

**ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL
OF COLORADO STATE UNIVERSITY – 2023-2024** *(last revised February 9,
2024)*

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PREFACE *(last revised May 5, 2023)*

The *Academic Faculty and Administrative Professional Manual* (hereinafter referred to as “*Manual*”) contains policies and procedures that apply to faculty members and administrative professionals employed at Colorado State University. It is the document that formally captures the shared understanding of the cooperative compact among the Board of Governors of the Colorado State University System (hereinafter referred to as “the Board”)*, the University administration, the faculty, and the administrative professionals that is used to effectively manage our institution.

As an academic community, Colorado State University embraces certain foundational principles that guide our behaviors. Foremost among these is academic freedom for the faculty, a longstanding cornerstone of public higher education in our country. Academic freedom is the freedom of the faculty to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University. These freedoms come with responsibilities; faculty are expected to follow professional standards for discourse and publication, to indicate when speaking on matters of public interest that they are not speaking on behalf of the institution, and to conduct themselves in a civil and professional manner consistent with the normal functioning of the University.

For these reasons, this *Manual* is an important component of our institutional structure. Please become familiar with the policies of the University, and keep this *Manual* conveniently available for reference. The policies and procedures contained in this *Manual* may be amended at anytime, consistent with the procedures within this *Manual*. Faculty members and administrative professionals are advised to consult the Faculty Council website (<http://www.facultycouncil.colostate.edu>) for the most current version of the *Manual* approved by the Board. If you believe that the policies and procedures outlined in this *Manual* are not being followed, you should notify the Faculty Council Office. If you are an administrative professional, you should also notify the Chair of the Administrative Professional Council.

As part of the governance structure of the University, the Board has delegated certain personnel powers to the President, and the President has further delegated certain of these personnel powers to other officers of the University (see Section B.1.4). All references in this *Manual* to the authority of the Board and/or the President shall be deemed to include such delegations. However, the Board may, from time to time, elect to exercise any personnel power delegated to the President (and which may have been further delegated to other officers of the University.)

Any change or addition to this *Manual* must be approved by the Faculty Council prior to submission to the Board in accordance with the procedures in Section C.2.2.e and Section H of this *Manual*. Because the *Manual* governs both Faculty and Administrative Professionals, any change or addition shall follow the process in Section H and reflect the equitable partnership between these two groups.

If a portion of this *Manual* conflicts with federal or state regulations or Board policy, then that portion shall be invalid and unenforceable. However, such a portion shall be fully severable, and the rest of this *Manual* shall remain in full force and effect.

All financial commitments and financial obligations of Colorado State University and the Board contained in this *Manual* are contingent upon the availability of State funds and are subject to Article XI, Sections 1 and 3 of the Constitution of the State of Colorado. Thus, commitment of employment beyond the current fiscal year is contingent upon sufficient appropriations of funds from the State Legislature. Such commitment without that contingency would be an unconstitutional pledge against the credit of the State made without spending authorization of the Colorado General Assembly. See Section E.16 of this *Manual* for the policy regarding Financial Exigency.

Offices of the Provost and Faculty Council
Colorado State University – May 2023

*Effective August 8, 2002, the State Board of Agriculture name was changed to the Board of Governors of the Colorado State University System. All references to the State Board of Agriculture found in this *Manual* shall be deemed to refer to the Board of Governors of the Colorado State University System (referred to as "the Board").

SECTION A. HISTORY OF THE UNIVERSITY

- A.1 Establishment of the University
- A.2 Name of the University
- A.3 Constitutional and Statutory Authority
 - A.3.1 Constitutional Provisions
 - A.3.2 Statutory Provisions

SECTION A. HISTORY OF THE UNIVERSITY

A.1 Establishment of the University *(last revised August 2002)*

The Colorado Territorial Legislature in 1870 passed an act authorizing establishment of the institution now known as Colorado State University. The year 1870 thus is considered the University's founding date and appears upon its official seal. The University was founded in 1870 and the Board of Governors of the Colorado State University System (formerly State Board of Agriculture - hereinafter referred to as "the Board") was created in 1877. The first students were enrolled in 1879.

In 1879, Colorado accepted provisions of the Morrill Act, passed by Congress in 1862. This act provided for grants of land to endow an institution of higher learning in each state. Institutions established under the Morrill Act became known as land grant institutions. The land grant for Colorado State University was 90,000 acres.

A.2 Name of the University

Colorado State University originally was founded as Colorado Agricultural College. In 1935 it became Colorado State College of Agriculture and Mechanic Arts and in 1944 the name was changed to Colorado Agricultural and Mechanical College. Effective May 1, 1957, the name was changed to Colorado State University by action of the Colorado General Assembly.

A.3 Constitutional and Statutory Authority

Colorado State University operates under authority granted by the State Constitution and statutory provisions enacted by the Colorado General Assembly.

A.3.1 Constitutional Provisions

Relevant sections of Article VIII, Section 5 of the Constitution of Colorado are quoted as follows:

- a. "The following educational institutions are declared to be state institutions of higher education: The university at Boulder, Colorado Springs, and Denver; the university at Fort Collins; the school of mines at Golden; and such other institutions of higher education as now exist or may hereafter be established by law if they are designated by law as state institutions. The establishment, management, and abolition of the state institutions shall be subject to the control of the state, under the provisions of the constitution and such laws and regulations as the general assembly may provide;"
- b. "The governing boards of the state institutions of higher education, whether established by this constitution or by law, shall have the general supervision of their respective institutions and the exclusive control and direction of all funds of and

appropriations to their respective institutions, unless otherwise provided by law.”

A.3.2 Statutory Provisions *(last revised June 22, 2004)*

The mission of Colorado State University is most recently described in Section 23-31-101 of the Colorado Revised Statutes of 2003. This Section states that:

“University established - role and mission. There is hereby established a university at Fort Collins to be known as Colorado State University. Colorado State University shall be a comprehensive graduate research university with selective admission standards offering a comprehensive array of baccalaureate, masters, and doctoral degree programs. Consistent with the tradition of land grant universities, Colorado state university has exclusive authority to offer graduate and undergraduate programs in agriculture, forestry, natural resources, and veterinary medicine. The Colorado commission on higher education, in consultation with the board of governors of the Colorado state university system, shall designate those graduate level programs that are the primary responsibility of Colorado state university. Colorado state university has the responsibility to provide on a statewide basis, utilizing when possible an appropriate the faculty and facilities of other educational institutions, those graduate level programs. The commission shall include in its funding recommendations a level of general fund support for these programs.”

SECTION B. ORGANIZATION OF THE UNIVERSITY

- B.1 The Governing Board: Board of Governors of the Colorado State University System
 - B.1.1 Membership and Term of Office
 - B.1.2 Vacancies and Compensation
 - B.1.3 Meetings of the Board
 - B.1.3.1 Scheduling of Board Meetings
 - B.1.3.2 Requirements of the Colorado Sunshine Act of 1972
 - B.1.4 Powers Delegated to the President by the Board
- B.2 Internal Structure of the University
 - B.2.1 The Four Branches of Colorado State University
 - B.2.2 CSU STRATA
 - B.2.3 Collegiate Structure and the Graduate School
 - B.2.4 Council of Deans
 - B.2.5 Advisory Committee on Undergraduate Affairs
 - B.2.6 University Centers, Institutes and Other Special Units
 - B.2.6.1 Definitions
 - B.2.6.2 Procedures for Approval of CIOUSUs
 - B.2.6.3 CIOUSU Oversight
 - B.2.6.4 Guidelines for Preparing Proposals for CIOUSU Establishment
 - B.2.6.5 Procedures for Periodic Evaluation of CIOUSUs
 - B.2.6.6 Scheduling Periodic Evaluations
 - B.2.6.7 Courses and Programs of Study
 - B.2.6.8 Non-Profit Corporation
 - B.2.7 University Organizational Chart

SECTION B. ORGANIZATION OF THE UNIVERSITY

B.1 The Governing Board: The Board of Governors of the Colorado State University System *(last revised June 22, 2006)*

As the governing body of the University, the Board of Governors of the Colorado State University System (hereinafter referred to as the Board) addresses questions of broad institutional policy. The Board is responsible for the selection of the President and, in conjunction with the advice and recommendation of the President, approves the appointments and salaries of the Provost, the vice presidents, and, if requested by the Board, other faculty members and/or administrative professionals who report directly to the President ("senior administrators"). The Board approves the institutional budget and exercises broad policy control. All University owned lands are under Board control. With faculty members' advice, the Board approves the curriculum and confers appropriate degrees or testimonials.

B.1.1 Membership and Term of Office *(last revised August 2, 2013)*

Membership and term of office for the Board is stated in Section 23-30-101 of the Colorado Revised Statutes.

B.1.2 Vacancies and Compensation *(last revised August 2, 2013)*

Both the filling of vacancies in the Board membership and the provision for service by members without compensation are set forth in Section 23-30-103 of the Colorado Revised Statutes.

B.1.3 Meetings of the Board *(last revised August 2, 2013)*

B.1.3.1 Scheduling of Board Meetings *(last revised August 2, 2013)*

The provisions for scheduling Board Meetings are stated in Section 23-30-104 of the Colorado Revised Statutes.

B.1.3.2 Requirements of the Colorado Sunshine Act of 1972 *(last revised June 17, 2003)*

The "Open Meetings Law," (24-6-401, et seq., of the Colorado Revised Statutes of 2002) requires that all meetings of two (2) or more Board members at which any public business is discussed, or at which any formal action may be taken, be open to the public, except as otherwise provided. Any such meeting shall be held only after full and timely notice to the public. The Secretary of the Board maintains a list of persons who request notification of meetings and provides reasonable advance notification to such persons of public meetings. The minutes of the Board shall be promptly recorded and open to public inspection.

B.1.4 Powers Delegated to the President by the Board *(last revised June 22, 2006)*

The President is the University's chief executive officer and is responsible for ensuring that the rules and regulations of the Board, the faculty members, and the *Manual* are implemented. Certain personnel powers have been delegated by the Board to the President. These powers include the following:

- a. The power to hire, renew, decline to renew, or terminate faculty members and administrative professional employees of the University other than the Provost, the vice presidents, and, if requested by the Board, senior administrators (as defined in Section B.1).
- b. The power to make performance-based adjustments to compensation and salary and to approve supplemental salary.
- c. The power to grant or deny applications for tenure and/or promotion.
- d. The power to approve applications and agreements for transitional retirement.

With Board approval, the President may further delegate some of these personnel powers to other officers of the University. The President has delegated most personnel decisions (but not terminations of employment) to the Provost and vice presidents for the administrative units under their authority.

The Board may, from time to time, elect to exercise any authority it has delegated to the President (and which may have been further delegated to the Provost and vice presidents). All personnel power delegated to the President, and all personnel power further delegated to the Provost and vice presidents, must be exercised in compliance with applicable procedural provisions of this *Manual*.

B.2 Internal Structure of the University

B.2.1 The Four Branches of Colorado State University

Colorado State University is organized into four major administrative areas which reflect its status as a land-grant institution. Both domestic and overseas work assignments are done through these administrative units.

- a. Resident Instruction provides for the basic academic program, including Continuing Education.
- b. The Experiment Station is devoted to research in biological, physical, and social sciences. Off-campus research centers are maintained in centers distributed throughout the State.

- c. The Extension Service employs an off-campus statewide system to transfer knowledge from the University to the people and encourage its use in the solution of practical, individual, or group problems. Federal, state, and county governments cooperate to support this function.
- d. The Colorado State Forest Service devotes its efforts to fire protection, insect and disease control, forest management, and tree distribution. Headquarters are on the campus and district foresters are located in key locations in the State.

B.2.2 CSU STRATA

The CSU STRATA is incorporated separately. The CSU STRATA performs certain functions in regard to research activities of the University.

B.2.3 Collegiate Structure and the Graduate School *(last revised February 6, 2013)*

The University offers academic instruction through eight (8) colleges and the Graduate School. The Colleges are Agricultural Sciences; Health and Human Sciences; Business; Engineering; Liberal Arts; Natural Resources; Natural Sciences; and Veterinary Medicine and Biomedical Sciences.

Organizational lines of authority and responsibility pass from individual faculty members through the department head to the dean of the college involved.¹ The dean has the responsibility for coordinating the activities of the college with the Provost and the Vice President for Research (hereinafter referred to as “VPR”), who in turn are responsible to the President and the Board.

B.2.4 Council of Deans *(last revised December 3, 2021)*

The Council of Deans serves as a deliberative body to provide guidance and advice to the Provost. The Provost shall serve as the Chair. If the Provost is unavailable for a meeting, the Provost shall designate one (1) of the vice provosts to Chair that meeting. The other regular members of the Council of Deans shall be the deans of the eight (8) colleges, the Dean of the Graduate School, the Dean of the Libraries, and the Chair of Faculty Council. The *ex officio* members of the Council of Deans shall be the vice provosts, the vice presidents, and the Chair of the Faculty Council Committee on Strategic and Financial Planning.

B.2.5 Advisory Committee on Undergraduate Affairs *(last revised June 4, 2008)*

The Advisory Committee on Undergraduate Affairs (ACUA) advises the Vice Provost for Undergraduate Affairs, Vice President for Student Affairs, and Vice President for Enrollment

¹

Throughout the *Manual* the term department head is used and is meant to include department chairs and/or heads for both academic and administrative departments and the directors of school.

and Access. The ACUA addresses issues concerning undergraduate academics, student life, enrollment, and access that affect the quality of the undergraduate experience and the success of undergraduate students. The ACUA links University offices that support the undergraduate experience and acts as a deliberative body for policies proposed by other entities (e.g., the Council of Deans, Faculty Council, the Colorado General Assembly, and the Colorado Commission on Higher Education). The Vice Provost for Undergraduate Affairs shall serve as the Chair of ACUA. Other regular members shall include the Vice President for Student Affairs, the Vice President for Enrollment and Access, one (1) associate/assistant dean from each of the eight (8) colleges and the Libraries, the Vice Chair of Faculty Council, and any others as deemed appropriate by the ACUA.

B.2.6 University Centers, Institutes, and Other Special Units *(last revised June 21, 2011)*

Centers, Institutes, and Other Special Units (hereinafter referred to as “CIOSUs”) exist to promote teaching or research, provide academic support services and/or perform service or outreach functions consistent with the mission of the University. The enhancement of undergraduate and graduate education is an important function of CIOSUs. However, CIOSUs do not have faculty positions that exist outside regular academic departments.

B.2.6.1 Definitions

The CIOSUs are units which extend beyond a single academic department. These units may be labeled “Center,” “Institute,” “Office,” “Facility,” “Program,” or “Laboratory,” but other labels may also be used as appropriate. A unit which is completely contained within a single academic department does not need to apply for CIOSU status as long as it indicates its departmental affiliation whenever its title is used.

