

To Faculty Council Members: Your critical study of these minutes is requested. If you find errors, please call, send a memorandum, or E-mail immediately to Rita Knoll, ext 1-5693.

NOTE: Final revisions are noted in the following manner: additions underlined; deletions ~~over scored~~.

**MINUTES**  
**Faculty Council Meeting**  
**November 7, 2017– 4:00 p.m. – A201 Clark**

**CALL TO ORDER**

The Faculty Council meeting was called to order at 4:00 p.m. by Tim Gallagher, Chair.

**ANNOUNCEMENTS**

1. Next Faculty Council Meeting – December 5, 2017 – A201 Clark – 4:00 p.m.

Gallagher announced that the next Faculty Council meeting would be held on December 5, 2017 at 4:00 p.m. in A201 Clark.

2. Executive Committee Meeting Minutes located on FC website –  
September 12, 19, and 26, 2017; October 10

(<http://facultycouncil.colostate.edu/faculty-council-meeting-dates-agendas-minutes/>)

Gallagher announced that the Executive Committee Meeting Minutes are posted on the FC website.

**MINUTES TO BE APPROVED**

1. Faculty Council Meeting Minutes – October 3, 2017

By unanimous consent, the minutes of the October 3, 2017 Faculty Council meeting were approved. The minutes will be placed on the Faculty Council website.

**UNFINISHED BUSINESS**

1. Proposed revisions to the *Academic Faculty and Administrative Professional Manual* – Section K Resolution of Disputes – CoRSAF

Marie Legare, Chair, CoRSAF moved that Faculty Council approve the proposed revisions to the *Academic Faculty and Administrative Professional Manual* – Section K Resolution of Disputes.

Marie Legare (Chair, CoRSAF): Most of the changes have been moving paragraphs for more clarity and to flow better. Other major changes are for grievance panels. P & T area has also been changed.

Gallagher: In May 2016 there was a Preface change. Any proposed *Manual* change that affects APs has to be approved prior to Faculty Council approval. This Section K resolution has been approved by the AP Council as well. If any amendments are made by faculty, this has to go back to AP Council for approval again as well.

Robert Keller (Economics): Proposed an amendment on page 54. Antonio Pedros-Gascon (College At-Large) seconded the motion. 60 departments. Keller stated the revised change has a representative from each department. Keller proposed changing the size of the pool—shrink it. Select from the colleges and have three (3) tenured faculty members from the colleges instead of one (1) per department. Also easier for CoFG to ensure secret ballots.

Marie Legare (Chair, CoRSAF): Part of the problem in the past has been that the UGO may have more issues and we need to maximize the number in the pool.

Ross McConnell (Computer Science): There has been no effort to recruit people for the pool. Contact people whose terms have expired or recruit people. I am opposed to expanding the pool so greatly.

Antonio Pedros Gascon (CLA At-Large): By colleges, it makes it more reasonable. We should be able to find time to meet for an hour. I don't think there's a need for 60 people.

Doug Cloud (English): Why are you requiring 3 people from the Libraries?

Robert Keller (Economics): Three faculty per college and from Libraries.

Gallagher: Libraries is a department and college.

Karen Barrett (HDFS): 60 does seem terribly large. Too many players and hard to ensure that they are serving enough to learn all things involved, and different constituted committees would be a problem. I agree, three from the colleges is good.

Robert Keller (Economics): What is the size of the pool now?

Marie Legare (Chair, CoRSAF): The list is forwarded from the Committee on Faculty Governance.

Richard Eykholt (UGO): First off, I don't see Don Estep here. Don is the Chair of CoFG and this is Don's proposal--not mine, and not CoRSAF's either. They have trouble constituting the panel. If you make it three from each college, you've got exactly the same problem. If from each department, then you have enough people. The current panel is currently 21, so changing it to 24, or 27, if you include Libraries, so the problem stays the same. From Libraries, this would be half of the TTF from Libraries. Will lead to the same problem we currently have. It is an

extensive obligation, and Grievance hearings can last a full day, and sometimes multiple days. We had to find people that were available mornings and afternoons. The last hearing we had lasted 26 hours. This isn't just finding someone that is free for one hour. I have sent out emails to people to see what their schedules are, then have to find times to meet. It can take up to three months to schedule. We need a good sized panel. One from each department avoided that problem.

Michelle Wilde (Libraries): Richard is correct about the Libraries.

George Barisas (Chemistry): I speak against the proposed amendment. Staffing is an ongoing problem.

Robert Keller (Economics): I think this idea that we will get more people easier from departments rather than colleges is wrong.

Gallagher asked Faculty Council members to vote on the amendment.

The amendment made was opposed by Faculty Council (not adopted).

Ross McConnell (Computer Science): I would like to amend a lot of language that has been taken out about selecting the committee from the pool. Last year there were 9 members on the panel and there were people who were not picked to be on the panel.

Gallagher: Ross, please state your proposal.

Ross McConnell (Computer Science): I would like to make all these changes as one motion.

Steven Reising (Engineering): Are all of these changes Ross' amendment?

Gallagher: Yes.

Richard Eykholt (UGO): Notice what this does. Ross' amendment says that if someone has a conflict of interest, they can't be skipped over in the rotation order. This has in there that the UGO and Chair of FC are involved in making the selections. There are confidentiality issues with having the FC Chair, or UGO being involved. Ross has made proposed changes without talking to the Office of General Counsel or CoRSAF, and these changes will create huge problems if it conflicts with the rotation schedule.

Ross McConnell (Computer Science): Restore language in the faculty *Manual*.

Sue Doe (Vice Chair of FC): I do not support this amendment. We heard your reasoning last time, Ross. So this seems to be impeding the motion from a representative committee that has put forth the effort to create a policy that improves the circumstances for faculty.

Antonio Pedros-Gascon (CLA At-Large): I object to the characterization of a colleague. But, to the point of the Section K language, having the panel's creation at the discretion of the UGO introduces a lot of complications.

Marie Legare (Chair, CoRSAF): It has to do with the rank of the faculty member. If a full professor is going up, an associate professor cannot be on that panel. We wouldn't add them to that committee if they didn't understand the issues. I speak against the motion.

Robert Keller (Economics): One problem that I have is the revision. Says the UGO shall establish a rotation schedule. What does that look like? If it's the discretion of the UGO, we should construct a panel at a random draw.

Richard Eykholt (UGO): I don't have a problem with random selection vs rotation schedule. Sharing the workload. Ross is proposing a strict rotation that would have to be adhered to.

Gallagher: All in favor of the proposed amendment? The proposed amendment was not adopted.

Gallagher: All in favor of the main motion? The main motion was adopted by Faculty Council.

NOTE: Revisions are noted in the following manner:  
Additions - underlined Deletions - ~~overscored~~

## **SECTION K. RESOLUTION OF DISPUTES** *(Last revised May 8, 2015)*

### **K.1 General Information**

Colorado State University is committed to the timely and fair resolution of disputes. ~~This s~~Section K describes procedures for a CSU employee who is a faculty member or administrative professional to challenge a decision, recommendation or action by a supervisor that has or will have an adverse academic and/or professional impact on the faculty member or administrative professional and that is unfair, unreasonable, arbitrary, capricious, or discriminatory. If a decision, recommendation or action by a supervisor is retaliatory, it may serve as the basis for a grievance if it has or will have an adverse academic and/or professional impact on the faculty member or administrative professional and is unfair, unreasonable, arbitrary, capricious, or

discriminatory. ~~The University Grievance Program generally~~ Section K provides three avenues for resolution of such claims: a) informal conciliation, b) mediation, and c) a formal grievance hearing process.

Several offices on campus are available to assist with the resolution of other disputes. See the website for the Office of the Ombuds and Employee Assistance Program for details and contact information. An overview of the procedures described in ~~this s~~Section K can be found on the website of the University Grievance Officer.

### **K.1.1 Participants in the ~~Grievance~~ Section K Process and Definition of Terms**

Employee Classification – The type of position, either faculty member or administrative professional, held by the employee.

Grievance Panel – A pool of faculty members or administrative professionals who are elected by their peers and who are eligible to serve on Hearing Committees.

Grievant – A CSU employee who is a faculty member or administrative professional and who asserts that one or more decisions, recommendations or actions by a supervisor (1) has an adverse academic and/or professional effect on the faculty member or administrative professional, and (2) is unfair, unreasonable, arbitrary, capricious, or discriminatory.

Hearing Committee – A group of ~~between three and five (3-5)~~ faculty members or administrative professionals from ~~the a~~ a University Grievance Panel who are convened to review and make recommendations about a Grievance.

Parties – The Parties to a Grievance are the Grievant(s) and the Supervisor(s).

Responsible Administrator – A university official to whom the ~~s~~Supervisor in a Grievance reports and who oversees the activities of the unit where the Grievant is employed.

Reviewing Administrators – University officials, namely the Provost and President, responsible for reviewing and approving recommendations from a Hearing Committee and deciding whether or not to accept them, ~~namely the Provost and President~~. These senior officials are also responsible for supporting, respecting, and enforcing the process and providing required financial resources.

Supervisor – A university administrator, faculty member, or administrative professional who either directly oversees the work of the Grievant or who makes decisions directly affecting the terms and conditions of the Grievant's employment. A supervisor also can be a state classified employee who directs the work of an administrative professional.

University Grievance Officer (UGO) – The university official responsible for administering the ~~grievance~~ Section K process, advising Grievants and Supervisors, and coordinating involvement by others.

~~University Grievance Panel – A pool of faculty members or administrative professionals who are elected by their peers and volunteer to serve on a Hearing Committee, as needed and as available.~~

University Mediator (UM) – A neutral person from the university community appointed by the UGO to facilitate a resolution of a dispute or Grievance between a Grievant and a Supervisor.

## **K.2 Expectations for Members of the University Community**

a. Cooperation and participation by the members of the University community in the resolution of a complaint under these procedures is necessary.

b. All witnesses shall be truthful in their testimony. Failure to comply with this expectation may result in the imposition of University sanctions.

c. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant in the Section K process. Failure to comply with this expectation may result in the imposition of University sanctions.

### **K.3 Definition of an Action, Grievable Action, and Grievance**

An Action is a decision, recommendation or other act by a Supervisor.

A Grievable Action is an Action by a Supervisor that has or will have an adverse academic and/or professional effect on the Grievant and is unfair, unreasonable, arbitrary, capricious, or discriminatory. If an Action by a Supervisor is retaliatory, it may serve as the basis for a Grievance if it has or will have an adverse academic and/or professional impact on the Grievant and is unfair, unreasonable, arbitrary, capricious, or discriminatory.

A Grievance is a written complaint by a Grievant asserting that a Grievable Action has occurred.

#### **K.3.1 A Grievable Action does not include:**

a. An issue that does not individually affect a faculty member or administrative professional, such as dissatisfaction with a university policy of general application.

b. Actions specified in the *Academic Faculty and Administrative Professional Manual* as “final” and thus not subject to redress through the grievance process. Any action deemed “final” constitutes exhaustion of internal grievance procedures.

c. An act by any person who is not the Grievant’s Supervisor or responsible administrator.

- d. Terms agreed to by the Grievant under a Section K mediation agreement.
- e. Acts in response to possible violations of law or endangerment of public safety.
- f. A subsequent complaint for the same action by the same supervisor once a Grievance regarding the original complaint has concluded.
- g. Termination of “at-will” employees. For information about the university’s policy regarding at-will employees and the recommended steps and considerations for termination of at-will employees, employees should refer to the university policy for Administrative Professionals and Non-Tenured Academic Faculty (“At Will” Employment) found in the CSU Policy Library (see also Section D.5.6 and E.2.1 of the *Academic Faculty and Administrative Professional Manual*). Employees may contact the University Grievance Officer with questions about disciplinary action or termination of at-will employees.

### **K.3.2 Types of Grievable Actions and Burden of Proof**

#### **K.3.2.1 (“Class A”)**

In a Grievance that involves a complaint about the following specific actions, the burden of proof falls upon the Supervisor:

- a. termination of contractual rights;
- b. reduction of salary and/or demotion;
- c. violation of academic and/or intellectual freedom; or
- d. assignment of unreasonable workload.

#### **K.3.2.2 (“Class B”)**



In a Grievance that involves complaints about a term or condition of employment other than those specific cases that are identified above in Section K.3.2.1, the burden of proof falls upon the Grievant. Examples of such Grievances include:

- a. decision on the amount of salary;
- b. denial of reappointment;
- c. denial of tenure and/or promotion ~~or tenure~~;
- d. receipt of a lower evaluation than deserved on a performance review; or
- e. denial of sabbatical leave.

### **K.3.3 Determination of the Validity of a Grievance**

a. The UGO shall determine whether a Grievance sets forth a Grievable Action, i.e., whether there is a sufficient basis to pursue ~~mediation (see Section K.8)~~ ~~and/or~~ a hearing (see Section K.9), based on the written complaint by the Grievant and the Supervisor's response, as well as any supporting materials. The UGO may seek appropriate legal advice (see ~~Section K.12.5~~ Section K.12.6). This determination by the UGO shall be made within five (5) working days of receiving the Grievant's written complaint and the Supervisor's response.

b. If the Grievant disagrees with the UGO's determination, he or she may appeal this decision. Such an appeal must be made in writing to the Chair of the Grievance Panel (see Section K.11.1) having the same Employee Classification as the Grievant within ten (10) working days of receiving written notification via email of the determination by the UGO. If such an appeal is submitted, the Chair of the Grievance Panel shall form an Appeal Committee

consisting of three (3) members from the Grievance Panel, including the Chair of the Grievance Panel, for the purpose of reviewing whether the UGO's determination should be reversed or affirmed. The Chair of the Grievance Panel shall chair the Appeal Committee and recruit members following the same procedure as for the formation of a Hearing Committee (see Section K.11.4). The Appeal Committee shall consider the appeal, the written Complaint of the Grievant and any supporting materials provided by the Grievant, as well as the response of the Supervisor and any supporting materials that are included. Within ~~five (5)~~ ten (10) working days of the submission of the appeal, the Appeal Committee, with legal advice if appropriate, shall make a determination solely regarding the validity of the Grievant's appeal, specifically whether the Grievance sets forth a Grievable Action. The Appeal Committee's determination shall be made by a majority vote. The Appeal Committee's determination shall be final. The Appeal Committee shall include a written report to the UGO and the Grievant notifying them of its decision. If the Appeal Committee reverses the determination of the UGO, the members of this Appeal Committee shall not serve on a Hearing Committee for this Grievance.

c. If it is determined that a Grievance sets forth a Grievable Action, then the UGO shall make a determination of whether the Grievance is Class A or Class B.

#### **K.3.4 Basis of Proof**

The basis of proof regarding a Grievable Action is determined by a preponderance of the evidence (i.e., that the claim is more likely to be true than not to be true).

#### **K.4 The Right to Grieve**

##### **K.4.1 Persons Entitled to Grieve**

Any faculty member or administrative professional may pursue resolution of a Grievable Action. Grievances by more than one employee from a single administrative unit may be joined into a common grievance if, in the opinion of the UGO, their Grievances have sufficient commonality to be heard collectively, and if those employees filing Grievances from a single unit agree to join in a common Grievance.

#### **K.4.2 Process**

If a Grievant initiates the Section K process the Grievable Action shall not be effective prior to the completion of the Section K process.

