b) The Dean of Students and the Senior Vice President or Vice President who has supervisory authority over the Respondent if the Complainant is a University student and the Respondent is a University employee, in which case the Dean of Students and Senior Vice President or Vice President who will collaborate to prepare the Appeal Decision.

### **3-6-145 Confidentiality**

The University must maintain as confidential the identity of:

- (1) any person who has made a report of or Filed a Formal Complaint of Sexual Harassment;
- (2) any Complainant;
- (3) any Respondent;
- (4) any person who has been reported to have engaged in Sexual Harassment; and
- (5) any witness who has provided information in any portion of the Grievance Process or Live Hearing;

except as may be permitted by FERPA, required by law, and/or to carry out the purposes of 34 C.F.R. Section 106 including the conduct of any Grievance Process or judicial proceeding arising thereunder.

## Article 7: Finance and Administration.

**3-7-101 Payroll Regulations.** The University of Northern Colorado conducts payroll operations in compliance with all applicable state and federal laws and the regulations and reporting requirements of the Internal Revenue Service, the U.S. Department of Labor, the Immigration and Naturalization Service, the Social Security Administration and the Colorado Departments of Revenue and Personnel. Information and current reference materials concerning these laws and regulations are available in Human Resources.

**3-7-101(1) Payroll Processing.** The University shall utilize a human resources system for payroll/personnel processing. Operating procedures shall be maintained in the Payroll and Human Services. This system shall meet reporting requirements of Federal and State agencies.

**3-7-102 University Travel.** The State of Colorado Fiscal Rules are the basis of the University's travel procedures which are maintained by the Accounting Services Department and are distributed to departments/divisions on campus.

**3-7-103 University Transportation Services.** The University maintains a fleet of automobiles, vans, and buses for official travel throughout the State. The vehicles are housed and maintained at Parsons hall on the East Campus under the management of Facility Operations. A University vehicle may not be used to commute between office and home.

**3-7-103(1)(a) Reservation of Cars.** Requests for the use of University cars must be in writing on approved Travel Request forms and must be delivered to Facility Operations at the earliest possible date.

**3-7-103(2)(b) Insurance.**

**3-7-104 Purchasing.** The State of Colorado Procurement Rules are the basis of the University's purchasing procedures which are maintained by the Purchasing Office and current rules are available from the Purchasing Office. Instructions for initiating purchases are distributed to all departments/divisions by the Purchasing Office.

**3-7-105 Contracting.**

**3-7-106 Contracting Authority.** No deed, instrument, or contract of any description, written or oral, purporting to be made on behalf of the University shall be valid as against the University unless executed by the Board of Trustees in accordance with the Bylaws or by the President of the University under authority delegated by the Board of Trustees. No other officer, employee, or agent of the University may enter into a contract on behalf of the University except as authorized in the Bylaws of the Board of Trustees or by a specific written delegation of authority by the Board of Trustees or the President of the University. All contracts must comply with the State Fiscal Rules and the University's internal contract procedures. A copy of the UNC contract procedures manual is available in all departments, divisions and Dean's Offices by University Counsel.

**3-7-107 Fund Raising Authority.** The responsibility for coordinating the University's search for gifts from the private sector (i.e., individuals, corporations, foundations, and associations of individuals) is assigned to the Office of Development.



All fund raising programs, projects, or solicitations directed to the private sector and which represent directly or indirectly any activity or unit of the University, or which involve any individual acting as a representative of the University, must be registered with, reviewed, and coordinated by the Office of Development.

As part of its responsibility for coordinating the university search for gifts in the private sector, the Office of Development will provide assistance to personnel who desire to seek gifts in support of authorized institutional projects.

Any intensive pre solicitation cultivation of an individual or organizational gift prospect, even if not intended to lead directly to an immediate contribution, must be reviewed in advance and approved by the Office of Development.

Prior to the initiation of any fund raising program, project, solicitation, or intensive cultivation, the individual or institutional unit desiring to initiate said activity must receive the approval of the administrative authority which is responsible for supervising said individual or institutional unit.

The solicitation of grants or contracts through the submission of proposals from public (e.g., governmental) or private (e.g., foundations, corporations) will continue to be coordinated through the Sponsored Programs and Academic Research Center.

**3-7-107(1) Definitions.** "Fund raising" includes any solicitation of any form of support (gifts, contributions, or any object or service of value) from private sources by University offices, organizations or individuals representing those offices, or by any other affiliate of the University.

**3-7-108 Gift Repository.** The University of Northern Colorado Foundation, Inc. has been designated as the official repository for gifts from the private sector which are contributed to support University programs, projects or activities. Prospective donors are to be encouraged to direct their gifts to the Foundation which will administer gifts on behalf of the University.

**3-7-109 Approval.** All gifts received by the University, whether or not derived from specific fund raising programs, shall be administered in accordance with the University policy statement on the administration of gifts from private sources.

**3-7-110 Budget Process.**

**3-7-111 Description of Budget Process.** The University has established a general budget development process that follows an annual cycle. The process begins in October, and ends with a final budget plan in June of the subsequent calendar year. The established process is intended to involve all campus constituents, with decentralization as a primary objective. The nature of involvement is influenced by frequently changing internal and external factors, and so may vary from year to year.

**3-7-112 Deficit Accounts.** Accounts which run a deficit for any monthly reporting period must be reported by the individual authorized to make the expenditures to that individual's supervisor within five working days of the authorized individual's receipt of knowledge of such deficit. The report must be in writing, and include an explanation for the deficit position and a plan for eliminating the deficit within the next thirty-day reporting period after the notice.

If the responsible party and the supervisor determine that the deficit cannot be eliminated within the required period, the supervisor, and responsible dean or officer if different, shall enter into a loan agreement with the University Controller for the repayment of the deficit, together with appropriate interest, within the shortest time feasible, but in no event past the end of the applicable fiscal year, unless otherwise authorized in writing by the President. The Controller shall notify the President of the execution of any such agreements. In the case of amounts owed to the University to which interest is traditionally not charged, such as scholarship and financial aid commitments paid through the UNC Foundation, Inc. or other sources at the disposal of the unit, the deficit must be eliminated within the thirty days immediately after the written report to the supervisor, unless expressly waived in writing by the President.

No UNC Foundation scholarships may be awarded by any department, school or unit until the funding for such scholarship is on deposit with the UNC Foundation, Inc., and the Foundation has confirmed that the funds are on deposit to the Student Financial Resources Office. No scholarship funds will be credited to a student's account by the financial aid officer until the cash funds have been received from the Foundation by the Accounting Services Office.

**3-7-113 Presidential Powers.** As the chief administrative officer of the University, the President is ultimately responsible for planning, organizing, and directing all operations of the University in accordance with policies of the Board. In all fiscal matters, the President has the final review as far as University of Northern Colorado spending is concerned. Further, CRS 1973, 24-30-202 (3) forbids the President to over-encumber appropriations, incur obligations, or to authorize disbursement of funds in excess of appropriations.

#### **3-7-114 Budget Development for Special Areas and Sponsored Programs.**

**3-7-114(1) Capital Construction.** State Buildings Division, OSPB, and CCHE, have a major influence on capital construction allocations, and input materially on capital construction projects to be funded throughout the state. At UNC, proposals for capital construction projects may originate with any unit and are forwarded through the proper dean to the Vice President of Administration. After initial review in that office, approval for the proposal and the establishment of a priority for it is obtained from the President's Office.

Requests for capital construction funds are determined on the basis of need by criteria established by OSPB and CCHE. A copy of the criteria is available in the Planning and Construction Office. Need for physical facilities must be justified by projecting estimated enrollment course by course, department by department, and school by school, using data supplied in the computer bank.

**3-7-114(2) Sponsored Programs.** Sponsored Programs are those activities/projects conducted by the University funded as grants or contracts by external sources in a specific time period. Prior to submission, proposals soliciting funds for sponsored projects must be developed by project directors and approved for submission by their department or division chairperson, dean, and the director of Sponsored Programs. Finally they must be approved by the President of the University or his/her designee. Such proposals will include project plans and line item budgets. When matching or institutional support funds are required, sources of such support must be indicated and verified. When grants or contracts are awarded, project directors are responsible for dispersing of financial resources as stipulated in award documents and as acknowledged by their signature.

**3-7-114(3) Student Activity Fees.** Student fees shall be established and administered as set forth in the board approved UNC Institutional Plan for student fees.

**3-7-115 UNC Facility Scheduling Regulations.**

**3-7-115(1) Facility Ownership.** UNC facilities (including buildings, adjacent grounds and parking lots) are considered a resource of the University. Facilities designated as state property, provided by the Citizens of Colorado, are primarily intended to support continuing programs of instruction, research and diversified service to enrolled students. Academic facilities are not owned by individual departments or campus units but by the State of Colorado and are operated and maintained by the University's Department of Facility Operations, under the direction of the Vice President for Administration. Auxiliary facilities are self-supporting buildings utilized primarily for activities that enhance the educational experience. Access is available to these facilities for University and non-University groups according to established scheduling procedures.

**3-7-115(2) State Building Use Priority.** Through established scheduling procedures and deadlines, state facilities are to be first reserved for the direct use of students enrolled in instructional programs.

**3-7-115(3) Non-Academic Use of State Buildings.** When not directly committed to the instructional service of enrolled students, the state facilities are to be made available for educational, administrative, and cultural events of recognized university organizations. Facilities also may be requested for use by members of the non-University community as facility space and resources permit.

No commitment for facility use, nor quote for associated event fees and charges, shall be made by any parties other than Event Planners in the University Scheduling and Events Office or the Vice President for Administration to maximize efficiency of facility scheduling and cost recovery. An appropriate rental fee, direct costs for services rendered and/or other usage fees shall be assessed groups permitted to use state facilities.

**3-7-115(4) Sponsorship of Non-University Organizations.** A written sponsorship request must be received and approved by the Vice President for Administration or the Vice President's designee prior to the date of the event. The event or meeting must be of educational, social, or cultural significance and be consistent with the mission of a public educational institution. Appropriate permits must still be obtained, and rental, labor/service, equipment rental and security fees must still be assessed to the sponsored non-University group. The sponsor of a non-academic event assumes the financial responsibility of the event if the individual or group does not provide payment as charged. Sponsorship includes the requirement that the sponsor attend the event in its entirety. Any fee negotiation must be approved by the Vice President for Administration or the Vice President's designee. Sponsored non-University events do not require a deposit.

Sponsors may be one or more of the following:

Colleges, Schools, Departments, and functional units of the University;

University recognized Student Organizations;

University allied or affiliated organizations (such as the University of Northern Colorado Foundation or Alumni Association).

**3-7-115(5) Non-University/Non-sponsored Use.** Non-sponsored, non-University individuals, groups, and organizations, can schedule University facilities with 30-day prior approval when the

event or meeting is of educational, social, or cultural significance and is consistent with the mission of a public educational institution. Payment of the rental fee must be made in advance of the event unless other arrangements are made by the Vice President for Administration or the Vice President's designee.

**3-7-115(6) Access Preference.** Preference for use of space will be given within defined time periods to the scheduling of academic courses, and then to University events requiring specific facilities. Space available after those requests are met will be assigned according to established preference priority consideration regulations and a first come first served basis.

Within the defined time periods established, space will be assigned based on the following categories of preference/priority:

- (a) Academic courses.
- (b) University-sponsored events requiring specific facilities.
- (c) University-sponsored events open to the entire University community.
- (d) University-sponsored events restricted to membership or internal meetings.
- (e) Non-University group or organizational events open to the entire University community
- (f) Non-University group or organizational events restricted to membership or internal meetings.

Once space is assigned according to these regulations, the University will make every attempt to honor the commitment for space. However, the University of Northern Colorado does reserve the right to refuse or cancel a reservation, or change the location of an event if it conflicts in any way with general regulations regarding events on campus.

**3-7-115(7) Auxiliary Facility Use.** Auxiliary facilities are available on a first come first served basis, with priority given to student and University groups. Facilities are also to be made available to non-University groups. An appropriate rental fee, direct costs for services rendered and equipment utilized and/or other fees shall be assessed all groups permitted to use the facilities.

Sponsorship of Non-University Organizations. All regulations and procedures designated for sponsorship of state facilities shall also be in effect for auxiliary units.

Auxiliary Access Preference. Preference for use of space will be given to student and university groups, with an overriding priority of first come first served. Once space is assigned, every attempt will be made to honor this commitment, however the University reserves the right to cancel or change a reservation or even change a location if deemed necessary.

**3-7-115(8) Use of University Grounds.** Because the use of any exterior facilities may present the possibility of disturbance to normal University activities and damage to the University property, the criteria governing the use of exterior space shall include, but not be limited to, the following:

- (a) No permanent or semi-permanent structures may be constructed or placed for any activity in

these spaces unless the construction itself is either done or approved by Facility Operations.

- (b) No activities may be held which render a space unsatisfactory for use in its normal or primary function or which interfere with an activity previously scheduled according to this regulation or with normal or scheduled University activities.
- (c) Individuals or groups wishing to use outdoor areas and outdoor facilities shall schedule such use with the University Scheduling and Events Office in writing, no less than 5 days in advance of the event and include the time, place and nature of the proposed activity. The University Scheduling and Events Office will notify the University Police and other appropriate campus agencies. [See also University Board Policy Manual 1-1-410 Peaceful Assembly.]
- (d) All uses of amplifying and public address systems must conform to all applicable laws and ordinances.
- (e) Users, including sponsoring organizations, are responsible and accountable for the cleanliness and order of all open spaces following their use. Users will be billed for cleanup that they do not adequately complete themselves and such other University services as may be required because of the activity of the sponsoring organization.
- (f) All activities or events must be conducted in such a manner that campus pedestrian, bicycle, and automobile traffic are not unreasonably impeded and that members of the University community who are not participating in the activity or event may proceed with their normal activity.

**3-7-115(9) Cost Recovery.** Standard facility rental fees are charged to individuals, groups, and organizations to recover costs to the University incurred related to specific scheduled events. Appropriate permits must be obtained. All rental, labor/service, equipment and security fees will be assessed according to standard guidelines. Non-sponsored, non-University events require payment in advance of the event upon scheduling confirmation unless arrangements are made with the Vice President of Administration or the Vice President's designee.