B.2.6.2 Procedures for Approval of CIOSUs *(last revised August 8, 2014)*

Procedures for approval are intended to facilitate the establishment of appropriate CIOSUs and to avoid the creation of programs that unnecessarily duplicate existing programs. Faculty members shall submit a proposal for the establishment of a CIOSU to their department head(s) and dean(s) for initial review and signature.

Administrative approval for a proposed CIOSU rests with the Overseeing Administrator, who may be the appropriate department head, dean, provost or vice president. It is important that the Overseeing Administrator be clearly identified and recorded as such on the CIOSU application form along with the required signature.

The proposal shall then be forwarded to the Office of Faculty Council, which shall forward a copy of the proposal to the Provost. The Provost shall act or assign the Responsible Administrator for the proposed CIOSU based on its

primary mission. The Responsible Administrator shall then review the proposal. If the Responsible Administrator endorses the proposal, the Office of Faculty Council shall then forward the proposal to the appropriate standing committee(s). If the standing committee(s) approve the proposal, then the Chair of Faculty Council shall forward this approval to the Responsible Administrator. The Faculty Council Executive Committee may act for the standing committee(s) during the summer. The final decision on approval of the CIOSU shall be made by the Responsible Administrator.

In order to facilitate the funding of pending proposals, conditional approval for a CIOSU may be granted by the Responsible Administrator at the time of the Responsible Administrator's official review and endorsement.

If the CIOSU proposal requests University resources (see Section J.2) other than faculty time, funding from external agencies, and cost recovery activities, then the Committee on Strategic and Financial Planning shall be one of the standing committees that reviews the proposal.

B.2.6.3 CIOSU Oversight

Administrative oversight of a CIOSU rests with the appropriate department head, dean, Provost, or Vice President (hereafter referred to as the "Overseeing Administrator"). Final authority for a CIOSU rests with the Responsible Administrator.

B.2.6.4 Guidelines for Preparing Proposals for CIOSU Establishment

(last revised May 2, 2007)

Faculty members interested in creating a CIOSU should prepare a proposal that addresses the following items:

- a. The name of the CIOSU and the name(s) of its Administrative Director(s);
- b. The mission of the proposed CIOSU and how this mission relates to the mission and strategic goals of Colorado State University;
- c. A statement of the goals and objectives of the proposed CIOSU;
- d. Evidence that the proposed CIOSU does not duplicate or compete with existing CIOSUs or academic programs and, if applicable, how it will be coordinated with other CIOSUs with complementary functions;
- e. A description of the organizational and administrative structure and responsibilities, the faculty members involved, how the CIOSU will be

internally governed, and the identification of the Overseeing Administrator; and

- f. A list of funding sources and amounts, space, personnel, and equipment required to initiate and sustain the CIOSU for a period of at least five (5) years.

Each CIOSU must be administered by a person whose responsibilities include assuring that the CIOSU conducts its operations consistent with its mission and goals and in accordance with University policies and applicable laws, and that all required reports are submitted. The method for the selection of the Administrative Director of the CIOSU shall be stated in the program proposal. Appointment of the Administrative Director shall be made by the President or by the Responsible Administrator if the President has so delegated this authority. This position is “at will,” and can be terminated by the President at any time. This appointment shall consider recommendations by the faculty members in the CIOSU, the Overseeing Administrator, and the Responsible Administrator.

B.2.6.5 Procedures for Periodic Evaluation of CIOSUs *(last updated August 8, 2014)*

a. Biennial Reports

The Administrative Director of each CIOSU shall submit a brief biennial report of its activities and accomplishments to the Overseeing Administrator and the Responsible Administrator. Copies of all biennial reports shall be deposited in the Office of the VPR, who shall be responsible for maintaining an updated list of all CIOSUs.

These reports shall include each of the following:

1. A list of current CIOSU faculty members and other personnel;
2. A brief description of the activities, services, or research performed, as related to the function/mission of the CIOSU in the past twenty-four (24) months;
3. A budget summary for the previous twenty-four (24) months;
4. A brief list of accomplishments and contributions, such as grants and contracts, refereed and non-refereed publications, and effects on teaching and outreach in the past twenty-four (24) months;
5. Plans for the next twenty-four (24) months.

- b. After receiving the report, the Overseeing Administrator shall recommend one (1) of three (3) possible courses of action to the Committee on University Programs:
 1. Continue the CIOSU with a recommendation either to reappoint the Administrative Director or to appoint a new Administrative Director, and with suggested changes (if any) in the mission, goals, objectives, and/or organization of the CIOSU.
 2. Consolidate with existing CIOSUs with similar missions and goals. This recommendation shall require submission and approval of a new proposal for the consolidated unit.
 3. Terminate the CIOSU. If there is loss of funding or key faculty members, or the CIOSU is otherwise deemed to be no longer appropriate, the recommendation may be made to eliminate the CIOSU.
- c. If the Committee on University Programs finds the biennial report of a CIOSU under review incomplete or deficient in any significant way (as to the criteria listed under B.2.6.5 a) or without the requisite recommendation and signature of its Overseeing Administrator it may further recommend that the CIOSU in question be discontinued as a university listed CIOSU. In this event the chair of the committee on university programs, in consultation with the Responsible Administrator, shall communicate the outcome in writing to the CIOSU director/s and the Overseeing Administrator, and invite a resubmission of the report or acceptance of its recommendation, with reference to the policies and procedures for CIOSUs oversight and review (B.2.6.3).

The Committee on University Programs shall report its recommendation to Faculty Council. After action by Faculty Council, the final recommendation for action shall be reported to the Responsible Administrator, who shall then decide what action to take.

B.2.6.6 Scheduling Periodic Evaluations

The Responsible Administrator for each CIOSU shall schedule the biennial reports of the CIOSU.

B.2.6.7 Courses and Programs of Study *(new section added June 21, 2011)*

A CIOSU may have a role in courses and/or programs of study (undergraduate majors and minors and graduate degrees and interdisciplinary studies programs) offered by departments, colleges, and/or the Office of the Provost. However, if a CIOSU wants to offer courses and/or house programs of study itself, then it must apply to become a Special Academic Unit as described in Section C.2.8.

B.2.6.8 Non-Profit Corporations

The formation of Special Units as separate non-profit corporations is a complex process with many additional procedures and regulations, and requires approval by the Board. If faculty members wish to create a CIOU as a non-profit corporation, they must work closely with the Responsible Administrator and the Office of the General Counsel to ensure that all requirements are met. Approval of the formation of a CIOU does not imply the approval of the formation of a non-profit corporation.

B.2.7 University Organizational Chart

See the following website: [Organizational Chart 7.1.23.pdf](#)

SECTION C. FACULTY GOVERNMENT AND THE CODE OF COLORADO STATE UNIVERSITY

- C.1 Faculty Responsibility for Academic Policy
- C.2 The Code of Colorado State University
 - C.2.1 Faculty Council
 - C.2.1.1 Purpose
 - C.2.1.2 Powers and Responsibilities
 - C.2.1.3 Membership on the Faculty Council
 - C.2.1.3.1 Elected Members
 - C.2.1.3.2 *Ex Officio* Members
 - C.2.1.3.3 Officers
 - C.2.1.3.4 Appointed Positions
 - C.2.1.4 Electorate for Faculty Council and Election Procedures
 - C.2.1.5 Authority to Delegate Duties
 - C.2.1.6 Duties of the Faculty Council
 - C.2.1.7 Recall of Faculty Council Officers
 - C.2.1.8 Faculty Athletics Representative
 - C.2.1.9 The Regular and Specialized Standing Committees of Faculty Council
 - C.2.1.9.1 Charge to the Standing Committees
 - C.2.1.9.2 The Standing Committees Named
 - C.2.1.9.3 Membership and Organization
 - C.2.1.9.4 Election to Membership and Term of Service
 - C.2.1.9.5 Standing Committees: Membership and Function
 - a. Executive Committee
 - b. Committee on Faculty Governance
 - c. Committee on Intercollegiate Athletics
 - d. Committee on Libraries
 - e. Committee on Non-Tenure Track Faculty
 - f. Committee on Responsibilities and Standing of Academic Faculty
 - g. Committee on Scholarship, Research and Graduate Education
 - h. Committee on Scholastic Standards
 - i. Committee on Strategic and Financial Planning
 - j. Committee on Teaching and Learning
 - k. Committee on University Programs
 - l. University Curriculum Committee
 - C.2.1.10 By-Laws of the Faculty Council
 - C.2.2 Procedures for Programmatic and Organizational Change
 - C.2.3 Academic Organizations of the University
 - C.2.3.1 Colleges and Academic Departments
 - C.2.3.2 Graduate School

- C.2.3.3 Special Academic Units
 - C.2.3.4 Division of Armed Forces Services
 - C.2.3.5 Division of Continuing Education
 - C.2.3.6 University Centers, Institutes and Other Special Units
 - C.2.3.7 Libraries
 - C.2.3.8 University Honors Program
 - C.2.3.9 Courses and Programs of Study
- C.2.4 Collegiate and Departmental Organization
 - C.2.4.1 Collegiate Organization
 - C.2.4.1.1 College Code
 - C.2.4.1.2 College Deans
 - C.2.4.2 Departmental Organization
 - C.2.4.2.1 Departmental Codes
 - C.2.4.2.2 Operational Policies of Departments
 - C.2.4.3 University Review of Departmental and College Codes
- C.2.5 Evaluation of Performance of Faculty
- C.2.6 Duties of Officers
 - C.2.6.1 Deans of the Colleges
 - C.2.6.2 Department Heads
- C.2.7 Evaluation of Performance of Officers
- C.2.8 Creation and Organization of Special Academic Units
 - C.2.8.1 Creation of a Special Academic Unit
 - C.2.8.2 Housing of Courses and Programs of Study
 - C.2.8.3 Code of a Special Academic Unit
- C.2.9 Amendment Procedure

SECTION C. FACULTY GOVERNMENT AND CODE OF COLORADO STATE UNIVERSITY

C.1 Faculty Responsibility for Academic Policy

Within the University the major policy making body on academic affairs is the Faculty Council. The Faculty Council is a representative body of elected and *ex officio* members having jurisdiction over educational policy, rules, and regulations. The details of its purpose, structure, and function are elaborated fully in Section C.2.1.

C.2 The Code of Colorado State University

The Code of Colorado State University (University Code) is organized under the following headings:

C.2.1 Faculty Council

C.2.1.1 Purpose

The Faculty Council was established by the faculty members in 1915. The Faculty Council acts as a representative body for the faculty members and performs those duties delegated to the faculty members by acts of the legislature. Faculty government is an instrument by which the collective intelligence of the institution through direct and representative participation can do effective work in establishing policies which result in:

- a. Curricula suited to the needs of the state as well as to regional, national, and international concerns.
- b. The best possible teaching, research, and extension activities.
- c. Conditions in which both faculty members and students can learn and develop according to their individual interests and aptitudes.

C.2.1.2 Powers and Responsibilities *(last revised June 9, 2023)*

Subject to the statutes of the State and regulations and policies of the Board, and consistent with the principles of shared governance, the Faculty Council shall have jurisdiction over the general educational policy of the University, shall pass all rules and regulations necessary to University government and discipline, and shall have statutory charge of the laboratories and libraries.

Consistent with powers delegated to it by the faculty members and the Board, the Faculty Council shall make recommendations to promote the educational interests of the University as a whole with respect to:

- a. Minimum standards for admission to the undergraduate colleges and the Graduate School. (Standards for admission and graduation for a particular college, school or division may not be lower or less specific than those adopted by the Faculty Council.)
- b. General policies concerning academic curricula, college and departmental¹ organization, extension, and research activities, including long-range planning and resource allocation.
- c. The academic calendar, the *Colorado State University General Catalog*, and the *Graduate and Professional Bulletin*.
- d. Student attendance, counseling, scholastic standards, honors, requirements for degrees and other academic programs, student activities, and general student conduct.
- e. The libraries, museums, assemblies and convocations, and other matters that will increase the professional and cultural standing of the University.
- f. The granting of degrees.
- g. Other matters referred to it by the Board, the President, the faculty of a college, the several committees of the Faculty Council, and the faculty or a member thereof.

C.2.1.3 Membership on the Faculty Council

The Faculty Council shall consist of faculty members elected from academic departments, the Libraries, and the colleges, the Chairperson of the Faculty Council, the Vice Chairperson of Faculty Council, the Faculty Council representative to the Board, and *ex officio* members.

C.2.1.3.1 Elected Members *(last revised May 5, 2023)*

Each academic department and the Libraries shall elect one (1) representative. An additional number of representatives, equal approximately to 45% of the number of academic departments and the Libraries, shall be elected at large by and from the colleges and the Libraries as required to achieve, as nearly as practical, membership proportional to the number of full-time, part-time, and transitional tenure track, tenured, contract, and continuing faculty members in the colleges and Libraries. In addition, contract and continuing faculty members who do not belong to an academic

¹ Throughout the University Code the term “departments” shall include the School of Education and the School of Social Work.

department or to the Libraries shall elect non-academic unit representative(s) as required to achieve, as nearly as practical, the same proportional representation as that in the academic departments and the Libraries.

All faculty representatives to the Faculty Council shall hold full-time, part-time, or transitional tenure track, tenured, contract or continuing appointments and shall not hold an administrative appointment of more than half-time (0.5) at the level of assistant/associate dean or above. A faculty representative to the Faculty Council who becomes ineligible shall cease to hold this position.

C.2.1.3.2 Ex Officio Members *(last revised December 3, 2021)*

Chairpersons of Faculty Council regular standing committees, serving as the official representatives of the standing committees to the Faculty Council, shall be *ex officio* voting members of Faculty Council. Faculty representatives of the Faculty Council Committee on Non-Tenure Track Faculty, serving as the official representatives of their respective colleges and the Libraries on the Committee on Non-Tenure Track Faculty and before Faculty Council, shall be *ex officio* voting members of Faculty Council.

The immediate past Chairperson of Faculty Council shall be an *ex officio* non-voting member of the Faculty Council for one (1) year immediately following the expiration of that person's term as Chairperson of the Faculty Council.

The President of the University, the Provost, the Vice Presidents, the Vice Provosts, the Deans of the Colleges and the Libraries, and the Chair of the Administrative Professional Council shall be seated on the Faculty Council as *ex officio* non-voting members.