#### **~~K.4.3 Responsibility to Respond~~** [moved to Section K.6]

~~a. The Supervisor whose decision, recommendation or action was the basis for the Grievance shall be responsible for responding to the Grievant and the UGO within five (5) working days from the day the Grievance is submitted to the UGO and the Supervisor.~~

~~b. If the Supervisor whose Action is being challenged no longer is employed by the university or no longer holds the relevant supervisory position, then the responsible administrator(s) for the unit, at his or her discretion, shall decide who should represent the unit in the Section K process. The unavailability of the original Supervisor does not affect the right of a Grievant to seek resolution. If no person in authority responds to the Grievance, the UGO shall continue with the Section K process.~~

~~c. When a faculty member has been denied promotion or tenure (see Section E.10.5.1, paragraph 6, E.13.1 paragraphs 4 and 5) in the case of a negative recommendation by the department chair, the complaint shall be directed to the department chair, who shall be responsible to respond. In the case of a negative recommendation at the college level, the complaint shall be filed against the dean, who shall be responsible to respond. In the case of a~~

~~negative recommendation at the provost level, the complaint shall be filed against the provost who shall be responsible to respond.~~

#### **K.4.43 Section K Process**

In the spirit of reaching an expeditious resolution of disputes, an aggrieved party employee shall follow all applicable parts of the Section K process before initiating legal action with external agents or agencies. However, the Grievant has the right to seek legal advice from outside counsel at any point during the Grievance process. Nothing in ~~this s~~Section K supersedes the Grievant's rights under federal and/or state laws.

#### **K.5. Initiation of the Section K Process**

~~A claim of a Grievable Action must be submitted in writing by~~ In order to initiate the Section K process, an administrative professional or a faculty member ~~to must contact~~ the UGO in writing no later than twenty (20) working days after the date of the Action giving rise to the Grievable Action or that point in time when the individual could reasonably be expected to have knowledge that a basis for a grievance existed. The UGO shall then meet with the ~~administrative professional or the faculty member~~ Grievant to discuss the claim.

If the administrative professional or faculty member does not contact the UGO in writing within the required twenty (20) working days, then they forfeit their right to pursue the Section K process (unless the UGO, at his or her discretion, decides that extenuating circumstances justify an extension of this deadline).

Within five (5) working days after meeting with the Grievant, the UGO shall contact the Supervisor to schedule a meeting to discuss the claim. After meeting with the Supervisor, the UGO will attempt to resolve the dispute through informal conciliation for a period of up to twenty (20) working days. This may include additional meetings with the Grievant and the Supervisor individually and/or together, as well as meeting with other persons as approved

by the Grievant. If informal conciliation is not successful in resolving the dispute, the UGO will notify both the Grievant and the Supervisor of this outcome.

The UGO is not required to pursue informal conciliation if the Action does not constitute a Grievable Action. However, the UGO, at his or her discretion, may decide to pursue informal conciliation prior to making a determination of whether or not the Action constitutes a Grievable Action.

## **K.6 Mediation**

### **K.6.1 Initiation of the Mediation Process**

If the Grievant is notified by the UGO that informal conciliation was not successful in resolving the dispute, then the Grievant may choose to initiate the mediation process. This must be done within five (5) working days of receiving such notification, and this is done by submitting to the UGO a formal written Complaint. This Complaint must specify the Supervisor and the Grievable Action(s); how this Action has or will have an adverse academic and/or professional impact on the Grievant; and how the Supervisor was unfair, unreasonable, arbitrary, capricious, and/or discriminatory. In some cases, it may be necessary for the UGO to return the Complaint to the Grievant for editing before it has an acceptable format.

If the Grievant does not contact the UGO in writing within the required five (5) working days, then they forfeit their right to pursue the mediation process or the hearing process (unless the UGO, at his or her discretion, decides that extenuating circumstances justify an extension of this deadline).

Within three (3) working days of receiving an acceptable Complaint from the Grievant, the UGO shall forward the Complaint to the Supervisor for a formal written Response. The Supervisor shall submit this Response to the UGO within five (5) working days of receiving the Complaint from the UGO. This

Response shall be limited to addressing the claims and statements made in the Complaint. In some cases, it may be necessary for the UGO to return the Response to the Supervisor for editing before it has an acceptable format. Within three (3) working days of receiving an acceptable Response from the Supervisor, the UGO shall forward the Response to the Grievant.

If the Supervisor whose Action is being challenged no longer is employed by the university or no longer holds the relevant supervisory position, then the Responsible Administrator(s) for the unit shall decide, at his or her discretion, who should represent the unit in the Section K process. The unavailability of the original Supervisor does not affect the right of a Grievant to pursue the section K process.

When a faculty member is grieving the denial of tenure and/or promotion (see Section E.13.1, paragraphs 4 and 5 or Section E.10.5.1 paragraph 6), in the case of a negative recommendation by the department head, the Complaint shall be filed against the department head, who shall be responsible to respond. In the case of a positive recommendation by the department head, but a negative recommendation by the dean of the college, the complaint shall be filed against the dean, who shall be responsible to respond. In the case of positive recommendations by both the department head and the dean, but a negative recommendation by the Provost, the complaint shall be filed against the Provost, who shall be responsible to respond.

Within five (5) working days after receiving the ~~written claim of a Grievable Action~~ Response from the Supervisor, the UGO shall ~~assign~~ select a University Mediator (UM) from the pool to mediate the dispute, and the UGO shall notify the Grievant and the Supervisor of the UM selected. The UM shall have the same Employee Classification as the Grievant. The ~~Mediation participants~~ Grievant and/or the Supervisor shall have five (5) working days from the date of the ~~assignment of the UM~~ this notification to object to ~~such an assignment~~ the choice of UM. ~~Such a~~An objection may be raised ~~only~~ based only on the UMs

prior or current relationship with the ~~Mediation participants~~ Grievant and/or the Supervisor and/or the UM's knowledge of previous related disputes. If objections arise, the UGO may decide to select a different UM. The UGO shall make the final decision on the assignment of a UM, and the UGO shall notify the UM of his or her assignment within three (3) working days of this decision.

The UGO is not required to pursue mediation if the Action does not constitute a Grievable Action. However, the UGO, at his or her discretion, may decide to allow mediation to occur prior to making a determination of whether or not the Action constitutes a Grievable Action.

In some cases, the UGO may decide that mediation is unlikely to be productive and that the mediation process should not be initiated. This is generally the case when a faculty member is grieving the denial of tenure and/or promotion. If the UGO decides not to initiate the mediation process, he or she shall notify the Grievant and the Supervisor of this decision. The Grievant shall then decide whether or not to initiate a formal grievance hearing (see Section K.9).

#### **~~K.6 Documentation~~** [moved to Section K.7]

~~a. Either the UGO or the UM assigned to the case may request, and is entitled to receive promptly, any and all materials from the participants in the Grievable Action that either the UGO or the UM may deem relevant to the dispute.~~

~~b. Any formal resolution reached during Mediation by the participants must be in writing and is subject to approval of legal sufficiency by the Office of General Counsel and approval by any other necessary individuals.~~

#### **~~K.7 Right to Clerical Assistance~~** [moved to Section K.8]

~~Any person initiating the Section K process has the right to clerical support from University personnel for preparation of documents for use in This process. Because maintenance of confidentiality is an important element of the Section~~

~~K process, the clerical support should come from a unit at the next higher level than the one in which the Covered Member is housed (e.g., from the dean, for a faculty member, or from a vice president, for a dean).~~

### **K.86.2 Mediation Process**

a. Within ten (10) working days of being assigned by the UGO, the UM shall meet with the ~~Mediation participants~~ Grievant and the Supervisor, discuss their respective positions, and review relevant information.

b. If the UM believes there is a reasonable chance that ~~M~~mediation efforts may produce a resolution of the dispute, the ~~Mediation participants~~ Grievant, the Supervisor, and the UM shall enter into a ~~M~~mediation ~~P~~period of up to twenty (20) working days to attempt to resolve the dispute. ~~If the Mediation Period reaches its twenty (20) working day limit without producing a resolution of the dispute, the Mediation participants may mutually agree to extend the Mediation Period by an additional ten (10) working days if they believe that this is likely to produce a resolution of the dispute. However, after the initial twenty (20) working days, either party may choose to terminate the Mediation Process and refuse any extensions of it.~~

c. The goal of mediation is for the Grievant and the Supervisor to come to a mutual agreement where reconcilable differences are resolved and where the Grievant and the Supervisor are able to work together in an amicable and productive manner in the future. Successful mediation generally requires compromise by both the Grievant and the Supervisor. If a successful agreement is reached, then the Section K process is completed. However, failure by the Supervisor to abide by the terms of the agreement is grievable.

~~ed.~~ If the UM decides that ~~M~~mediation efforts are not productive, then the UM may choose to terminate the ~~M~~mediation ~~P~~period at any time.



~~de.~~ If the Mediation Period expires or is terminated by any party as described above, the UM shall immediately notify the UGO and all Mediation participants of this situation in writing within three (3) working days. The UGO shall then notify the Grievant and the Supervisor of this situation within three (3) working days of receiving this notification from the UM. The ~~Covered Member~~ Grievant shall then have five (5) working days after the date the UM provides such notice receiving this notification from the UGO to initiate the formal Grievance hearing process regarding any Grievable Action (see Section K.9).

~~e.~~ The UM may continue to work with the Mediation participants even after a formal Grievance is initiated. However, the UM's Mediation efforts must cease before the beginning of a Grievance Hearing.

~~f.~~ If the formal Grievance process is not initiated within the five (5) working day limit described in Section K.8.d, or if a claim of a Grievable Action is not referred to the UGO within the twenty (20) working day limit described in Section K.5, then the Grievable Action is not eligible to be heard by a Hearing Committee under the Grievance Procedure of Section K.10.

~~gf.~~ Documentation and other communication created specifically in connection with the resolution of a dispute shall be considered to be part of the ~~Covered Member's~~ Grievant's and the Supervisor's personnel files.<sup>1</sup> Under the Dispute Resolution Act, C.R.S. 13-22-301 et seq., documents and communications that ~~resulted~~ are created solely from the Mediation process are confidential and shall not be disclosed, and they may not be used as evidence during a Grievance Hearing, except by mutual agreement of the ~~Mediation participants~~ Grievant and the Supervisor, or as may be required by law. When a resolution is reached, documentation and other communication created during the Mediation process shall be forwarded to the UGO, who shall retain the materials. Records created by a ~~Covered Member or a Responsible Administrator~~ prior to the a ~~Covered Member's~~ initiation of the Mediation

process are not considered confidential communications and may be used in a Grievance Hearing. Information and documents that are otherwise relevant do not become confidential merely because they are presented, discussed, or otherwise used during the course of mediation.

### **K.7 Documentation**

a. Either the UGO or the UM assigned to the case may request, and is entitled to receive promptly, any and all materials from the participants in the Grievable Action that either the UGO or the UM may deem relevant to the dispute.

b. Any formal resolution reached during mediation by the participants must be in writing and is subject to approval of legal sufficiency by the Office of General Counsel and approval by any other necessary individuals.

### **K.8 Right to Clerical Assistance**

A Grievant has the right to clerical support from University personnel for preparation of documents for use in this process. Because maintenance of confidentiality is an important element of the Section K process, the clerical support should come from a unit at the next higher level than the one in which the Grievant is housed (e.g., from the college level, for a faculty member, or from the Office of the Provost, for a department head).

### **K.9 Initiating the Grievance Hearing Process**

~~A formal Grievance must be initiated by the Grievant submitting a written complaint to the UGO and to the supervisor whose action is being challenged no later than ten (10) working days after the expiration of the Mediation Period or after the decision by the UM that Mediation will not take place, as described in Section K.8. The written Complaint shall:~~

~~a. Describe the nature of the Grievable Action;~~

- ~~b. Name the parties to the grievable dispute;~~
- ~~c. Describe how the Action being challenged is unfair, unreasonable, arbitrary, capricious, or discriminatory;~~
- ~~d. Identify how the Action adversely affects the Grievant in his or her present or future academic and/or professional capacity; and~~
- ~~e. Summarize the material that the Grievant is prepared to submit to support the claim. Upon receipt of the complaint from the Grievant, the supervisor shall prepare a written response (hereinafter referred to as the "Response") to the complaint and submit it to the UGO and the Grievant no later than five (5) working days after receiving the complaint. This Response should be limited to addressing the claims and statements made in the complaint.~~

If the Grievant is notified by the UGO that mediation was not successful in resolving the dispute, then the Grievant may choose to initiate the hearing process. This must be done within five (5) working days of receiving such notification, and this is done by informing the UGO in writing of the decision to initiate the hearing process. This may be done only if the Action(s) specified in the Complaint have been determined to be Grievable Action(s).

Within ten (10) working days of notification that mediation was not successful, the Grievant must submit to the UGO in writing a list of the materials that he or she intends to submit at the Hearing, a list of the witnesses that he or she intends to call at the Hearing, and the relevance of these materials and witnesses. Within twenty (20) working days of notification that mediation was not successful, the Grievant must submit to the UGO copies of the materials that he or she intends to submit at the Hearing. To the extent permitted by law and University policy, each of these submissions from the Grievant shall be forwarded to the Supervisor within three (3) days of their receipt by the UGO.

Within ten (10) working days of receiving the Grievant's list of materials and witnesses, the Supervisor must submit to the UGO in writing a list of the materials that he or she intends to submit at the Hearing, a list of the witnesses that he or she intends to call at the Hearing, and the relevance of these materials and witnesses. Within twenty (20) working days of receiving the Grievant's list of materials and witnesses, the Supervisor must submit to the UGO copies of the materials that he or she intends to submit at the Hearing. To the extent permitted by law and University policy, each of these submissions from the Supervisor shall be forwarded to the Grievant within three (3) days of their receipt by the UGO.

The UGO has the right to question and determine the applicability, reasonableness, and relevance to the hearing process of any submitted material. This right may include the refusal by the UGO to accept and forward submitted materials until the UGO judges that they are in compliance with the requirements of Section K (see Section K.10.4). Failure by either the Grievant or the Supervisor to bring documents into compliance with Section K requirements by a deadline set by the UGO shall, at the discretion of the UGO, result in the forwarding by the UGO of redacted materials. In this case, the person who submitted the materials will be notified of this decision and sent copies of the redacted materials. In an extreme case, the UGO may decide that the Grievant has forfeited his or right to pursue the hearing process and notify the Grievant of this decision.

## **K.10 Grievance ~~Procedure~~ Hearings**

### **K.10.1 Hearing Committee**

As described in Section K.11.4, a Hearing Committee shall be ~~formed~~ selected by the UGO which consists of five (5) members, one of whom shall serves as the Chair of the Hearing Committee. The UGO shall notify the Parties of the members. The Parties shall then have three (3) working days to challenge for

cause members of the Hearing Committee. A challenge for cause must be based on a claim that the challenged member of the Hearing Committee, through involvement with the Grievant, the Supervisor, and/or the Grievable Action, may be incapable of rendering an impartial judgment regarding the Grievance. The UGO, with appropriate legal advice (see Section K.12.56), shall decide all such challenges. Members successfully challenged shall be excused from the Hearing Committee and replaced by the UGO as described in Section K.11.4. The UGO may excuse a member of the Hearing Committee even though actual cause cannot be proven.