No facility rental fees are charged for academic courses, course related support programs, and recognized student organizations. However, standard facility rental fees will be assessed to any student organization that charges a fee for the event.

**3-7-115(10) Neutrality.** The academic facilities at the University are provided for educational purposes and are not intended to be competitive with sites in the community. All fees generated are to recover operation costs.

**3-7-115(11) Specific Procedures and Fees.** The specific scheduling regulations, procedures, and fee schedules for campus facility rental, equipment rental, facilities service fees, security fees, and food service fees are available at the University Scheduling and Events Office.

**3-7-115(12) Standard Scheduling Process.** University of Northern Colorado facilities shall be scheduled and managed in such a way as to provide appropriate utilization of State and University resources. It is required that all activity in University facilities be scheduled or registered through established scheduling procedures with the University Scheduling and Events Office. This requirement is to include academic courses, meetings, athletics, other University events, and non-

University events. The University Scheduling and Events Office will initiate actions to process the necessary scheduling forms and inform appropriate offices of events. Only the University Scheduling and Events Offices are authorized to reserve University facilities for use by any party.

It should be recognized that departments, at times, are assigned a specialized facility for use for specialized programs. It is equally important to note, however, that because these facilities are in demand for events and meetings other than those sponsored by the department, such departments are expected to schedule these programs as soon as possible and then make the facility available to other appropriate groups in cooperation with University Scheduling and Events Office.

Due to the specialized nature of a majority of the academic facilities, individuals, groups and/or organizations wishing to use academic facilities shall schedule such use with the University Scheduling and Events Office in writing, five (5) business days prior to the event, to allow for coordination of adequate support services. The written notice must include time, place and nature of the proposed event. Non-University individuals, groups and/or organizations must have 30-day prior approval from the Vice President for Administration or the Vice President's designee. The University Scheduling and Events Office will notify the University Police and other appropriate campus agencies. [See also University Board Policy Manual 1-1-410 Peaceful Assembly.]

**3-7-115(13) The University Scheduling and Events Office.** The University Scheduling and Events Office (under the Vice President for Administration) is responsible for scheduling academic/athletic facilities, including academic classrooms, buildings, athletic facilities and fields, theaters and auditoriums in academic buildings and outdoors, and adjacent grounds and parking lots and is also responsible for scheduling auxiliary facilities, including the University Center, Campus Recreation Center, Centennial Hall, housing and residence hall facilities, and adjacent grounds.

Academic courses are to be scheduled using the academic approval process and course forms.

**3-7-115(14) Catering.** Facilities for catered events are reserved through the University Scheduling and Events Office. Catering services for reserved events at UNC facilities can be provided through University Catering or outside vendors in all non-auxiliary facilities.

Outside catering vendors are required to provide evidence of a current Colorado Retail Food Services license, maintain standard Workman's Compensation and Employer's Liability Insurance, and General and/or Personal Injury and/or Automobile Liability Insurance with a single occurrence limit of \$600,000 or an annual aggregate limit of \$1,000,000 with the State of Colorado named as an additional insured. Vendors shall submit to the University Scheduling and Events Office certificates of insurance coverage with a reference to the State being named as an additional insured seven working days prior to a scheduled catering event.

**3-7-115(15) Alcoholic Beverages.** The University requires a responsible approach to the serving and consuming of alcohol. University facilities and areas are available for scheduling functions at which alcoholic beverages will be served or consumed. However, permission for use of University facilities or areas for organized events will be determined through the University Scheduling and Events Office. Sponsoring individuals or groups must file an Alcoholic Beverage Permit Application with the 3-7-115(15) University Police Department to dispense or consume alcoholic beverages on University property.

The groups and/or individuals who are hosting the event shall designate if alcohol will be consumed

and shall be fully liable for the conduct of all guests and for the compliance with City and State liquor regulations. Violation of any of the City of Greeley or State of Colorado Liquor Codes is a criminal offense, and violators may be subject to fines or imprisonment. The host individual and/or group is also responsible for monitoring the guests to insure that intoxicated persons and/or minors are not served alcoholic beverages.

Alcoholic beverages may be served at the University Center and Centennial Hall. All liquor is purchased and served by University Catering.

Open alcohol containers are prohibited on the University campus except at designated areas for scheduled events at which alcohol is authorized to be sold, served or consumed. These events shall be scheduled through the University Scheduling and Events Office.

### **3-7-116 Facilities Maintenance.**

**3-7-117 Remodeling or Modification of Facilities.** Requests for remodeling or modification of facilities shall be sent to the Department's Division of Planning and Construction.

**3-7-118 Routine Service Request Procedures.** Requests for all facility related services can be made by phoning or writing the Service Center at Parsons Hall. Requests may also be submitted electronically.

**3-7-119 Smoking Regulation.** Smoking and the sale of tobacco products are prohibited in all buildings owned or leased by the state under control of the executive branch. This executive Order is effective January 1, 1991.

### **3-7-120 Rules and Regulations Governing University Buildings and Grounds.**

**3-7-121 Admission to Property.** Property shall be closed to employees, students, and the general public during other than designated open hours of operation. These hours of operation shall be clearly posted at main entrances to each building or property. The closing of property will not apply to that space and in those instances where Facility services has approved entry by key issuance into the property, after posted operating hours, or where the office of University Conference and Scheduling Services has approved use of the building or property for educational, cultural, recreational, or public service use consistent with University Conference and Scheduling Service policies. During posted operating hours, property shall be closed only when situations require such action to ensure the safe and orderly conduct of University functions. The decision to close property shall be made by the President of the University (or official designee). During periods when property is closed, admission to such property will be restricted to authorized persons who shall provide or display identifying credentials when requested to do so by personnel of the UNC Police Department or other authorized individuals. Entry upon property in violation of any of the above applicable provisions is prohibited.

**3-7-122 Preservation of Property.** The improper disposal of rubbish on University property, the willful destruction of or damage to University property, the theft of University property, the creation of any unreasonably hazardous condition to persons or things on University property, the throwing of articles of any kind from or at a building, or the climbing upon statues, roofs, or any parts of a building, are prohibited.

**3-7-123 Conformity with Signs and Direction.** Persons in and on University property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of UNC Police Department Officers and other authorized individuals.

**3-7-124 Disturbances.** Any conduct which creates loud or unusual noise, a nuisance, unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots, otherwise impedes or disrupts the conduct of University functions, or which prevents students, faculty, staff, or the public from obtaining the services provided on University property in a timely manner is prohibited.

**3-7-125 Gambling.** Unlawful gambling on University property is prohibited.

**3-7-126 Regulation of Controlled Substances.** Refer to 3-7-1027.

**3-7-127 Soliciting, Vending, and Debt Collection.** Soliciting aims and contributions, commercial soliciting and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on University property is prohibited. This rule shall not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the President; (b) approved notices posted by employees or students on authorized bulletin boards; and solicitation of organization membership or dues for authorized University organizations.

**3-7-128 Posting and Distribution of Handbills.** Posting or affixing materials such as pamphlets, handbills, posters, or flyers on bulletin boards or elsewhere on property and grounds is prohibited, except as authorized by the University on approved bulletin boards on bulletin turnstiles. Distribution of materials such as pamphlets, handbills, or flyers, except in those areas of the property open to the public such as entrances, lobbies, and open corridors, is prohibited unless conducted as part of authorized University activities. University Police shall be advised in advance of the proposed distribution in public areas, and may regulate the time and manner but shall not exercise control over the content of the material. All pamphlets, handbills, posters or flyers should clearly identify the author or sponsoring group.

**3-7-129 Photographs for News, Advertising, or Commercial Purposes.** Photographs may be taken in space occupied by a University department only with the consent of the occupying department. Except where security regulations apply or a court order or rule prohibits it, photographs for news purposes may be taken in entrances lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of the Department of News and Publications.

**3-7-130 Dogs and Other Animals.** With the exception of seeing eye and guide dogs, dogs and other animals shall not be brought on the University property unless on a leash. Dogs are prohibited in all buildings and on the Butler Hancock playing fields except for service dogs and dogs used for security purposes at night, which are the responsibility of the owners and subject to the direction of the classroom instructors. Animals may not be left tied or secured to trees, railings or other property unattended. Owners are expected to dispose of waste of pets when on University property.

**3-7-131 Vehicular and Pedestrian Traffic.** Drivers of all vehicles entering or while on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of Officers of the UNC Police Department or other authorized individuals, all posted traffic signs and University traffic regulations. The blocking of entrances, driveways, walks, loading plat-forms, or fire hydrants on property is prohibited. Except in emergencies and where otherwise allowed, parking on University property is not



allowed without a permit. Parking without authority, parking in unauthorized locations or in locations 3-7-131 reserved for other persons, or parking contrary to the direction of posted signs or University regulations is prohibited. Vehicles parked in violation, shall be subject to removal at the owner's risk and expense.

This paragraph may be supplemented from time to time by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as presumptive evidence that the registered owner was responsible for the violation. Specific parking regulations and the University's approved Access Route System shall be available from either the UNC Police Department or Facility Services.

**3-7-132 Weapons and Explosives.** Except as permitted by Colorado law, no person shall carry or possess firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device on University property, unless for approved official purposes.

**3-7-133 Enforcement.** Whoever shall be found guilty of violating any of the rules, regulations, and related policies in sections 3-7-1041, shall be subject to all civil and criminal liabilities as called for in the applicable State statutes. Requests for interpretation of these rules and regulations should be forwarded to the Chief of University Police.

**3-7-134 Access Control.** The Vice President of Administration shall implement and enforce an access control program through Facility Operations for all University facilities.

**3-7-135 Illumination in University Buildings.** Levels of illumination in University buildings shall be those listed in Figure 9-80 of the IES Lighting Handbook, Illuminating Engineering Society, and 5th Edition. The levels of illumination shall be determined with a portable, color and cosine corrected, illumination meter.

### **3-7-136 Space Assignment.**

#### **3-7-136(1) Procedure.**

**3-7-136(1)(a) Requesting Allocation of Space.** Initial contact regarding space needs shall be made, in writing, by a requesting office vice president, to the Office of Planning and Construction.

**3-7-137 Emergency Response.** The Emergency Response Plan, maintained by the University Chief of the UNC Police Department, sets forth the organization, responsibility and authority to maintain an organized, rapid and controlled University response to emergencies such as fire, explosions, civil disturbances, natural disasters, hazardous materials spills, and acts of war or terrorism. Organized response requires an understanding of the responsibilities of the persons, departments, or agencies of the University involved, coordination with City, County, and State emergency response services and periodic update, review and evaluation of results. The Vice President for Administrative Services, as the Executive Director of Emergency Management, has overall authority for emergency response services and will be aided by an Emergency Response Committee.

**3-7-138 University Closure.** When severe weather conditions exist, only the President or his/her designee may elect to close the University, and employees may be authorized to leave work early or directed not to report to work. Announcements of closure of other State agencies by the Governor or other officials do not supersede the authority of the President to act on behalf of UNC.

When a decision to close the University is made, active employees will be granted administrative leave and paid their normal salary for the period of closure, authorization to leave work on administrative leave is granted on a University-wide basis only and is not granted individually. Employees without direct authorization for the President, or his/her designee, shall be subject to disciplinary action.

Employees who, with their supervisor's permission, leave work early or do not report to work, due to severe weather, will be charged personal leave for all normal working hours missed and not covered by a period of official University closure. Employees on pre-approved vacation, sick leave, compensatory time-off or a floating holiday on a day when the University is closed under this policy will be charged leave for the normal working hours missed and not covered by the closure. All employees who are on leave or are dismissed from work for severe weather should indicate "Administrative Leave" on their time sheets for the working hours covered by the official closure.

University employees in positions vital to the preservation of health, safety, security and critical operations may be required to work during a University closure. Every department that is required to function during a severe weather closure will designate the positions essential to critical operations. Employees in a designated essential position who work during a University closure will be granted compensatory time off for the actual hours worked during the closure period.

Employees are responsible for monitoring local media for announcements of temporary closure of the University.

**3-7-139 Parking Services.** All members of the academic community are charged a fee to park at the University. Rules and Regulations are updated annually and available in Parking Services.

**3-7-139(1) Enforcement and Sanction.** Violations of the regulations are categorized according to the seriousness of the offense. Refer to the current parking regulations for fine amounts.

**3-7-140 Environmental Safety.** It is the general policy of this University to promote a safe environment through the collective efforts of all participants in its educational, cultural and informational programs. The University shall promulgate and support a general safety program to coordinate and guide the institution's collective efforts. All members of the University shall cooperate and become involved in the safety program to avert or control needless human suffering and property damage arising from unsafe practices, equipment or facilities. The University will also conserve scarce operating funds through development of an effective risk and loss prevention program as part of the general safety effort.

**3-7-141 Investigation of University Premises.** The University reserves the right to inspect all University owned or controlled property to ensure for physical plant maintenance, damages, safety or security considerations. This includes, but is not limited to, academic areas, offices, labs, storage areas, houses, living areas, other structures or open areas. As these inspections are not related to criminal activity, there is no requirement for a search.

**3-7-142 Food Service.** The Department of Auxiliary Services is the sole provider of food sold on the UNC campus. No others may sell food product without prior written authorization from the Assistant Vice President for Auxiliary Services or his/her designee.

**3-7-143 Residence Life.** Shall generate sufficient revenues to cover all operational costs, required bond payments, administrative overhead assessments and funds needed for equipment replacement, facility upgrade and other support identified by the University. University Residence Life provides rentable living

accommodations to: single, married, undergraduate, graduate, non-traditional, and foreign students, faculty, staff; students, parents, conference groups and UNC guests in residence halls, fraternity and sorority house residences. Off-campus students are served by auxiliary off-campus properties and the Off-3-7-143 Campus Renters' Information Service.

**3-7-144 Residence Halls.** To support the academic mission of UNC, University Residence Life strives to create and maintain an environment in residence halls conducive to sleep, study, and personal development. For educationally-sound reasons and developmental purposes, University Residence Life is required to provide housing to all eligible freshman contingent upon availability. As a self-maintaining property with no tax support, students are required to contract on an academic year basis. This insures that the most cost-efficient housing is available for the largest number of students.