C.2.1.3.3 Officers *(last revised June 21, 2011)*

a. **Chairperson** *(last revised June 21, 2011)*

The Chairperson of the Faculty Council shall be elected at the regularly scheduled March meeting. Each candidate for election to Chairperson shall be a current or former elected member of the Faculty Council and shall meet the eligibility requirements for elected membership on Faculty Council. A Chairperson who ceases to meet the eligibility requirements for elected membership on Faculty Council shall cease to be Chairperson. The Chairperson shall serve a one (1) year term beginning in July and shall relinquish representation of a department or college (if serving in that capacity) to become a representative and member of the Faculty

Council. The Chairperson shall be eligible to serve three (3) consecutive years, and then would be ineligible to serve as Chairperson or Vice Chairperson of Faculty Council for three (3) subsequent years. The Chairperson shall preside at meetings of the Faculty Council, serve as Chairperson of the Executive Committee and as Faculty Council representative to the Colorado Faculty Advisory Committee, and discharge the usual duties of the office. In the event that the elected Chairperson is unable to complete the Chair's term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in Section C.2.1.3.3.d.

b. **Vice Chairperson** (*last revised June 21, 2011*)

The Vice Chairperson of the Faculty Council shall be elected at the regularly scheduled March meeting. Each candidate for election to Vice Chairperson shall be a current or former elected member of the Faculty Council and shall meet the eligibility requirements for elected membership on Faculty Council. A Vice Chairperson who ceases to meet the eligibility requirements for elected membership on Faculty Council shall cease to be Vice Chairperson. The Vice Chairperson shall serve a one (1) year term beginning in July and shall relinquish representation of a department or college (if serving in that capacity) to become a representative and member of the Faculty Council. The Vice Chairperson shall be eligible to serve additional terms. In the absence of or at the request of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson. In the event that the elected Vice Chairperson is unable to complete the Vice Chair's term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in section C.2.1.3.3.d.

c. **Faculty Council Representative to the Board** (*last revised June 21, 2011*)

The Faculty Council shall elect a faculty member to serve as a non-voting member of the Board and as an officer of the Faculty Council. The election for this Faculty Council Representative to the Board shall occur at the regularly scheduled March meeting. Each candidate for election to this Faculty Representative position shall be a current or former elected member of the Faculty Council, shall be an associate professor or professor, and shall meet the eligibility requirements for elected membership on Faculty Council. A Faculty Representative who ceases to meet the eligibility requirements for elected membership on Faculty Council or who ceases to be an associate professor or professor shall cease to be the Faculty Representative. The Faculty Representative shall serve a one (1) year term beginning in July and

shall relinquish representation of a department or college (if serving in that capacity) to become a representative and member of the Faculty Council. No person shall serve more than two (2) terms as Faculty Representative during the Faculty Representative's lifetime. In the event the elected Faculty Representative is unable to complete the term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in Section C.2.1.3.3.d.

d. **Voting Procedures** *(last revised June 21, 2011)*

The Committee on Faculty Governance shall present one (1) or more nominees, and additional nominations may be made from the floor. Voting will be by written ballot unless otherwise specified. If only one (1) candidate is nominated, voting can be by voice vote. The candidate receiving a majority of votes cast shall be elected. In the event that no candidate receives a majority, a second (2nd) ballot will consist of the two (2) candidates receiving the highest number of votes. On the second ballot, the candidate receiving the highest number of votes shall be elected.

C.2.1.3.4 Appointed Positions *(last revised June 21, 2011)*

These positions shall be non-voting, and the persons serving in them shall not be elected members of the Faculty Council.

a. **Secretary**

The secretary of the Faculty Council shall be appointed by the Chairperson, subject to confirmation by the Faculty Council at the first meeting each Fall semester. The secretary shall perform the usual duties of the office.

b. **Parliamentarian**

The parliamentarian of the Faculty Council shall be appointed by the Chairperson, subject to confirmation by the Faculty Council at the first meeting each Fall semester. The parliamentarian shall perform the usual duties of the office.

C.2.1.4 Electorate for Faculty Council and Election Procedures *(last revised February 5, 2016)*

The electorate eligible to vote for Faculty Council representatives from departments, colleges, and the Libraries shall consist of all tenured, tenure-track, contract, continuing, and transitional members of the faculty. The Committee on Faculty

Governance shall be responsible for annually apportioning the college representatives. The Committee on Faculty Governance shall establish uniform election and replacement practices throughout the University and shall supervise elections in departments, colleges, and the Libraries to ensure a secret ballot and impartial electoral procedures. Departmental and the Libraries representatives normally shall be elected in the first (1st) week of April. However, when departments are merged or when a new department comes into operation, it shall on or after the effective date of its establishment elect its departmental representative to serve immediately on the Faculty Council. Also, as soon as a department is abolished, its departmental representative shall no longer serve on the Faculty Council. The college representatives shall be elected in the third (3rd) week of April. The terms of office for elected representatives to the Faculty Council shall be three (3) years beginning July 1, with the terms of approximately one-third (1/3) of the entire body of elected representatives expiring each year. The Committee on Faculty Governance shall determine the length of terms of departmental and college representatives to ensure equity among colleges.

C.2.1.5 Authority to Delegate Duties

The Faculty Council shall have the authority to delegate to standing and other committees specific duties such as the manner of grading students and other means of designating scholarship, rules governing student conduct and discipline, and other particulars relating to the government of the University given to the faculty members by law. Recommendations for changes in Faculty Council policies ordinarily originate in or channel through one (1) of the standing committees of the Faculty Council.

C.2.1.6 Duties of the Faculty Council

The duties of the Faculty Council shall be those delegated to the faculty members by the acts of the Colorado General Assembly establishing the Board, except such provisions as obviously have become obsolete through changed conditions which make them no longer applicable.

C.2.1.7 Recall of Faculty Council Officers

Faculty Council officers, members, standing committee chairpersons or members may be recalled as is provided in *Robert's Rules of Order*, latest edition.

C.2.1.8 Faculty Athletics Representative

The President of the University shall appoint a member of the faculty who is not a member of the Department of Athletics and who does not hold the position of dean, vice president, or President to a one (1) year term as Faculty Athletics Representative.

C.2.1.9 The Standing Committees of Faculty Council

C.2.1.9.1 Charge to the Standing Committees *(last revised December 3, 2021)*

There shall be standing committees of the Faculty Council, designated by name in the University Code. The purposes of these standing committees shall be to develop and recommend to the Faculty Council policies and positions on academic matters and to serve as sources of expert information for the main body. The main relation of each standing committee is with the Faculty Council itself, and the standing committees are formed to represent the interests of the Faculty Council. All policy recommendations of standing committees shall be transmitted through the Executive Committee to the Faculty Council for its action.

All standing committees of the Faculty Council shall receive appropriate items for consideration from any member of the University community. The receipt of each item shall be acknowledged and its disposition shall be reported to the initiator.

Each standing committee shall develop a set of operating procedures, which shall be made available to all members of the faculty through the Office of the Faculty Council. Further, all standing committees shall submit copies of their minutes to the Executive Committee and shall, at specified times, furnish annual reports to the Faculty Council.

C.2.1.9.2 The Standing Committees Named *(last revised February 3, 2022)*

The following shall be the standing committees of the Faculty Council: Executive Committee; Committee on Faculty Governance; Committee on Information Technology; Committee on Intercollegiate Athletics; Committee on Libraries; Committee on Non-Tenure Track Faculty; Committee on Responsibilities and Standing of the Academic Faculty; Committee on Scholarship, Research, and Graduate Education; Committee on Scholastic Standards and Awards; Committee on Strategic and Financial Planning; Committee on Teaching and Learning; Committee on University Programs; and University Curriculum Committee.

C.2.1.9.3 Membership and Organization *(last revised December 3, 2021)*

The membership of each standing committee is specified to fit the functions of that committee. Faculty membership on standing committees shall be limited to full-time, part-time, and transitional tenure track, tenured, contract

and continuing faculty members who do not hold an administrative appointment of more than half-time (0.5) at the level of assistant/associate dean or above. The Chair of the Committee on Non-Tenure-Track Faculty (or designee on the CoNTTF), administrators, administrative professionals, classified staff, undergraduate student members representing the Associated Students of Colorado State University (ASCSU), and graduate student members representing the University Graduate Student Council shall be authorized for membership on specified standing committees. A member of a standing committee who becomes ineligible shall cease to hold this position.

Each standing committee shall have a chairperson whose term of office is twelve (12) months beginning July 1. Each standing committee chairperson shall be elected by and from the membership of that committee. After members of standing committees are elected, as specified in Section C.2.1.9.4, the continuing and newly elected members of each standing committee, other than the Executive Committee, shall meet and elect a committee chairperson for the coming term before May 15. The committee members who are being replaced may attend this meeting, and they may speak, but they shall not cast votes for the new chairperson. However, if a newly elected committee member is unable to attend the meeting, then this committee member may allow the committee member that they are replacing to cast a vote for the chairperson in the new committee member's place.

Standing committees are expected to consult regularly with those administrators, members of the faculty, or others who can provide information necessary for effective deliberation. Each standing committee may name *ex officio* and associate members in addition to the *ex officio* and associate members specified in C.2.1.9.4. The appointments shall be reviewed by the standing committee annually. Each standing committee shall identify in its annual report to the Faculty Council its *ex officio* and associate members and others with whom it has regularly conferred. *Ex officio* members are expected to attend committee meetings regularly. All *ex officio* and associate members shall be non-voting, unless specified otherwise.

Standing committees shall convene subcommittees as needed to consider specific issues or perform specific tasks. These subcommittees shall exist to serve the standing committees. A subcommittee of a standing committee shall be chaired by a member of that committee, but may draw other members from throughout the University as appropriate.

Unless otherwise specified in the committee's operating procedures, for transacting business at standing committee meetings, a quorum is defined as a simple majority of the voting members.

The elected chairperson of the standing committee shall serve as an *ex officio* voting member of the Faculty Council for the duration of the elected chairperson's term as chairperson. The chairperson may designate a committee member to substitute as *ex officio* voting member provided prior notice is given to the Chairperson of Faculty Council.

C.2.1.9.4 Election to Membership and Term of Service (*last revised December 6, 2018*)

Unless otherwise specified by the University Code, the terms of service for all elected faculty members of standing committees of the Faculty Council shall be three (3) years as defined below with the intent of approximately one-third (1/3) expiring each year. An exception is the Executive Committee, where faculty members serve one (1) year terms. The terms of service for all elected student members of standing committees of the Faculty Council shall be one (1) year. Terms of office for newly elected members of all standing committees are to begin July 1 for faculty members and October 25 for student members. Student members may serve on at most two (2) standing committees at any given time.

Nominations for the elected faculty membership on all standing committees other than Executive Committee (see Section C.2.1.9.5.a) shall be made by the Committee on Faculty Governance, with the slate of nominees to be placed on the agenda of the April meeting of Faculty Council. Nominations may be made from the floor. Voting shall be by written ballot unless otherwise specified. If only one (1) candidate is nominated, voting can be by voice vote. Election shall be by plurality. In the event of a tie for any position, the Faculty Council shall ballot again at the next regular meeting.

Nominations of undergraduate students to standing committees of the Faculty Council shall be made by the ASCSU Director of Academics with the advice and consultation of the President and the Vice President of ASCSU. All such nominees shall be recommended to the ASCSU Senate and shall have majority approval of the ASCSU Senate before the nominations are forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the ballot.

Nominations of graduate student members to Faculty Council standing committees shall be made by the University Graduate Student Council. Graduate student nominations shall be forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the ballot.

Student nominations shall be submitted to the Faculty Council at its October meeting. After nominations have been closed, a vote shall be taken on the floor of the Faculty Council. In the event of a tie, the Faculty Council shall vote again. Election shall be by plurality.

The Committee on Faculty Governance may fill vacancies on standing committees of the Faculty Council occurring between normal elections either by making a temporary appointment to serve a period of time not more than the length of the vacancy being filled or by nominating a replacement to serve for a three year term ending on June 30 three years hence. A three year term beginning between the end of spring semester of the previous academic year and December 31 of the current academic year includes the current academic year and two more years. A three year term beginning between January 1 and end of the spring semester of the current academic year will include the rest of the current spring semester and then three more academic years.

A temporary appointment shall be approved by majority vote of the Committee on Faculty Governance. A replacement serving for a three year term shall be elected using the regular election procedure as described in C.2.1.9.4 (this section). The Committee on Faculty Governance will communicate with chairs of affected standing committees when replacing a vacancy that occurs between normal elections.

C.2.1.9.5 Standing Committees: Membership and Function *(last revised February 3, 2022)*

a. Executive Committee *(last revised August 9, 2019)*

The Executive Committee shall consist of the Chairperson of Faculty Council as Chairperson, the Vice Chairperson of Faculty Council as Vice Chairperson, the immediate past Chairperson of Faculty Council (*ex officio*), the Provost (*ex officio*), the faculty representative to the Board, and one (1) elected Faculty Council representative from each college and the Libraries. The continuing and newly-elected Faculty Council members from each college shall choose their representative from among themselves in April for a one (1) year term beginning July 1. The immediate past Chairperson of Faculty Council shall be a member of the Executive Committee for one (1) year immediately following the expiration of their term as Chairperson of Faculty Council. The duties of the Executive Committee shall be:

1. To receive, review, and evaluate all recommendations from the various standing committees, and to report them to the Faculty Council.

2. To refer matters to standing committees of the Faculty Council.
3. To act for the Faculty Council between meetings of that body.
4. To execute those duties as may from time to time be given it by the Faculty Council or by the Board.
5. To receive petitions for calling additional meetings of the Faculty Council (see Section C.2.1.10, Article I, Section I).
6. To prepare the agenda for Faculty Council meetings.
7. To participate in the evaluation of University officers.
8. To recommend policies pertaining to the University calendar.
9. When appropriate, to establish priorities when assigning issues to Faculty Council standing committees.
10. To meet periodically with the faculty representatives to the Benefits Committee in order to ensure timely Faculty Council input and dialogue concerning University benefits programs.
11. To meet periodically with the faculty representatives to the University Policy Review Committee in order to ensure timely Faculty Council input and dialogue concerning development of proposed new University policies and review of major revisions of existing University policies.

b. Committee on Faculty Governance *(last revised August 9, 2019)*

The Committee on Faculty Governance shall consist of one (1) faculty representative from each college and the Libraries and the Chairperson of Faculty Council (*ex officio*). The duties of this standing committee shall be:

1. To recommend to the Faculty Council amendments to the University Code, including revisions to update it.
2. To periodically review practices and procedures of the Faculty Council and its standing committees to assure compliance with the University Code.
3. To apportion annually the elected representatives of the colleges and University Libraries to the Faculty Council.