The UGO shall then set the date(s), time(s), and location(s) for the Hearing and forward the Complaint and the Response to the members of the Hearing Committee the Complaint, the Response, the lists of witnesses to be called by the Parties, the materials to be submitted by the Parties, the relevance of these witnesses and materials, and any additional material that the UGO deems to be relevant to the Hearing. The UGO shall provide copies to the Parties of all material submitted to the Hearing Committee. If the UGO has decided to redact some of the material submitted by either Party, then that Party may appeal this decision in writing to the Chair of the Hearing Committee. This must be done within five (5) working days of this person being notified of the submission by the UGO. If such an appeal is submitted, the Chair of the Hearing Committee shall make a decision regarding the matter within five (5) working days of receiving the appeal. The decision of the Chair of the Hearing Committee shall be final.

Any member of the Hearing Committee may request that the UGO provide additional materials or that additional witnesses be called (with the relevance of such witnesses being explained). Upon approval of the Chair of the Hearing Committee, these requests will be accommodated to the extent permitted by law and University policy. Each Party will be sent copies of such additional materials and notified of additional witnesses and their relevance.

~~At the request of either party, or on its own initiative, the Hearing Committee may:~~

- ~~a. Instruct the parties to file further written statements and/or~~
- ~~b. Direct the parties to produce additional documents relevant to the Complaint, to the extent permitted by law, and to identify possible witnesses and the relevance of these witnesses.~~

~~The UGO has the right to question and determine the applicability, reasonableness, and relevance of any material to the Section K process. This right may include the refusal by the UGO to forward the Complaint, the Response, and/or any supporting document(s) to the Hearing Committee until the UGO judges that the documents are in compliance with the requirements of Section K (see Section K.10.4). Failure by either party to bring documents into compliance with Section K requirements by a deadline set by the UGO shall, at the discretion of the UGO, result in either forfeiture by that party of the right to pursue the matter through Section K or the forwarding by the UGO of redacted documents to the Hearing Committee.~~

~~If the Covered Member disagrees with such a decision by the UGO, he or she may appeal this decision. Such an appeal must be made in writing to the Chair of the Grievance Panel within three (3) working days of being notified of the decision by the UGO. If such an appeal is submitted, the Chair of the Grievance Panel shall refer the matter to the Chair of the Hearing Committee, who shall make a decision regarding the matter within five (5) working days of the submission of the appeal. The decision of the Chair of the Hearing Committee shall be final.~~

For a Class B Grievance, ~~Since the burden of proof for a Class B Grievance is on the Grievant, the Hearing Committee may decide a Class B Grievance without a Hearing if the Hearing Committee determines that the Complaint~~

lacks substantive merit under the criteria specified in Section K.3 and that a Hearing will not take place. Such a decision requires a unanimous vote by the Hearing Committee. The Grievant shall have the right to appeal to the Provost a ~~decision rendered~~ recommendation made by the a Hearing Committee without a Hearing.

#### **K.10.2 Conduct of Grievance Hearings**

The rules and procedure outlined below shall apply in any formal Grievance Hearing conducted by a Hearing Committee.

~~a. The Hearings of a Grievance shall begin no later than ten (10) working days following the receipt of the Complaint from the Grievant. However, each party has the right to request a delay of no more than ten (10) working days upon showing a necessity to allow the proper development of the evidence and arguments, and the UGO shall have the authority to delay Hearings in order to facilitate the joining of Complaints as provided for in Section K.4.1. Grievance Hearings are confidential and closed to the public.~~

b. Each pParty to the Grievance shall be permitted to have a maximum of two (2) advisors present, consisting of peer advisors and/or legal counsel. These advisors may help the pParty prepare for the proceedings, including the preparation of any required written documentation, and may advise the pParty during the proceedings, but no advisor may participate actively in the proceedings. Advisors may not make statements, objections or attempt to argue the case (however, if an advisor is called as a witness, he or she is allowed to participate in this capacity). The only persons who have standing to speak at the Hearing are the members of the Hearing Committee, the UGO, the pParties to the Grievance, and any witnesses called. Each pParty shall identify his or her advisors at the opening of the Hearing and neither pParty shall have the right to delay the Hearing because of a lack of or unavailability of advisors, except if an emergency occurs.

c. The Chair of the Hearing Committee (see Section K.11.4) shall open the Hearing by determining that all parties are present and by identifying the advisors chosen by each party.

~~ed.~~ Once initiated, the Hearings shall continue on a daily ~~or nightly~~ basis, depending on the convenience of the ~~p~~Parties, and ~~in all cases~~, the Hearing shall be concluded within ten (10) working days of its opening.

~~de.~~ The Parties to a Grievance have the responsibility to attend all scheduled meetings of the Hearing. No substitutes for the ~~p~~Parties shall be allowed. If a ~~p~~Party is unable or unwilling to attend any scheduled meeting of the Hearing, the meeting may be held ex parte.

~~ef.~~ If it is deemed appropriate by a majority of the members of the Hearing Committee, a person may participate in the Hearing from a different physical location (e.g., by video conference or teleconference). However, the questioning of witnesses must occur in a real-time, spontaneous format, unless a majority of the Hearing Committee concurs that this is not feasible. Any request to appear or participate in the ~~H~~Hearing from a different physical location must be made in writing and must be submitted to the Hearing Committee at least five (5) working days before the Hearing.

~~fg. Parties to Grievances~~ The Grievant, the Supervisor, and their advisors ~~for such parties~~ are responsible for abiding by the procedures herein established. ~~Those parties~~ Anyone failing to adhere to the procedures, ~~or failing to assure that their advisors adhere to the procedures,~~ may be excluded from participation in the Hearing by a majority vote of the Hearing Committee, and judgment shall be rendered without the presence of ~~those parties~~ any excluded persons.



~~g. The Chair of the Hearing Committee (see Section K.11.4) shall open the Hearing by determining that all parties are present and by identifying the advisors chosen by each party.~~

~~h. The Chair of the Hearing Committee shall provide each member of the Hearing Committee the opportunity to excuse himself or herself from service prior to the Hearing because of having an involvement with one or both of the parties and/or with the Action being challenged that renders him or her incapable of rendering an impartial judgment concerning the Grievance.~~

~~i. The Chair of the Hearing Committee shall provide each party the opportunity to challenge for cause members of the Hearing Committee.~~

~~1. A challenge for cause must be based on a claim that the challenged member of the Hearing Committee, through involvement with one or both of the parties and/or with the Action being challenged, may be incapable of rendering an impartial judgment regarding the Grievance.~~

~~2. The UGO, with appropriate legal advice (see Section K.12.5), shall decide all such challenges. Members successfully challenged shall be excused from the Hearing Committee and replaced as described in Section K.11.4. The UGO may excuse a member of the Hearing Committee even though actual cause cannot be proven.~~

~~j. The entirety of the Hearing shall be recorded. Upon request, either party shall be provided with a copy of this record, as well as any written material submitted during the Hearing. The Office of the Provost shall bear the cost of producing these copies.~~

### **K.10.3 Order of Proceedings for Grievance Hearings**

Subject to the restrictions of Section K.10.2.eg, the following persons are entitled to be present during the Hearing:

- a. The pParties and their advisors;
- b. The UGO, the Hearing Committee members, and their legal counsel;
- c. Witnesses when testifying; and
- d. Such other persons as are specifically authorized by a majority vote of the Hearing Committee, unless their presence is objected to by either pParty and the objection is sustained by the UGO.

The Hearing should proceed in the following order (although this order may be altered by a majority vote of the Hearing Committee with the approval of the UGO):

- a. Statement by the pParty having the burden of proof (hereinafter referred to as the “First Party”).
- b. Statement by the other pParty (hereinafter referred to as the “Second Party”).
- c. Presentation by the First Party of witnesses and materials, subject to the restrictions of Section K.10.4. The First Party shall have the right to call himself or herself as a witness and to call the Second Party as a witness. The Second Party shall have the right to challenge the relevancy and/or authenticity of witness testimony and submitted materials and to question each witness called by the First Party after that witness has been questioned by the First Party. Decisions on such challenges shall be rendered by the Chair of the Hearing Committee. Challenges of procedural decisions by the Chair of the Hearing Committee shall be decided by a majority vote of the remaining members of the Hearing Committee, with tie votes sustaining the Chair.
- d. Presentation by the Second Party of witnesses and materials, subject to the restrictions of Section K.10.4. The Second Party shall have the right to call

himself or herself as a witness and to call the First Party as a witness. The First Party shall have the right to challenge the relevancy and/or authenticity of witness testimony and submitted materials and to question each witness called by the Second Party after that witness has been questioned by the Second Party. Challenges shall be decided as described in the previous paragraph. ~~The members of the Hearing Committee shall also have the right to question each witness called by the Second Party after that witness has been questioned by the First Party.~~

~~e. If either party claims to have been denied access to relevant University records and/or documents, the Hearing Committee may consider this claim in making its final recommendation (see Section K.10.5).~~

~~f.~~ g. Members of the Hearing Committee shall have the right to direct questions to witnesses called ~~or~~ and to the ~~p~~Parties during these proceedings.

~~g.~~ h. Summary arguments by the First Party.

~~h.~~ i. Summary arguments by the Second Party.

~~i.~~ j. The members of the Hearing Committee shall have the authority to direct any further questions to either or both ~~p~~Parties following both summary arguments, to schedule additional meetings of the Hearing to develop points not yet clarified sufficiently, and/or to call additional witnesses. A decision to schedule additional meetings of the Hearing requires a majority vote of the Hearing Committee, ~~and such a decision shall be announced by the~~ The Chair of the Hearing Committee ~~to both parties. Both parties shall~~ notify the Parties in writing of the scheduling of additional meetings, ~~also be informed of any points that the Hearing Committee feels require further clarification,~~ and the names and relevance of any additional witnesses to be called by the Hearing Committee.

ej. If either pParty claims to have been denied access to relevant University records and/or documents, the Hearing Committee may consider this claim in making its final recommendation (see Section K.10.5).

#### **K.10.4 Rules Regarding Witness Testimony and Submitted Materials**

The following rules shall apply to any Grievance Hearing before a Hearing Committee:

- a. It shall be the responsibility of the pParty seeking to call a witness or submit material to demonstrate to the satisfaction of the Chair of the Hearing Committee the authenticity and relevance of the witness or material.
- b. Witnesses called shall have direct and personal knowledge of the points attested to and may be challenged on the ground that they lack such knowledge. A pParty calling a witness shall first establish the relevance of the testimony of the witness.
- c. Material introduced by either pParty shall be accompanied by a showing of authenticity and relevance to the Grievance. Decisions, recommendations, and actions that occur prior to the Grievable Action may be relevant to the Grievable Action if they establish a pattern of action over time.
- d. During a witness' testimony, either pParty may object to such testimony on the grounds that the witness lacks personal knowledge for such testimony or that such testimony is not relevant to the Grievance. The pParty making the objection shall state the reason(s) for the objection, and the other pParty shall have the opportunity to respond to the objection. The Chair of the Hearing Committee shall rule on the objection.
- e. The UM assigned to a specific case may neither attend the Hearing nor be called as a witness for that case.

#### **K.10.5 Recommendation of the Hearing Committee**

a. Following the completion of the Hearing, the Hearing Committee shall retire for the purpose of discussion, conference, and decision. These deliberations shall remain confidential to the full extent permitted by law. The Hearing Committee shall review the pertinent information and the Grievable Action of the Responsible Administrator which is the basis for the Grievance solely to determine whether this Action is unfair, unreasonable, arbitrary, capricious, or discriminatory, but not to substitute its judgment regarding the substantive merits of the ~~decision which is the basis for the Grievance~~ Grievable Action. If the ~~Hearing Committee concludes that there was a procedural deficiency which materially inhibited the review process, it may specify the nature of this deficiency and refer the matter back to the appropriate administrator for correction and subsequent return to the Hearing Committee.~~

b. When the Hearing Committee has agreed on a recommendation (hereinafter referred to as the "Recommendation") by a majority vote, a written statement of the Recommendation shall be prepared that summarizes the relevant information and explains the reasoning that supports the Recommendation. It also shall state specifically any action necessitated by the Recommendation and identify any proposed relief to be provided. Normally, the Chair of the Hearing Committee shall oversee the preparation of this written statement of the Recommendation. However, if the Chair of the Hearing Committee opposes the majority vote, the members of the majority shall choose from among themselves a person to oversee the preparation of the written statement of the Recommendation. This person shall also represent the Hearing Committee, if necessary, during reviews and appeals.

c. If the Recommendation from the Hearing Committee is not unanimous, the report shall explain the reasoning of the dissenting minority ~~shall prepare a written statement reflecting the minority opinion, as well as that of the majority.~~

d. The written Recommendation from the Hearing Committee, ~~together with any minority report,~~ shall be submitted to the UGO by the Chair of the Hearing Committee within ten (10) working days of the completion of the Hearing.

e. Within ~~two (2)~~ three (3) working days after receiving the Recommendation from the Hearing Committee, the UGO shall ~~announce~~ send a copy of this Recommendation to both the pParties and provide Written copies of the Recommendation, together with any minority report, to both parties. Within this same time frame, the UGO shall provide ~~written~~ copies of the Recommendation, ~~any minority report,~~ the Complaint, the Response, the record of the Hearing, and any written material submitted during the Hearing (hereinafter referred to collectively as the "Hearing Record") to both the Provost and the President, unless the Provost and/or the President is a pParty to the Grievance. If the Provost is a Party to the Grievance, but the President is not the Hearing Record shall be sent only to the President. If the President is a Party to the Grievance, the Hearing Record in which case, the UGO shall instead send these copies be sent to the Board.

f. If the Grievable Action is the denial of tenure and/or promotion, the Hearing Record shall not be sent to the Provost.

#### **K.10.6 Appeals and Administrative Reviews**

~~Decisions of a~~ A Recommendation from the Hearing Committee that no action be taken as a result of the Grievance Hearing is final, unless the Grievant chooses to appeal this Recommendation (see Section K.10.6.1). Any Recommendation from the Hearing Committee that action be taken as a result of the Grievance must be reviewed by both the Provost and President before it becomes final, unless the Provost or the President is a party to the Grievance. If the Provost is a party to the Grievance, but the President is not, the review shall be made only by the President. If the President is a party to the Grievance, the review shall be made only by the Board.

If the Grievable Action is the denial of tenure and/or promotion, only the President shall review the Recommendation.

#### **K.10.6.1 Appeal of the Recommendation From the Hearing Committee**

Whether or not the Recommendation from the Hearing Committee suggests that action be taken as a result of the Grievance, the Grievant has the right to appeal this Recommendation. This appeal must be made within ten (10) five (5) working days of receipt of the written Recommendation from the Hearing Committee, ~~and it must provide reasons for the appeal, and it must not exceed five (5) pages with normal font size. Failure of the Grievant to file an appeal within this time frame shall constitute his or her acceptance of the Recommendation from the Hearing Committee.~~ This appeal shall be submitted to the Provost, unless the Provost and/or the President is a pParty to the Grievance. If the Provost is a pParty to the Grievance, but the President is not, the appeal shall be submitted to the President. If the President is a party to the Grievance, the appeal shall be submitted to the Board.

If the Grievable Action is the denial of tenure and/or promotion, the appeal shall be submitted only to the President.