**3-7-145 University Records.**

**3-7-146 Unfair Business Competition Policy.** The Board of Trustees directs the President to develop and adopt regulations and procedures to implement section 24-113-104, C.R.S.

**3-7-147 Unfair Competition Grievance Procedure.** A grievance, to be processed in accordance with this procedure, must be filed with the Unfair Competition Grievance Review Panel -- a three member panel appointed by and serving at the pleasure of the University President within sixty (60) days after the date when the grievant first knew or through the exercise of reasonable diligence should have known of the facts and circumstances giving rise to the grievance.

- (1) A grievance must be filed in writing on a form prescribed by the Unfair Competition Grievance Review Panel, which form must be signed and verified by the grievant. The grievant shall set forth all facts and circumstances which are pertinent and names and addresses of witnesses who have information concerning the grievance of which the grievant is aware.
- (2) Upon receipt of the grievance, the Unfair Competition Grievance Review Panel shall record the date and time of receipt and forward a copy to the President.
- (3) The Unfair Competition Grievance Review Panel shall thereafter undertake a thorough analysis and investigation of the grievance which shall include a hearing. In the course of the investigation, the Unfair Competition Grievance Review Panel shall confer with all appropriate parties. A copy of all non-confidential responses shall be forwarded by the Unfair Competition Grievance Review Panel to the grievant.
- (4) Upon completion of its investigation and hearing, and in no event later than sixty (60) calendar days after receipt of the grievance, the Unfair Competition Grievance Review Panel shall determine whether or not violation of the law or University policy, regulation or procedure with respect to the grievant has occurred. If the Unfair Grievance Review Panel determines that it is not probable, then it shall dismiss the grievance and shall make a good faith effort to inform the grievant of the reasons for the termination.
- (5) The Unfair Competition Grievance Review Panel shall provide to the grievant any requested documentation which constitutes a record available to the public under applicable laws and regulations and which is within the custody or control of the University. Any request for information by the grievant must be submitted in writing. A request may be submitted at any time after the filing of a grievance and at least five (5) working days prior to the hearing. Such

documentation shall be provided to the grievant for inspection and review within three (3) working days of receipt of the request for same. The University shall provide photocopies of the documents upon receipt or payment in advance of an administrative charge authorized under the Colorado Public Records Act.

- (6) The grievant and the University shall provide for the attendance of any witnesses requested to be in attendance. Any such witness shall be entitled to be represented at the hearing by a person of his/her choosing, including legal counsel.
- (7) The Unfair Competition Grievance Review Panel may interrogate any witness presented at the hearing. An electronic recording of the hearing shall be made by the Unfair Competition Grievance Review Panel.
- (8) Upon completion of the hearing, the Unfair Competition Grievance Review Panel may conduct further investigation if evidence presented at the hearing requires further inquiry. When the Unfair Competition Grievance Review Panel is reasonably satisfied that all relevant and reliable evidence has been presented or discovered, it shall direct one of its three members to prepare a written report of its decisions and transmit it along with the entire investigatory and hearing record to the President within seventy-five (75) calendar days after receipt of the grievance. Copies of the report will also be provided to the other two members of the panel and the grievant. The report shall contain a specification of each fact which the Unfair Competition Grievance Review Panel finds has been established and a specification of each conclusion which the Unfair Competition Grievance Review Panel reaches and a recommended decision.
- (9) Within thirty (30) calendar days after receipt of notification of any decisions by the Unfair Competition Grievance Review Panel, the grievant may petition the President of the University for an appeal. If the grievant fails to petition the President within thirty (30) days, the action of the Unfair Competition Grievance Review Panel shall be final and not further reviewable.
- (10) The grievant shall submit the appeal in writing to the President. Each appeal shall state in clear language and in sufficient detail: the grievant's name, address and telephone number and the name, address and telephone number of the grievant's business; attach a copy of the written notice of prior action; the date the grievant received written notice of said action; against whom the appeal is being filed; and a short and specific statement of the reason for the appeal.
- (11) The President shall review the report of the Unfair Competition Grievance Review Panel and the appeal and reach a decision within thirty (30) calendar days. The President shall accept the report and recommended decision, modify the findings and/or conclusions and enter an appropriate decision, remand the grievance back to the Unfair Competition Grievance Review Panel for further investigation or make such further or other decisions as is justified under the circumstances. The President's decisions shall be transmitted to the Unfair Competition Grievance Review Panel, the grievant and the party charged.
- (12) In the event the grievant wishes to appeal the President's decision, an appeal may be directed to the Board of Trustees.
- (13) Within thirty (30) calendar days of receipt of the President's decision, the grievant wishing to

appeal shall notify the Secretary of the Board of Trustees in writing of the specific grounds of appeal, including all relevant facts as presented in the record, and all legal arguments. The grievant shall provide a copy of the appeal document to the President who may submit a written response to the Secretary with a copy to the grievant. Within sixty (60) calendar days of the Secretary's receipt of the appeal document, the Board of Trustees shall schedule a review of the appeal. A final decision on the appeal shall be issued to the grievant no later than forty-five (45) days after completion of the Board review.

**3-7-148 Drug-Free Workplace Policy.** The University prohibits the unlawful or unauthorized manufacture, distribution, dispensing, possession or consumption, sale or use of controlled substances on or in University owned or controlled property or in the course of University business or activities. Individuals or entities including, but not limited to, students, employees, contractors, agents, volunteers or invitees, 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 assistance or rehabilitation programs approved by the University.

**3-7-148(1) Definitions.** For purposes of this section, 7.23, and the following subsections, the following terms shall be defined as hereinafter provided:

- (a) "Controlled substance" means a controlled substance identified or described in Schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812) as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15, and sections 12-22-309 through 12-22-313, C.R.S., all as amended from time to time;
- (b) "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal and State criminal drug statutes;
- (c) "Criminal drug statute" means a Federal, State, or other non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance;
- (d) "Grant" means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a federal agency directly to a grantee. The term grant includes block grant and entitlement grant program, whether or not exempted from the coverage under the grants management government-wide regulation ("Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"). The term does not include technical assistance which provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.

**3-7-148(2) Grant Recipients/Participants.** Employees who are authorized to work on any grant shall, as a condition of acceptance of and prior to commencing any such work, be required to execute and deliver to the University Grants and Contracts administrator, a certification in a form approved by the University (which in any event shall set forth the provisions of 3-7-1052) that the employee is fully aware of the University's policy as specified in 3-7-1052, agrees to abide by it, and agrees to notify the University Grants and Contracts administrator who shall notify the vice president of the division in

which the employee works in writing no later than five (5) calendar days after a convictions, of any criminal drug statute conviction for a violation occurring on or in University owned or controlled property on in the course of University business or activities.

**3-7-148(3) University Response.** No later than thirty (30) calendar days after receiving a notification of a drug statute conviction as required in 3-7-1052, the University shall, with respect to an employee so convicted:

- (a) Take personnel action against such employee to include any range of authorized disciplinary actions up to termination/dismissal; and/or
- (b) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University. In addition, the University Grants and Contracts administrator shall notify the agency which awarded the grant under which the employee was working at the time of the incident leading to the conviction of the notification received under 3-7-1053 no later than ten (10) calendar days after actual receipt.

**3-7-148(4) Education.** The University, through Human Resources, will make available to employees information concerning the dangers of drug abuse in the workplace, the provisions of 3-7-1052, available drug counseling, rehabilitation, and employee assistance programs, and the personnel actions which employees are subject to as a consequence of their violation of the provisions of 3-7-1052, or the conviction of a criminal drug statute for a violation occurring on or in University owned or controlled property or in the course of University business or activities. The complete text of the University's substance abuse policy is available from Human Resources.

The University, through the Drug Prevention/Education Office, will make available to students information concerning the dangers of drug abuse, the provisions of 3-7-1052, available drug counseling, rehabilitation, and student assistance programs and the sanctions which students are subject to as a consequence of their violation of the provisions of 3-7-1052, or the conviction of a criminal drug statute for a violation occurring on or in University owned or controlled property or in the course of University business or activities.

**3-7-148(5) Debt Collection.** The University Collection Manager may refer an unpaid loan account receivable to the State Collection Service or an outside collection agency, if in the Collection Manager's judgment the University lacks sufficient internal facilities or processes to collect the debt. If the collection Manager chooses to use a collection agency he or she must have written approval of the State Controller to use the specific collection agency.

**3-7-149 Campus Violence.** Violence, threats, harassment, intimidation and other disruptive behavior by members of the University community or visitors will not be tolerated by the University of Northern Colorado. Such behavior can include verbal or written statements, gestures, or expressions which communicate a direct or indirect threat of physical harm. All reports of incidents will be taken seriously and will be dealt with appropriately by appropriate staff. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both, in accordance with University procedures. The President may adopt procedures for the investigation and response to incidents or threats of campus violence.

## **Article 8: Research; Research, Scholarship, and Creative Works (RSCW) Misconduct Policy; Academic Affairs Budget and FTE; and Honorary/Posthumous Degrees.**

### **3-8-101 Research.**

#### **3-8-101(1) Obligations Regarding Research Subjects.**

- (a) **Human Subjects.** It is the policy of the University that all research and research-related activities, in which humans are used as subjects, shall be subject to review under current Public Health Service regulations by an Institutional Review Board (IRB). The involvement of human subjects in research covered by this policy shall be prohibited until the IRB has reviewed and approved the research protocol. Current IRB procedures can be obtained directly from the Office of Research.
- (b) **Non-Human Animal Subjects.** It is the policy of the University that every research, testing, and teaching projects conducted by or at the request of any UNC researcher that involves the use of live, vertebrate animals must be reviewed under current Public Health Service and U.S. Department of Agriculture regulations by an Institutional Animal Care and Use Committee (IACUC). The involvement of animal subjects in research, testing, or teaching covered by this policy shall be prohibited until the IACUC has reviewed and approved an animal use protocol. The IACUC and the Principal Investigator (PI) responsible for the approved protocol share the responsibility for the ethical decisions made regarding the care and use of animals. However, the PI assumes the primary responsibility to ultimately assure the fulfillment of the institutional commitment to the ethical and humane treatment of live, vertebrate animals. Current IACUC policies and procedures can be found on the Office of Research website.

**3-8-101(2) Indirect Costs.** The University will collect fully all indirect costs to which it is entitled. Policies and procedures are available from the Office of Sponsored Programs.

### **3-8-102 Research, Scholarship, and Creative Works (RSCW) Misconduct Policy.**

**3-8-102(1) Definitions.** For purposes of this policy, the following terms are defined as stated below.

- (a) “Academic Researcher” – Any person (paid or non-paid) affiliated with the University conducting or collaborating in University Sponsored Research.
- (b) “Respondent(s)” – Any individual(s) accused of misconduct under this policy.
- (c) “Complainant(s)” – Any individual(s) who make(s) an allegation of misconduct under this policy.
- (d) “University Sponsored Research” – Research, scholarship, creative works (RSCW), or consulting which is conducted by an Academic Researcher in the name of or under the auspices of the University or which is supported by University resources or facilities.
- (e) “Conflict of Interest” – Any pecuniary interest or organizational affiliation held by an Academic Researcher and/or Research Integrity Officer which prohibits or precludes or is reasonably likely to prohibit or preclude the Academic Researcher from exercising independent judgement in the conduct of University Sponsored Research.

- (f) “Research, Scholarship, and Creative Works Misconduct (RSCW Misconduct)” – Any action of an Academic Researcher in the conduct of University Sponsored Research which constitutes: (1) willful, negligent or reckless practice in proposing, reviewing, or conducting RSCW, or in reporting or presenting the results of such RSCW, including without limitation, falsification, fabrication, or plagiarism; or misrepresentation or falsification of credentials, sponsorships, approvals or certifications; (2) material violation of applicable laws, regulations or procedures; (3) material violation of applicable ethical or professional standards of the Academic Researcher’s discipline or profession or of the teaching profession or, in the case of students, the discipline or profession relevant to the University Sponsored Research and/or in which the student is pursuing educational credentials; (4) willful, grossly negligent or reckless misappropriation or misapplication of research funds (excepting minor deviations in research fund accounting which results in no personal gain or benefit to the Academic Researcher); or (5) an undisclosed Conflict of Interest.
- (g) “Research Integrity Officer (RIO)” – The RIO is the University official responsible for (1) assessing allegations of RSCW Misconduct to determine if they describe conduct within the definition of RSCW Misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of RSCW Misconduct may be identified; and (2) overseeing the inquiry and investigative processes and ensuring compliance of all parties with this policy in the conduct of inquiries and investigations of RSCW Misconduct. The RIO is the Assistant Vice President for Research, or a University official otherwise appointed in writing by the Chief Academic Officer (CAO). Should the RIO need to recuse him- or herself due to a real or perceived Conflict of Interest, the CAO will designate a substitute RIO for the case.
- (h) “Deciding Official (DO)” – The DO is the University official who makes final determination regarding allegations of RSCW Misconduct and any University administrative actions in response to such allegations. The DO will not be the same individual as the RIO and should have no direct prior involvement in the University’s inquiry, investigation, or allegation assessment. The DO is the CAO, or a University official otherwise appointed in writing by the President of the University. Should the CAO need to recuse him- or herself due to a real or perceived conflict of interest, the President will designate a substitute DO for that case.

**3-8-102(2) General Statement.** Any individual who engages in an act or acts of RSCW Misconduct while engaged in University Sponsored Research shall be subject to discipline in accordance with this policy.

**3-8-102(3) Confidentiality.** The proceedings conducted under this policy shall be closed and confidential except to those involved in the proceedings.

- (a) Except as otherwise required by law, all documents produced in the course of these proceedings shall be available only to (i) those involved in these proceedings or any further disciplinary proceedings resulting therefrom, (ii) officials of the University with a need to know or who are authorized by the DO, and/or (iii) governmental officials as required by law, regulations or contract. Knowledge of the allegation, inquiry, investigation and/or its details shall be limited to University officials (such as the Department Chair/School Director/Program Area Coordinator and the dean(s) of the college(s) of the faculty member(s) accused of RSCW Misconduct) with a need to know, as determined by the RIO.
- (b) In order to provide due protections to the reputations of persons who make or are the subject of allegations of RSCW Misconduct, the RIO shall inform all parties at each stage, about the expectation of confidentiality to all aspects of the proceedings.