4. To provide interpretations of the University Code.
5. To establish uniform procedures for electing Faculty Council officers and members of its standing committees and to supervise the election of representatives to the Faculty Council.
 1. To make and forward nominations for standing committees of the Faculty Council and faculty members of Benefits Committee (see Section D.2.1), University Policy Review Committee (See Section D.2.2), Grievance Panel (see Section K.15.1), Sexual Harassment Panel (see Appendix 2), and the University Discipline Panel (see Section I.7.3.2), and submit names of nominees for the offices of Faculty Council Chairperson, Vice Chairperson, and Representative to the Board and for other positions as requested by the Faculty Council.

c. Committee on Information Technology (*new section added February 3, 2022*)

The Committee on Information Technology shall consist of one (1) faculty representative from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), the Vice President for Information Technology (*ex officio*), the Executive Director of the Institute for Learning and Teaching (*ex officio*), the Associate Vice President for Research (*ex officio*), one (1) representative from the College IT Advisory Council (CITAC) (*ex officio*), one (1) representative from Administrative Professional Council (*ex officio*), one (1) graduate student, and one (1) undergraduate student. The duties of the standing committee shall be:

1. To provide consultation and recommendations on campus-wide policies, practices, and standards related to IT to the Faculty Council for maintaining and improving activities that affect the academic and research goals of the University.
2. To review and engage in the campus-wide IT strategic planning process, including developing recommendations for strategic initiatives, outcomes, and accountability mechanisms.
3. To recommend Division of IT priorities for resource allocations to the Vice President for IT to achieve university academic and research goals.
4. To annually review Division of IT services and make

recommendations to the Vice President for IT regarding operational improvements, creation of new services, and sunseting of existing services as they relate to teaching & learning and research.

5. To advise the Vice President for IT on positions to be taken on national and international information technology issues.
6. To have a representative serve as a member of the IT Advisory Council (IAC) to ensure communication and alignment between CoIT and IAC.

d. Committee on Intercollegiate Athletics *(last revised December 6, 2018)*

The Committee on Intercollegiate Athletics shall consist of one (1) faculty representative from each college, and the Libraries, and the Chairperson of Faculty Council (*ex officio*), the Faculty Athletics Representative² (*ex officio*), the Director of Athletics (*ex officio*), one (1) graduate student, and one (1) undergraduate student.

The Committee on Intercollegiate Athletics shall recommend to the Faculty Council policies pertaining to intercollegiate athletics, review compliance with policies adopted, and act in an advisory capacity to the Director of Athletics. Specifically, the standing committee shall have the following responsibilities:

1. To recommend to the Faculty Council policies pertaining to the operation of the Department of Athletics, including rules compliance, academic integrity, and the general welfare and equitable treatment of student-athletes and staff.
2. To review annually intercollegiate athletics' programs and make recommendations to the Director of Athletics regarding the operation of the Department, including selection and retention of sports, academic integrity, compliance, and the general welfare and equitable treatment of student-athletes and staff.
3. To advise the Director of Athletics and the Faculty Athletics Representative on positions to be taken on national and conference issues.
4. To advise the President on the selection of the Director of Athletics and the Faculty Athletics Representative.

5. To perform functions requested or required of a Faculty Intercollegiate Athletic Committee by the National Collegiate Athletic Association and/or athletic conferences of which the University may be a member.
6. To review summaries of student-athlete exit surveys, academic progress reports, and other appropriate reports, and to include an assessment of this information in the Committee on Intercollegiate Athletics annual report to Faculty Council.

e. Committee on Libraries *(last revised December 6, 2018)*

The Committee on Libraries shall consist of one (1) faculty representative from each college, and the Libraries, the Chairperson of Faculty Council (*ex officio*), the Dean of Libraries (*ex officio*), one (1) representative from the Office of the Vice President for Research (*ex officio*), one (1) graduate student, and one (1) undergraduate student. The duties of this standing committee shall be:

1. To recommend to the Faculty Council policies affecting or impacting the Libraries.
2. To advise the Committee on Strategic and Financial Planning of the Library's budgetary and service requirements.
3. To advise the Dean of Libraries:
 1. On strategies and policies for services and collections;
 2. On the allocation of funds to support Library services; and
 3. On the needs of its patrons (students, faculty, staff, community at large).

f. Committee on Non-Tenure Track Faculty *(last revised December 3, 2021)*

The Committee on Non-Tenure Track Faculty shall consist of one (1) contract or continuing faculty member from each college and the Libraries, two (2) tenure or tenure track faculty members elected from the Colleges and the Libraries, the Chairperson of Faculty Council (*ex officio*), one (1) undergraduate student, and one (1) graduate student.

The duties of this standing committee shall be to recommend to the Faculty Council:

1. Policies defining the general responsibilities of contract, continuing, and adjunct faculty to the University, college, and department.
2. Policies related to the standing of contract, continuing, and adjunct faculty.

g. Committee on Responsibilities and Standing of Academic Faculty (*last revised December 6, 2018*)

The Committee on Responsibilities and Standing of Academic Faculty shall consist of one (1) faculty representative from each college and the Libraries and the Chairperson of Faculty Council (*ex officio*). The duties of this standing committee shall be to recommend to the Faculty Council:

1. Policies defining the general responsibilities of faculty members to the University, college, and department.
2. Policies related to the standing of the faculty including selection, appointment, evaluation, merit incentives, rank and promotion, tenure, termination of employment, leaves, and academic freedom.
3. Policies and procedures related to faculty grievances

h. Committee on Scholarship, Research and Graduate Education (*last revised December 6, 2018*)

The Committee on Scholarship, Research and Graduate Education shall consist of one (1) faculty representative from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), the Vice Provost for Graduate Affairs/Assistant Vice President for Research (*ex officio*), and one (1) graduate student. Annually, the standing committee, in consultation with the Provost and the Chairperson of Faculty Council, shall name *ex officio* members who are expected to actively participate in standing committee deliberations. The duties of this standing committee shall be:

1. To recommend to the Faculty Council policies concerning research and scholarly activities.
2. To recommend to the Faculty Council policies concerning the Graduate School.
3. To review and forward with recommendations to the University Curriculum Committee proposals for new graduate programs

and changes in existing graduate programs.

4. To conduct inquiries/investigations of charges of misconduct in research, artistry, and other scholarly activities, including charges of misconduct in science as federally mandated. The standing committee will coordinate such inquiries/investigations with the VPR and will develop a pool of faculty members from whom specific panels will be selected. At the discretion of the standing committee, persons who are not members of the faculty may be included on inquiry/investigative panels.

i. Committee on Scholastic Standards *(last revised December 6, 2018)*

The Committee on Scholastic Standards will consist of one (1) faculty member from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), and the Director of the Center for Advising and Student Achievement (CASA) (*ex officio*). The duties of this standing committee shall be to recommend to the Faculty Council policies related to undergraduate academic standards and regulations and procedures for implementing and enforcing these policies.

The standing committee shall also act as a hearing board and render decisions on:

1. Appeals of academic dismissal.
2. Appeals for retroactive withdrawal.

j. Committee on Strategic and Financial Planning *(last revised December 6, 2018)*

The Committee on Strategic and Financial Planning shall consist of one (1) faculty representative from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), one (1) dean (*ex officio*), the Provost (*ex officio*), the Vice President for Finance (*ex officio*), the chair of the Administrative Professional Council (*ex officio* voting), the chair of the Committee on Non-Tenure Track Faculty or designated member of the Committee on Non-Tenure Track Faculty (*ex officio* voting), and the Chair of the Classified Personnel Council (*ex officio*, voting), one (1) undergraduate student, and one (1) graduate student. The duties of this standing committee shall be:

1. To recommend policies to the Faculty Council related to planning and budgeting activities that affect the academic function of the University.

2. To review the procedures, outcomes, and accountability of the University's strategic planning processes and plans.
3. To present the standing committee's evaluations and recommendations on such planning processes and plans to the Faculty Council for approval or disapproval on a semiannual basis.
4. To review University proposals, policies and procedures as they affect the academic programs and structure of the institution.
5. To review new academic program proposals from a strategic and financial planning perspective and report recommendations to Faculty Council.
6. To recommend priorities for resource allocations to achieve University academic planning goals.
7. To recommend policies for the distribution of faculty compensation increases.
8. To monitor the on-going financial status of the University and inform Faculty Council of any conditions likely to result in financial exigency. The Committee should collect information about procedures used in other universities faced with financial exigency and any other information that would aid in developing reasonable plans to deal with current conditions of financial exigency.
9. To consult with the President of the University regarding the declaration of the condition of financial exigency; should a recommendation of financial exigency be made by the President to the Board, the CoSFP chair shall present the views of the committee to the Board.

k. Committee on Teaching and Learning *(last revised December 6, 2018)*

The Committee on Teaching and Learning shall consist of one (1) faculty member from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), the chair of the Committee on Non-Tenure Track Faculty or designated member of the Committee on Non-Tenure Track Faculty (*ex officio* voting), the Provost or the Provost's designee (*ex officio*), the Vice President for Student Affairs or the Vice Provost for Student Affairs' designee (*ex officio*), and the Director of The Institute for Learning

and Teaching (*ex officio*), one (1) graduate student, and one (1) undergraduate student. The duties of this standing committee shall be to recommend to the Faculty Council:

1. Policies, practices, and standards for maintaining and improving the quality of teaching and learning.
2. Policies related to undergraduate advising.
3. Policies related to academic records and registration and undergraduate admissions.
4. Policies related to the activities of
 - a. The Institute for Learning and Teaching
 - b. Academic Computing and Networking Services
 - c. Student Outcomes Assessment
 - d. Other offices and programs that directly support instruction and student development.
5. Policies related to standards of student behavior, academic honesty, co-curricular activities and other aspects of campus life.
6. In addition to the foregoing, the Committee on Teaching and Learning will oversee the selection of the University Distinguished Teaching Scholars. The criterion for selection is outstanding teaching. The Committee on Teaching and Learning will develop and publicize the selection process and the specific criteria for making the selection.

I. Committee on University Programs (*last revised December 6, 2018*)

The Committee on University Programs shall consist of one (1) faculty representative from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), one (1) graduate student and (1) undergraduate student. The duties of the standing committee shall be:

1. Concerning Centers, Institutes, and Other Special Units:
 - a. To develop and recommend to Faculty Council criteria for identifying university units subject to Section C.2.3.6 University Centers, Institutes, and Other Special Units.

- b. To develop and recommend to Faculty Council policies and procedures for the establishment, continuance, and termination of centers, institutes, and other units meeting the established criteria.
 - c. In consultation with other standing committees as appropriate, to evaluate proposals for centers, institutes, and other units meeting the established criteria on the basis of (1) appropriateness and acceptability of the name of the unit and (2) consistency of the mission of the unit with the mission and strategic plan of the University, and to make recommendations based on these evaluations for action by Faculty Council.
- 2. To recommend policies to the Faculty Council related to University Advancement, Conference Services, and University facilities that affect the academic function of the University.
 - 3. To recommend policies to the Faculty Council related to international activities, including international education, research and development, training, student services, and Intensive English.

m. University Curriculum Committee (*last revised December 6, 2018*)

The University Curriculum Committee shall consist of one (1) faculty representative from each college and the Libraries, the Chairperson of Faculty Council (*ex officio*), the Provost or the Provost's designee (*ex officio*), one (1) undergraduate student, and one (1) graduate student. The duties of this standing committee shall be:

- 1. To receive or initiate recommendations pertaining to each and every course and program offered for academic credit by any unit of the University.
- 2. To evaluate all proposals for new undergraduate courses and programs as well as changes in existing courses and programs for correlation with other departments before consideration and approval by the Faculty Council.
- 3. To evaluate all proposals for new graduate courses and programs as well as changes in existing courses and programs for correlation with other departments. Review of graduate programs is conducted after the Committee on Scholarship, Research, and Graduate Education has recommended approval prior to their submission to the Faculty Council for approval.

4. To develop necessary administrative procedures for informing interested colleges concerning courses under consideration.
5. To evaluate proposals for the establishment of new departments, and the change of an academic name, change in college affiliation, dissolution, division, or merger of existing departments.
6. To recommend policies to the Faculty Council related to the operations of the Division of Continuing Education which impact curricula.

C.2.1.10 By-Laws of the Faculty Council *(last revised February 4, 2003)*

The provisions for the Faculty Council, its officers, its authority and responsibilities, its membership and method of election, and the several standing committees are to be found in the University Code.

The purpose of these by-laws is to provide an orderly democratic means of conducting the business of the Faculty Council at its meetings.

Article I. Meetings

Section 1.

The Faculty Council shall hold at least one (1) regular meeting per month during the academic year from September through May, except January. Additional meetings may be called by the Executive Committee or upon petition of twenty-five (25) or more members.

Section 2.

It shall be the responsibility of members to attend all meetings of the Faculty Council. When circumstances necessitate a member's absence from one (1) or more meetings, the member may provide a substitute from among those in the group represented by the member, but who are not members of Faculty Council, but who are qualified to hold membership on the Faculty Council. Substitutes should present written authorization to the Secretary of the Faculty Council. A substitute shall have all the powers, privileges, duties, and responsibilities of the member being replaced and shall be eligible to vote upon all motions coming before the Faculty Council.

Section 3.

Meetings of the Faculty Council are open to the public. Seats shall be designated for visitors and the boundaries of the designated section will be considered the bar of the

Faculty Council. The Chairperson shall eject visitors who disturb the proceedings.

Section 4.

Non-members of the Faculty Council may be accorded the privilege of speaking to the Faculty Council when invited to do so by the Chairperson, the Executive Committee, or by a majority vote of the Faculty Council.

Article II. Meeting Agenda

Section 1.

The agenda for each meeting of the Faculty Council shall be distributed to all members of the Faculty Council at least one (1) week prior to each meeting. This requirement may be suspended by a regular motion of the Faculty Council.

Section 2.

Items of business should be submitted to the Chairperson for consideration by the Executive Committee at least two (2) weeks prior to the scheduled meeting wherein such items are to be discussed.

Section 3.

Minutes of all meetings shall be taken. They are to be distributed to all members of the Faculty Council prior to the next meeting. Minutes of all meetings shall be open to inspection by anyone. Copies shall be furnished upon request at a reasonable fee.

Article III. Motions and Voting (last revised February 4, 2003)

Section 1.

No matters shall be acted upon unless they are included in the agenda, except as provided for by *Robert's Rules of Order*, latest edition.

Section 2.

For purposes of transacting business in Faculty Council and its committees, a simple majority of the voting members of the relevant body shall constitute a quorum. Voting in all matters, except where parliamentary rules dictate otherwise, shall be by simple majority of those voting. Voting by electronic means may be used by Faculty Council and its committees with prior approval by the relevant body, on a case by case basis, under conditions prescribed by the Faculty Council or the committee.

Article IV. Parliamentary Authority

Section 1.

The Faculty Council meetings shall be governed by *Robert's Rules of Order*, latest edition.

Section 2.

A parliamentarian shall be appointed by the Chairperson (see Section C.2.1.3.4.b).

Article V. Amendments to the By-Laws

Section 1.

These by-laws may be amended as described in Section C.2.9 – Amendment Procedure for the University Code.