If the Grievant submits an appeal to the Provost, he or she shall send a copy of this appeal to the UGO at the same time. The UGO shall then send a copy of this appeal to the Supervisor.

#### **K.10.6.2 Review by the Provost**

~~If neither the Provost nor the President is a party to the Grievance, the Hearing Record is sent to the Provost, he or she shall review the Hearing Record, together with~~ and any appeal from the Grievant (hereinafter referred to collectively as the "Appeal Record"), unless the Recommendation from the Hearing Committee is suggests that no action be taken as a result of the Grievance and no appeal was submitted by the Grievant within the five (5)

working day limit. This review shall be based only on the Appeal Record. No ~~party may introduce~~ new substantive issues may be introduced.

Upon completion of this review, the Provost shall submit a written recommendation to the President, along with a copy of any appeal from the Grievant. The recommendation from the Provost shall include a summary of the relevant information and the reasoning that supports the recommendation. The recommendation from the Provost shall modify may differ from the Recommendation from the Hearing Committee only if he or she the Provost finds that this the Recommendation from the Hearing Committee is unfair, unreasonable, arbitrary, capricious, or discriminatory. The Provost shall also send a copy of his or her recommendation to the UGO, and the UGO shall send copies of this recommendation to the Grievant and the Supervisor. The Provost shall send his or her recommendation to the President and the UGO Wwithin ten (10) working days of receiving an appeal from the Grievant or the expiration of the five (5) working day limit for submitting an appeal, the Provost shall respond by providing to all parties to the Grievance and to the UGO a written statement of his or her recommendation, which shall include a summary of the relevant information and the reasoning that supports this recommendation. A copy of this recommendation shall also be provided to the President, along with a copy of any appeal to the Provost from the Grievant.

#### **K.10.6.3 Appeal of the Recommendation From the Provost**

~~If the Provost modifies the Recommendation from the Hearing Committee, t~~The Grievant has the right to appeal the new recommendation from the Provost. This appeal must be made within five (5) working days of receipt of the written recommendation from the Provost, it must provide reasons for the appeal, and it must not exceed ~~two (2)~~ five (5) pages with normal font size. ~~Failure of the Grievant to file an appeal within this time frame shall constitute his or her acceptance of the recommendation from the Provost.~~



If the Grievant submits an appeal to the President, he or she shall send a copy of this appeal to the UGO at the same time. The UGO shall then send a copy of this appeal to the Supervisor and the Provost.

#### **K.10.6.4 Review by the President**

If the Hearing Record is sent to the President is not a party to the Grievance, he or she shall review the Recommendation from the Hearing Committee Hearing Record, together with any minority report, the recommendation from the Provost (unless the Provost was a party to the Grievance), and any appeals from the Grievant (hereinafter referred to collectively as the "Final Appeal Record"), unless the Recommendation from the Hearing Committee is that no action be taken as a result of the Grievance and no appeal was submitted by the Grievant within the five (5) working day limit. This review shall be based only on the Final Appeal Record, the Provost's recommendation and any appeal by the Grievant. No party may introduce new substantive issues may be introduced.

Upon completion of this review, the President shall make a final decision regarding the Grievance. This decision shall be in writing, and it shall include a summary of the relevant information and the reasoning that supports the decision. Regardless of the recommendation from the Provost, the decision of the President shall modify may differ from the Recommendation from the Hearing Committee only if he or she the President finds that this the Recommendation from the Hearing Committee is unfair, unreasonable, arbitrary, capricious, or discriminatory. The President shall send his or her written decision to the UGO Wwithin twenty (20) working days of receiving an appeal from the Grievant or the expiration of the five (5) working day limit for submitting an appeal. The UGO shall send copies of this decision to the Grievant, the Supervisor, and the Provost, the President shall respond by providing to all parties to the Grievance, the UGO, and the Provost a written statement of his or her decision, which shall include a summary of the relevant

~~information and the reasoning that supports this decision.~~ The decision of the President is final.

If the decision of the President includes taking action as a result of the Grievance, ~~he or she~~ the President shall notify the appropriate ~~parties~~ individuals of the action to be taken.

#### **K.10.6.5 Review by the Board**

If the President was a party to the Grievance, the Board shall review the Recommendation from the Hearing Committee, together with ~~any minority report and any~~ appeal from the Grievant (hereinafter referred to collectively as the "Final Appeal Record"), unless the Recommendation suggests that no action be taken as a result of the Grievance and no appeal was submitted by the Grievant within the five (5) working day limit. This review shall be based only on the Final Appeal Record. No new substantive issues may be introduced.

Upon completion of this review, the Board shall make a final decision regarding the Grievance. This decision shall be in writing, and it shall include a summary of the relevant information and the reasoning that supports the decision. The decision of the Board may differ from the Recommendation from the Hearing Committee only if the Board finds that the Recommendation from the Hearing Committee is unfair, unreasonable, arbitrary, capricious, or discriminatory. The Chair of the Board shall send this written decision to the UGO, and the UGO shall send copies of this decision to the Grievant, the Supervisor, the Provost, and the President. The decision of the Board is final.

If the decision of the Board includes taking action as a result of the Grievance, the Chair of the Board shall notify the President and the UGO of the action to be taken, and the President shall notify the appropriate individuals. ~~†~~This may

involve special Board action ~~and/or instruction regarding action to be taken by~~  
administrators.

## **K.11 Grievance Panels and Hearing Committees**

### **K.11.1 Grievance Panels** *(last revised August 2, 2013)*

The Faculty Grievance Panel shall be a pool of eligible Hearing Committee members consisting of ~~twenty-one (21) tenured faculty members, with at least one (1) from each college~~ one (1) tenured faculty member from each academic department and one (1) tenured faculty member from the University Libraries, and.

The Administrative Professional Grievance Panel shall be a pool of eligible Hearing Committee members consisting of twenty-one (21) administrative professionals, representing at least four (4) administrative areas. ~~Administrative professionals~~ Each member shall have had at least five (5) years employment at half-time (0.5) or greater at Colorado State University.

No person having administrative duties, as described in Section K.11.2, shall be qualified to serve on ~~the~~ either Grievance Panel.

#### **K.11.1.1 Duties** *(last revised August 2, 2013)*

As specified elsewhere in ~~this s~~Section K, individual members of the Grievance Panel may be recruited to a) serve on individual Hearing Committees, b) serve on search committees to select a new UGO, and c) consult with the leadership of Faculty Council or the Administrative Professional Council, as appropriate, on policy matters related to procedures outlined in Section K and the activities of the UGO.

#### **K.11.1.2 Chairs** *(last revised August 2, 2013)*

Each year, a ~~Grievance Panel Chair~~ shall be appointed jointly by ~~th~~ presidents the Chair of the Faculty Council and Administrative Professional Council shall select a Chair for the Faculty Grievance Panel from among ~~the panel's~~ its elected members, and the Chair of the Administrative Professional Council shall select a Chair for the Administrative Professional Grievance Panel from among its elected members. ~~This volunteer position shall be filled by a faculty member in academic years ending in an odd number and by an administrative professional in academic years ending in an even number.~~

As specified ~~elsewhere~~ elsewhere in this Section K, the ~~chair's~~ duties of the chairs are:

- a. To meet with the UGO ~~at least quarterly or~~ as needed to review activities of the UGO,
- b. To review challenges to the qualification ~~and classification~~ of grievances by the UGO (Section K.~~10.13.3~~),
- c. To appoint a subcommittee to seek nominations for the position of UGO and interview prospective UGO candidates (Section K.12.1),
- d. To confer with the Provost and either the Chair of Faculty Council or the Chair of the Administrative Professional Council on the appointment of a Temporary Special University Grievance Officer, as needed (Section K.12.~~67~~),
- e. To advise the UGO on policy and procedural matters covered in ~~this~~ Section K,
- f. To advise the Faculty Council and Administrative Professional Council on matters pertaining to rights and responsibilities described in ~~this~~ Section K,
- g. To provide input for the UGO's annual report (Section K.12.4.~~h~~),

~~h. To assist the Faculty Council and the Administrative Professional Council in their annual evaluation of the UGO by receiving and reporting on questionnaires to parties inquiring about or involved in mediation or the grievance process. These questionnaires will be distributed by the UGO (Section K.12.4.1),~~

~~ih. To provide input on the UGO's annual performance review (Section K.12.1).~~

### **K.11.2 Administrative Duties**

With respect to qualification to serve on the Grievance Panel, administrative duty or duties refers to the service of those persons acting as the administrators responsible for the various administrative units, departments, colleges, and the University, and responsible for budgets and supervising and evaluating personnel other than state classified personnel, students, or postdocs. ~~The term shall cover persons having the title "Assistant Dean" or "Associate Dean". This shall include administrators at the level of department head or above, but not assistant or associate department heads. However,~~ Service by persons as chairs of committees, or as Principal Investigators on contracts and grants, shall not be considered to be administrative duties.

### **K.11.3 Election of Grievance Panel Members**

~~Faculty members shall be nominated by the Faculty Council Committee on Faculty Governance, who shall provide a full slate of nominees for election by the Faculty Council. Each academic department and the Libraries shall elect one (1) member of the Grievance Panel from among the eligible members of that unit. The electorate eligible to vote for this member of the Faculty Grievance Panel shall consist of all regular full-time, regular part-time, senior teaching, special, and transitional members of the faculty in that unit who have no administrative duties (see Section K.11.2). The Faculty Council Committee on Faculty Governance shall establish uniform nomination and election~~

procedures throughout the University and shall supervise elections in academic departments and the Libraries to ensure secret ballots and impartial election procedures.

Administrative professionals shall be elected by the Administrative Professional Council.

Nominations for candidates shall be opened on February 15, annually, and election shall be held in April. Election shall be for a three (3) year term starting on the first (1st) day of Fall semester, with the terms staggered so that approximately one-third (1/3) of the faculty members and one-third (1/3) of the administrative professionals have their terms expire each year. ~~Grievance Panel members who have served two (2) consecutive terms shall be ineligible for re-election for a period of two (2) years.~~ Vacancies shall be filled by elections at other times throughout the year following the procedures set forth above.

~~When a vacancy occurs on the a Grievance Panel, it shall be filled by appointment, unless the vacancy occurs within one (1) month before the next regular election, in which case, the unexpired term shall be filled at that election. An appointment of a faculty member shall be made by the Faculty Council Committee on Faculty Governance, and an appointment of an administrative professional shall be made by the Administrative Professional Council.~~

#### **K.11.4 Formation of Hearing Committees**

The UGO shall establish a rotation schedule for the members of the Grievance Panels to serve on Hearing Committees. However, at the discretion of the UGO, members may be skipped due to issues such as conflicts of interest, availability, or appropriate criteria (such as faculty rank). A Hearing Committees shall consist of five (5) members having the same appointment Employee

Celassification (faculty member or administrative professional) as the Grievant. The UGO shall provide each selected member of the Hearing Committee the opportunity to excuse himself or herself from service because of having an involvement with one or both of the parties and/or with the Action being challenged that causes him or her to be incapable of rendering an impartial judgment concerning the Grievance. The UGO shall select replacements for any members who excuse themselves.

Each Hearing Committee scheduled to hear a Grievance shall select from its membership a Chair, who shall be a voting member of the Hearing Committee, preside over the Hearing, maintain orderly procedures, and supervise the preparation of the written Recommendation regarding the Grievance.

~~If a member of the Hearing Committee excuses himself or herself as described in Section K.10.2.g or is excused by the UGO due to a challenge for cause, he or she shall be replaced on the Hearing Committee by the next person of the same appointment classification in the rotation order. If the Chair of the Hearing Committee is replaced in this manner the new members of the Hearing Committee shall select a new Chair from among themselves. In the event that it is impossible to establish a full Hearing Committee from the membership of the Grievance Panel, each of the parties in the Grievance shall nominate two (2) persons for each vacant position, and the UGO shall name the replacements from among these nominees~~ the UGO and either the Chair of Faculty Council or the Chair of the Administrative Professional Council, whichever has the same Employee Classification as the Grievant, shall jointly select the remaining members of the Hearing Committee, subject to further challenge for cause as provided in Section K.10.12.h.

## **K.12 University Grievance Officer**

### **K.12.1 Selection, Qualifications, and Term of the University Grievance Officer**

In October of the third year of the UGO's term of office, the chairs of the Grievance Panels shall jointly appoint a subcommittee of the Grievance Panel memberships, consisting of three (3) faculty members and three (3) administrative professionals, to provide nominations for a UGO to serve the next three-year term. In November, this subcommittee shall solicit nominations, and, in January, it shall recommend ~~two (2) or three (3)~~ qualified persons to the President through the Provost. The UGO shall be selected by the President, after consultation with the members of the subcommittee during the second week of February. The selection must be confirmed by a majority vote of those cast by the Faculty Council and a majority vote of those cast by the Administrative Professional Council in April, such confirmations being conducted separately. In the event that a majority vote of those cast is not attained by both the Faculty Council and the Administrative Professional Council, another candidate shall be proposed by the President. The UGO shall take office on July 1 following the vote and shall report to the Provost. The Provost shall keep the President informed regarding the activities of the UGO.

The UGO shall be a tenured, full-time member of the faculty with at least the rank of associate professor and shall have no administrative duties (see Section K.11.2) throughout the term of service. The term of office shall be three (3) consecutive one (1) year appointments. There is no limit to the number of terms a UGO may serve.

The UGO shall be evaluated annually. In February, the Executive Committee of Faculty Council and the Executive Committee of the Administrative Professional Council shall each send a written performance evaluation to the Provost. The Provost shall prepare the official evaluation of the UGO and submit it to the President ~~preceding~~ each year prior to the reappointment. The Provost shall also send a copy of this evaluation to the department head of the UGO for use in his or her annual evaluation. If the position of UGO becomes vacant before expiration of the term, the Grievance Panel shall recommend an



interim appointment to the President, through the Provost, to serve until a confirmed UGO, selected the following February, takes office on July 1.

#### **K.12.2 Oversight of the University Grievance Officer** *(last revised August 2, 2013)*

The UGO shall be accountable to the Faculty and Administrative Professional Councils on matters pertaining to carrying out the responsibilities of the UGO. The UGO shall seek the ~~advise~~ advice of the Chairs of the Grievance Panels on procedural matters. The UGO shall report administratively to the Provost.

#### **K.12.3 Service of the University Grievance Officer**

The UGO shall be appointed part-time, depending upon the work load. The appointment fraction and associated funds shall be negotiated ~~at least annually~~ among the UGO, the Provost, and the UGO's department head and may be reviewed as necessary ~~during the year~~. Adequate secretarial and expense support shall be provided by the Office of the Provost.

#### **K.12.4 Duties of the University Grievance Officer** *(last revised May 8, 2015)*

The UGO shall be responsible for:

- a. Maintaining a record of actions taken as part of the processes in Section K and Section E.15.
- b. Coordinating and facilitating the activities of the Grievance Panels by maintaining the records of the Panels, scheduling all meetings of the Panels for informational and organizational purposes, scheduling meetings of ~~its~~ Hearing Committees, calling individuals to appear before ~~the~~ Hearing Committees, and establishing the rotation order for service by the members of the Panels on Hearing Committees.