**3-8-1-2(4) Allegations.** Allegations of RSCW Misconduct shall be received and reviewed as follows:

- (a) Allegations of RSCW Misconduct will be reported to the RIO by any individual with knowledge of observed, suspected, or apparent violations of this policy. These allegations shall be filed with the Office of the RIO in writing and shall be signed by the Complainant(s) who has/have made the allegations. Signatures shall not be required if the Complainant requests anonymity and the RIO determines that anonymity will affect materially the University's compliance with its responsibilities under this policy and/or as required by law.
- (b) If the RIO suspects RSCW misconduct he/she shall file allegations of RSCW misconduct.
- (c) Upon receiving an allegation of misconduct, the RIO will assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of misconduct may be identified and if these criteria are met, an inquiry must be conducted.
- (d) If the RIO determines that these criteria are not met, he or she shall inform the Complainant(s), the Respondent(s), and the DO that an inquiry will not be initiated.

**3-8-102(5) Inquiry.** An inquiry regarding an allegation of RSCW Misconduct shall be initiated as follows:

- (a) Upon the determination by the RIO that the allegations are sufficiently credible and specific, an inquiry shall be conducted by the RIO or the RIO's designee.
- (b) The purpose of the inquiry shall be to determine whether there is sufficient evidence that supports the reasonable conclusion that a violation(s) of this policy has occurred.
- (c) At the time an inquiry is initiated, the RIO must notify in writing the Respondent(s), if known, who is/are alleged to have violated this policy and the Respondent's Department Chair/School Director/Program Area Coordinator, academic dean and the DO that an inquiry has been initiated. If the inquiry subsequently identifies additional Respondent(s), written notifications must be made as described in the immediate preceding sentence.
- (d) The RIO or his/her designee must make reasonable efforts to obtain information in the care, custody or control of the University not privileged as a matter of law that is needed to conduct the inquiry. The RIO or his/her designee shall interview the Complainant(s), the Respondent(s), and person believed to have information relevant to the inquiry, and review relevant documents and materials, prior to concluding the inquiry.
- (e) The inquiry shall be completed no later than sixty (60) calendar days after the allegations of RSCW Misconduct are filed unless the RIO determines that, despite diligent efforts, the inquiry cannot properly be concluded during that time, in which case, the time limit shall be extended for no more than thirty (30) additional calendar days.
- (f) Upon completion of the inquiry, a written inquiry report shall be prepared and signed by the RIO which shall summarize the allegations, specify the findings made and conclusions reached, and state whether there is sufficient evidence that supports the reasonable conclusion that a violation(s) of this policy by the Respondent(s) has occurred.

- (g) The RIO will transmit the written inquiry report to the Respondent(s) and indicate that the report will be transmitted to the DO fifteen (15) calendar days after it is transmitted to the Respondent(s). If the Respondent(s) wish(es) to respond to the RIO's report, they must submit their response to the RIO within fifteen (15) calendar days from the transmission of the written inquiry report. The RIO will transmit the inquiry report to the DO together with any response(s) from the Respondent(s) received by the RIO within the period stated above.
- (h) The DO will review the written inquiry report and any response(s) by the Respondent(s) and determine whether an investigation is warranted. Any finding that an investigation is warranted must be made in writing by the DO to the RIO and the Respondent(s).
- (i) The outcome of the inquiry, the DO's written decision, and a copy of the written inquiry report shall be sent "Confidential" to the last known home address(es) of the Respondent(s) by certified mail, return receipt requested. The RIO will inform the Department Chair/School Director/Program Area Coordinator and the dean(s) of the college(s) of the Respondent(s) whether an investigation will be initiated under this policy.
- (j) If the DO determines that an investigation is warranted, the RIO will send a copy of the DO's decision and the written inquiry report to any funding agencies that supported the Respondent(s)' University Sponsored Research and/or other agencies as required by law, regulations or contract. Funding agencies, and/or other agencies, shall also be notified if the Respondent(s) have admitted that RSCW Misconduct has occurred, or for any reason other than a determination by the DO that an investigation is not warranted. Other agency notification requirements may apply at this or other stages within this policy. All pertinent regulations and/or contracts should be consulted. It is the responsibility of the RIO to meet compliance regarding agency notification.

**3-8-102(6) Investigation.** If, as a result of the inquiry, it is determined that an investigation is warranted, the investigation shall be conducted as follows:

- (a) The RIO shall, in consultation with the chair of the Faculty Senate and other University officials as appropriate under the circumstances presented by the allegations, appoint a committee to conduct the investigation of the allegations (Investigatory Committee (IC)). The IC shall consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and shall be composed of a minimum of three (3) individuals who have expertise relevant to the allegations under investigation and who are tenured University faculty members. The RIO will select the chairperson of the committee.
- (b) Upon the appointment of the IC, the RIO shall notify in writing the Respondent(s) of the allegations that will be investigated.
- (c) No later than thirty (30) calendar days after the DO's determination that an investigation is warranted, the RIO will convene the first meeting of the IC to review the written inquiry report, the DO's determination, the information gathered pursuant to Section 3-8-102(5)(d), and the procedures for the conduct of the investigation, including the confidentiality requirements, and the development of a plan by which the investigation will be conducted. Once these matters are completed, the appointed Chair of the IC shall assume the responsibility for conducting the investigation. The RIO is responsible for overseeing the investigative process and

ensuring compliance of all parties with this policy in the conduct of the investigation, but shall not participate as a member of the IC. The IC chair shall keep the RIO informed of the progress of the committee. The RIO will provide administrative support to the investigatory committee throughout the investigation.

- (d) The IC shall have the authority to review all records and evidence needed to conduct the misconduct proceedings not privileged as a matter of law and may interview or require the attendance of any University employee or agent to provide testimony at any hearing conducted by the IC, unless on matters that are privileged as a matter of law.
- (e) The IC may engage in any reasonable fact finding processes which it deems appropriate in order to gather evidence relevant to the matter(s) under investigation, including without limitation, a fact finding hearing at which witnesses may appear in person or through written statements, as the IC may deem appropriate. At any fact finding hearing, members of the IC shall be allowed to question witnesses who appear in person and the Respondent(s) shall be allowed to ask questions of such witnesses within reasonable limitations established by the IC.
- (f) Prior to any appearance by the respondent(s), the IC shall disclose, no less than ten (10) calendar days in advance, the issues or charges under investigation, the evidence which has been gathered by the IC which is relevant to the issues or charges, and the nature of the further investigation to be conducted through the fact-finding hearing.
- (g) In addition to review of the information gathered pursuant to Section 3-8-102(5)(d), interviews should be conducted of the Complainant(s) and Respondent(s), as well as other individuals who may have information relevant to the investigation. Summaries of all interviews should be included, with all other documents gathered, in the file maintained by the IC.
- (h) The IC may, in its discretion, obtain the assistance of experts in the field of research under investigation or in other areas as deemed relevant to the investigation.
- (i) The IC shall complete its investigation and issue a written report no later than one hundred and twenty (120) calendar days after the meeting held pursuant to Section 3-8-102(6)(c), unless the investigation cannot be properly concluded in that time, in which case the time limit shall be extended for such period as is reasonably necessary to conclude the investigation, but no longer than an additional sixty (60) calendar days.
- (j) The IC's investigation report must be in writing and include:
  - (A) A description of the allegations of RSCW Misconduct that have been investigated;
  - (B) The identification and summary of the records and evidence reviewed, and the identification of any evidence gathered that was not reviewed.
  - (C) For each distinct allegation of RSCW Misconduct, a summary of the relevant evidence and a conclusion that contains an analysis as to whether RSCW Misconduct did or did not occur (with consideration of any reasonable explanation by the Respondent(s), including any admission of RSCW Misconduct by the Respondent(s)), and if so-

- (1) Identify whether the RSCW Misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard;
  - (2) Describe and document the external support, including, e.g., any grant numbers, grant applications, contracts, and publication listing external support;
  - (3) Identify any publications and/or other RSCW dissemination that the IC has concluded need correction or retraction; and
  - (4) Identify the Respondent(s) responsible for the RSCW Misconduct.
- (k) The Respondent(s) shall receive, via Registered Mail, the initial report of the IC and shall be given fifteen (15) calendar days from the date of receipt to respond to the report, if they wish to do so. At the end of the fifteen (15) calendar days period, the initial report, with any response by the Respondent(s) will be filed with the DO.
- (l) The DO, within thirty (30) calendar days of receipt of the initial report and any Respondent(s) response, will communicate, in writing, to the Respondent(s), Complainant(s), the IC Chair, the Department Chair/School Director/Program Area Coordinator and the dean(s) of the college(s) of the Respondent(s), and the RIO, the final decision of the DO of whether or not RSCW Misconduct has occurred and the University actions to be taken.
- (m) The RIO shall send the DO's final decision, including the IC's initial report and any response(s) of the Respondent(s) to any funding agencies that supported the Academic Researcher's University Sponsored Research as required by law, regulations or contract.

**3-8-102(7) Discipline.** Any University policy to the contrary notwithstanding, violation of the policy shall be cause for discipline, and sanctions of written and oral reprimand, prohibition from involvement in any University Sponsored Research, temporarily or permanently, suspension or dismissal as well as any other sanctions allowed by University policies or regulations or applicable law. Disciplinary proceedings shall be governed by established University procedures.

**3-8-102(8) Retention of Records.** All reports and all records gathered regarding any allegations, inquiry, or investigation under this policy shall be maintained by the Office of the RIO for no less than seven (7) years after completion of all proceedings under this policy.

**3-8-102(9) Further Reporting.** If at any time during any proceedings hereunder it is determined that criminal activity may have occurred or that federal funds are in jeopardy of loss or misappropriation, immediate notice shall be given to any federal funding agency which has provided the funds and to appropriate law enforcement agencies. In such instance, the RIO shall take appropriate action to sequester such funds to prevent their loss or misappropriation.

### **3-8-103 Academic Affairs Budget and FTE.**

#### **3-8-103(1) Budget and FTE Allocations.**

- (a) Vice Presidential level:
  - (I) FTE and dollar allocations will be made by the Vice President for Academic Affairs to each dean.
  - (II) FTE and dollar allocations will be made so as to implement planning priorities established during the University planning process.

- (III) The FTE and dollars allocated to the deans may not exceed the allocations to the Vice President from the President. The Vice President may establish a contingency pool of FTE position and/or dollars.
  - (IV) Allocations of FTE or dollars to a dean may include specific guidelines relative to the assignment of any or all of the FTE dollars allocated to a dean. Individual positions may be identified explicitly by the Vice President for an FTE allocation or no GRE allocation.
  - (V) The FTE/dollar allocation from the Vice President may be for the fiscal year or for any portion of the fiscal year (e.g. a summer FTE allocation may be made prior to the fiscal year allocation).
- (b) Dean level:
- (I) As soon as practicable after receiving an FTE and/or dollar allocation from the Vice President, the dean will make an allocation to department chairs/school directors/program area coordinators.
  - (II) Tenure track positions allocated to departments/schools/program areas should be consistent with the 80% tenured plans of the college and department/school/program area.
  - (III) FTE and dollar allocations to departments/schools/program areas should be made so as to carry out the planning priorities of the college and department/school/program areas.
  - (IV) FTE allocated to T.A. positions within any given department/school/program **area** may not be reduced from year to year without the approval of the dean and the Vice President.
  - (V) The dean may include specific guidelines relative to the assignment of any or all of the FTE or dollars allocated to a department/school/program area. Specific FTE and dollar guidelines from the Vice President will be included by the dean in the dean's guidelines to a department/school/program area.
  - (VI) FTE and dollar allocations from the dean may be for the fiscal year or for any portion of the fiscal year (e.g. summer only).
  - (VII) FTE and dollars allocated to departments/schools/program areas may not exceed the FTE and dollars allocated to the dean by the Vice President. The dean may, however, establish a contingency pool of FTE and/or dollars.
  - (VIII) Without approval of the Vice President, and the dean, a department/school/program area may not "lock in" its allocated FTE by assigning all FTE to tenure track and multiple year positions, even when the positions are within the 80% tenured plan of the department/school/program area and college.
  - (IX) FTE assigned to positions which become vacant during the year may be reassigned, at the discretion of the dean, within the college, provided the dollars to fund the position are not recalled by the Vice President.
- (c) Department Chair/School Director/Program Area Coordinator level.

- (I) FTE and dollars allocated to departments/schools/program areas may be assigned by the department chair/school director/program area coordinator to staff the needs of the department/school/program area, but assignments must be consistent with guidelines established by the dean. Tenure track positions, assignments from hiring pools, or assignments of T.A.'s etc., must conform to University hiring procedures for those positions.
- (II) T.A. positions may not be reduced in any department/school/program area from one year to the next without the approval of the dean and the Vice President.
- (III) FTE allocations at the dean and departmental/school/program area levels do not guarantee funding for the FTE allocated. FTE must be funded through the budget allocation to the dean or department/school/program area. Departments/schools/program areas with unassigned FTE may request authorization from the dean to advertise positions, even though they may only have tentative expectations that they will be funded. Positions tentatively approved and authorized for advertising must contain a contingency statement that allows the University to withdraw a position that is not ultimately funded. Positions for which no FTE allocations have been made may not be advertised.
- (IV) Without approval of the dean and the Vice President, a department/school/program area may not lock in its FTE by assigning all FTE to tenure track and multiple year term positions, even when the positions are within the 80% tenured plan of the college.
- (V) When a dean signs a position authorization form for a departmental/school/program area request to fill a position, the dean should indicate to the department/school/program area the funding priority of the position (i.e., the conditions necessary for the position to be funded).
- (VI) Budget allocations to departments/schools/program areas must be managed by the chair according to University and college fiscal policies.

### **3-8-104 Criteria and Procedures for Selection and Awarding Honorary and Posthumous Degrees.**

#### **3-8-104(1) Honorary.**

**(a) Purpose of this Regulation.** This regulation describes the process by which the University may award honorary degrees to recognize individuals who have made significant contributions to the University and/or have attained achievements of extraordinary and lasting distinction.

**(b) Limitations.** UNC employees are not eligible for the honorary degree while they are employed by the University. Honorary degrees shall not be conferred on elected state and local officials while they hold office. The Doctor of Laws and Doctor of Humane Letters are the only two honorary degrees that may be conferred. Under no circumstances will earned degrees awarded by UNC be conferred as honorary degrees.