C.2.2 Procedures for Programmatic and Organizational Change *(last revised June 21, 2011)*

The creation of new programs of study (undergraduate majors and minors and graduate degrees and interdisciplinary studies programs), departments, colleges, and Special Academic Units; the change of college or academic unit affiliation of programs of study and departments; and the change of an academic name, dissolution, division, or merger of existing programs of study, departments, colleges, and Special Academic Units shall follow the following procedures:

- a. A proposal to make a programmatic or organizational change may be initiated by any faculty member or University unit.
- b. Proposed changes shall be considered by the appropriate departments, colleges, and Special Academic Units with student input.
- c. Following recommendations by the appropriate departments, colleges, and Special Academic Units, and recommendations by the Committee on Scholarship, Research and Graduate Education, if appropriate, proposed changes shall be considered by the University Curriculum Committee.
- d. Following recommendations by the University Curriculum Committee, and concurrence by the Committee on Faculty Governance and the Committee on Strategic and Financial Planning, if appropriate, proposed changes shall be reported by the Executive Committee to the Faculty Council for consideration.
- e. Following approval by Faculty Council, proposed changes that require action

by the Board shall be reported through the Provost and the President to the Board.

C.2.3 Academic Organizations of the University

The academic organizations of the University are administered by the Office of the Provost.

C.2.3.1 Colleges and Academic Departments

The colleges, each organized under their respective academic dean, have general charge over their respective undergraduate and/or professional degree programs. These are:

- a. College of Agricultural Sciences (*last revised December 6, 2019*)
Comprising the Departments of Agricultural and Resource Economics; Animal Sciences; Agricultural Biology; Horticulture and Landscape Architecture; and Soil and Crop Sciences.
- b. College of Health and Human Sciences (*last revised February 6, 2013*)
Comprising the Departments of Construction Management; Design and Merchandising; Health and Exercise Science; Food Science and Human Nutrition; Human Development and Family Studies; Occupational Therapy; the School of Education; and the School of Social Work.
- c. College of Business
Comprising the Departments of Accounting; Computer Information Systems; Finance and Real Estate; Management; and Marketing.
- d. College of Engineering (*last revised January 27, 2006*)
Comprising the Departments of Atmospheric Science; Chemical and Biological Engineering; Civil and Environmental Engineering; Electrical and Computer Engineering; and Mechanical Engineering.
- e. College of Liberal Arts (*last revised March 31, 2019*)
Comprising the Departments of Anthropology and Geography; Art and Art History; Communication Studies; Economics; English; Ethnic Studies; History; Journalism and Media Communication; Languages, Literatures and Cultures; Philosophy; Political Science; Sociology; and School of Music, Theatre, and Dance.
- f. College of Natural Resources (*last revised June 21, 2011*)
Comprising the Departments of Ecosystem Science and Sustainability; Fish, Wildlife, and Conservation Biology; Forest and Rangeland Stewardship; Geosciences; and Human Dimensions of Natural Resources.

- g. College of Natural Sciences
Comprising the Departments of Biochemistry and Molecular Biology; Biology; Chemistry; Computer Science; Mathematics; Physics; Psychology; and Statistics.
- h. College of Veterinary Medicine and Biomedical Sciences
Comprising the Departments of Biomedical Sciences; Clinical Sciences; Environmental and Radiological Health Sciences; and Microbiology, Immunology and Pathology.

C.2.3.2 Graduate School *(revised August 3, 2012)*

The Graduate School, organized under the Dean of the Graduate School, has general charge over all graduate degree programs. The faculty members of the Graduate School are designated by each of the academic departments offering graduate degrees.

C.2.3.3 Special Academic Units *(last revised August 5, 2016)*

Special Academic Units, each organized under their respective Director(s), have general charge over their respective degree programs. A Special Academic Unit cannot serve as the academic unit in which a faculty member has their appointment. The faculty members in a Special Academic Unit must come from more than one (1) department. A Special Academic Unit may hire contract, continuing, and adjunct teaching faculty.

C.2.3.4 Division of Armed Forces Services

The Division, organized under the Coordinator of ROTC Affairs, has general charge of professional education in military science leading to commissioning of students as military officers. Its faculty members and administrative professionals include military personnel assigned to the administrative Departments of Military Science and Aerospace Studies.

C.2.3.5 Division of Continuing Education *(last revised March 18, 2003)*

The Division, organized under the Director of Continuing Education, has general charge of the University's programs in continuing education and extended studies. The faculty members of the Division are designated by each of the participating departments.

C.2.3.6 University Centers, Institutes and Other Special Units *(last revised June 14, 2000)*

In accordance with policies set by the Faculty Council, faculty members may be organized into units to accomplish special missions in teaching, research, or service.

The Committee on University Programs shall recommend policies and procedures concerning the establishment, continuance, and termination of such units to Faculty Council (see Section C.2.1.9.5.j.1). Faculty Council action regarding establishment or termination of such units shall be reported in accordance with Section B.2.6 of the *Manual*.

C.2.3.7 Libraries

The Libraries, organized under the Dean of Libraries, have general charge of the University's library collections and facilities. The faculty members of the Libraries include all professional librarians.

C.2.3.8 University Honors Program (*new section added June 13, 2001*)

The University Honors Program (UHP), organized under the Director, has general charge over Honors students' education. The Faculty Honors Council (FHC) serves as the UHP's advisory board and curriculum committee.

a. The Faculty Honors Council (FHC) Membership

The FHC is composed of ten (10) voting members: one (1) elected faculty representative from each of the eight colleges, one (1) elected faculty representative from the University Libraries, and one (1) annually elected representative from the Honors Student Association. The UHP Director and Assistant Director shall serve as *ex-officio*, non-voting members on the Faculty Honors Council.

Tenured, tenure-track or transitional faculty members are eligible to serve as representatives and they shall constitute the electorate from each respective college and the University Libraries. Elections for membership on the FHC shall be conducted by the FHC representatives. Faculty representatives serve three (3) year terms and may stand for reelection.

b. Responsibilities of the Faculty Honors Council (FHC)

The FHC shall serve as an advisory board to the Director in the formulation and revision of UHP policies, and it shall constitute the Curriculum Committee of the UHP. The UHP curricular approval process shall be subject to the approval of the University Curriculum Committee and the Faculty Council and it shall follow the procedures of the *Curricular Policies and Procedures Handbook*.

C.2.3.9 Courses and Programs of Study (*new section added May 3, 2011*)

Courses and programs of study (undergraduate majors and minors and graduate degrees and interdisciplinary studies programs) may be housed within

departments, colleges, the Graduate School, Special Academic Units, and the Office of the Provost.

C.2.4 Collegiate and Departmental Organization

C.2.4.1 Collegiate Organization

Each college shall operate under a college code. All college codes shall be consistent with the provisions of the University Code relating to collegiate matters. College codes shall conflict with neither the University Code nor departmental codes. The University Code and the codes of the departments in the college shall take precedence over the college code.

A college code shall be prepared by a committee consisting of and elected by the faculty members of the colleges who meet the eligibility requirements set forth in C.2.4.2 together with the dean or the dean's duly appointed representative.

After the college code has been approved by a majority of the eligible faculty members of the college as set forth in C.2.4.2, a copy of the code and any subsequent changes shall be provided to the dean of the college and reviewed by the Provost (as specified in C.2.4.3). The college shall begin to operate in accordance with the procedures of its code after a finding by the Provost that it is consistent with the University Code. A copy of the college code will be provided to each faculty member of the college concerned.

C.2.4.1.1 College Code *(last revised June 9, 2023)*

The college code shall provide for the following:

- a. Designation of the title(s) of its administrative officer(s).
- b. Recognition of shared governance and any administrative organization within the college, including all college-wide standing committees and their duties.
- c. Statement of college objectives.
- d. Procedures relating to self-evaluation of college operations.
- e. Procedures for reviewing candidates for new or vacated administrative positions.
- f. Procedures for evaluating and reviewing administrative officers.
- g. Procedures for electing or appointing faculty members to

college wide committees.

- h. Procedures for addressing college wide academic matters.
- i. Procedures for calling and convening college faculty meetings.
- j. Procedures for amending the code.
- k. Procedures for reviewing the code at least once every five (5) years and submitting it to the Provost for review, whether or not any change are made.

C.2.4.1.2 College Deans *(last revised May 2, 2007)*

College deans shall be appointed in the manner described in Section E.4.4 of the *Manual*. With respect to their administrative responsibility and capacity, deans are employed "at will" under Colorado law, and therefore, such administrative appointment may be terminated at any time, by either the dean or the University, for any reason or for no reason. Any such termination proposed by the University shall be recommended by the Provost to the President and the Board and is subject to final action by the Board or its delegee. To the extent that a dean holds a tenure-track or tenured appointment as a member of the faculty, the "at will" nature of the dean's administrative appointment shall not modify or impair the rights otherwise associated with such an academic position.

For administrative planning and budget purposes only, an anticipated term of service, not to exceed five (5) years, shall be stipulated for each dean. Annually, the dean shall be evaluated in the manner described in Section C.2.7.b of the *Manual*. In the final year of the stipulated term, the dean shall undergo a Phase I Comprehensive Performance Review (see Section E.14.3.1) by the Provost using expectations described in Section E.12 of the *Manual* and based upon the dean's distribution of effort. In the final year of the stipulated term, the Provost shall also conduct a review of the administrative performance as dean, and, after consultation with the faculty members and department heads of the college, shall determine the desirability of continued service as dean by the incumbent. If the incumbent is not reappointed, the Provost shall initiate a search for a replacement dean in accordance with Section E.4.4 of the *Manual*.

C.2.4.2 Departmental Organization *(last revised June 21, 2011)*

Each academic department shall operate under a departmental code. The departmental code shall be consistent with the provisions of the University Code relating to departmental matters, and the University Code shall take precedence in all

instances. A departmental code shall be prepared by a committee composed of the department head and the faculty members of the department who are eligible to vote on the code, or a subcommittee thereof, if so voted by these eligible faculty members. The faculty members eligible to vote on the code are those who satisfy all of the following qualifications:

- a. Currently a faculty member with a tenured, tenure-track, or transitional appointment, or any other faculty appointment type that the department code specifies to be eligible.
- b. In residence at the University or on sabbatical leave.
- c. Administratively responsible to the head of the department in question.

Each faculty member with an interdepartmental appointment shall be considered a member of the department contracting for the greater percentage of the faculty member's time. In the case of a faculty member having equal time in two (2) or more departments, that faculty member must decide in which department the faculty member wants representation. The status of such a faculty member shall remain unchanged unless changes in the faculty member's academic appointment require a change in departmental representation.

After the departmental code has been approved by a two-thirds (2/3) majority of the faculty members of the department eligible to vote, a copy shall be provided to the dean of the college and the Provost and, upon acceptance (as specified in Section C.2.4.3), the department shall begin to operate in accordance with the procedures of its code.

After amendments to a departmental code have been approved by the department, a copy of the amended code shall be provided to the dean of the college and the Provost and, upon acceptance (as specified in Section C.2.4.3) of the amendments, the department shall begin to operate in accordance with its amended code.

Copies of the current departmental code shall be provided to each faculty member of the department concerned.

C.2.4.2.1 Departmental Codes *(last revised June 9, 2023)*

The departmental code shall provide for the following:

- a. Designation of the title of its administrative officer.
- b. Recognition of shared governance and any administrative organization within the department.

- c. Statement of the departmental mission.
- d. Procedures relating to the review of candidates for new or vacated faculty member positions.
- e. Procedures relating to the review of recommendations for faculty members for acquiring tenure, for promotion in rank, and for reappointment.
- f. Procedures for appointing faculty members to graduate student advisory committees.
- g. Procedures for conducting annual and periodic comprehensive reviews of the performance of departmental faculty members as prescribed in Section E.14.
- h. Procedures relating to self-evaluation of departmental operations.
- i. Procedures by which students may appeal academic decisions of their instructors. These procedures shall comply with the guidelines approved by the Faculty Council (see Section I.7).
- j. A minimum of one (1) departmental faculty meeting each semester of the academic year, with written notice given in advance by the department head.
- k. A periodic review of the departmental code as specified in Section C.2.4.2.2.e.
- l. Procedures for amending the code. These procedures shall require approval of a two-thirds (2/3) majority of the eligible faculty members of the department (as defined in Section C.2.4.2) to amend the department code.
- m. A clear specification of the voting rights of all members of the department who are not faculty members with tenured, tenure-track, or transitional appointments not otherwise specified in the Manual.

C.2.4.2.2 Operational Policies of Departments (*last revised August 12, 2009*)

Major aspects of the policies relating to the operation of departments are the following:

a. Duties of Department Head

The duties of the department head are those specified in Section C.2.6.2. of the University Code.

b. Selection of a Department Head

Department heads shall be appointed in the manner described in Section E.4.3 of the *Manual*. An interim appointment of an acting department head is recommended by the dean of the college to cover periods of absence or vacancy of at least three (3) months.

c. Term of Office of Department Head

In a department head's capacity as the administrative officer in the department and the initial person in the administrative chain to the president, a department head is employed "at will" under Colorado law. Consequently, an appointment as department head may be terminated at any time, by either the department head or the University, for any reason or no reason. Any such proposed termination by the University shall normally be recommended by the dean to the Provost and the President and is subject to final action by the Board or its delegee.

To the extent that a department head holds a tenure-track or tenured appointment as a member of the faculty, the "at will" nature of the faculty member's administrative appointment shall not modify or impair the rights otherwise associated with such a faculty member position.

For administrative planning and budget purposes only, an anticipated term of service, not to exceed five (5) years, shall be stipulated for each department head. Annually, however, the department head shall be evaluated in the manner described in Section C.2.7.a of the *Manual*. In the final year of the stipulated term, the department head shall undergo a Phase I Comprehensive Performance Review (see Section E.14.3.1) by the dean of the college using expectations described in Section E.12 of the *Manual* and based upon the department head's distribution of effort. In the final year of the stipulated term, the dean shall also conduct a review of the administrative performance of the department head, and, after consultation with the department faculty members, shall determine the desirability of continued service by the incumbent department head. If the incumbent department head is not reappointed, the dean shall initiate a search for a replacement department head in accordance with Section E.4.3 of the *Manual*.

d. Evaluations of Academic Programs and Departmental Operations

The purpose of the Evaluation of Academic Programs is to enable the departmental faculty members to assess the quality of the academic programs of the department. Academic programs are coherent sets of academic activities with specified goals. These programs, which are approved by the Colorado Commission on Higher Education, lead to a degree or certificate.

The purpose of the Evaluation of Departmental Operations is to enable the departmental faculty members to evaluate the human resources, facilities and other physical resources, work environment, organization and administration of the department, and other aspects of departmental operations in order to maintain and improve morale, effectiveness, and productivity. The Evaluation of Departmental Operations is not an evaluation of the performance of the department head, which is a responsibility of the dean and is addressed in Section C.2.7.a of the *Manual*.