- c. Overseeing the processes of Section K and Section E.15 and preparing reports to the Grievance Panels, including recommendations for improving these processes.
- d. Assuring that faculty members and administrative professionals are familiar with the provisions, components, purposes, and procedures of the processes of Section K and Section E.15.
- e. Consulting with at-will employees and the Office of General Counsel about disciplinary action or termination of at-will employees, as discussed in Section K.3.1.g.
- f. Making recommendations to Hearing Committees regarding guidelines for the operation of these committees pursuant to Section K and Section E.15.
- g. Advising potential and active parties to a Grievance of their prospects for sustaining a Grievance, including their responsibilities for following the procedural rules of Section K.10.
- h. Facilitating the conduct of Hearings ~~decision~~ pursuant to Section K and Section E.15.
- i. Preparing an annual report, ~~in consultation with the Chair of the Grievance Panel~~ each ~~June~~ December for the Faculty Council and Administrative Professional Council, which summarizes activities and recommendations during the previous year.
- j. Maintaining and updating the list of University Mediators (UMs).
- k. Appointing appropriate UMs to mediate disputes involving faculty members, administrative professionals, and/or administrators.
- l. Coordinating orientation and training of University Mediators and Grievance Panel members

m. Assisting ~~the~~ Faculty Council and the Administrative Professional Council in their annual evaluations of the UGO by ~~distributing questionnaires to parties inquiring about or involved in mediation or the grievance process, and assigning numerical identifiers to each questionnaire, thus maintaining participants' anonymity~~ notifying all participants in the Section K process of the opportunity to participate in anonymous surveys regarding the performance of the UGO.

#### **K.12.5 Right to Extend Deadlines**

At his or her discretion, the UGO may extend any deadlines or timelines described in Section K and Section E.15. An individuals involved in these processes may submit to the UGO an objection to such an extension, and the UGO shall give such an objection serious consideration. However, the final decision regarding an extension rests with the UGO.

#### **K.12.56 Legal Advice**

At any time, the UGO may seek legal advice from the Office of General Counsel for the University. If the UGO determines that it is appropriate to seek legal advice from outside the Office of the General Counsel for the University, he or she may request that the Office of the General Counsel engage the services of an attorney from the Colorado Attorney General's Office to give legal advice to the UGO. If the UGO determines that it is necessary to seek legal advice from an attorney who is outside of the Office of the General Counsel and the Colorado Attorney General's Office, the UGO may make such a request to the Office of the General Counsel. Any such engagement must be approved by the Colorado Attorney General's Office. A denial by the Colorado Attorney General's Office of such a request is ~~not grievable~~ final.

#### **K.12.67 Temporary Special University Grievance Officer**

In the event of a conflict of interest by the UGO in a dispute, or in the event that the UGO becomes a Grievant or requests to be recused, the ~~Provost~~ President, after consultation with the chairs of the Grievance Panels ~~and the President~~, shall appoint a Temporary Special UGO for that dispute. The Temporary Special UGO shall have all the duties described herein of the UGO for the duration of the specific dispute for which he or she is appointed.

## **K.13 University Mediators**

### **K.13.1 Qualifications of University Mediators**

The individuals nominated and recommended as UMs shall be presently employed or retired faculty members or administrative professionals who have the skills, credibility and commitment that would enable them to discharge their duties effectively as UMs. A ~~C~~currently employed individuals shall obtain prior approval from their department head/supervisor. The UGO is not eligible to serve as a UM.

#### **K.13.1.1 Qualifications of University Mediators for Faculty**

Each UM for faculty members shall be a tenured, full-time faculty member with at least the rank of associate professor or a person ~~a faculty member with a transitional or emeritus/emerita appointment~~ who previously held such a rank an appointment. He or she shall have no administrative duties (see Section K.11.2) throughout the term of service. ~~Within ten (10) working days of an appeal from the Grievant or a Hearing Committee decision that was not appealed, the Provost shall respond by providing to all parties to the Grievance and the UGO a written statement of the decision rendered with a summary of relevant evidence and the reasoning that sustains the decision.~~

#### **K.13.1.2 Qualifications of University Mediators for Administrative Professionals**

Each UM for administrative professionals shall be employed at least half-time (0.5) as an administrative professional at Colorado State University or, ~~if retired, shall have been employed by the University at least half-time (0.5) as an administrative professional~~ a person who previously held such an appointment.

**K.13.2 Selection, Terms, and Evaluation of University Mediators for Academic Faculty** *(last revised August 2, 2013)*

The Chair of Faculty Council and the Provost shall solicit nominations for faculty UMs ~~from the faculty members~~ prior to the end of each academic year. In consultation with the Executive Committee of Faculty Council ~~Executive Committee, the Council of Deans, and any other appropriate groups~~, the Chair of Faculty Council and the Provost shall jointly forward recommendations to the President. The President shall appoint at least two (2) faculty UMs for the upcoming year. The faculty UMs ~~for faculty members~~ shall take office on July 1 following their appointment by the President.

University Mediators may be eligible to receive supplemental pay based on hours devoted to mediation activities. Moreover, the Provost and the faculty member's ~~immediate supervisor~~ department head may choose to provide an adjustment in effort distribution and/or workload. In this case, individuals appointed as ~~academic~~ faculty UMs may negotiate this change in effort distribution and/or workload with their ~~immediate supervisor~~ department head, to reflect their involvement in the ~~M~~mediation process.

The term of office for a faculty UM shall be three (3) consecutive one (1) year appointments on an at-will basis. There is no limit to the number of terms a UM may serve. ~~Each UM shall be evaluated annually. A faculty UM who has mediated one or more cases during the calendar year shall be evaluated the following February by the Executive Committee of Faculty Council, who shall send a written performance evaluation to the Provost. The Provost shall then~~

prepare the official evaluation of the UM and submit it to the President prior to the reappointment of the UM. ~~In February, the Executive Committee of Faculty Council who shall send a written performance evaluation to the Provost, and the Provost shall then prepare the official evaluation of the UM and submit it to the President preceding each reappointment.~~ If the need arises to appoint an additional UM during the academic year, the Chair of Faculty Council and the Provost shall recommend jointly an interim appointment to the President to serve until a new UM is selected and takes office the next July 1.

**K.13.3 Selection, Terms, and Evaluation of University Mediators for Administrative Professionals** *(last revised August 2, 2013)*

The Chair of the Administrative Professional Council and the Vice President for University Operations shall solicit nominations for administrative professional UMs ~~for administrative professionals~~ prior to the end of each academic year. In consultation with the Executive Committee of the Administrative Professional Council ~~and any other appropriate groups~~, the Chair of the Administrative Professional Council and the Vice President for University Operations shall jointly forward recommendations to the President. The President shall appoint at least two (2) administrative professional UMs for the upcoming year. The administrative professional UMs ~~for administrative professionals~~ shall take office on July 1 following their appointment by the President.

University Mediators may be eligible to receive supplemental pay based on hours devoted to mediation activities. Moreover, the Vice President for University Operations and the administrative professional's immediate supervisor may choose to provide an adjustment in effort distribution and/or workload. In this case, individuals appointed as administrative professional UMs may negotiate this change in effort distribution and/or workload with their immediate supervisor to reflect their involvement in the ~~M~~mediation process.

The term of office for an administrative professional UM shall be three (3) consecutive one (1) year appointments on an at-will basis. There is no limit to the number of terms a UM may serve. An administrative professional University Mediators UM who ~~have~~ has mediated one or more cases during the calendar year shall be evaluated ~~in that calendar year~~ the following February by the Executive Committee of the Administrative Professional Council, who shall send a written performance evaluation to the Vice President for University Operations. The Vice President for University Operations shall then prepare the official evaluation of the UM and submit it to the President ~~preceding each~~ prior to the reappointment of the UM. If the need arises to appoint an additional UM during the academic year, the Chair of the Administrative Professional Council and the Vice President for University Operations shall jointly recommend an interim appointment to the President to serve until a new UM is selected and takes office the next July 1.

#### K.14 Key Time Limits Within the Mediation and Grievance Processes

Action		Maximum Number of Working Days
(a)	<del>Action discovered</del>	
(b)	<del>Submission of written claim to UGO</del>	20 days after (a)
(c)	<del>Appointment of University Mediator (UM)</del>	5 days after (b)
(d)	<del>Decision by UM whether to attempt mediation</del>	10 days after (c)
(e)	<del>Mediation Period</del>	20 days after (d)
(f)	<del>Submission of written Grievance Complaint</del>	5 days after (d) and (e)
(g)	<del>Written Response from Responsible Administrator</del>	5 days after (f)
(h)	<del>Form Hearing Committee and begin Hearing</del>	10 days after (f)
(i)	<del>Conclude Hearing</del>	10 days after (h)
(j)	<del>Recommendation of Hearing Committee</del>	10 days after (i)
(k)	<del>Notification of Recommendation by UGO</del>	2 days after (j)
(l)	<del>Appeal of Hearing Committee Recommendation</del>	5 days after (k)
(m)	<del>Review by Provost</del>	10 days after (k) and (l)
(n)	<del>Appeal of Provost Recommendation</del>	5 days after (m)
(o)	<del>Review by President</del>	20 days after (n)

<sup>1</sup> The term “~~personal~~ personnel file” refers to information collected because of the employer-employee relationship, and it does not necessarily refer to a single physical file. In order for information to be part of the personnel file, there must be a reasonable expectation that such information will be kept private. Information in the personnel file is generally not made available for public inspection, but it is available to the individual and to his or her supervisors.

Rationale: Most of the changes simply bring the policy into line with current practice and provide additional clarity.

In addition, the Grievance Panel is separated into two grievance Panels, one for faculty and one for administrative professionals. Also, the constitution of the Faculty Grievance Panel is changed to increase its membership. There have been serious problems in the recent past with the small number of persons on the panel.

In the case of denial of tenure and/or promotion, the Recommendation of the Hearing Committee should not be sent to the Provost, since the Provost has already recommended against tenure and/or promotion prior to the Hearing.

Finally, the table of timelines in Section K.14 is deleted, since it is not correct. The timelines are not simple enough to be summarized in such a table, since they depend on a number of factors that are different in different situations.

Legare’s motion was unanimously approved by Faculty Council.

2. Proposed revisions to Section E.12.1 Teaching and Advising of the *Academic Faculty and Administrative Professional Manual* – CoTL

Matt Hickey, Chair, CoTL, moved that Faculty Council approve the proposed revisions to Section E.12.1 Teaching and Advising of the *Academic Faculty and Administrative Professional Manual*.



Silvia Canetto (Psychology): In the Manual, Section E.12.1 Teaching and Advising (p. 17 of November FC packet), course surveys were deleted from the list of “sources of information” to use for “evaluation of teaching” However, in Section I.8 (p. 18 of November FC packet) it is stated that the “student course survey” can be used “as part of the evaluation of teaching” or “for teaching mentoring.” These two statements are in contradiction with each other. Is this an oversight? The statement on p. 17 is correct because, as was recognized by the Committee on Teaching and Learning, student evaluations of faculty teaching are not valid, and also biased, for example, against women. Therefore, I think that the statement in Section I.8 should be changed. Specifically we should delete the statement that “student course surveys can be used “as part of the evaluation of teaching” or “for teaching mentoring”.

Gallagher: Only Section E.12.1 is the discussion on the floor now. Are there any amendments to E.12.1?

Matt Hickey: Meant to still allow course survey use but E.12.1 is not meant to preclude use of course surveys, but faculty can include responses to the context.

Mary Meyer (Statistics): Many studies have concluded that student evaluations of teaching are substantially biased against women. Quote from Menget, Sauermann and Zolitz (2017): “women receive systematically lower teaching evaluations than their male colleagues. This bias is driven by male students’ evaluations, is larger for mathematical courses and particularly pronounced for junior women.” What kind of message is CSU sending to junior women faculty, when we use an instrument for tenure and promotion evaluation, that is known to be substantially biased against them? Life is hard enough for junior women faculty, especially in STEM disciplines.

Ross McConnell (Computer Sciences): Can there be a call for a revision/amendment? I call for removal of the whole section.

Doug Cloud (English): Although I agree that a stronger language is needed, this language mitigates course survey usage. We could further limit or eliminate it in a later time.

George Barisas (Chemistry): 30 years ago, course surveys were not used at all. They are not correlated with teaching effectiveness at all. They do identify potential problems in instructional delivery. This work that has been done here puts course surveys into proper relation to other things. I am against the amendment.

Moti Gorin (Philosophy): If teaching surveys don't accurately measure student learning and if they are biased against women, shouldn't we also delete the previous sentence, which says they can be used by students in determining which classes they should take?

Gallagher called for a vote. The amendment was not adopted.

Back to the main motion. Gallagher called for a vote on the main motion. The motion was approved.

Deletions ~~Over scored~~ Additions Underlined

### **E.12.1 Teaching and Advising (~~last revised August 2, 2013~~)**

As part of its mission, the University is dedicated to undergraduate, graduate, professional, and continuing education locally, nationally, and internationally. Toward that end teachers engage learners, transfer knowledge, develop skills, create opportunities for learning, advise, and facilitate students' transfer of knowledge across contexts and their academic and professional development.

Teaching includes, but is not limited to, classroom and/or laboratory instruction; individual tutoring; supervision and instruction of student researchers; clinical teaching; field work supervision and training; preparation and supervision of teaching assistants; service learning; outreach/engagement; and other activities that organize and disseminate knowledge. Faculty members' supervision or guidance of students in recognized academic pursuits that do not confer any University credit also is considered teaching. Associated teaching activities include class preparation; grading; laboratory or equipment maintenance; preparation and funding of proposals to improve instruction; attendance at workshops on teaching improvement; and planning of curricula and courses of study; and mentoring colleagues in any of these activities. Outreach/engagement activities such as service learning, conducting workshops, seminars, and consultations, and the preparation of educational materials for those purposes, may be integrated into teaching efforts. These outreach activities include teaching efforts of faculty members with Extension appointments.

Excellent teachers are characterized by their command of subject matter; logical organization and presentation of course material; ability to help students recognize formation of interrelationships among fields of knowledge; energy and enthusiasm; availability to help students outside of class; encouragement of curiosity, creativity, and critical thought; engagement of students in the learning process; understanding of how students learn and encouragement of effective learning strategies; use of clear grading criteria; and respectful responses to student questions and ideas.

Departments shall foster a culture that values and recognizes excellent teaching, and encourages reflective self-assessment. To that end, departmental codes ~~should~~ will, within the context of their disciplines, (1) define effective teaching and (2) describe the process and criteria for evaluating teaching effectiveness. Evaluation of teaching should be designed to highlight strengths, identify deficiencies, and improve teaching and learning.

Evaluation criteria of teaching can include, but are not limited to, quality of curriculum design; quality of instructional materials; achievement of student learning outcomes; and effectiveness at presenting

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information, managing class sessions, encouraging student engagement and critical thinking, and responding to student work. Evaluation of teaching ~~shall~~ must involve substantive review of multiple sources of information such as course syllabi; signed peer evaluations; examples of course improvements; development of new courses and teaching techniques; integration of service learning; appropriate course surveys of teaching and/or summaries of how the instructor used information from student feedback to improve course design or instructional delivery, as well as any evidence of the outcomes of such improvements; letters, electronic mail messages, and/or other forms of written comments from current and/or former students; and evidence of the use of active and/or experiential learning, student learning achievement, professional development related to teaching and learning, and assessments from conference/workshop attendees. Anonymous letters or comments shall not be used to evaluate teaching, except with the consent of the instructor or as authorized in a department's code. Evaluation of teaching effectiveness effectiveness should take into account the physical and curricular context in which teaching occurs (e.g., face-to-face and online settings; lower-division, upper-division, and graduate courses), established content standards and expectations, and the faculty member's teaching assignments, ~~in particular, in the context of~~ the type and level of courses taught. The ~~University~~ University provides resources to support the evaluation of ~~teaching~~ teaching effectiveness, such as systems to create and assess teaching portfolios, access to exemplary teaching portfolios, and professional development programs focusing on teaching and learning.