**(c) Criteria.** Nominees must be evaluated by using the following criteria.

- (i) Nominees must have made significant contributions to the University over an extended period of time or outstanding personal or professional accomplishments that complement the University's role and mission.

- (ii) Nominees must be individuals upon whom conferral of an honorary degree would bring honor to the University.
- (iii) Nominees must exhibit exemplary character and integrity.

**(d) Nominations.**

- (i) Procedure. Nominations may be made in writing at any time by any UNC employee and must be submitted to the Chief Academic Officer at least one semester prior to the semester of the commencement at which the degree is to be conferred.
- (ii) Materials. Nominations must include a letter that describes how the nominee meets the honorary degree criteria and the preferred semester in which the degree would be conferred.

**(e) Review Process.** All matters relating to nominee reviews and recommendations are confidential and shall be maintained in confidence except for final approval by the Board of Trustees.

- (i) Evaluation Materials. The evaluation materials for each nominee shall include the letter of nomination and the Nominee Evaluation Form (see attached) completed by the reviewers at each step in the review process. These materials will accompany the nominee's nomination throughout the process.
- (ii) Chief Academic Officer Review. Nominations are reviewed first by the Chief Academic Officer, who shall make a recommendation on the nominee(s) and forward their recommendation and the evaluation materials to the Faculty Senate Executive Committee for consideration.
- (iii) Faculty Senate Executive Committee Review. Nominations are reviewed second by the Faculty Senate Executive Committee in executive session and shall make a recommendation on the nominee(s) and forward its recommendation and the evaluation materials to the President for consideration.
- (iv) President Review. Nominations are reviewed third by the President who shall review the evaluation materials and decide whether to recommend approval of the nominee(s) to the Board of Trustees. If the President determines the nominee fulfills the honorary degree criteria in 3-8-104(c), the President shall first contact the nominee(s) to inform them that the President is recommending them to the Board for conferral of an honorary degree in order to determine if the nominee(s) are desirous of being recommended. If so, the President will forward the evaluation materials to the Board of Trustees with a recommendation that the Board approve the nomination(s) including a recommendation on the type of degree(s) to be conferred.
- (v) Board of Trustees Review. The Board of Trustees shall review the evaluation materials and shall discuss in executive session whether the nominee meets the honorary degree criteria and whether to approve in public session the President's recommendation.

**(f) Announcement of Board Approval of Nominee.** If the nominee is approved by the Board of Trustees, the President shall make the public announcement of the Board's approval. The honorary degree shall be conferred at a commencement or at a special convocation following approval by the Board of Trustees.

**(g) Rescission of Approval or Conferral of Honorary Degree.** The Board of Trustees has authority to rescind its approval of the conferral of an honorary degree either before or after the degree is conferred if, in its judgment, the nominee or degree recipient has engaged in conduct that constitutes a significant departure from generally recognized standards of behavior that:

- (i) May be injurious to the reputation of the University and/or;
- (ii) Is inconsistent with the University's mission and/or values.

**3-8-104(2) Posthumous.** Students who die during the final semester of their academic programs may be awarded posthumous degrees.

- (a) The request to award a posthumous degree may be initiated by the decedent's family, major department/school/program area, or college, as well as by the Dean of Students.
- (b) The Dean of Students, in consultation with the Registrar and, when appropriate, the Dean of the Graduate School and/or the decedent's department/school/program area, or college, shall determine whether the following two conditions have been met.
  - (i) The student would have been eligible to graduate at the end of the semester or term, assuming satisfactory completion of enrolled course work and any additional degree requirements. Academic performance during the semester or term, however, will not be scrutinized or evaluated.
  - (ii) At the time of death, there were no outstanding criminal charges or violations of the Student Code of Conduct against the student, nor did the student die in the commission of a criminal act or violation of the Student Code of Conduct.
  - (iii) If the parties named in the first sentence of (2) above determine that there are extenuating circumstances, then the student shall be considered eligible for a posthumous degree.
- (c) Upon determination that the student is eligible for a posthumous degree, the Dean of Students shall contact the decedent's family to determine whether the family approves of the posthumous degree award.
- (d) Upon approval from the family, the Dean of Students shall communicate approval to the Registrar, who will withdraw the student from all registered course work, order the appropriate diploma, and arrange for the decedent's listing in the commencement program. If by this point it is no longer possible for the Registrar to execute these tasks in time for the forthcoming commencement, the posthumous degree shall be awarded at the next commencement.
- (e) The Registrar shall send notice of the posthumous degree award to the President, the Provost, and the decedent's major department/school/program area, and college.
- (f) The President shall write a letter to the decedent's family announcing the posthumous degree award and the date of the commencement ceremony at which the degree will be granted.



## Article 9: Information Technology

### Part 1: Information Technology Security Plan.

**3-9-101 Purpose.** This information Security Plan (“Plan”) describes the University of Northern Colorado’s (UNC) safeguards to protect certain data and information which Federal and State laws and regulations require be protected herein after be referred as “covered data and information.” The purpose of the Plan is to: (1) ensure the confidentiality, integrity, and availability of covered data and information; (2) protect against threats or hazards to the confidentiality, integrity, and availability of such information; and (3) protect against unauthorized access to or use of covered data and information that could result in substantial harm or inconvenience to any student, faculty or staff, hereinafter referred to as “customer.”

**3-9-102 This Information Plan Also Provides for Mechanisms to:** (1) identify and assess the risks that may threaten covered data and information maintained by UNC; (2) develop written policies and procedures to manage and control these risks; (3) develop and implement technological solutions to manage and control these risks (4) implement and review the plan; and (5) adjust the plan to reflect changes in technology, the sensitivity of covered data and information and internal or external threats to information security.

**3-9-103 Identification and Assessment of the Risks to Customer Information.** UNC recognizes that it has both internal and external risks. These risks include, but are not limited to: (1) access of covered data and information whether in electronic or hard copy form by any unauthorized parties; (2) compromised system security as a result of system access by an unauthorized person; (3) interception of data during transmission; (4) loss of data confidentiality, integrity, and availability; (5) physical loss of data due to disaster, loss, or theft; (6) errors introduced into the system; (7) corruption of data or system; (8) unauthorized transfer of covered data and information through third parties.

**3-9-104 List of Risks.** UNC recognizes that the above may not be a complete list of the risks associated with the protection of covered data and information. Since technology growth is not static, new risks are created regularly. Accordingly, the Information Technology Department will actively participate and monitor reputable advisory groups for identification of new risks.

**3-9-105 Information Technology Safeguards.** UNC believes that its current Information Technology safeguards are reasonable and sufficient to exercise due care and due diligence in providing confidentiality, integrity, and availability to covered data and information maintained by the University.

**3-9-106 Information Security Plan Coordinators.** The Assistant Vice President for Information Technology and the Assistant Vice President for Finance have been appointed as the coordinators of this Plan. They are responsible for assessing the risks associated with unauthorized access to and/or transfer of covered data and information and for implementing procedures to minimize those risks. Internal Audit Personnel will also conduct reviews of areas that have access to covered data and information to assess the internal control structure put in place by the administration and to verify that UNC departments comply with the requirements of this policy.

**3-9-107 Employee Management and Training.** Background checks will be conducted of new employees working in areas that regularly handle covered data and information, including but not limited to the Bursar’s Office, Registrar, Financial Services, Student Financial Resources, Health Service and Human

Resources, and Information Technology. Please see [http://www.unco.edu/hr/job\\_opportunities.htm](http://www.unco.edu/hr/job_opportunities.htm). During employee orientation, each new employee in these departments will receive proper training on the importance of confidentiality of student records, student financial information, and other types of covered data and information (including but not limited to the use of the unique UNC identifier, the “Bear Number”). Each new employee is also trained in the proper use of computer information and password management. Training also includes controls and procedures to prevent employees from providing confidential information to an unauthorized individual, including “pretext calling” (“Pretext calling” occurs when an individual improperly obtains personal information of the university customers so as to be able to commit identity theft. It is accomplished by contacting the University, posing as a customer or someone authorized to have the customer’s information, and through the use of trickery and deceit, convincing an employee of the University to release customer identifying information) and how to properly dispose of documents that contain covered data and information. Each department responsible for maintaining covered data and information is instructed to take steps to protect the information from unauthorized access, alteration, destruction, loss or damage due to environmental hazards such as fire and water damage, or technical failures. Further, each department is responsible for maintaining covered data and information should coordinate with the General Counsel on an annual basis for the coordination and review of additional privacy training appropriate to the department. These training efforts should help to minimize risk and safeguard covered data and information.

**3-9-107(1) Protocol.** UNC employees contacted by others, including law enforcement agents, requesting covered data and/or university information must not disclose any such information prior to immediately notifying UNC’s General Counsel who will advise them of the appropriate action.

**3-9-107(2) Physical Security.** UNC has addressed the physical security of covered data and information by limiting access to only those employees who have a business reason to know such information. For example, personal information, accounts, balances and transactional information are available only to UNC employees with an appropriate business need for such information.

**3-9-107(3) Paper Documents.** Loan files, account information, health information and other paper documents are kept in file cabinets, rooms or vaults that are not left unattended and are locked each night. Only authorized employees know the combinations and the location of keys. Paper documents that contain covered data and information are shredded at the time of disposal.

**3-9-107(4) Information Systems.** Access to covered data and information via UNC’s computer information system is limited to those employees who have a business reason to know such information. Each employee is assigned a user name and password. Databases containing personal covered data and information, including, but not limited to, accounts, balances, health information and transactional information, are available to UNC employees in appropriate departments and positions.

**3-9-107(5) Responsibility.** UNC will take responsibility and appropriate steps consistent with current technological developments to make sure that all covered data and information is secure and to safeguard the confidentiality, integrity, and availability of records in storage and transmission. Information Technology requires that all servers must be registered before being allowed through UNC’s firewall, thereby allowing Information Technology to verify that the system meets necessary security requirements as defined by Information Technology policies. These requirements include maintaining the operating system and applications, including applications of appropriate patches and updates in a timely fashion. User and system passwords are also required. In addition, an intrusion detection system has been implemented to detect and stop certain external threats, along with an incident response policy for occasions where intrusions do occur.

**3-9-107(6) Encryption Technology.** When commercially reasonable, encryption technology (please see [www.unco.edu/cybersecurity](http://www.unco.edu/cybersecurity) for information regarding encryption) will be used for both storage and transmission. All covered data and information will be maintained on servers that are behind UNC's firewall. All firewall software and hardware maintained by Information Technology will be kept current. Information Technology has policies and procedures in place to provide security to UNC information systems. These policies are available upon request from the Assistant Vice President for Information Technology.

**3-9-108 Management of System Failures.** Information Technology has developed written plans and procedures to detect any actual or attempted attacks on UNC systems and has an incident response policy which outlines procedures for responding to an actual or attempted unauthorized access to covered data and information. This procedure is available upon request from the Assistant Vice President of Information Technology.

**3-9-109 Selection of Appropriate Service Providers.** Due to specialized expertise needed to design, implement, and service new technologies, vendors may be needed to provide resources that UNC determines not to provide on its own. In the process of choosing a service provider that will maintain or regularly access covered data and information, the evaluation process shall include ability of the service provider to safeguard all confidential information. Contracts with service providers may include the following provisions: (1) an explicit acknowledgement that the contract allows the contract partner access to confidential information; (2) a special definition or description of the confidential information being provided; (3) a stipulation that the confidential information will be held in strict confidence and accessed only for the explicit business purpose of the contract; (4) an assurance from the contract partner that the partner will protect the confidential information it receives according to commercially acceptable standards and no less rigorously than it protects its own confidential information; (5) a provision providing for the return or destruction of all confidential information received by the contract partner upon completion of the contract; (6) an agreement that any violation of the contract's confidentiality conditions may constitute a material breach of the contract and entitles UNC to terminate the contract without penalty; and (7) a provision ensuring that the contract's confidentiality requirements shall survive any termination requirement.

**3-9-110 Continuing Evaluation and Adjustment.** The Information Security Plan will be subject to periodic review and adjustment. The most frequent of these reviews will occur within Information Technology, where constantly changing technology and evolving risks mandate increased vigilance. Continued administration of the development, implementation, and maintenance of the program will be the responsibility of the designated Information Security Plan Coordinators who will assign specific responsibility for implementation and administration as appropriate. The Coordinators, in consultation with the General Counsel, will review the standards set forth in this policy and recommend updates and revisions as necessary. It may be necessary to adjust the plan to reflect changes in technology, the sensitivity of student/customer data and internal or external threats to information security. [Editor's Note: For specific policy concerning health related information please see HIPAA (Health Insurance Portability and Accountability Act) policy and procedures located under the Student Health Center website. For specific policy concerning student educational records please see FERPA (Family Education Rights and Privacy Act) policy and procedures located under the Dean of Students website.]

## **Part 2: Information Technology Acceptable Use Regulation.**

**3-9-201 Overview.** The intention of this Regulation is not to impose restrictions that are contrary to the University of Northern Colorado's (UNC) established culture of openness, trust and integrity. UNC is

committed to protecting faculty, staff, students and the University from illegal or damaging actions by individuals, either knowingly or unknowingly. This Regulation explains the acceptable use of University of Northern Colorado's computing and communication resources, including computers, networks, electronic mail, electronic information sources, voice mail, telephone services and other communication resources.

**3-9-202 Purpose.** These rules are in place to protect the faculty, staff, students and the University. Inappropriate use exposes all parties to risks including loss of data or data integrity, exposure of personal and/or confidential data, malicious programs, systems compromise, and legal issues.

**3-9-203 Scope.** This Regulation applies to employees, contractors, consultants, temporary employees, students, and other workers at UNC including all personnel affiliated with third parties. This Regulation applies to all equipment that is owned or leased by UNC.

**3-9-204 Regulation.** UNC's computing and communications resources are university owned. These resources are to be used to further the university's mission of teaching, learning, the advancement of knowledge and community services. These resources shall be used in a manner consistent with the instructional, research, and administrative objectives of the University. Computing and communication resources are provided for the use of faculty, staff, currently admitted or enrolled UNC students and other properly authorized users. Access to the computing and communication resource environment is a privilege and must be treated as such by all users of these systems.