Evaluations of academic programs and departmental operations shall be conducted concurrently. Ordinarily, these evaluations shall be conducted at intervals of no less than five (5) years and no greater than seven (7) years according to a schedule established by the Provost in consultation with the department. However, if members of a departmental faculty or the department head are acutely dissatisfied with the operations of the department, they may initiate a request for an interim evaluation of the department. If the request comes from the departmental faculty members, at least one-half (0.5) (but not less than three (3) members) of those eligible must sign the request for an interim evaluation before it can be conducted. This request is to be submitted to the dean, who shall follow the procedure outlined for the regular evaluation after notifying the department head and the eligible faculty members of the request for an interim evaluation.

Evaluations shall be conducted by the eligible faculty members of the department (as defined in Section C.2.4.2) or by a committee selected by and from the eligible faculty members of the department. The results of the evaluation shall be presented to the department head and the dean in a report prepared in a format approved by the Provost. The dean shall transmit the report to the Provost. The dean and/or the Provost may submit this report to internal and/or external reviewers. Reports of internal and external reviewers shall be transmitted to the department head and the review committee, who may respond to the reviewers' reports in writing. The reviewers' reports and the responses from the department head and review committee, if there be such, shall become part of the report of the evaluation.

The evaluation process shall culminate in an action plan developed by the department. After approval by the departmental faculty members, the dean and the Provost, the action plan, together with an executive summary of the

report of the evaluation, shall be forwarded for consideration in the university strategic planning process. The Committee on Strategic and Financial Planning shall receive a copy of the action plan and the executive summary of the evaluation report.

e. Periodic Review of Departmental Code (*new section added August 12, 2009*)

The departmental code shall be reviewed in connection with the evaluations of academic programs and departmental operations. Whether or not amendments are made to the code, copies of the new code shall be provided to the dean of the college and the Provost, and, upon acceptance (as specified in Section C.2.4.3) of the new code, the department shall begin to operate in accordance with its new code. This review of the departmental code may occur during the year of the evaluations of academic programs and departmental operations, in the year prior to these evaluations, or in the year after the evaluations, as specified in the departmental code.

C.2.4.3 University Review of Departmental and College Codes

The Provost shall review and approve all college and departmental codes, including amendments thereto, for consistency with the University Code and the institution's established policies, procedures, and applicable law. The Provost shall also provide a periodic report regarding the review of such codes to the President in such form as the President determines. Furthermore, upon request, a summary of such reports shall be provided by the President to the Board as an informational item.

C.2.5 Evaluation of Performance of Faculty (*last revised May 6, 2021*)

- a. Each department code shall include procedures for conducting performance reviews of faculty members as required in Section E.14.
- b. The evaluation of faculty members shall be based on qualitative and quantitative assessments of the faculty member's fulfillment of responsibilities to the University during the period of evaluation. This evaluation shall be based upon criteria for teaching and advising, research and other creative activity, and service and/or outreach clearly articulated in departmental codes. Although there are some reasonable expectations for performance that cut across disciplines, performance criteria may vary among disciplines within the University according to the mission of the department and standards for the field. Assessment of the quality of faculty member's performance requires careful and critical review, necessarily involving judgments, and should never be reduced to purely quantitative measures.
- c. If the faculty member has significant duties outside of the faculty member's home department (e.g., a joint appointment with another department or significant service

at the college or university level), then a written performance evaluation shall be requested from the supervisor for each of these duties. These external evaluations shall be taken into consideration for the performance review and when making decisions involving tenure, promotion, and merit salary increases.

- d. The department head shall hold an annual conference with each member of the departmental faculty as part of the evaluation. The faculty member shall be fully advised concerning the methods and criteria used in the evaluation, the results of the evaluation, and how the results will be utilized.
- e. The evaluation shall be in writing. The faculty member shall be given the opportunity to append written comments to the evaluation. The evaluation shall be signed by the department head and by the faculty member, and the faculty member shall receive a copy of the evaluation.
- f. Grievances between a faculty member and the department head that may arise from evaluation of performance or other personnel matters shall be acted upon in accordance with Section K.
- g. Each department head shall develop procedures to solicit formal input from the tenured faculty members (or their duly elected committee) as the annual evaluation of non-tenured faculty members is prepared and prior to making recommendations for reappointments.

C.2.6 Duties of Officers *(last revised June 9, 2023)*

C.2.6.1 Deans of the Colleges *(last revised June 9, 2023)*

The dean of a college is the principal administrative and academic officer of that college. Department heads with their staffs are responsible to the dean. The dean serves as chairperson of meetings of the department heads and/or faculty members of the college.

The dean of a college has the following principal and specific responsibilities:

- a. Review and approval of budgets for all departments of the college.
- b. General, but not detailed, supervision of and maintenance of adherence to determined departmental budgets and coordination and attention to equity in salaries and other fiscal matters within the framework of academic instruction in the college.
- c. Development and strengthening of the faculty members, facilities, undergraduate and graduate teaching, research and extension programs, and prestige of the college in the interest of the entire University.

- d. Consideration and approval of recommendations for appointments, advancement, and tenure of college staff members.
- e. Development and coordination of curricula to meet changing educational and vocational needs of students together with maintenance of acceptable standards for admission and retention of students majoring in the college.
- f. Analysis of teaching loads and related staff responsibilities to promote the best interests of students and maximum effectiveness of the faculty member as well as their individual professional development and accomplishment.
- g. Coordination of all academic and instructional matters within the college and with other colleges and departments.
- h. Counseling of both faculty members and students in need of direction or advice.
- i. Objective evaluation of programs within the dean's college.
- j. Work toward achieving the University's diversity, equity, and inclusion goals.
- k. Adhere to principles of shared governance in the implementation of the above responsibilities.

Recommendations for appointment of department heads are the responsibility of the dean. The dean shall provide for appointment of a departmental committee to advise the dean and shall make available to members of the committee written instructions concerning procedures to be followed, minimum qualifications acceptable for the position, and specific responsibility of an advisory committee.

The deans shall receive and analyze annual and semiannual departmental reports in their respective colleges and shall transmit these, together with their college reports, through the Provost to the President for transmittal to the Board.

C.2.6.2 Department Heads *(last revised June 9, 2023)*

The department head is the administrative and academic officer in the department and is the initial person in the administrative chain to the President. Members of the department staff are responsible to the department head. The department head has the general responsibility for any staff activities which may affect the professional status of the department or the best interests of the University.

Specific responsibilities of the department head are:

- a. Preparation of the departmental budget.

- b. Administration of and adherence to the departmental budget.
- c. Evaluation of each departmental faculty member in accordance with the University Code.
- d. Initiation of recommendations for appointments, advancement, tenure, and dismissal of staff members, including incorporation of input from students and faculty members relating to the teaching and advising effectiveness of faculty members being recommended for reappointment, promotion, tenure, dismissal, and salary increase.
- e. Management of academic and financial matters within the department to promote student achievement, equity in travel and professional opportunities for staff members, and adjustment of faculty members' loads and salaries consistent with experience, competence, capacity, productivity, and aptitude of individual staff members.
- f. Preparation of reports called for by higher authorities or by agencies of the institution charged with coordinating the general program of the University.
- g. Adhere to principles of shared governance in the implementation of the above responsibilities.

Additional responsibilities of the department head, together with the departmental staff, are: development and strengthening of undergraduate and graduate teaching, research, extension programs, and faculty members' service and competence within the department; construction of sound curricula to meet educational needs of students; cooperation with and assistance to other departments in matters affecting the University in its undergraduate and graduate teaching, research, and extension programs; effective staff recruitment; development and maintenance of departmental morale; contributions to shared governance; and work toward achieving the University's diversity, equity and inclusion goals.

C.2.7 Evaluation of Performance of Officers *(last revised June 9, 2023)*

- a. The performance of each department head shall be evaluated annually by the dean of the appropriate college. In making the evaluation, the dean shall solicit and utilize information obtained from all faculty members in the respective department.
- b. The performance of each dean shall be evaluated annually by the Provost. When evaluating a college dean, the Provost shall solicit and utilize information from the faculty members of the dean's college obtained in accordance with that college's procedures.

- c. The performance of each vice president shall be evaluated annually by the President. In making the evaluation, the President shall solicit and utilize information obtained from all deans and directors reporting to the respective vice president.
- d. The performance of the President is evaluated by the Board. In its evaluation, the Board solicits opinions from faculty members which are provided by the Faculty Council and its Executive Committee through the Faculty Council Representative to the Board.
- e. Evidence of substantial, demonstrable leadership in meeting diversity, equity and inclusion goals, and facilitating shared governance shall be included in evaluations of all administrative officers.

C.2.8 Creation and Organization of Special Academic Units *(last revised August 5, 2016)*

C.2.8.1 Creation of a Special Academic Unit

Initial approval for the creation of a Special Academic Unit shall follow the procedures in Section C.2.2. The proposal for the creation of a Special Academic Unit shall include all of the following:

- a. It shall specify the name and the mission. The name shall not include the terms “department” or “college,” but, in some cases, it may be appropriate for the name to include the term “school.”
- b. It shall specify the proposed Director(s).
- c. It shall include a proposed code, as described in Section C.2.8.3.
- d. It shall specify a group of participating tenure-track/tenured faculty members from more than one (1) department (see Section C.2.3.3).
- e. For each department participating in the Special Academic Unit, there shall be a written document signed by the proposed Director(s) of the Special Academic Unit, the department head, and the college dean detailing the expected commitments of the department to the Special Academic Unit.
- f. For each college participating in the Special Academic Unit, there shall be a written document signed by the proposed Director(s) of the Special Academic Unit and the college dean detailing the expected commitments of the college to the Special Academic Unit.
- g. For each participating tenure-track/tenured faculty member who is listed

as helping to deliver the courses and/or programs of the Special Academic Unit, there shall be a written document signed by the proposed Director(s) of the Special Academic Unit, the faculty member, the head of the faculty member's home department, and the dean of the faculty member's college detailing the expected commitments to the Special Academic Unit, the duration of these commitments, and how these expectations shall be factored into performance evaluations within the home department.

- h. It shall identify the organizational units and faculty expertise which are critical to the success of the Special Academic Unit and identify their critical roles.
- i. It shall present a budget for the Special Academic Unit that details sources and financial commitments and it shall demonstrate the existence of sufficient financial and other resources to carry out any activities associated with Special Academic Unit operations and programs.
- j. It shall present a plan for required Library resources.

C.2.8.2 Housing of Courses and Programs of Study

Proposals by Special Academic Units to house courses and/or programs of study shall follow the same curriculum procedures as for departments (as closely as possible), including approval by Faculty Council. Any deviations from these procedures to fit the distinctive characteristics of a Special Academic Unit must be approved by the University Curriculum Committee and Faculty Council. New degrees and majors require the approval of the Board and the Colorado Commission on Higher Education.

C.2.8.3 Code of a Special Academic Unit

A Special Academic Unit shall operate under a code that includes all of the following:

- a. The code shall specify the departments and other organizational units that will participate in the operation of the Special Academic Unit.
- b. The code shall specify the next higher level of administrative oversight.
 - 1. If all of the participating tenure-track/tenured faculty members are from the same college, then the dean of that college shall provide the administrative oversight, and the Director(s) shall report to this dean.
 - 2. If the participating tenure-track/tenured faculty members are from more

than one (1) college, then the administrative oversight may consist of a single dean or an Administrative Oversight Committee that includes multiple deans (or their designees). Typically, the number of deans should be large enough that at least eighty (80) percent of the participating tenure-track/tenured faculty members are in the colleges of these deans. The choice of which deans are included should be re-evaluated as the distribution of the participating tenure-track/tenured faculty members among the colleges changes with time.

3. An Administrative Oversight Committee containing two (2) or more deans (or their designees) shall also include the Vice Provost for Undergraduate Affairs, if the Special Academic Unit houses undergraduate courses and/or programs of study, and the Dean of the Graduate School, if the Special Academic Unit houses graduate courses and/or programs of study.
 4. The code shall specify whether the members of the Administrative Oversight Committee have equal or unequal voting rights (and the basis for the determination of voting rights).
 5. If the Administrative Oversight Committee includes only the Vice Provost for Undergraduate Affairs, then the Director(s) shall report to that vice provost. If the Administrative Oversight Committee contains both the vice provost and the Dean of the Graduate School, then the code shall specify to which the Director(s) reports.
 6. The code shall specify the duties and responsibilities of the Director of the Special Academic Unit. The dean or vice provost to whom the Director(s) reports shall choose future Director(s). The code shall specify the process for the selection of a Director. The code shall specify the process of initiating a change of Director.
 7. The dean or vice provost to whom the Director(s) reports shall have oversight of the budget account(s) for the Special Academic Unit.
- c. The code shall specify the role of the participating departments and other organizational units in the selection of the Director(s).
 - d. The code shall specify how departments and other organizational units are added to and removed from the list of participants.
 - e. The code shall specify how faculty members are added to and removed from the list of participating faculty members.

- f. The code shall specify that a minimum of one (1) faculty meeting shall be held each semester of the academic year, as well as how additional faculty meetings may be called and how far in advance written notice must be given by the Director(s) for faculty meetings.
- g. The code shall specify the voting rights of all participating tenured, tenure-track, contract, continuing, and adjunct faculty members with respect to decisions regarding the governance of the Special Academic Unit.
- h. The code shall specify the timeline for conducting self-evaluations and accompanying reviews of the code at least once each five (5) years.
- i. The code shall specify the procedures and responsibilities concerning contract, continuing, and adjunct faculty hired by the Special Academic Unit including, but not limited to, performance evaluations, promotion criteria, reappointment procedures, salary exercises, and the administrative line of responsibility for contract, continuing, and adjunct faculty appointments.
- j. The code shall specify the procedures for amending the code. These procedures shall require approval by a two-thirds (2/3) majority of the faculty members eligible to vote for changes to the code.
- k. The Special Academic Unit shall have a procedures manual, and the code shall specify the process for amending this procedures manual.
- l. The code shall specify the process for the formation of an Academic Committee to oversee curricular matters, including the process for the selection of the members of the committee(s). The membership of the committee(s) shall provide appropriate representation of the departments and other organizational units participating in the Special Academic Unit.
- m. The code shall specify the procedures and processes by which curricular proposals from the Academic Committee reach the University Curriculum Committee.
 - 1. If the administrative oversight is provided by only one (1) dean, then curricular proposals from the Academic Committee shall be sent for review to that college's curriculum committee and then to the University Curriculum Committee.
 - 2. If the administrative oversight is provided by an Administrative Oversight Committee, then curricular proposals from the Academic Committee shall be sent for review to each of the college

curriculum committees for the colleges having deans (or their designees) on the Administrative Oversight Committee. Any one (1) of these college curriculum committees may forward the proposal, together with the results of the reviews from all participating college curriculum committees, to the University Curriculum Committee.

3. If the number of college curriculum committees involved makes it advisable, the code may include the formation of a Liaison Committee whose members serve as liaisons to their respective college curriculum committees with regard to curricular proposals coming from the Academic Committee.
- n. If the Special Academic Unit houses undergraduate programs of study, the code shall include a description of the appointment of academic advisors.
- o. If the Special Academic Unit houses graduate programs of study, the code shall include a description of the appointment of graduate advisory committees for graduate students.
- p. If the Special Academic Unit houses courses, the code shall specify the procedures by which students may appeal academic decisions of their instructors. These procedures shall comply with guidelines approved by Faculty Council (see Section I.7).