Effective advising of students, at both the undergraduate and graduate levels, is a vital part of the teaching/learning process. Advising activities include, but are not limited to, meeting with students to explain graduation requirements; giving academic advice; giving career advice or referring the student to the appropriate person for that advice; and supervision of or assistance with graduate student theses/dissertations/projects. Advising is characterized by being available to students, keeping appointments, providing accurate and appropriate advice, and providing knowledgeable guidance. Evaluation of advising effectiveness can be based upon signed evaluations from current and/or former students, faculty members, and professional peers. The faculty in each academic unit shall develop specific criteria and standards for evaluation and methods for evaluating teaching and advising effectiveness and shall evaluate advising as part of annual and periodic comprehensive reviews. These criteria, standards, and methods shall be incorporated into departmental codes.

**Rationale:**

The proposed changes to the language incorporate recommendations from the 2015 TILT/UDTS Task Force Report on Teaching and Learning and are consonant with proposed change to the language in the Faculty Manual in section I.8 that addresses student course evaluations. Providing coherent guidance in both I.8 and E.12.1 of the Faculty Manual on the appropriate use of student course surveys will help to ensure that information gathered through them will not constitute the sole or primary basis for judging teaching effectiveness. Making this change in policy will help lead departments to adopt evaluation strategies that can support fairer and more accurate evaluations than is possible through use of student course survey results alone.

Hickey's motion was approved by Faculty Council.

3. Proposed revisions to Section I.8 Student Course Survey of the *Academic Faculty and Administrative Professional Manual* – CoTL

Matt Hickey, Chair, CoTL, moved that Faculty Council approve the proposed revisions to Section I.8 Student Course Survey of the *Academic Faculty and Administrative Professional Manual*.

Deletions ~~Overscored~~ Additions Underlined

### **I.8 Student Course Survey (~~last revised June 21, 2011~~)**

The Student Course Survey is designed to provide feedback to course instructors and is to be used for course improvement. In addition, it is designed to provide information for students to make informed choices about courses. If used for teaching mentoring or as part of the evaluation of teaching, the student course surveys must be used ONLY in conjunction with other sources of evidence (see section E.12.1). Thus, these surveys may not be used, in whole or in part, as the primary source of evidence for an instructor's teaching effectiveness and must be treated as one element of limited weight alongside a range of evaluative tools (as mentioned in E.12.1). The use of course feedback as a stand-alone tool is not a credible means of evaluating the quality of teaching.

Each term, course instructors shall conduct at least one student survey of all the courses they teach through a system administered by the University utilizing the standardized University-wide instrument. ~~At the end of each term, survey forms shall be digitized and responses shall be tabulated.~~ Summaries of responses for each course surveyed shall be posted at <http://coursesurvey.colostate.edu>. Access to the summaries shall be granted to anyone with a CSU eID. Access to digital copies of the survey forms shall be granted only to the course instructor(s), to individuals explicitly granted access by the instructor(s), and to any other persons granted access by the department code. Costs for conducting and providing access to survey results shall be shared by the University and the Associated Students of Colorado State University (ASCSU). ASCSU's financial contribution shall not exceed half of the required financial resources to operate this program.

The Committee on Teaching and Learning is responsible for making recommendations regarding the survey instrument and its use. Changes to the Student Course Survey shall be approved by Faculty Council.

**Rationale:** The ASCSU Student Course Survey has been used for more than three decades, in various forms, as a source of information in annual evaluations of faculty as well as in tenure and promotion processes. A steady accumulation of research on the use of student course surveys indicates, however,

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that student responses to such surveys, in isolation, cannot substitute for the judgment of peers and the careful examination of course materials, classroom activities, and student learning outcomes. A recent review article by Stark & Freishtat (2014), for example, concluded that although students can offer valuable information about student experiences in a class, particularly in the areas of “*clarity, pace, legibility, audibility, and their own excitement (or boredom)*,” they are poor judges of teaching effectiveness (p. 13). In their review, Stark and Freishtat also reported, “*Controlled, randomized experiments find that SET [student evaluations of teaching] ratings are negatively associated with direct measures of effectiveness. Importantly, SET seem to be influenced by the gender, ethnicity, and attractiveness of the instructor*” (p. 19).

In August 2013, the Faculty Council approved changes to section E.12.1 of the *Manual* that direct departments to ensure that their codes, “within the context of their disciplines, (1) define effective teaching and (2) describe the process and criteria for evaluating teaching effectiveness.” Providing coherent guidance in both I.8 and E.12.1 of the Faculty *Manual* on the appropriate use of student course surveys will help to ensure that information gathered through them will not constitute the sole or primary basis for judging teaching effectiveness. Making this change in policy will help lead departments to adopt evaluation strategies that can support fairer and more accurate evaluations than is possible through use of student course survey results alone.

Hickey’s motion was approved by Faculty Council.

4. Elections – Graduate Student Representatives on Standing Committees

**Graduate Student Positions on Faculty Council Standing Committees  
One-year term**

**Committee on Strategic and Financial Planning**

		<b><u>Term Expires</u></b>
<u>ARNOLD PAECKLAR</u>	Graduate student	2018

**Committee on University Programs**

<u>RYAN CZARNY</u>	Graduate student	2018
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**University Curriculum Committee**

<u>KEVIN JABLONSKI</u>	Graduate student	2018
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5. Elections – Undergraduate Student Representatives on Standing Committees

**Undergraduate Student Positions on Faculty Council Standing Committees**

**One-year term**

**Committee on Strategic and Financial Planning**

		<b><u>Term Expires</u></b>
<u>MICHAEL WELLS</u>	Undergraduate student	2018

**University Curriculum Committee**

<u>ALISSA HUBER</u>	Undergraduate student	2018
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**Committee on Intercollegiate Athletics**

<u>LIAM AUBREY</u>	Undergraduate student	2018
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**Committee on University Programs**

<u>COLE WISE</u>	Undergraduate student	2018
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**Committee on Libraries**

<u>NATE RHINE</u>	Undergraduate student	2018
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**Committee on Teaching and Learning**

<u>BAYLER SHUBERT</u>	Undergraduate student	2018
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All undergraduate and graduate students were elected to a one-year term beginning November 1, 2017 through June 30, 2018.

**REPORTS TO BE RECEIVED**

1. Provost/Executive Vice President – Rick Miranda

Miranda reported on the following:

- Speaks to the E&G Budget. First variable was undergraduate tuitions increase. Second variable was the amount of state appropriations. If you incorporate both, it's rather grim. 3% increase. Enrollment growth with tuition revenue. \$17.6 million in new revenues with nothing from the state. After new financial aid pulled out, then \$15 million in new revenue.

- Governor made a proposed budget about one month ago with a more favorable view, which would give us somewhere between \$8 and 10 million in additional appropriations. Legislature takes this up in January. We will present a new budget to the BOG at their December meeting.

Questions:

Antonio Pedros-Gascon (CLA At-Large): The sheet we're looking at does not have all these allocations, correct?

Miranda: The December presentation will have the positive influence from the state.

Michael Pante (Anthropology): Last month, President Frank highlighted CLA salary issues. Is that something you are considering for the future?

Miranda: The faculty line is at 2.5% but that model might go up given new information from the Governor. We will be looking at equity in many sectors.

Mary Meyer (Statistics): Where did the rest of the \$160 million go? (question from October FC meeting)

Miranda: Over the 10 year period, the changes in the University budget outside of the College budgets were approximately \$160 million. Miranda presented a table illustrating the expense categories and amounts that explained the expenditure increases there.

Steve Shulman (CLA At-Large): Does this include athletic scholarships?

Miranda: Yes, those funded by E&G sources.

Robert Keller (Economics): What is the debt service?

Miranda: This is the debt service on new facilities that are funded by the E&G budgets. Our borrowing increased in this period with all of the construction on campus, related to (primarily) academic buildings that are funded (in part) by our E&G budgets.

Mary Meyer (Statistics): Why aren't these numbers the same as in the Green Book?

Miranda: This may be a different view of the budgets that are distinct from the 'org chart' view of the budget: I would be happy to answer any specific questions on that off-line.

Robert Keller (Economics): Total increase in borrowing during that period?

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Miranda: Every million you borrow costs about \$65,000 a year in annual payments. I don't have the figure at hand for the total amount of E&G paid debt that we have in play today.

Miranda's report was received.

2. Faculty Council Chair – Tim Gallagher

Gallagher reported on the following:

The Preface to the *Manual* was changed at the May 2016 FC meeting. Looked quite benign and was passed in good faith. No debate on the floor of FC and it passed unanimously. For the first time today we see unintended consequences. Some are wondering why bullying policy isn't before FC. But, given requests to have the form removed, there was new language that now needs to go through the AP Council. The bullying policy is going to the November 13 APC meeting. If approved, it will be on the December FC meeting agenda.

President Frank had a meeting with the leadership of the AP leadership. I look forward to working with the leadership of AP Council. The President has asked me and Richard Eykholt to look at the wording of the Preface and create new language to prevent unintended consequences. Standing committees do not have the right to pocket veto the

proposals of a committee, you can suspend the rules, and EC can put the item on the agenda without approval of the committee. If you were to suspend the rules and make a motion on an item that would have relevance to APs, then the Chair would have to declare the motion out of order. There will be something before you some time in the next few meetings to improve this situation.

Gallagher's report was received.

3. Board of Governors Faculty Representative – Margarita Lenk

Lenk reported the following:

**BOARD OF GOVERNORS – Faculty Council Representative Report for 11/07/2017**  
*Margarita Maria Lenk.*

The Board of Governors (BOG) met on October 5-6, 2017 since the last Faculty Council meeting. Full BOG meeting minutes are available on the BOG web site. Below are my highlights notes from these meetings, and are not meant to be fully comprehensive summaries of the Board meetings.

**The October 5-6 meeting was held on the CSU Fort Collins campus.**

1. Amy Parsons provided updates on the CSU system strategic map, and the Western stock Show Complex, which will have its first groundbreaking November 3, 2017 and will have a special exhibit



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entitled History Colorado Zoom In: The Centennial State in 100 objects. CSU affiliated people will have a reduced membership price. In addition, this show will run for 6 years, and will include a special 3 month exhibit around CSU's 150 year anniversary. Future Learn's first MOOC is up and is about Water Scarcity: Crisis and Response. The second MOOC will be about Water for People: Future Generations and Diplomacy. Future MOOCs will be about the Anthropology of beer and the Roman Republic. The first annual report of Todos Santos has been released and shows great statistics of use by faculty and students, both CSU-Fort Collins and CSU-Pueblo.

2. Rick Miranda reviewed the strategic plan and SPARC layers of involvement for CSU-Fort Collins. He described progress in each area of the strategic plan, emphasizing the cluster faculty hires, sustainability successes (CSU was first to achieve platinum standing/ranking, and only Stanford and University of New Hampshire have followed), campus composting, and pollinator project). System-wide IT consolidations are occurring to save resources, and the Shepardson remodel. Opportunities for sustainability improvements include: student learning outcomes, sustainability investments, fleet vehicles, and renewable electricity. Two colleges out of the 8 have made sustainability a goal at the college level (business and engineering). Rick reviewed the program changes on all campuses and the CSU-Pueblo faculty *Manual*. The next BoG meeting in December will discuss assessment strategies and tools.

3. Tony reported we have now raised and collected \$192 million, so we are 81% towards our goal for the campaign, and celebrated that VP Tobin has picked up where Brett Anderson left off.

4. Joe Parker – CSU Athletic director gave an overview of how the CSU athletics have celebrated successes so far as well as stadium updates.

5. Tom Milliken spoke to opportunities with University Brand, an Associated Press Relationship that allows CSU expertise to be shared in a digestible format. Go to Conversation.com to see the articles an aggregator of content that other media go to see what they want to pick up. We can sign up for a daily newsletter if we want. The Conversation is a web-based media, written by university scholars and researchers, edited by journalists who transform it for public consumption, they are free to read and republish, which is leading to millions of other outlets picking up those stories. Newsweek, Scientific American, New Republic, LA Times, etc. So far 7 CSU authors have published 10 articles, in total 41 authors have published 54 articles. All 8 colleges have now published at least one article. 6600 viewers in August 2016, 125,000 in August 2017. Ten other universities contribute in addition to CSU (Michigan, Ohio State, Columbia, etc.)

6. CSU Global student representative spoke about what CSU Global is doing better than anyone else: He knew UPFRONT how much the total bill would cost and how long it would take to finish his education at the time of initial counseling. CSU Global Faculty Representative Tony Vrba is planning the first CSU system faculty meetup for dinner on Nov. 9, 2017 at the CSU Global campus (food to be catered in). Discussions will include sharing tips and challenges of teaching online by all three campuses. CSU Global President explained their strategic plan entitled sharing for the global good. They will be hosting a virtual conference on Nov. 14<sup>th</sup>: Addressing the new majority: addressing approaches for nontraditional students. CSU Global uses an outsourced vendor, Linda.com, for instructional content and instructional support. She has also just written a book "Impacting the Future of Higher Education", a short expository on what is possible in this higher education area that is underserved.

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7. Special presentation Gwen Gorzelsky and others: Technology enhanced learning and high-impact learning and high-impact practices where content and assignment designs to prompt inquiry, analysis, critical thinking, application, and integration across topics and disciplines. These high-feedback tools, such as Slack, R, Python, ALEKS, SCALAR and Perusall, allow for individual student programming for learning intellectual and practical skills, integrative and/or applied learning, whether intellectual or practical, including integrative and/or applied learning for metacognitive learning. Content and assignments are designed to promote analysis, integrations, application, engagement with course materials, and have timely, frequent, substantive, feedback, with structured exchanges to foster meaningful interaction, and timely, low-cost access to course content. Using web development software, students can create their own website and post projects, create a blog, use open source toolkits, basically create a digital accessible portfolio of their work. High impact, technology-enhanced learning has to be purposeful, participatory and project based. Adult learners do not want to be TAUGHT, they want to be engaged in their own learning. They want to know how to apply what they are learning. They have to see the point of why they need to learn that, so that they make the sacrifices in their lives to learn it.

8. The Real Estate Committee reported that the Anatomy Zoology east wing revitalization (15 million) and the Chemistry B&C wing (25.14 million) are underway. The Hughes Stadium site will be deconstructed, cleaned and available for developers. Open sessions were held on Sept. 20 and Oct. 18<sup>th</sup> to include the public voice on the decisions for the future uses of this land. A short list of developers will be selected and an advisory committee will be formed with recommendations for the BoG. Once a developer is selected, CSU will step aside, and the developer will be interfacing with the community. Both the city and the county want to annex this property. There may be asbestos, so remediation might be needed first, and then demolition. There will be salvage, and they can bid on the concrete and the copper. The expectation is that this site will be mixed use for housing, commercial real estate, and open space.