**3-9-205 General Use.** By acquiring an account or utilizing University electronic resources, users assume the responsibility to adhere to the following: (1) all computer users must comply with these regulations, state laws, federal laws and all other UNC regulations and policies; (2) individuals will refrain from activities that may damage or obstruct the network and electronic resources and information (such activities are described in Sections 3-9-207 and 3-9-208); (3) computer users are expected to secure their passwords and make them difficult to obtain or guess and are responsible for the security of and actions taken with their accounts; (4) no user shall, knowingly or unintentionally expose Personally Identifiable Information (PII) to unauthorized individuals. This includes, but is not limited to, information such as bear number, social security number and credit card information; (5) users must protect and backup critical data; UNC Information Technology is not obligated to maintain backups of any file for any particular length of time; individual users and university units should develop procedures and practices to ensure regular backups of data and implement steps to ensure that all critical data is compatible with all current generations of computing equipment and storage media and media readers; (6) all UNC units should implement procedures to ensure that access to sensitive data is restricted to those employees who have a need to access the information; (7) default passwords, such as those from a manufacturer, should be immediately changed; (8) agree to cooperate and comply with requests for access to and copies of email messages or data when access or disclosure is authorized by this regulation or required or allowed by law or other applicable procedures, regulations and policies; (9) because information contained on portable computers is especially vulnerable, special care should be exercised to protect these devices (see, <http://www.unco.edu/cybersecurity> for more information); (10) all devices that are connected to the UNC network, whether owned by the user or UNC, shall be patched to the most current level and running up to date virus-scanning software.

**3-9-206 Privacy.** UNC's computing resources, including all related equipment, networks and network devices, are provided for authorized UNC use only. UNC computer systems may be monitored for all official purposes. Use of UNC's computing infrastructure, authorized or unauthorized, constitutes consent to this regulation and the policies and procedures set forth by UNC. Evidence of unauthorized use collected during monitoring may be used for administrative action and/or criminal or civil prosecution by

University legal counsel and law enforcement agencies. Under the Colorado Open Records Act, electronic files are treated the same as paper files. Any official university documents (as defined by law) in the files of employees of the State of Colorado are considered to be public documents, and may be subject to inspection through the Open Records Act. In such cases, the Legal Counsel to the Board of Trustees should inspect the contents of the applicable files to determine which portions may be exempt from disclosure. Any inspection of electronic files, and any action based upon such inspection will be governed by all applicable U.S. and Colorado laws and by university policy and regulations. (1) It is recommended that any information that users consider sensitive or vulnerable be encrypted; for guidelines on encrypting email and documents, please see <http://www.unco.edu/cybersecurity> for further information; (2) for security and network maintenance purposes, authorized individuals within UNC's Information Technology department may monitor equipment, systems and network traffic at any time; (3) UNC reserves the right to audit networks and systems on a periodic basis to ensure compliance with this regulation; (4) in cases of suspected violations of UNC policies and procedures, or when required by law, the system administrator may authorize detailed session logging; this may involve keystroke and session logging; in addition the system administrator may perform searches of user files to gather evidence on suspected violations; (5) University owned computers and equipment can be examined to detect unauthorized software use and to evaluate the security of the network; (6) all individuals must respect the rights and privacy of others, including intellectual property and personal property rights.

**3-9-207 Unacceptable Use.** Under no circumstances is an employee of UNC authorized to engage in any activity that is illegal under local, state, federal or international law, or that is against UNC rules and regulations while utilizing UNC owned resources. The activities listed below are strictly prohibited. These lists are by no means exhaustive, but provide a framework for the types of activities which fall into the category of unacceptable use.

**3-9-208 Unacceptable System and Network Activities.** (1) Knowingly using any computer, computer system, computer network or any part thereof for the purpose of devising or executing any scheme or artifice to defraud; obtain money, property, or service by means of false or fraudulent pretenses, representations, or promises; using the property or services of another without authorization; or committing theft; (2) negligent or intentional conduct that alters, damages, or destroys any computer, computer system, computer network, or any system logs, computer software, program documentation, or data contained in such computer, computer system, or computer network; (3) use of resources for personal or private business or commercial activities, fund raising or advertising on behalf of non-UNC organizations; (4) misrepresentation or forging your identity on any electronic communication; (5) unlawful communications, including threats of violence, obscenity, child pornography and harassing communications; (6) reselling of UNC resources or services; (7) failure to comply with requests from appropriate UNC officials to discontinue activities that threaten the operation or integrity of computers, systems or networks, or otherwise violate this regulation; (8) violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by UNC; (9) unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, movies, and the installation of any copyrighted software for which UNC or the end user does not have an active license; (10) exporting software, technical information, encryption software or technology, in violation of international or regional export control laws; (11) using a UNC's computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws; (12) making fraudulent offers of products, items, or services originating from any UNC account; (13) engaging in security breaches or disruptions of network communication (Security breaches include, but are not limited to, accessing data of which the

user is not an intended recipient or logging into a device or account that the user is not expressly authorized to access, unless these activities are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network monitoring, ping floods, buffer overflows, spoofing, denial of service, and forged routing information for malicious purposes); (14) vulnerability and port scanning is expressly prohibited unless prior approval from the Information security office; (15) circumventing user authentication or security of any host, network or account; (16) using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet.

**3-9-209 Unacceptable Email and Communications Activities.** (1) Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam); (2) any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages; (3) unauthorized use, or forging, of email header information; (4) solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies; (5) creating or forwarding or replying to "chain letters" of any type; (6) use of unsolicited email originating from within UNC's networks of other Internet service providers on behalf of, or to advertise, any service hosted by UNC or connected via UNC's network; (7) posting the same or similar non-business-related messages to large numbers of Usenet newsgroups.

**3-9-210 Enforcement.** Those found to have violated this regulation may be subject to disciplinary action, up to and including criminal prosecution and/or termination of employment.

**3-9-211 Related Policies, Procedures, and Codes of Conduct.** All applicable laws and University policies, regulations and procedures bind UNC students and employees. Some applicable laws and procedures are listed below. This list is an illustration only. It is not intended to be exhaustive or to limit the applicability of any other law, policy, or regulation.

**3-9-212 Mass E-mails to Campus.** The University's official electronic delivery method for communicating campus news, announcements and events to faculty, staff and students is through its e-newsletters. The Office of University Relations sends *UNC Today* by e-mail Monday through Friday, excluding holidays, to faculty and staff. *Around Campus* is a weekly e-newsletter sent to students during fall and spring semesters. Campus announcements also appear on Ursa (under the heading "Campus Announcements), <http://ursa.unco.edu> , UNC's campus Web portal.

Making announcements through Ursa, *UNC Today* and *Around Campus* reduces, and in most cases eliminates, the need for sending e-mail to all faculty, classified, exempt and student through listservs. Ursa, *UNC Today* and *Around Campus* combine to reach all of the audiences who belong to those listservs — i.e., all members of the campus community who have university e-mail accounts. By employing this approach, the campus community receives from recognized and credible source relevant campus information in a consolidated format.

#### **Targeted Announcements.**

In certain cases, there are exceptions that warrant sending individual announcements directly to one or all of the student, faculty and staff listservs. These include:

- (1) Emergency messages sent from UNC's Emergency Alert System.

- (2) Messages deemed of critical importance from the offices of university president, provost, chief financial officer, UNC Police, university relations, general counsel, human resources, information technology and dean of students.

Approval for sending mass e-mails resides with these offices or their designees, keeping in mind that the preferred and recommended method is through the e-newsletters: the Provost (faculty and student requests) and Chief Financial Officer (employee requests), in consultation with the newsletter's editor. The university may rescind a community member's eligibility to send announcements for non-compliance with this or other university technology policies contained in "UNC Computer, Internet and Electronic Communication Procedures."

- (3) This does not affect:
  - (a) Professors sending e-mail to students enrolled in their classes;
  - (b) Other listservs that are requested and managed by faculty, staff and students. These listservs use a Web interface to distribute e-mail to addresses on and off campus and can be modified to allow members to send and receive messages.
  - (c) This also does not affect sending e-mail to department e-mail distribution lists that have either been set up by an employee or by IT on the department's behalf. These lists can be created and managed locally through Outlook or requested through Information Technology so that they appear in the Global Address List. Members of a distribution list are the only ones available to send to these lists.

#### **Guidelines for Submitting *UNC Today/Ursa* Campus Announcements.**

- (1) Announcements must be directly related to the university.
- (2) Campus announcements must be relevant to a large segment of the university community and fall into one of these categories:
  - (a) **News and Events.**  
**Examples:** Grants received by faculty, staff and students; ground-breaking research; faculty member's recently published books and articles; honors/awards; new programs and facilities; featured speakers on campus; defense of dissertation/oral exams; retirement receptions; and university-sponsored events such as concerts, speakers, performances, workshops, meetings, celebrations, athletics events and festivals.
  - (b) **Employee.**  
**Examples:** Job openings, policy changes, training opportunities, updates on benefits plans; important deadlines
  - (c) **Student.**  
**Examples:** Important deadlines (financial aid, registration, graduation, etc.)
  - (d) **Human-interest stories.**  
**Examples:** A student's unusual job, a professor's out-of-the-ordinary volunteer activities, an employee who is retiring after 30 years at UNC

- (3) Announcements must include a contact name, telephone number and e-mail address.
- (4) Announcements may not conflict with UNC policies or regulations or include material contrary to the university's mission and values.
- (5) Announcements about commercial or fund-raising activities not associated with the university (e.g., solicitations) or about activities for personal financial gain will not be published.
- (6) Announcements must comply with "UNC Computer, Internet and Electronic Communication Procedures, <http://www.unco.edu/it/Policies/computingproceduresindex.html> .
- (7) To request a *UNC Today* announcement, use the form online at <http://www.unco.edu/unctoday> . Events on the university's online calendar are automatically considered for publication in Campus Announcements. **The submission deadline to be included in the next day's edition is 4 p.m.**
- (8) All announcements are subject to editing (see below).
- (9) Each campus announcement may run twice per semester. Following are examples:
  - (a) Event—two weeks in advance and day before event;
  - (b) Art exhibit—a few days before opening reception and a week before exhibit closes;
  - (c) Request for nominations—when nominations open and a few days before deadline;
  - (d) Last-minute meeting notice—day before and day of meeting.
- (10) Calendar entries: All university events occurring on campus and sponsored by official campus groups should be entered into the online calendar. From a campus computer, visit <http://www.unco.edu/calendar/calendar.asp>. Click 'Submit or edit an event' at the top of the page. Calendar entries will appear online within 24 hours of the time they're entered. Entries will be published in *UNC Today* and distributed in an e-mail titled 'Next Week on Campus,' which previews the on-campus events for the upcoming week.

#### **Guidelines for Around Campus.**

- (1) Events published in Around Campus must be sponsored by official university groups.
- (2) Events should be submitted to the online calendar to be included in the newsletter and considered as an announcement. From a campus computer, visit <http://www.unco.edu/calendar/calendar.asp>. Click 'Submit or edit an event' at the top of the page. Calendar entries will appear online within 24 hours of the time they're entered. Entries will be published in Around Campus under the headings, "Today and This Weekend on Campus," and "Next Week on Campus," which previews the on-campus events for the upcoming week.



- (3) Announcements are selected by the Dean of Students Office from a list of upcoming campus events and/or pertinent information that's relevant to students.
- (4) To submit ideas for spotlight stories, which are feature stories that appear in Around Campus, send an e-mail to [newsletters@unco.edu](mailto:newsletters@unco.edu). Examples of potential stories include, but aren't limited to: a student's unusual job or prestigious award or achievement (such as receiving an internship to work at NASA), a college class that has started as a result of student research, or a student's out-of-the-ordinary volunteer activities.
- (5) Calendar entries must include a contact name, telephone number and e-mail address.
- (6) Calendar entries may not conflict with UNC policies or regulations or include material contrary to the university's mission and values.
- (7) Calendar entries about commercial or fund-raising activities not associated with the university (e.g., solicitations) or about activities for personal financial gain will not be published.
- (8) Calendar entries must comply with "UNC Computer, Internet and Electronic Communication Procedures," <http://www.unco.edu/it/Policies/computingproceduresindex.html>
- (9) All entries are subject to editing (see below).

#### **Editing of Announcements.**

The Office of University Relations staff will edit announcement and calendar submissions for accuracy, brevity, clarity and suitability. If a submission is better suited to a different communication vehicle, it will be forwarded. Items that are incomplete or inaccurate or do not meet guidelines will be e-mailed back to the submitter with an explanation. Submitters are encouraged to make necessary changes and resubmit the item. The university reserves the right to review, suspend or deny announcement requests for any reason.

*UNC Today* and *Around Campus* contact: [newsletters@unco.edu](mailto:newsletters@unco.edu).

#### **About the Policy.**

This policy is part of the "UNC Computer, Internet and Electronic Communication Procedures." Along with those procedures, it is reviewed periodically by the Information Technology Committee, a university-wide management and advisory committee established to provide communication, collaboration and coordination on issues regarding information technology policy, planning, resource management, standards, procedures and priorities that will develop and enhance the effective use of information technology by faculty, staff and students.

**Administrative policies and procedures and student code of conduct are applicable to University system users,** <http://www.unco.edu/it/Policies/computingprocedures.html#whatotherapplicable>

CONDITIONS OF ADMINISTRATIVE SERVICE

CONDITIONS OF FACULTY SERVICE

CONDITIONS OF PROFESSIONAL SERVICE

CONFLICT OF INTEREST

COPYRIGHT & DIGITAL MILLENIUM COPYRIGHT ACT

GRAMM-LEACH BLILEY ACT

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

HONOR CODE

INTELLECTUAL PROPERTY

PERSONAL USE OF UNIVERSITY RESOURCES

POLITICAL ACTIVITY

PRIVACY POLICY

PROCUREMENT PROCEDURES

STUDENT CODE OF CONDUCT

TRADEMARK USE

**3-9-213 Plan to Combat Unauthorized Distribution of Copyrighted Material.**

In accordance with the Higher Education Act of 2008; the University has adopted this Plan to combat unauthorized distribution of copyrighted material through peer-to-peer file sharing. The Plan consists of 4 elements.