C.2.9 Amendment Procedure *(last revised May 3, 2011)*

This University Code may be amended by the Faculty Council by a two-thirds (2/3) vote of the members voting at a given meeting provided the amendment has been distributed to the members of Faculty Council at least two (2) weeks in advance. Amendments shall be subject to the approval of the Board. Such proposed University Code changes shall be published in the agenda.

SECTION D. FACULTY AND ADMINISTRATIVE PROFESSIONALS

- D.1 Classification of University Employees
 - D.1.1 Definition of Faculty
 - D.1.2 Classification as Administrative Professionals
 - D.1.3 Employment of Foreign Nationals
- D.2 University Committees of Faculty and Administrative Professionals
 - D.2.1 Benefits Committee
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- D.3 Responsibilities of the Faculty and Administrative Professionals
 - D.3.1 Policy
 - D.3.2 Responsibilities as a Professor
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 - D.3.4 Responsibilities to the Larger Community
 - D.3.5 Responsibilities as a University Employee
 - D.3.6 Responsibility for Ensuring Nondiscrimination Practices
 - D.3.7 Policy Regarding Sexual Harassment
- D.4 Academic Freedom
- D.5 Appointments
 - D.5.1 Policy: Nondiscrimination and Affirmative Action
 - D.5.2 Appointments to Faculty
 - D.5.3 Appointments of Administrative Professionals
 - D.5.3.1 Types of Appointments
 - D.5.3.2 Coordination with Director of Human Resource Services
 - D.5.3.3 Regulations for Appointments of Research Associates and Research Scientists/ Scholars
 - D.5.3.4 Joint Administrative Professional and Faculty Appointments
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- D.7.19 Prohibition Against Accepting Kickbacks or Improper Gifts or Fees
- D.7.20 Emeritus/Emerita Status
- D.8 Distinguished Service Awards
- D.9 Code of Ethical Behavior
- D.10 Mandatory Performance Evaluation of State Classified Employees
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SECTION D. FACULTY AND ADMINISTRATIVE PROFESSIONALS

D.1 Classification of University Employees

University employees are classified as members of the faculty, administrative professionals, or state classified personnel. The faculty members and the administrative professionals are exempt from the State Classified Personnel System.

D.1.1 Definition of Faculty

See Section E.1 for the definition of faculty members.

D.1.2 Classification as Administrative Professionals *(last revised May 2, 2007)*

Administrative professional positions are positions that are exempt from the State Personnel System under Colorado statutes, but are not faculty positions. The classification of a particular position as an administrative professional position must be coordinated with Human Resource Services.

Administrative professionals include the officers of the University and the professional staff of the Board, heads of administrative units and intercollegiate athletics, and other staff with exempt status as specified by Colorado statute. This includes, but is not limited to, certain professional research positions and the professional staff of the Agricultural Experiment Station, Cooperative Extension and the Colorado State Forest Service.

The officers of the University are defined by Board action for the purposes of exemption from the State Classified Personnel System under Colorado statute.

D.1.3 Employment of Foreign Nationals *(new section added December 14, 2004)*

Units considering the hiring of an international employee should consult with International Student and Scholar Services regarding immigration procedures necessary for legal employment of foreign nationals.

D.2 University Committees of Faculty and Administrative Professionals *(last revised August 9, 2019)*

D.2.1 University Benefits Committee *(last revised August 7, 2015)*

The University Benefits Committee (UBC) advises the University administration regarding benefit programs for faculty and administrative professionals. The UBC consists of four (4) faculty members, four (4) administrative professional members, one (1) retired faculty or administrative professional member, four (4) ex officio non-voting members: the Chair or Vice Chair of the Classified Personnel Council (CPC), as decided by the Chair of CPC, the Chair or Vice Chair of the Administrative Professional Council (APC),

as decided by the Chair of the APC; the Chair or Vice Chair of the Faculty Council (FC), as decided by the Chair of FC; and the Executive Director of Human Resources. At least one (1) representative of the faculty and one (1) representative of the administrative professionals shall be elected each year. Each representative on the UBC shall serve a four (4) year term. Faculty members shall be nominated by the Faculty Council Committee on Faculty Governance who shall provide nominees for election by the Faculty Council. Administrative professionals shall be elected by the Administrative Professional Council. The retired faculty or administrative professional member shall be appointed by the Office of the Provost on the recommendation of the Society of Senior Scholars. Terms of office shall begin on July 1. The Chair of the UBC shall present an annual report to Faculty Council and the Administrative Professional Council.

D.2.2 University Policy Review Committee *(last revised December 2, 2022)*

The University Policy Review Committee (UPRC) advises the University community regarding University policy. As the University Officer responsible for overseeing the University Policy Office, the Vice President for University Operations is responsible for convening the UPRC.

A University policy is a set of governing principles formally approved to provide assistance in the conduct of university affairs. University policies apply across the university and have impact on a substantial segment of the campus population. University policies authorize or constrain actions to enhance the university mission and operational efficiency; mitigate and manage institutional risk; and, in some cases, ensure compliance with federal, state and local laws and regulations.

The UPRC consists of two (2) faculty members, two (2) administrative professional members, two (2) state classified personnel members, one (1) graduate student, one (1) undergraduate student, and the Executive Director of the Department of Policy, Risk & Environmental Programs (*ex officio* non-voting). Each faculty, administrative professional, and classified personnel representative on the UPRC shall serve a three (3) year term, with terms beginning July 1, and are the ones eligible to chair this committee. Graduate and undergraduate student representatives shall serve 1 -year terms, effective immediately following elections at the October Faculty Council meeting. The committee shall annually elect a Chair from its eligible members.

Faculty members shall be nominated by the Faculty Council Committee on Faculty Governance who shall provide nominees for election by the Faculty Council. The administrative professional and classified personnel members shall be appointed by their respective Councils. Nominations of the graduate student member shall be made by the University Graduate Student Council.

Graduate student nominations shall be forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the election ballot for voting by Faculty Council. Nominations of undergraduate students shall be made by the ASCSU

Director of Academics with the advice and consultation of the President and the Vice President of ASCSU. All such nominees shall be recommended to the ASCSU Senate and shall have majority approval of the ASCSU Senate before the nominations are forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the election ballot for voting by Faculty Council.

The duties of the UPRC shall be:

1. To facilitate the review of the (potential) impact of proposed new university policies and to facilitate the review of the (potential) impact of current policies when they are significantly revised or when questions arise about their interpretation, effectiveness or impacts, and to gather and collate input from the bodies represented on the committee.
2. To solicit and facilitate input on (potential) conflicts between university administrative policies and the Academic Faculty and Administrative Professional Manual and the HR Manual.
3. To help identify parts of the university community that may be affected by university policy for consideration in a review of the impact of university policy.
4. To solicit and facilitate relevant and appropriate dialog within the university community for consideration in a review of the impact of a proposed new university policy or significant revision being carried out by the Office of Policy & Compliance.
5. To recommend evaluation of the impact of proposed university policies and their implementation by the appropriate, impacted groups or units, and of existing university policies when questions or concerns arise.

The UPRC shall consider requests for review of university policy from the university community. It shall transmit the results of reviews and recommendations to the Administration, the Faculty Council, the Administrative Professional Council, Classified Personnel Council, ASCSU, and the University Graduate Student Council.

The UPRC shall develop a set of operating procedures, which shall be made available to all members of the University community. The Chair of the UPRC shall submit copies of committee minutes and present an annual report to Faculty Council, the Administrative Professional Council, Classified Personnel Council, ASCSU, the University Graduate Student Council, and the Executive Director of the Department of Policy, Risk & Environmental Programs.

D.3 Responsibilities of the Faculty and Administrative Professionals

D.3.1 Policy

The policy is to facilitate scholarly activities through delineation and promotion of understanding of the levels and general standards of responsibilities incumbent on the faculty members and administrative professionals at this University.

D.3.2 Responsibilities as a Professor

See Section E.5.2 for the responsibilities as a professor.

D.3.3 Responsibilities as a Professional

Members of the faculty and administrative professionals are expected to think and act as a member of the academic profession at Colorado State University. Special responsibilities, both specific and implicit, of an ethical and professional nature are involved. These include the requirement to be accurate, basing views upon scholarly preparation and carefully identifying opinions or other extrapolations from such foundation. In particular, the professional and ethical considerations require appropriate restraints upon such views, together with respect for the views advanced by colleagues.

Faculty members and administrative professionals are expected to exercise accuracy, judgment, and restraint in public and University statements knowing that the profession and the University will be adjudged by such statements. Moreover, extreme care should be exercised to particularize such statements as one's own, eliminating all possibilities for interpretation of such statements as official statements of the University.

D.3.4 Responsibilities to the Larger Community

Consistent with the above, members of the faculty and administrative professionals have both the opportunity and responsibility to provide service to the larger community, including the state and the nation. By means of instruction, research, and extension education, members of the faculty and administrative professionals are able to assist individuals, groups, and various governmental agencies.

D.3.5 Responsibilities as a University Employee

Members of the faculty and administrative professionals are expected to accept and be guided by the applicable and appropriate policies and procedures of the State of Colorado and the Board, the administration of the University, established institutions of faculty self-governance, and the adopted code of the administrative unit.

The amount and the character of any work done outside of the University are subject to the individual's responsibilities to the University and consistent with scholarly and professional standards (see Section D.7.7).

D.3.6 Responsibilities for Ensuring Nondiscrimination Practices *(last revised February 3, 2017)*

Any faculty member or administrative professional who encounters acts of discrimination because of race, age, color, creed, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, or because a person has inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant, either on or off campus, is urged to report such incident to the University by completing a simple form available for that purpose from the Office of Equal Opportunity (OEO).

D.3.7 Policy Regarding Sexual Harassment

No member of the academic community (faculty, staff, and students) may sexually harass another. The University deplores sexual harassment and will act energetically to prevent it (see Appendix 1).

D.4 Letters Regarding Performance and/or Behavior *(new section added February 3, 2022)*

D.4.1 Letter of Expectations

A Letter of Expectations may be issued to an employee by their immediate supervisor or by someone further up in their supervisory chain. It must be clearly labeled as a Letter of Expectations, and it must be signed by the person who is issuing the letter.

A Letter of Expectations shall identify problems with the employee's job performance and/or behavior that need to be corrected by the employee. It shall state clearly what expectations must be met by the employee in order to address these problems. The Letter shall not impose disciplinary action upon the employee. However, it can suggest, but not require, that the employee attend appropriate training, as specified in the letter, to address the performance and/or behavioral issues. The purpose of the Letter is to make it clear to the employee that certain expectations need to be met by the employee related to their position at CSU. The intention is that, if the employee meets the stated expectations, then the problems will have been resolved without the need for any disciplinary action. However, the Letter may state that a failure by the employee to meet the stated expectations may result in disciplinary action in the future.

Since the intention of a Letter of Expectations is to be informative, rather than punitive, then it is not grievable by the employee. However, the University Grievance Officer may decide that a letter which is labeled as a Letter of Expectations is mislabeled and is actually a Letter of Reprimand (see Section D.4.2). In this case, the letter is grievable.

D.4.2 Letter of Reprimand

A Letter of Reprimand may be issued to an employee by their immediate supervisor or by someone further up in their supervisory chain. It must be clearly labeled as a Letter of Reprimand, and it must be signed by the person who is issuing the Letter. A Letter of Reprimand shall identify problems with the employee's job performance and/or behavior that need to be corrected by the employee. It shall state clearly what expectations must be met by the employee in order to address these problems. In addition, the Letter may impose disciplinary action upon the employee. The Letter may state that a failure by the employee to meet the stated expectations may result in additional disciplinary action in the future.

For tenured faculty, serious disciplinary action cannot be imposed without following the procedures in Section E.15. However, a Letter of Reprimand may require that a tenured faculty member attend appropriate training, as specified in the letter, to address the performance and/or behavioral issues without initiating the Section E.15 process. Any costs incurred for such training will be borne by the university. Also, a Letter of Reprimand may place limits on the ability of the tenured faculty member to interact with specific individuals at CSU or to be present at specific CSU locations without initiating the Section E.15 process, as long as those restrictions do not prevent the tenured faculty member from fulfilling their expected job duties.

Since the intention of a Letter of Reprimand is to be punitive, then it is grievable by the employee.

D.4.3 Response from the Employee

When an employee receives a Letter of Expectations or a Letter of Reprimand, they shall have ten (10) working days from the date of its receipt to submit a written and signed Response to the person who issued the Letter. This Response shall be attached to the Letter, and anyone seeing the content of the Letter shall also be provided with a copy of the Response.

If the employee decides not to provide a Response, then they shall sign the Letter within ten (10) working days of its receipt to indicate that they have received it. They shall return the signed copy to the person who issued the Letter.

D.4.4 Documentation of Discussions

The documentation of discussions with an employee regarding perceived problems is not considered either a Letter of Expectations or a Letter of Reprimand and is not grievable.

D.5 Appointments

D.5.1 Policy: Nondiscrimination and Affirmative Action *(last revised February 3, 2017)*

Colorado State University does not discriminate on the basis of race, age, color, creed,

religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. The University complies with the Civil Rights Act of 1964, related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Americans with Disabilities Act (ADA) of 1990, the Civil Rights Act of 1991, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, and all civil rights laws of the State of Colorado. Accordingly, equal opportunity of employment and admission shall be extended to all persons. The University shall promote equal opportunity and treatment in employment through a positive and continuing affirmative action program for ethnic minorities, women, persons with disabilities, and veterans. The Office of Equal Opportunity is located in 101 Student Services.¹

D.5.2 Appointments to Faculty

See Sections E.2 and E.3 for the definition of appointments to faculty.

D.5.3 Appointments of Administrative Professionals *(last revised June 22, 2006)*

Administrative professionals are recommended for appointment by the immediate supervisor through administrative channels regardless of the length of the proposed appointment. The Board has delegated the authority to appoint most administrative professionals to the President. The President has further delegated this authority to the Provost and vice presidents for the administrative units under their authority. However, the Board must approve the appointments of the Provost, the vice presidents and, if requested by the Board, senior administrators (as defined in Section B.1). Further, the Board may, from time to time, elect to exercise any authority delegated to the President (and which may have been further delegated to the Provost and vice presidents).

The immediate supervisor shall develop a job description, announce the position, appoint the search committee, coordinate the search, and make the employee selection in accordance with the guidelines of the OEO. Persons appointed should possess at least an appropriate baccalaureate degree from an accredited college or university and be professionally qualified. Exceptions to the degree requirement may be made where it can be demonstrated that professional experience may substitute for the baccalaureate degree. Those exceptions must be approved by the appropriate vice president and the Director of Human Resource Services. All administrative professional appointments are "at will" (see Section D.5.6) and do not lead to tenure.