9. Alan Rudolph: CSU Research presentation shared that FY 2017 enjoyed \$338.4 million in research expenditures, Federal awards are up by 11% and industry awards are down by 9%. Collaborative multidisciplinary team science projects are growing. Facility needs include shared, open collaborative spaces for meetings, core shared realize instrumentation, and communication and collaboration technology. Space has been identified (Johnson hall, anatomy and zoology building, Scott bioengineering building, and design building (going up in 2019)). The first CIP partnership regarded Air Quality, Climate and Health : 174 faculty and researchers in all 8 colleges, 57 department and centers, 47 external partners \$174 proposals submitted, \$16,9 m in awards received and 118 publications so far. Five new team projects for 2018. Regulatory compliance is increasing rather than decreasing, and seeing increased audit activity, especially in military land management. Future research risks were discussed. Food, energy, and water issues are of high priority to CSU.

10. Treasury report: The state is making minor changes to their funding model, and making big changes to their expenditure models, and both will impact their recommendations regarding what the tuition rate increase recommendations are going to be in the future. CCHE fiscal affairs committee is still working on the capital construction requests. The budget is proceeding forward with Faculty and staff funding requested at \$10.5 million, which includes a 2.5% increase. If tuition is not allowed to increase, and if the state requires a 2% reduction, then CSU may experience a \$22 million loss. If no %reduction, then an \$11 million loss. If 3% tuition increase, and 0% state funding increase, then \$7 million loss. The most likely scenario may be a 3% increase in tuition and 2.5% increase in state revenues, which could reduce

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the loss by \$3 million, which could possibly resulting in campus cost reallocations. However, these are all speculations at this point. Finally, there will be some variable rate bond restructuring that will save significant resources in the future due to interest rates now rising.

11. All items brought to the Board were approved.

Lenk said things are moving forward well.

Lenk's report was received

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### **CONSENT AGENDA**

1. UCC Minutes – September 22 and 29, 2017; October 6, 13 and 20, 2017
2. Approval of Fall Degree Candidates
3. New CIOU: Colorado Water Center at CSU – CUP
4. New CIOU: One Water Solutions Institute – CUP

Carole Makela, Chair, UCC moved that Faculty Council adopt the consent agenda.

The consent agenda was unanimously approved by Faculty Council.

### **ACTION ITEMS**

1. Proposed revisions to the Academic Calendar – Fall Semester 2022 through Summer 2024

Sue Doe would moved for approval of the academic calendar.

### **ACADEMIC CALENDAR**

#### **FALL SEMESTER 2022 THROUGH SUMMER 2024**

#### **Fall Semester 2022**

Aug.18-19	Thursday-Friday	Orientation
Aug. 22	Monday	Classes Begin
Aug. 26	Friday	End Restricted Drop
Aug. 28	Sunday	End Regular Add

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Sept. 5	Monday	Holiday - University Offices Closed - No Classes
Sept. 7	Wednesday	Census and Registration Closes – last day for dropping courses without record entry, changes in grade option, and tuition and fee adjustment
Oct. 17	Monday	End Course Withdrawal (“W”) Period
Nov. 19	Saturday	Fall Recess Begins, No Classes Next Week
Nov. 24-25	Thursday-Friday	Holiday – University Offices Closed - No Classes
Nov. 28	Monday	Classes Resume
Dec. 9	Friday	Last Day of Classes; University Withdrawal Deadline
Dec. 12-16	Monday-Friday	Final Examinations
Dec. 16-18	Friday-Sunday	Commencement
Dec. 20	Tuesday	Grades Due
Dec. 22-23	Thursday-Friday	Holiday – University Offices Closed or Fri 23 + Mon 26

(79 Days, Including Final Examinations)

**Spring Semester 2023**

Jan. 2	Monday	Holiday – University Offices Closed
Jan. 12-13	Thursday-Friday	Orientation, Advising and Registration for New Students
Jan. 16	Monday	Holiday – University Offices Closed
Jan. 17	Tuesday	Classes Begin
Jan. 20	Friday	End Restricted Drop
Jan. 22	Sunday	End Regular Add
Feb. 1	Wednesday	Census and Registration Closes –last day for dropping courses without record entry, changes in grade option, and tuition and fee adjustment
Feb. 11	Saturday	Founder’s Day – CSU’s 151 <sup>st</sup> birthday
Mar. 11	Saturday	Spring Break Begins – No Classes Next Week
Mar. 20	Monday	End Course Withdrawal (“W”) Period

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Mar. 20	Monday	Classes Resume
May 5	Friday	Last Day of Classes; University Withdrawal Deadline
May 8-12	Monday-Friday	Final Examinations
May 12-14	Friday-Sunday	Commencement
May 16	Tuesday	Grades Due

(79 Days, Including Final Examinations)

**Summer Session 2023**

May 15	Monday	1st 4 Week and 12 Week Term Begins
May 29	Monday	Holiday University Offices Closed - No Classes
Jun. 9	Friday	1 <sup>st</sup> 4 Week Term Ends
Jun. 12	Monday	2 <sup>nd</sup> 4 Week Term and 8 Week Terms Begin
Jun. 21	Wednesday	Census
Jul. 4	Tuesday	Holiday – University Offices Closed - No Classes
Jul. 7	Friday	2 <sup>nd</sup> 4 Week Term Ends
Jul. 10	Monday	3 <sup>rd</sup> 4 Week Term Begins
Aug. 4	Friday	8, 12 and 3 <sup>rd</sup> 4 Week Terms End
Aug. 8	Tuesday	Grades Due

SUMMER WITHDRAWAL PERIOD: Because Summer classes have different time periods, the last day a student can withdraw from a course with “W” entered on the record is ten days into the session for a four-week course, 20 days into the session for an eight week course, and 30 days into the session for a 12 week course. If there are any questions, please consult the Registrar’s office.

**Fall Semester 2023**

Aug. 17-18	Thursday-Friday	Orientation
Aug. 21	Monday	Classes Begin
Aug. 25	Friday	End Restricted Drop
Aug. 27	Sunday	End Regular Add

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Sept. 4	Monday	Holiday - University Offices Closed - No Classes
Sept. 6	Wednesday	Census and Registration Closes –last day for dropping courses without record entry, changes in grade option, and tuition and fee adjustment
Oct. 16	Monday	End Course Withdrawal (“W”) Period
Nov. 18	Saturday	Fall Recess Begins, No Classes Next Week
Nov. 23-24	Thursday-Friday	Holiday – University Offices Closed
Nov. 27	Monday	Classes Resume
Dec. 8	Friday	Last Day of Classes; University Withdrawal Deadline
Dec. 11-15	Monday-Friday	Final Examinations
Dec. 15-17	Friday-Sunday	Commencement
Dec. 19	Tuesday	Grades Due
Dec. 25-27	Monday-Wednesday	Holiday – University Offices Closed

(79 Days, Including Final Examinations)

**Spring Semester 2024**

Jan. 1	Monday	Holiday – University Offices Closed
Jan. 11-12	Thursday-Friday	Orientation, Advising & Registration for New Students
Jan. 15	Monday	Holiday – University Offices Closed
Jan. 16	Tuesday	Classes Begin
Jan. 19	Friday	End Restricted Drop
Jan. 21	Sunday	End Regular Add
Jan 31	Wednesday	Census and Registration Closes – last day for dropping courses without record entry, changes in grade option, and tuition and fee adjustment
Feb. 11	Friday	Founder’s Day – CSU’s 152 <sup>nd</sup> birthday
Mar. 9	Saturday	Spring Break Begins – No Classes Next Week
Mar. 18	Monday	End Course Withdrawal (“W”) Period

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Mar. 18	Monday	Classes Resume
May 3	Friday	Last Day of Classes; University Withdrawal Deadline
May 6-10	Monday-Friday	Final Examinations
May 10-12	Friday-Sunday	Commencement
May 14	Tuesday	Grades Due

(79 Days, Including Final Examinations)

#### **Summer Session 2024**

May 13	Monday	1st 4 Week and 12 Week Term Begins
May 27	Monday	Holiday - University Offices Closed - No Classes
Jun. 7	Friday	1 <sup>st</sup> 4 Week Term Ends
Jun. 10	Monday	2 <sup>nd</sup> 4Week Term and 8 Week Terms Begin
Jun. 19	Wednesday	Census
Jul. 4	Thursday	Holiday – University Offices Closed - No Classes
Jul. 5	Friday	2 <sup>nd</sup> 4 Week Term Ends
Jul. 8	Monday	3 <sup>rd</sup> 4 Week Term Begins
Aug. 2	Friday	8, 12 and 3 <sup>rd</sup> 4 Week Terms End
Aug. 6	Tuesday	Grades Due

SUMMER WITHDRAWAL PERIOD: Because Summer classes have different time periods, the last day a student can withdraw from a course with “W” entered on the record is 10 days into the session for a four week course, 20 days into the session for an eight-week course, 30 days into the session for a 12-week course. If there are any questions, please consult the Registrar’s office.

The FALL SEMESTER 2022 THROUGH SUMMER 2024 ACADEMIC CALENDAR was unanimously approved by Faculty Council.

2. New Degree: MS in Ecosystem Sustainability, Plan A, be established *effective Fall 2018* in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources – UCC

Carole Makela, Chair of UCC, moved that Faculty Council approve the New Degree: MS in Ecosystem Sustainability, Plan A, be established effective Fall 2018 in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

SUBJECT: New Degree: MS in Ecosystem Sustainability, Plan A

The University Curriculum Committee moves Faculty Council adopt the following:

**A new Master of Science (MS) in Ecosystem Sustainability, Plan A, be established effective Fall 2018** in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

According to the request submitted:

Description:

The degree (MS, Plan A) will offer integrated study in the biophysical and social sciences focused on issues of global change and sustainability. Maintaining ecosystem services in the

face of global challenges such as climate change, population growth, globalization, land use intensification, and invasive species requires an integration of traditionally separate disciplines. The program will provide students with the training to develop and implement solutions to global problems related to water resources, food supplies, energy, greenhouse gas management, land use change, and climate change.

Rationale:

The program will prepare students from a variety of undergraduate degrees in fundamental ecosystem science and in application of ecosystem sustainability, preparing them for a variety of careers in ecosystem sustainability.

The request was reviewed and approved by the Committee on Scholarship, Research and Graduate Education on 11/23/16 and by the University Curriculum Committee on 9/22/17.

Faculty Council unanimously approved the proposed revisions to the New Degree: MS in Ecosystem Sustainability, Plan A, be established *effective Fall 2018* in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

3. New Degree: Ph.D. in Ecosystem Sustainability – *effective Fall 2018* in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources - UCC



Carole Makela, Chair of UCC, moved that Faculty Council approve the New Degree: Ph.D. in Ecosystem Sustainability – *effective Fall 2018* in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

SUBJECT: New Degree: Ph.D. in Ecosystem Sustainability

The University Curriculum Committee moves Faculty Council adopt the following:

**A new Ph.D. in Ecosystem Sustainability be established effective Fall 2018** in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

According to the request submitted:

Description:

The Ph.D. will offer integrated study in the biophysical and social sciences focused on issues of global change and sustainability. Maintaining ecosystem services in the face of global

challenges such as climate change, population growth, globalization, land use intensification, and invasive species requires a true integration of traditionally separate disciplines. The program will provide students with the training to develop and implement solutions to global problems related to water resources, food supplies, energy, greenhouse gas management, land use change, and climate change.

Rationale:

The faculty of the Department of Ecosystem Science and Sustainability (ESS) have identified an opportunity to pursue cutting-edge research questions in sustainability and to attract a new population of graduate students who wish to specialize in ecosystem aspects of sustainability science. These students are not well served by existing programs on campus, which are disciplinary and lack the flexibility for individually-designed curricula.

The request was reviewed and approved by the Committee on Scholarship, Research and Graduate Education on 11/3/16 and by the University Curriculum Committee on 9/22/17.

Faculty Council unanimously approved the proposed revisions to the New Degree: Ph.D. in Ecosystem Sustainability – *effective Fall 2018* in the Department of Ecosystem Science & Sustainability, Warner College of Natural Resources.

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4. New Degree: MA (Plan B) in Counseling and Career Development be established *effective Fall 2018* in the School of Education, College of Health and Human Sciences – UCC

Carole Makela, Chair, UCC moved that Faculty Council approve the New Degree: MA (Plan B) in Counseling and Career Development be established *effective Fall 2018* in the School of Education, College of Health and Human ~~Services~~ (amend to Sciences).

Matt Hickey requested a change to the name of College of Health and Human SCIENCES, not Services.

SUBJECT: New Degree: MA (Plan B) in Counseling and Career Development The University Curriculum Committee moves Faculty Council adopt the following:

**A new Master of Arts (MA) in Counseling and Career Development be established effective Fall 2018** in the School of Education, College of Health and Human Sciences

According to the request submitted:

Description:

This is creating a new degree, a Master of Arts in Counseling and Career Development, Plan B. The Counseling and Career Development (CCD) is now a specialization within the M.Ed. in Education and Human Resource Studies.

The structure of the proposed 60 credit degree program will be a Master of Arts in Counseling and Career Development with specializations in Career Counseling, Clinical Mental Health Counseling, and School Counseling. Each of the three specializations will include a 100 hour clinical practicum as well as a 600 hour field-based internship.

Rationale:

Pursuit of restructuring the program and degree is fourfold. First, the current degree title creates significant problems for graduates who seek licensure as Licensed Professional Counselors (LPCs). Most licensing entities for professional counselors only accept master's degrees with "counseling" on the student's transcript. Second, the new degree would more accurately reflect the education and preparation of students, as they are not solely employed in education settings. Third, the new degree is more fully in line with the national accrediting body (CACREP) and will facilitate quality student recruitment through visibility of the degree. Fourth, moving from a specialization (M.Ed) to a degree with specializations (career counseling, clinical mental health counseling, and school counseling) clarifies degree designations and more accurately reflects on transcripts the degree and chosen specialization.

The request was reviewed and approved by the Committee on Scholarship, Research

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and Graduate Education on 9/7/17 and by the University Curriculum Committee on 10/6/17.

Faculty Council unanimously approved the proposed revisions to the New Degree: MA (Plan B) in Counseling and Career Development be established *effective Fall 2018* in the School of Education, College of Health and Human Sciences.

5. New Degree: Bachelor of Sciences (BS) in Data Science be established *effective Fall 2018* in the College of Natural Sciences – UCC

Carole Makela, Chair, UCC moved that Faculty Council approve the New Degree: Bachelor of Sciences (BS) in Data Science be established *effective Fall 2018* in the College of Natural Sciences.

SUBJECT: New Degree: BS, Major in Data Science

The University Curriculum Committee moves Faculty Council adopt the following:

**A new Bachelor of Science (BS) in Data Science be established effective Fall 2018**  
in the College of Natural Sciences.

According to the request submitted:

Description:

The BS degree in Data Science has two goals to prepare students for: (i) a career in Data Sciences by providing a blend of Computer Science, Mathematics and Statistics, as well as specialized courses, and (ii) graduate study in one of the four concentrations in Data Science, (i.e., Computer Science, Economics, Mathematics, or Statistics). The program culminates in a semester-long experiential learning four-credit capstone course, which teams students from each of the concentrations to engage in real world problems and analyze data sets drawn from both inside and outside CSU.