**3-9-213(1) Technology Based Deterrents.**

The University computing infrastructure has the ability to shape the majority of peer-to-peer applications in use today. This same technology can be used to assist with the identification of individuals who may be accessing P2P networks and potentially downloading and uploading copyrighted material. The University will use technologies that provide the ability to identify P2P applications and assist with the shaping of the traffic associated with such applications as appropriate to enhance the effectiveness of the Plan and consistent with preserving the computing infrastructure and University resources.

**3-9-213(2) Education.**

The University annually distributes an educational publication(s) to the campus community "Cyber-Security Awareness Month" The publication(s) outline the technology behind peer-to-peer file sharing, provides examples of how certain uses of that technology may constitute unauthorized distribution of copyrighted material, and provides information on resources and alternatives for legally obtaining copyrighted material. The publication describes the institution's policies with respect to unauthorized peer-to-peer file sharing and summarizes potential disciplinary actions for violation of the procedure. It also explicitly informs the campus community that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may result in civil and criminal liabilities and summarizes potential civil and criminal penalties. The information is distributed to the campus community annually and posted on the University's website located at <http://www.unco.edu/cybersecurity>

**3-9-213(3) Policies.**

The Student Code of Conduct, Section B.12 prohibits violations of federal law or any other conduct that unreasonably interferes with the operations of the University. This provision makes any copyright infringement by a student a violation of University policy. In addition, University Regulation 3-9-208(9) prohibits any use of the University network for unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, movies, and the installation of any copyrighted software for which UNC or the end user does not have an active license. Unauthorized distribution of copyrighted material through peer-to-peer file sharing is explicitly addressed in the University's Peer-to-Peer File Sharing Procedure which appears in the University Regulations, Article 9 Information Technology located at [http://www.unco.edu/trustees/University\\_Regulations.pdf](http://www.unco.edu/trustees/University_Regulations.pdf)

**3-9-213(4) Assessment of Plan Effectiveness.**

The Assistant Vice President for Information Technology will coordinate a periodic assessment of the effectiveness of this Plan. The assessment shall consist of a review of current legal alternatives for downloading or otherwise acquiring copyrighted material, a review of the University's current technology based deterrents, a review of the University's current educational efforts and a review of disciplinary actions for unauthorized distribution of copyrighted material. The assessment shall set out the criteria used for assessing Plan effectiveness, which may include tools for assessing campus awareness of the risks and consequences of unauthorized distribution of copyrighted material, availability of legal downloading alternatives, statistics on repeat violators and analysis of DMCA violation notices and settlement letters for trends and fluctuations in type and frequency. Based on

this assessment, the Assistant Vice President for Information Technology, in consultation with the Office of General Counsel, the Director of Human Resources and the Office of Student Affairs will update this Plan as needed.

### **3-9-214 Peer-to Peer File Sharing Procedure.**

#### **3-9-214(1) Overview.**

The University's culture supports sharing knowledge and information in a manner that does not violate copyright law or University policy or regulation. File sharing is the practice of using the internet to make files available for others to download. Peer-to peer (P2P) file sharing applications allow a computer to connect to a P2P network, and once connected, make it possible to download as well as upload files for other users on the network. Campus computer networks are subject to be used to download and distribute copyrighted music, movies, television shows, pictures, games, software, etc. through the use of P2P file sharing networks.

While there are files we can legitimately obtain and share, for instance, works of our own creation or works in the public domain, it is against the law and University policy and regulation to download copyrighted materials (such as music, movies, video games, computer software, photographs, etc.) without legal authorization such as purchasing the work or obtaining the copyright holder's permission. Purchasing a work for your own use does not give you legal authorization to further distribute that work.

P2P file sharing poses risks to the University computer network and to the individuals involved. The University of Northern Colorado respects the intellectual property rights of others and expects students, faculty, and staff to do so as well. We also must ensure that the University's network is not put at risk or misused.

#### **3-9-214(2) Risks of Unauthorized Peer-to-Peer File Sharing.**

Illegal P2P downloading and distribution of copyrighted material, even if inadvertent, holds the risk of significant penalties beyond sanctions for violation of University policy and regulation. Under federal law, a person found to have infringed upon a copyrighted work may be liable for actual damages and lost profits attributable to the infringement, and statutory damages from \$200 up to \$150,000. The copyright owner also has the right to permanently enjoin an infringer from further infringing activities, and the infringing copies and equipment used in the infringement can be impounded and destroyed. If a copyright owner hired an attorney to enforce his or her rights, the infringer of a work may also be liable for the attorney's fees as well as court costs. Finally, criminal penalties may also be assessed against the infringer and could include jail time depending upon the nature of the violation.

Along with the potential for University sanctions for violations of University policy and regulation and legal complications associated with P2P file sharing, the files downloaded or distributed through P2P file sharing can cause harm to individuals, their computers and the computing network and infrastructure. These risks include but are not limited to virus infections, worm infections, Trojan Horses, Spyware, sensitive information leakage, and identity theft.

#### **3-9-214(3) Purpose.**

It is the responsibility of all members of the UNC community to use copyrighted materials in a manner that complies with the [United States Copyright Law](#) and University policy and regulation. The purpose of this procedure is to combat unauthorized downloading and distribution of copyrighted materials using P2P file sharing and guard against the associated risks.

**3-9-214(4) Scope.**

This procedure applies to University employees, staff, faculty, students, guests, and all other users of the University's computing and network resources.

**3-9-214(5) Procedure.**

Uses of P2P applications on the University network in a manner that infringes copyright or interferes with or poses a risk to the network integrity or security are prohibited by this procedure.

Using P2P applications to download a copyrighted work is deemed to infringe copyright protection if undertaken without legal authorization, which may be obtained through purchasing the work or obtaining the owner's written authorization. Purchasing a work for downloading does not authorize further distribution.

Using P2P applications interferes with or poses a risk to the University network whenever the use places an unusual burden on the network, for instance, when excessive bandwidth is occupied and when potentially unsafe content is downloaded or uploaded. P2P applications may be used for legitimate academic or research purposes or for personal purposes so long as those uses do not violate the law or this procedure.

**3-9-214(6) Enforcement.**

The University does not routinely monitor its computer network to detect infringement of copyright protected material; however it receives copyright infringement notifications of various kinds from owners of copyright protected material that has allegedly been infringed by University network users.

The Digital Millennium Copyright Act (DMCA) provides copyright owners with a procedure for notifying service providers of alleged infringing activities by their subscribers. The University is generally deemed a service provider under the DMCA. A notice of infringing activity must contain the following elements to be sufficient.

- 1) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
- 2) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.
- 3) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.
- 4) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
- 5) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
- 6) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

If the University receives a notice that meets these requirements it will be taken as evidence of a potential violation of this procedure. The copyright owner's notice will be forwarded to the user at the IP address indicated with an indication of actions required to resolve the complaint.

If a P2P use is interfering with or placing the network at risk, the University will send the user a notice of evidence of a potential procedure violation with an indication of actions required to resolve the complaint.

Actions required to resolve a complaint of potential procedure violation may include one or more of the following: 1) requiring that the user immediately cease any prohibited activity, 2) requiring that the user participate in training on the risks of P2P file sharing 3) other action as deemed appropriate to the circumstances.

Failure of the user to comply with any required actions set out in a notice of potential procedure violation, or alternatively, on receiving a notice of potential procedure violation to provide the University with evidence that the use does not violate the law or University policy or regulation, may result in the immediate disconnection of the offending device from the University's computing network or disabling access for the person at the IP address. The University may disconnect an offending device or disable access for the person at the IP address without prior notice if the use is interfering with network operation or placing the network at risk until appropriate actions can be taken. Furthermore, violation of this procedure may result in disciplinary action under appropriate University disciplinary procedures for employees, faculty, staff, and students. Sanctions may include any sanction available under the appropriate disciplinary policy, up to and including dismissal from the University or termination of a user's University computing account. Civil and criminal legal consequences may also result.

#### **3-9-214(7) Alternatives.**

The University allows legal downloading on its network so long as the use does not interfere with or pose a risk to the network. Obtain legal downloading resource information at <http://www.educause.edu/Resources/Browse/LegalDownloading/33381>. These resources may not remain valid over time. It is up to the individual user to check out the legal statute of any music downloading service they might wish to use.

## **Article 10: Student/Employee Identification Number Regulation.**

**3-10-101 Objectives.** The University of Northern Colorado recognizes that it collects and maintains confidential information relating to its students, employees, and individuals associated with the University and is dedicated to ensuring the privacy and proper handling of this information.

**3-10-101(1) Purpose.** The primary purpose of the University of Northern Colorado Student/Employee Identification Number Regulation is to provide the necessary procedures and awareness to ensure that University employees and students comply with both the letter and the spirit of this objective, to the letter and spirit of the Family Educational Rights and Privacy Act (FERPA) of 1974, revised and Colorado Revised Statute 23-5-127 (Identification Numbers for Postsecondary Students).

**3-10-101(2) Objectives.** The University is guided by the following objectives:

- (a) Reduced reliance upon the Social Security Number (SSN) for identification purposes;
- (b) Increased confidence by students and employees that SSNs are handled in a confidential manner.
- (c) Broad awareness of the confidential nature of the SSN;
- (d) Consistent policy towards and treatment of SSNs throughout the University.

**3-10-102 Guidelines/Regulations.** The Social Security Number Usage Committee is assigned the responsibility of overseeing the SSN usage at UNC. This committee's approval is required to use the SSN in any printed materials or electronic system. The committee will be composed of the Registrar, Director of Admissions, Director of Human Resources, the Assistant Vice President for Information Technology or designee, and the Director of Institutional Research who will serve as chair of the committee. Specific responsibilities are indicated in the Implementation section below.

**3-10-103 Unique Identifier.** The UNC Bear Number is a unique identifier that is used to replace the Social Security Number as the primary identifier in most instances within the University. The Family Educational rights and Privacy Act (FERPA) explicitly includes a student identification number in the list of "personally identifiable information" which would make the student's identity easily traceable. Therefore, the UNC Bear Number should not be publicly displayed.

**3-10-104 UNC Bear Number.** The UNC Bear Number will be assigned at the earliest possible point of contact between the individual and the University for all students and employees. It will be permanently and uniquely associated with the individual to whom it is originally assigned.

- (1) All services rendered by UNC and electronic business systems will rely on the identification and authentication services provided by this system.
- (2) The Bear Number will be used in all future electronic and paper data systems to identify, track, and service individuals associated with the University.
- (3) All University forms and documents that collect SSNs will use the language included below and will indicate whether the request is voluntary or mandatory. Forms and documents will be modified on an *as reprinted* basis with full compliance by January 1, 2005.
- (4) Paper and electronic documents containing SSNs and/or the Bear Number will be disposed of in a secure fashion (either shredded or placed in a locked and secure recycle container).
- (5) Non-directory information (as defined by FERPA) will not be publicly posted or displayed in a manner where either the SSN or Bear Number identifies the individual associated with the information.
- (6) Except where the University is legally required to collect and use a SSN, individuals will not be required to provide their SSN, verbally or in writing, at any point of service, nor will they be denied access to those services should they refuse to provide a SSN.
- (7) Social Security Numbers will be released by the University to entities outside the University only:

- (a) As allowed by law; or
  - (b) When permission is granted by the individual; or
  - (c) When the external entity is acting as the University's contractor or agent and adequate security measures are in place to prevent unauthorized dissemination to third parties; or
  - (d) When the University's Legal Counsel has approved the release.
- (8) The SSN will be used as:
- (a) Allowed by law
  - (b) An alternate key to identify individuals whose Bear Number is unknown
- (9) The Social Security Number Usage Committee will determine who has a legitimate need to access, collect, and/or store SSNs.

**3-10-105 Implementation.** The Social Security Number Usage Committee must approve the storage (via any medium) and/or use of a SSN as well as any university form or document that requests a SSN.

**3-10-106 Requests.** Requests must be submitted on the appropriate form and must provide the following information:

- (1) Name of Unit
- (2) Contact person plus e-mail address and phone
- (3) What is being requested
- (4) Why this is necessary
- (5) How it will be used
- (6) Who will have access to it
- (7) How it will be disposed of
- (8) Signature of department head

**3-10-107 Denied Requests.** Denied requests may be appealed by submitting a written request to meet with the Social Security Number Usage Committee to provide additional documentation and explanation of the necessity to use SSNs.

**3-10-108 Approved Forms.** All approved University forms and documents that collect SSNs will use the language substantially similar to the language indicated below.

- (1) Student: "Use of Social Security Numbers: Providing a Social Security Number is voluntary and is not required for enrollment at UNC. However, the University is required by federal law to report to



the Internal Revenue Service (IRS) the name, address and SSN of individuals from whom tuition and expenses are received and to whom compensation is paid. The SSN is required from individuals applying for and receiving financial aid and student employment; utilizing banking services; health services or the student health insurance program. The University will not disclose a SSN for any purpose not required by law without the consent of the student.”

- (2) Employee: “Use of Employee Social Security Numbers: The University is required by federal law to report income along with Social Security Number (SSN) for all employees to whom compensation is paid. Employee SSNs are maintained and used by the University for payroll, reporting and benefits purposes and are reported to federal and state agencies in formats required by law or for benefits purposes. The University will not disclose an employee’s SSN without the consent of the employee to anyone outside the University except as mandated by law or required for benefit purposes.”
- (3) SSN Statement for Student Handbook and the University’s Website: “The University of Northern Colorado is committed to protecting the privacy of its students, employees and alumni, as well as other individuals associated with it. At times the University will ask you for your Social Security Number (SSN). Federal and state law required the collection of your SSN for certain purposes such as those relating to employment, student loans, and financial aid. Whenever your SSN is requested, the form (both electronic or hardcopy) used to collect your number will be clearly marked as to whether this request is voluntary or mandatory.

“The University is required by the IRS to supply them with the name, address, and Social Security Number of every tuition-paying student. The IRS relies on these lists to certify education related tax credits. The University cannot provide the IRS with this information without a valid SSN.

“The University is required to have a valid SSN before an individual can be entered into any business system involving financial transactions. Thus, without your SSN the University cannot grant an assistantship, waiver, or provide employment.