Rationale:

The Data Science program will provide students with both the theoretical foundations and practical tools needed to advance, communicate and utilize methods for knowledge discovery and to guide decision-making based on large heterogeneous data sets. Such large data sets are becoming increasingly common in many scientific and non-scientific contexts.

The request was reviewed and approved by the University Curriculum Committee on 9/15/17.

Faculty Council unanimously approved the proposed revisions to the New Degree: Bachelor of Sciences (BS) in Data Science be established *effective Fall 2018* in the College of Natural Sciences.

6. Proposed revisions to the *Graduate and Professional Bulletin* – Scholastic Standards and Application: US Citizens or Permanent Residents – CoSRGE

Bill Sanford, CoSRGE moved that Faculty Council approve the proposed revisions to the *Graduate and Professional Bulletin* – Scholastic Standards and Application: US Citizens or Permanent Residents

Questions:

Brad Conner (CNS At-Large): Was this additional language, or to clarify policy?

William Sanford (Natural Sciences): Sanford clarified that this was simply to make the policy more visible to graduate students and, hence, additional language.

RE: Revisions to the *Graduate and Professional Bulletin* – Scholastic Standards and Application: US Citizens or Permanent Residents

THE COMMITTEE ON SCHOLARSHIP, RESEARCH AND GRADUATE EDUCATION MOVE THAT FACULTY COUNCIL ADOPT THE REVISIONS TO SECTIONS: “SCHOLASTIC STANDARDS” and “APPLICATION: US CITIZENS OR PERMANENT RESIDENTS” OF THE *GRADUATE AND PROFESSIONAL BULLETIN*, TO BE EFFECTIVE UPON FACULTY COUNCIL ADOPTION, AS FOLLOWS:

ADDITIONS - UNDERLINED - DELETIONS ~~OVERSCORE~~

**Application: US Citizens or Permanent Residents**

CSU may waive its 3.000 minimum undergraduate grade point average requirement under unusual circumstances or if the applicant is applying through Track II Admissions (see below). Applicants must present strong countervailing evidence that successful completion of a degree program is likely. Examples of the kinds of evidence that might be considered are high scores on the GRE aptitude test, high scores on the GRE advanced test, excellent letters of recommendation, relevant professional experience, and other indicators of exceptional motivation and performance. A positive recommendation by the department is required in such cases. Some departments may waive their specific requirements under similarly unusual and compelling circumstances. However, they are not required to do so and many cannot, due to space and resource considerations.

If the minimum GPA requirement is waived and the applicant is accepted by the Graduate School, the applicant will be provisionally admitted and placed immediately on academic probation. The student must achieve a term GPA of 3.000, averaged across all coursework that is traditionally graded (A through

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F), in the first semester, or the student will be dismissed from the Graduate School. This policy applies to all provisionally admitted graduate students.

### **Scholastic Standards**

To meet the requirements for graduation and to remain in good academic standing, a student must demonstrate acceptable performance in course work after being admitted to a graduate program. This requires a cumulative 3.000 grade point average in all regular course work. Regular course work is defined as courses other than independent or group studies, research courses, open seminars, thesis/dissertation credits, study abroad, U.S. travel, supervised college teaching, student teaching, practicum, internship, field placement, unique title courses offered through Continuing Education (CSU Online), and any courses graded pass/ fail.<sup>1</sup> Overall a 3.000 grade point average must be maintained in regular and non-regular courses graded traditionally (A through F). The grade point average in required courses included on the approved program of study (GS Form 6) must also equal at least 3.000.

<sup>1</sup> CSU recognizes two types of seminars at the graduate level. "Open" seminars are not content specific and may not address similar material from term to term. They may be organized around the ongoing research of those enrolled, current research of appropriate faculty members, presentations by visiting scholars, reviews of the latest developments in the disciplines, or other targets of intellectual opportunity. "Topical" seminars are advanced study experiences which deal with established content areas of the disciplines which are subject specific.

In addition, good academic standing requires *satisfactory* progress in the overall graduate program. Students' individual graduate advisory committees may render judgments as to whether satisfactory progress is being made toward the degree, taking into account all aspects of academic performance and promise, not necessarily coursework alone. A positive judgment is required to remain in good academic standing.

Failure to maintain good academic standing due to a cumulative grade point average less than 3.000 results in being placed on academic probation. (New regularly admitted students will not be placed on probation until they have completed 12 regular credits or two semesters of graduate work, whichever comes first. However, students who were provisionally admitted after waiver of the minimum GPA requirement for admission are placed on probation their first semester, regardless of the number of credits taken their first semester.) The probationary period extends for one semester beyond the one in which this status is acquired. During this probationary period, the student must register for traditionally graded courses that affect the grade point average. With permission of the student's advisory committee, the student may register for continuous registration instead of traditionally graded courses. Continuous registration may be used to extend the probationary period for a maximum of two semesters, after which traditionally graded courses must be taken. Students on probation are subject to dismissal by the academic department or the Dean of the Graduate School at the end of the probationary semester unless good academic standing has been regained. This requires adequate improvement in cumulative grade point averages (3.000) and/or satisfactory progress as determined by

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the student's graduate advisory committee. Students not making satisfactory progress due to their grade point average are encouraged to contact their advisors and/or advisory committees in order to set up a meeting to create a progress plan. Integrated Degree Program (IDP) students in combined bachelor's/master's degree programs who have accumulated at least 120 credit hours of course work and who fail to maintain a 3.000 GPA in their graduate course work including any courses listed on their GS 6 Form will be placed on probation by the Graduate School and will have one semester in which to improve their cumulative grade point averages to no less than 3.000 in their graduate course work. Failure to bring the cumulative graduate GPA to at least 3.000 will result in dismissal from the Graduate School with no re-enrollment permitted prior to completion of the bachelor's degree. IDP students who are dismissed from the Graduate School, and who are still in good standing within their undergraduate programs, will be permitted to complete their undergraduate degrees. These students can petition the Registrar to reinstate courses to be applied toward their undergraduate degrees.

### **Rationale**

1. Graduate students who are provisionally admitted into the Graduate School and whose minimum undergraduate GPA requirement was waived are automatically placed on probation their first semester.

Students are informed of this in their acceptance letters. However, this information is missing in the Bulletin. Its inclusion will inform applicants ahead of time of the conditions of their acceptance.

2. GPAs are formatted out to three decimal places, so that formatting is consistent throughout the Bulletin sections, as well as consistent with the General Catalog.

Faculty Council unanimously approved the proposed revisions to the *Graduate and Professional Bulletin* – Scholastic Standards and Application: US Citizens or Permanent Residents.

### **DISCUSSION**

1. None

Gallagher adjourned the meeting at 5:25 p.m.

Tim Gallagher, Chair

Sue Doe, Vice Chair  
Rita Knoll, Executive Assistant

ATTENDANCE  
**BOLD INDICATES PRESENT AT MEETING**  
UNDERLINE INDICATES ABSENT AT MEETING

<b>ELECTED MEMBERS</b>	<b>REPRESENTING</b>	<b>TERM</b>
<b>Agricultural Sciences</b>		
<b>Stephan Kroll</b>	Agricultural and Resource Economics	2019
<b>Stephen Coleman</b>	Animal Sciences	2018
<u>Scott Nissen</u>	Bioagricultural Sciences & Pest Management	2018
<b>Adam Heuberger</b>	Horticulture & Landscape Architecture	2019
<b>Steven Fonte</b> (substituting for Thomas Borch)	Soil and Crop Sciences	2020
<u>Jane Choi</u>	College-at-Large	2019
<u>Merlyn Paulson (excused)</u>	College-at-Large	2020
<u>Bradley Goetz</u>	College-at-Large	2019
<b>Health and Human Sciences</b>		
<b>Anna Perry</b>	Design and Merchandising	2019
<b>Brian Tracy</b>	Health and Exercise Science	2018
<b>David Sampson</b>	Food Science and Human Nutrition	2019
<b>Karen Barrett</b>	Human Development and Family Studies	2018
<b>Bolivar Senior</b>	Construction Management	2020
<b>Matt Malcolm</b>	Occupational Therapy	2020
<u>Tom Chermak</u>	School of Education	2018
<b>Eunhee Choi</b>	School of Social Work	2019
<b>Business</b>		
<b>Bill Rankin</b>	Accounting	2019
<b>Stephen Hayne</b>	Computer Information Systems	2018
<b>Tianyang Wang</b>	Finance and Real Estate	2019
<b>Troy Mumford</b>	Management	2018
<b>Tuba Ustuner</b>	Marketing	2018
<b>Lisa Kutcher</b>	College-at-Large	2019
<b>John Hoxmeier</b>	College-at-Large	2019
<b>Engineering</b>		
<b>Eric Malone</b> (substituting for Russ Schumacher)	Atmospheric Science	2018
<b>Travis Bailey</b>	Chemical and Biological Engineering	2019
<b>Rebecca Atadero</b>	Civil and Environmental Engineering	2018
<b>Siddharth Suryanarayanan</b>	Electrical and Computer Engineering	2019
<b>Jason Quinn</b> (substituting for Shantanu Jathar)	Mechanical Engineering	2020
<b>J. Rocky Luo</b>	College-at-Large	2019
<b>Steven Reising</b>	College-at-Large	2019
<u>Ted Watson</u>	College-at-Large	2018



### **Liberal Arts**

<b>Michael Pante</b>	Anthropology	2020
<b>Marius Lehene</b>	Art (will serve term thru Fall '19)	2019
<b>Julia Khrebtan-Horhager</b>	Communication Studies	2019
<b>Robert Keller</b>	Economics	2020
<b>Doug Cloud</b>	English	2020
<b>Albert Bimper</b>	Ethnic Studies	2019
<b>Peter Erickson</b>	Languages, Literatures and Cultures	2018
(substituting for Jonathan Carylyon – Fall Sabbatical)		
<b>Robert Gudmestad</b>	History	2020
<b>Gayathri (Gaya) Sivakumar</b>	Journalism and Technical Communication	2020
<b>Wesley Ferreira</b>	Music, Theater, and Dance	2019
<b>Moti Gorin</b>	Philosophy	2019
<b>Kyle Saunders</b>	Political Science	2018
<b>Tara Opsai</b>	Sociology	2019
<b>Antonio Pedros-Gascon</b>	College-at-Large	2019
<b>Steve Shulman</b>	College-at-Large	2020
<b>David Riep (excused)</b>	College-at-Large	2018
<b>Allison Prasch</b>	College-at-Large	2020
<b>Lisa Langstraat</b>	College-at-Large	2020

### **Natural Resources**

<b>Mike Falkowski</b>	Ecosystem Science and Sustainability	2020
(substituting for Monique Rocca)		
<b>Julie Savidge (Fall 2016 and 2017; Barry Noon (Spring 2017 and 2018)</b>	Fish, Wildlife, & Conservation Biology	2018
<b>Chad Hoffman</b>	Forest and Rangeland Stewardship	2020
<b>William Sanford</b>	Geosciences	2020
<b>Tara Teel</b>	HDNR in Warner College	2020

### **Natural Sciences**

<b>Jennifer Nyborg</b>	Biochemistry and Molecular Biology	2019
<b>Melinda Smith</b>	Biology	2018
<b>George Barisas</b>	Chemistry	2020
<b>Ross McConnell</b>	Computer Science	2019
<b>Yongcheng Zhou</b>	Mathematics	2020
<b>TBD</b>	Physics	2017
<b>Silvia Canetto</b>	Psychology	2019
<b>Mary Meyer</b>	Statistics	2019
<b>Chuck Anderson</b>	College-at-Large	2020
<b>Anton Betten</b>	College-at-Large	2019
<b>Janice Moore</b>	College-at-Large	2018
<b>Brad Conner</b>	College-at-Large	2018
<b>Alan Van Orden</b>	College-at-Large	2020

**Veterinary Medicine & Biomedical Sciences**

<b>C.W. Miller</b>	Biomedical Sciences	2019
<b>Dean Hendrickson</b>	Clinical Sciences	2019
<u>Elizabeth Ryan</u>	Environmental & Radiological Health Sciences	2020
<b>Alan Schenkel</b>	Microbiology, Immunology and Pathology	2018
<b>Noreen Reist</b>	College-at-Large	2020
<u>Jennifer Peel</u> (excused)	College-at-Large	2020
<u>William Black</u>	College-at-Large	2020
<b>Marie Legare</b>	College-at-Large	2019
<u>Anne Avery</u>	College-at-Large	2019
<u>Tod Clapp</u>	College-at-Large	2019
<b>Dawn Duval</b>	College-at-Large	2019
<u>Patrick McCue</u>	College-at-Large	2018
<u>Stuart Tobet</u>	College-at-Large	2018
<b>DN Rao Veeramachaneni</b>	College-at-Large	2018

**University Libraries**

<b>Naomi Lederer</b> (substituting for Nancy Hunter)	Libraries	2019
<b>Michelle Wilde</b>	At-Large	2019

***Ex Officio Voting Members***

<b>Timothy Gallagher</b>	Chair, Faculty Council/Executive Committee	2018
<b>Sue Doe</b>	Vice Chair, Faculty Council	2018
<b>Margarita Lenk</b>	BOG Faculty Representative	2018
Don Estep, Chair	Committee on Faculty Governance	2019
Todd Donovan, Chair	Committee on Intercollegiate Athletics	2017
Nancy Hunter, Chair (excused)	Committee on Libraries	2019
Jenny Morse, Chair	Committee on Non-Tenure Track Faculty	2020
<b>Marie Legare, Chair</b>	Committee on Responsibilities & Standing of Academic Faculty	2018
Donald Samelson, Chair	Committee on Scholarship Research and Graduate Education	2019
<b>Karen Barrett, Chair</b>	Committee on Scholastic Standards	2019
Katharine Leigh, Chair	Committee on Strategic and Financial Planning	2019
<b>Matt Hickey, Chair</b>	Committee on Teaching and Learning	2019
Mo Salman, Chair	Committee on University Programs	2018
<b>Carole Makela, Chair</b>	University Curriculum Committee	2018

***Ex-Officio Non-Voting Members***

Anthony Frank	President
Rick Miranda	Provost/Executive Vice President
Brett Anderson	Special Advisor to the President
Kim Tobin	Vice President for Advancement
Mary Ontiveros	Vice President for Diversity
Louis Swanson	Vice Provost for Engagement/Director of Extension
Leslie Taylor	Interim Vice President for Enrollment and Access
Dan Bush	Vice Provost for Faculty Affairs
Patrick Burns	Vice President for Information Technology/Dean Libraries
Jim Cooney	Vice Provost for International Affairs
Tom Milligan	Vice President for Public Affairs
Alan Rudolph	Vice President for Research
Blanche M. Hughes	Vice President for Student Affairs
Kelly Long	Vice Provost for Undergraduate Affairs
Lynn Johnson	Vice President for University Operations
Ajay Menon	Dean, College of Agricultural Sciences
Jeff McCubbin	Dean, College of Health and Human Sciences
Beth Walker	Dean, College of Business
David McLean	Dean, College of Engineering
Jodie Hanzlik	Dean, Graduate School
Ben Withers	Dean, College of Liberal Arts
Jan Nerger	Dean, College of Natural Sciences
Mark Stetter	Dean, College of Vet. Medicine & Biomedical Sciences
John Hayes	Dean, Warner College of Natural Resources
Shannon Wagner	Chair, Administrative Professional Council