“Social Security Numbers collected by the University may be used in a variety of ways, such as, but not limited to, the following:

- (a) To identify such student records as applications for admission, transcript and certification requests, medical immunization records, student financial records, financial aid records, health insurance records, and permanent academic records;
- (b) To determine eligibility, certify attendance, and report student status;
- (c) To use as an identifier for grants, loans, and other financial assistance programs; and
- (d) To identify and track employment or medical records.

“The Social Security Number will not be disclosed to individuals or agencies outside the University of Northern Colorado except as allowed by law or with permission from the individual. This statement was created for informational purposes only and may be amended or modified. For a full description of the University of Northern Colorado’s Social Security Number policy, please visit the Board of Trustees website under University Regulations.”

**3-10-109 Enforcement.** An employee or student who has substantially breached the confidentiality of either Social Security Numbers or the Bear Numbers may be subject to disciplinary action or sanctions up to and including discharge, dismissal, or prosecution under federal law as stipulated by FERPA in accordance with University policy and procedures.

## Article 11: The Drug and Alcohol Policy.

**3-11-101 The Drug and Alcohol Policy.** The University of Northern Colorado 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.

**3-11-102 University Policy Statement.** The University of Northern Colorado 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.

**3-11-103 Policy on Alcohol.** The University of Northern Colorado neither encourages nor discourages the use of alcoholic beverages, (includes 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 and in the case of travel within the requirements of State of Colorado Fiscal Rule 5-1.02. In addition, individuals must always be aware of, and respect the rights of others within the University and local community.

- (1) No person under legal drinking age in Colorado may have in his/her possession or consume malt, vinous, or spirituous liquor on the University of Northern Colorado campus and/or properties owned by the University or as part of any of its activities.
- (2) Persons of legal age who adhere to the following responsible drinking guidelines may consume alcoholic beverages on campus:
  - (a) Individuals who possess or consume alcoholic (or non-academic) beverages will not litter University grounds;
  - (b) Individuals who possess, are consuming, or are under the influence of alcoholic beverages will not engage in abusive language or behavior or infringe upon the rights of any person;
  - (c) Individuals who possess, are consuming, or are under the influence of alcoholic beverages will not abuse University or local property.
- (3) Individuals may not possess or consume alcohol in classrooms and academic or administrative buildings unless prior approval is obtained from the Vice President for Academic Affairs or his/her designee. Alcohol may not be purchased with State of Colorado or non-state University funds.
- (4) When a group schedules use of University property for an organized function, it will be required to designate if alcohol will be consumed. If alcohol is to be consumed at an organized function, the group shall adhere to the UNC Alcohol Policy, the State of Colorado, and the City of Greeley laws

- (4) and regulations. Campus areas are available for scheduling functions at which alcoholic beverages will be served or consumed. However, permission for scheduling University facilities for organized events will be determined through the Office of Conference, Catering and Event Scheduling Services. The sponsoring group shall be responsible for assuring that no one under legal age is allowed to consume or possess alcoholic beverages.
- (5) As a matter of University policy, the sponsoring group is encouraged to make reasonable efforts to persuade persons attending its functions to not drive a motor vehicle away from the function when that person is apparently impaired or intoxicated and provide alternative transportation.
- (6) Advertisement of Events. The University of Northern Colorado encourages the celebration of events. These celebrations are usually accompanied by food and drink which may include alcoholic beverages. The advertisement of such events on campus by sponsors shall not promote the misuse/abuse of alcoholic beverages. Publicity shall focus on the event and not emphasize the consumption of alcoholic beverages. Mention of alternative beverages and food must be included if alcohol is mentioned in the advertisement. Advertisements must include the statement: "The University of Northern Colorado prohibits the irresponsible and illegal consumption of alcoholic beverages."
- (7) Admissions Charge for Functions Held by Non-Profit Organizations. Groups or organizations which are incorporated for non-profit reasons may charge admission to members and their guests attending a social function and alcoholic beverages may be served by the drink, at no charge per drink. When such an event is scheduled on University facilities, a security plan approved by the University Police Department must be submitted to the Office of Conference, Catering and Event Scheduling Services before the event is scheduled. When a special permit is necessary to sell alcoholic beverages, it must be obtained from the city or state agency after the event is scheduled. In addition, when an event is scheduled on University facilities, a security plan approved by the University Police Department must be submitted to the Office of Conference, Catering, and Event Scheduling Services before the event is scheduled. As long as alcoholic beverages are served during an event, food and a variety of popular non-alcoholic beverages must be served. If alcohol is served by the drink, the price of the non-alcoholic beverage may not exceed the price charged for the alcoholic beverage. It is encouraged that non-alcoholic beverages be served free of charge and provided to persons who are designated drivers or who desire to abstain from alcoholic beverages.
- (8) Open alcohol containers are prohibited on the UNC campus, except at designated areas or scheduled events at which alcohol is authorized to be sold, served or consumed. These events shall be scheduled through the University Conference and Scheduling Office.
- (9) Glass containers may not be present in areas adjacent to the Residence Halls, parks, athletic fields, or practice fields.
- (10) Individuals are required to be in compliance with additional alcohol policies in effect in other areas of the campus which may be more restrictive than this policy. Other policies include, but may not be limited to, the Residence Halls, intramural and athletic programs, and the University Center. These policies and procedures can be found in the Residence Hall Handbook, Intramural Handbook, and University Center's Policy and Procedures Handbook.

**3-11-104 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 violated this policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University.

**3-11-105 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: Colorado State Employee Assistance Program, Dean of Student's Office, Drug Prevention/Education Program, Housing Officials, Office of the Vice President for Academic Affairs, UNC Counseling Center, UNC Health Center, UNC Police Department.

**3-11-106 Sanctions for Violation of Alcohol Policy.** When the University Police Department is called, any one of the following actions or combinations thereof may be taken:

- (1) Warn and release
- (2) Issue a summons
- (3) Physically book into jail (when other crime is involved)
- (4) Take to detoxification center
- (5) Refer for administrative action
- (6) Administratively, any one or a combination of the following sanctions may be invoked for violation of this policy:
  - (a) Referral for alcohol/drug education
  - (b) Referral for professional alcohol/drug evaluation
  - (c) Referral for counseling/treatment
  - (d) University Disciplinary Action
    - (I) Departmental or organizational
    - (II) University Disciplinary sanctions for misconduct as stated in the Student Rights and Responsibilities
  - (e) Restricting responsible individual or group privileges
  - (f) Loss of University recognition of sponsoring group or organization
  - (g) Penalties as otherwise prescribed by law

## **Appendix: University Regulations**

### **3-2-111 STUDENT-FACULTY DISPUTE RESOLUTION PROCESSES.**

3-2-111 Section added (May 2017)

### **3-2-201 STUDENT CODE OF CONDUCT (“BEAR Code”).**

3-2-2-1 Section added (Aug 2020)

### **3-3-201 FACULTY CONTRACTS.**

Subsection 3-3-201(1) Term Faculty (a)(I)(II)(III)(b)(VII) amended (Nov 2011)

### **3-3-301 DEPARTMENT CHAIR SELECTION AND EVALUATION POLICY.**

3-3-301 section amended (Sep 2016)

3-3-301 section added (Feb 2013)

### **3-3-402 CONFLICT OF INTEREST**

3-3-402 Section added (Aug 2012)

### **3-3-501 CURRICULUM APPROVAL PROCESS.**

Subsection 3-3-501(1) Responsibilities of the Originating Unit amended (Feb 2011)

Subsection 3-3-501(2) Curriculum Change Procedures (b)(II)(C) and (D) amended (Feb 2011)

Subsection 3-3-501(3)(c)(I) Roles and Responsibilities of Governing Groups amended (Feb 2011)

### **3-3-701 FACULTY SALARY DISTRIBUTION.**

Subsection 3-3-701(1)(c) Faculty Compensation Procedures(II) amended (Jun 2017)

Subsection 3-3-701(1)(a) Faculty Compensation Procedures (II)(III) amended (Nov 2015)

Subsection 3-3-701(1)(c) Faculty Compensation Procedures (II)(III)(IV)(V) amended (Nov 2015)

Subsection 3-3-701(2) Overload Pay Rate amended (May 2014)

Section 3-3-701 amended (Apr 2012)

Subsection 3-3-701(1) Faculty Compensation Procedures (c)(IV) amended (Nov 2011)

Subsection 3-3-701(1)(c)(VI) Faculty Compensation Procedures amended (Mar 2011)

Subsection 3-3-701(1)(d) Temporary Salary Reductions added (Jul 2020)

### **3-3-702 SUMMER COMPENSATION AND WORKLOAD POLICY.**

Section 3-3-702(2) Compensation (a)(b)(c)(d)(e)(f) amended (Feb 2014)

Section 3-3-702 amended (Sep 2013)

Section 3-3-702 name amended to “Summer and Interim Session Compensation and Workload Policy” (May 2012)

Subsection 3-3-702(3) amended (Mar 2011)

### **3-3-801 IMPLEMENTATION OF FACULTY EVALUATION PROCEDURES.**

Subsection 3-3-801(2)(b)(c)(I)(II)(e)(f)(I)(II)(III)(IV) amended (May 2017)

Subsection 3-3-801(3)(a)(b)(c) amended (May 2017)

Subsection 3-3-801(1)(2)(3) amended (Jun 2016)

Subsection 3-3-801(1)(2)(3) amended (Dec 2014)

Subsection 3-3-801(2)(VI) Promotion and/or Tenure Recommendation amended (May 2012)

Subsection 3-3-801(1) Annual Review (g)(I)(g)(II)(g)(III) amended (Nov 2011)

Subsection 3-3-801(1) Annual Review (a)(g)(ii) amended (Sept 2011)

Subsection 3-3-801(2) Comprehensive Review (a)(III)(a)(VI) amended (Sept 2011)

Subsection 3-3-801(3) Calendar for Faculty Evaluation amended (Sept 2011)

Subsection 3-3-801(1) Annual Review amended (Oct 2010)

Subsection 3-3-801(3)(b) Calendar for Faculty Evaluation chart deleted due to conflict with Board Policy Manual. (Dec 2010)

**3-3-802 RESPONSIBILITIES OF THE FACULTY IN THE EVALUATION PROCESS.**

Section 3-3-802 amended (May 2017)

Section 3-3-802 amended (Jun 2016)

Section 3-3-802 amended (Sept 2011)

**3-3-803 RESPONSIBILITIES OF THE DEPARTMENT CHAIR/SCHOOL DIRECTOR IN THE EVALUATION PROCESS.**

Section 3-3-803 amended (Sept 2011)

Section 3-3-803 introductory paragraph amended (Oct 2010)

**3-3-804 RESPONSIBILITIES OF THE COLLEGE DEAN IN THE EVALUATION PROCESS.**

Section 3-3-804 amended (Sept 2011)

Section 3-3-804 amended (Oct 2010)

**3-3-901 FACULTY SALARY INCREASES FOR PROMOTION.**

Section 3-3-901 amended (Mar 2013)

Section 3-3-901 "Promotion Stipend" amended to "Faculty Salary Increase for Promotion" proposal. (Oct 2010)

**3-3-1001 SABBATICAL LEAVE.**

Section 3-3-1001 amended (Nov 2012)

Section 3-1-1001(2) deleted (Nov 2012)

**3-6-102 HIRING POOLS.**

Subsection 3-6-102(1) The Process (a)(b)(e)(f)(g) amended (Mar 2011)

Subsection 3-6-102(1) Exceptional Appointments (e)(l)(A) amended (Mar 2011)

Section 3-6-102 amended (Mar 2011)

**3-6-125 DISCRIMINATION COMPLAINT PROCEDURES – PURPOSE AND SCOPE.**

3-6-125 Section added (Apr 2015)

Section 3-6-125 amended (Aug 2020)

**3-6-126 DEFINITIONS.**

3-6-126 Section added (Apr 2015)

**3-6-127 GENERAL PROCEDURES.**

3-6-127 Section added (Apr 2015)

**3-6-128 INTERIM ACTIONS.**

3-6-128 Section added (Apr 2015)

**3-6-129 LIMITATIONS ON DISCLOSURE TO THE PUBLIC AND UNIVERSITY OFFICIALS, EMPLOYEES AND STUDENTS.**

3-6-129 Section added (Apr 2015)

**3-6-130 INITIATION OF EXTERNAL PROCEDURES.**

3-6-130 Section added (Apr 2015)

**3-6-131 TIME LIMITS AND EXTENSIONS.**

3-6-131 Section added (Apr 2015)

**3-6-132 INFORMAL COMPLAINT PROCEDURES.**

3-6-132 Section added (Apr 2015)

**3-6-133 FORMAL COMPLAINT PROCEDURES.**

3-6-133 Section added (Apr 2015)

3-6-133(6)(c) Section amended (May 2015)

**3-6-134 INVESTIGATORS, DECISION MAKERS, COLLABORATORS AND APPEAL DECISION MAKERS.**

3-6-134 Section added (Apr 2015)

**3-6-135 through 3-6-145 ADDITIONAL TITLE IX RULE PROCEDURES ON OR AFTER AUGUST 14, 2020.**

3-6-135 through 3-6-145 Sections added (Aug 2020)

**3-7-114 BUDGET DEVELOPMENT FOR SPECIAL AREAS AND SPONSORED PROGRAMS.**

3-7-114(2) Sponsored Programs amended (May 2017)

**ARTICLE 8 RESEARCH: RESEARCH, SCHOLARSHIP, AND CREATIVE WORKS (RSCW) MISCONDUCT POLICY; ACADEMIC AFFAIRS BUDGET AND FTE; AND HONORARY/POSTHUMOUS DEGREES**

Entire article renumbered/amended (August 2018)

**3-8-103 RESEARCH**

3-8-103 Research amended (June 2017)

**3-8-104 HUMAN SUBJECTS.**

3-8-104 Section amended (May 2017)

Subsection 3-8-104(1)(a)(b)(c)(d)(e)(f)(g) amended (January 2020)

Subsection 3-8-104(2) renumbered (January 2020)

**3-8-105 INDIRECT COSTS.**

3-8-105 Section amended (May 2017)

**3-8-117 POSTHUMOUS DEGREES.**

3-8-117 Section added (May 2016)

3-8-117(4) Section amended (May 2016)