¹ This entire paragraph is required on most University publications. A short form may be used on published materials which are of a more ephemeral character.

D.5.3.1 Types of Appointments *(last revised December 6, 2019)*

Administrative professional appointments are at-will, regardless of whether an end date is indicated on an appointment form, and may be made as follows:

- a. Regular: 9-month or 12-month appointments may be either full-time or part-time of at least half-time or greater without a fixed termination date. Part time appointments of half-time or greater earn benefits equal to those of full-time appointees of the same type.
- b. Special: Appointments with a specified end date, for positions supported by sponsored programs or when funds are available only for a specified duration. A special appointment may be either full-time or part-time of at least one-half time or greater and the same benefits accrue as for regular appointments of the same type.
- c. Temporary: Full-time and part-time appointments of less than 9 or 12 months and all part-time appointments of less than half time.

For benefits information for all appointment types, see the Human Resources Manual, section 2 and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan* (SPD).

D.5.3.2 Coordination with Director of Human Resource Services *(last revised March 19, 2002)*

The State Constitution (Article XII, Section 13 [2]) and the State Personnel Act (C.R.S. 24-50-135) define those University positions that are not within the State Personnel System. In order to ensure compliance with the requirements therein, all new administrative professional positions must be coordinated with the Director of Human Resource Services before a position is announced or an appointment offered.

D.5.3.3 Regulations for Appointments of Research Associates and Research Scientists /Scholars *(last revised March 19, 2002)*

Research Associates and Research Scientists/Scholars are research staff members whose assignments are not such as to classify the individuals as faculty members. Position descriptions for the multiple levels of research associates and research scientists/scholars, including typical duties and educational and experience criteria, along with guidelines for advancement between levels, are available from the Director of Human Resource Services. Changes to the descriptions for these positions are subject to approval by the President after review and comment by the Administrative Professional Council.

D.5.3.4 Joint Administrative Professional and Faculty Appointments
(last revised June 4, 2008)

This type of appointment is described in Section E.2.2.2.

D.5.4 Position Titles for Administrative Professionals (last revised March 19, 2002)

Titles approved by the President for administrative professionals appear in the *Human Resource Manual* and can be obtained from the Administrative Professional Council Office. However, neither these titles, nor the descriptions of the positions, may be such as to imply an equivalence or similarity to faculty positions. In particular, the terms “professor,” “instructor,” and “teacher” are reserved for faculty positions only.

D.5.5 Evaluation of Performance of Administrative Professional

- a. Each administrative unit shall establish formal procedures for an annual evaluation of performance of its administrative professionals.
- b. Evaluations shall be based on the quality and quantity of performance in fulfilling the individual's responsibilities as those responsibilities are defined in the employee's job description during the period of evaluation.
- c. The employee may also submit information and documentation pertinent to the evaluation and may submit a self-evaluation, both of which shall be taken into consideration by the superior in the evaluation process.
- d. The immediate supervisor shall hold a formal annual conference with each individual as part of the evaluation, during which the employee shall be fully advised concerning the methods and criteria used in the evaluation and of the results of the evaluation.
- e. The evaluation shall be in writing and shall be signed by the immediate supervisor and the employee, who thereby indicates receipt of the evaluation. A copy shall be provided to the employee.
- f. The Provost of the University is responsible for assuring that such evaluation is conducted in a proper and timely manner.

D.5.6 Formal Procedures for Dismissal of Administrative Professional on Grounds of Unsatisfactory Performance (last revised June 22, 2006)

Pursuant to State Statute, C.R.S. 24-19-104, all administrative professionals are "employees at will" and their employment is subject to termination by either party at any time. The authority to terminate most administrative professionals has been delegated to the President by the Board. The vice president in charge of an academic department or

administrative unit must review and approve any recommendations concerning the termination of administrative professionals on any grounds, except for terminations at the end of the stated employment period, before the action is presented for final approval. Termination of the Provost, the vice presidents and, if requested by the Board, senior administrators (as defined in Section B.1) requires final approval of the Board. Otherwise, the Board has delegated the authority for final approval to the President. THE PROVISIONS OF THIS SECTION SHALL NOT BE INTERPRETED TO AUTHORIZE THE TERMINATION OF ANY ADMINISTRATIVE PROFESSIONAL FOR ANY REASON THAT IS CONTRARY TO APPLICABLE FEDERAL, STATE, OR LOCAL LAW.

D.6 Oath of Allegiance

Under a Colorado law enacted in 1969, the following oath of allegiance is required of all faculty members and all administrative professionals:

"I solemnly (swear) (affirm) that I will uphold the Constitution of the United States and the Constitution of the State of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter."

This oath must be taken before a notary public. For those who are not citizens of the United States or citizens residing outside of the United States, special arrangements may be made with the Department of Human Resource Services.

D.7 Conditions of Employment for Faculty and Administrative Professionals

D.7.1 Maximum Employment *(last revised August 10, 2018)*

Faculty members and administrative professionals on nine (9) month appointments may be employed a maximum of twelve (12) additional working weeks during the summer, exclusive of vacation, per fiscal year.

Faculty members and administrative professionals on twelve (12) month appointments cannot be employed by the University during their annual leave.

A faculty member or administrative professional whose normal appointment is for less than nine (9) months of service per fiscal year ordinarily shall be paid at a salary rate equal to the academic year rate.

A nine (9) month employee may be appointed for any combination of nine (9) months during the fiscal year. The off duty months need not be consecutive. However, the off duty period should involve entire calendar months if at all possible. The best interest of the department's program should be the determining factor in the decision as to which three (3) months shall be chosen as off duty.

Faculty members and administrative professionals being paid for full-time employment by

a unit of the University, or combination of units, cannot be provided additional payment by the University for personal services during the period of full-time employment, except as authorized in the supplemental pay policy or by special action of the Board.

D.7.2. Supplemental Pay *(last revised June 9, 1999)*

Supplemental pay is compensation by the University beyond the established monthly base salary of a faculty member or administrative professional. Supplemental pay is intended for University activity that requires effort, either in degree or nature, in addition to that defined under the individual's appointment and their one hundred (100) percent effort distribution. Summer appointments for individuals with less than a twelve (12) month salary, whether by salaries or other stipends, do not constitute supplemental pay. It is the joint responsibility of the individual and the individual's immediate supervisor to ensure that the individual is fulfilling primary job responsibilities, and the activities leading to supplemental pay shall in no way detract from the performance of the individual's assigned responsibilities and one hundred (100) percent effort distribution. Except in extraordinary situations, all supplemental pay approval requests must be completed by the department/unit head and signed by the dean/supervisor before the activity commences.

The rate to be paid to an individual as supplemental pay for a given service will be negotiated between the individual and the director or department head receiving the service and will be subject to the approval of the individual's department head, academic dean or director, vice president, and President.

D.7.2.1 Permissible Activities for Supplemental Pay

Activities which may be eligible for supplemental pay include but are not limited to:

- a. teaching/preparing courses through Division of Continuing Education;
- b. lecturing at institutes, conferences and workshops;
- c. providing professional services that are not part of regular duties and expectations, such as translating a document from a foreign language or providing statistical analysis;
- d. post differentials or other similar payments associated with foreign assignments, unless part of an appointment contract.

D.7.2.2 Non-Permissible Activities for Supplemental Pay

Activities which may not be eligible for supplemental pay include, but are not limited to:

- a. routine committee or task force work such as graduate committee assignments;
- b. faculty class loads greater than departmental averages, providing that those assignments are reflected in individual effort distributions;
- c. participation in curriculum development other than for educational outreach (continuing and distance education programs) during the nine (9) month academic term;
- d. participation in sponsored research projects; unless specifically approved in writing by the sponsoring agency before payment is made to a member of the faculty or administrative professional.

D.73 Honoraria

Honoraria are honorary payments provided by organizations for some form of participation in their programs for which no supplemental pay through the University will be forthcoming.

D.74 Off-Campus Assignment

The University encourages its faculty members and administrative professionals to accept off-campus assignments which are not part of normal University duties but which are part of the institution's international mission or are of national, state, or institutional interest, as long as these do not conflict with the mission of the faculty member's department.

- a. In recognition of the possibility that off-campus assignments may require the assumption of greater responsibilities, broader technical effort and additional perseverance and adaptability to the environment of the new locale, a temporary increase in salary for the faculty member or administrative professional may be granted.
- b. While the individual is on an off-campus assignment, the salary will be subject to annual merit adjustments in accordance with University policy. Upon completion of the assignment, the individual's salary will revert to its previous base, adjusted for annual increments, promotions, merit increases, transfer, or redefinition of duties.
- c. When the duration of the assignment is such that an adjustment in salary is impracticable, an appropriate special payment may be negotiated (see Section D.7.2).

D.75 Off-Campus Employment

Any outside employment by a full-time University employee on a continuing basis shall be approved by the individual's immediate superior and department head (see Sections D.7.6 and D.7.7).

D.7.6 Conflict of Commitment and Consulting Policies *(last revised June 23, 2010)*

The University seeks to provide an environment that will enhance and further academic and professional careers. Thus, the University encourages engagement in professional activities such as memberships in professional associations; service on review or advisory panels; presentations of lectures, papers, concerts, and exhibits to external audiences; textbook authorship; various editorial assignments; and appropriate consulting activities.

D.7.6.1 Conflict of Commitment *(last revised June 23, 2010)*

Faculty members and administrative professionals owe their primary professional obligation to the University, and their primary commitment of time and intellectual energies should be to the teaching and advising, research and other creative activity, and service and/or outreach of the institution. A full-time appointment conveys an obligation to maintain a meaningful presence on behalf of the University in the performance of responsibilities. For those with on-campus appointments, this obligation includes being accessible to students, staff, and colleagues during the appointment period. A conflict of commitment arises when a faculty member or administrative professional undertakes external commitments which substantially burden or interfere with the employee's primary obligations and commitments to the University (see also Section D.7.5).

D.7.6.2 Consulting *(last revised June 21, 2011)*

Consulting is the provision of professional advice or service to external constituents with or without remuneration. The opportunity for faculty members and administrative professionals to accept occasional professional consulting engagements is a traditional privilege. Such activities are desirable and constitute legitimate means to promote professional development, thereby enriching the individual's contributions to the institution, to the profession, and to society. Consulting activities provide one means to facilitate the flow of information and development of technologies. Traditionally, the University has allowed full-time faculty members and administrative professionals to engage in consulting during their appointment period.

Employees normally shall not engage in compensated consulting activities for individuals or organizations that compete with the activities of the University (see Section D.7.7.5). In exceptional cases, however, those employees may obtain prior written approval from their deans and directors.

A University employee who wishes to engage in consulting for pay during the

employee's appointment period must make a full written disclosure (excepting the amount of compensation) to the employee's immediate supervisor, *in advance of the planned activity*. In situations requiring immediate absence, the employee must notify the employee's immediate supervisor as soon as reasonably possible followed by full written disclosure upon return to the university. However, in all instances involving a conflict of interest, prior written notification must be given (see Section D.7.7). The employee also must provide satisfactory assurances that such activity will not interfere with employment obligations to the University, result in an unmanageable conflict of interest (see Section D.7.7) or conflict of commitment (see Section D.7.6.1), nor exploit improperly the responsibilities and work or ideas of students, staff, and collaborators. The immediate supervisor shall inform the dean (or next level of review) of all disclosures. In consulting it must be kept clear that the faculty member or administrative professional is acting as an individual and is not representing the university or acting as its agent. Furthermore, no agreement shall provide an external organization with the opportunity to use the name of the University for commercial advantage.

A University employee who accepts a consulting assignment from a non-University person or entity shall not use University resources (see Section J.2 for a definition of University resources) without prior written approval of their immediate supervisor and appropriate reimbursement for use of such resources.

D.7.7 Conflict of Interest

D.7.7.1 Policy *(last revised June 21, 2011)*

Public employment and appointment is a public trust, and any effort to realize personal gain through official conduct, other than as compensation set through established processes, or through disclosure of confidential information, is a violation of that trust. External obligations, financial interests, and activities of each University employee must be managed so that there is no interference with the employee's primary obligation and commitment to the University. The mere perception of conflict of interest can cause lasting injury to the reputation of the employee and the University, even when subsequent information shows those perceptions to be unfounded. Faculty members and administrative professionals must protect the public trust accorded them and are obligated to avoid even the appearance of conflicts of interest where possible. Conflicts of interest are not necessarily unwarranted, unethical, or illegal; nor are they always avoidable. Failure to disclose conflicts or potential conflicts, however, is unethical and may be illegal. This policy provides a means to ensure that both potential and actual conflicts of interest are managed so that responsibilities can be performed without compromise to the independence essential to scholarly life.

D.7.7.2 State Statutes Concerning Fiduciary Duties and Ethical Conduct *(last revised June 21, 2011)*

Public employees have a fiduciary duty to the people of the State as a trustee of

property and are subject to the same liabilities that a private fiduciary would incur for abuse of their trust (C.R.S. 24-18-103). Public employees are prohibited from disclosure or use of confidential information acquired in the course of official duties for personal financial benefit or from acceptance of any substantial economic benefit as a reward or inducement for improper discharge of public duties (C.R.S. 24-18-104). Public employees are guided by ethical principles of conduct related to conflicts of interest such that they (1) should not acquire or hold an interest, directly or indirectly, in any business or undertaking that may be economically benefited by action over which they have substantive authority and (2) should refrain, within six (6) months following departure from public employment, from such acquisitions (C.R.S. 24-18-105)

D.7.7.3 Disclosure of Conflicts of Interest When Substantial Discretionary Functions are Exercised *(last revised August 8, 2014)*

Public employees are required to disclose a conflict of interest where they exercise a substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours advance written notice to the Secretary of State and the Board. Failure to disclose a conflict of interest is a criminal offense under State statutes (C.R.S. 18-8-308). Through complete disclosure of real and potential conflicts of interest, public employees will have an affirmative defense to any civil or criminal sanction that might otherwise apply to a breach of the employee's fiduciary duty (C.R.S. 24-18-110). According to the *Board Manual of Policies and Procedures*, "a conflict of interest exists when a Board member or employee has or represents interests that may compete with or be adverse to those of the Board and the System." A 'potential conflicting interest' exists when the public servant is an executive officer or owns or controls directly or indirectly a substantial interest in any organization external to Colorado State University participating in the transaction.

The Board deems such an interest to exist if a person or a member of the person's immediate family² is affiliated with an external organization and (1) is an officer, director, trustee, partner, agent, or employee of the organization; (2) is either the actual or beneficial owner of more than five (5) percent of the stock or controlling interest of the organization; or (3) has any other direct or indirect dealings with the organization from which the person or family member knowingly is materially benefited by receiving, directly or indirectly, cash or other property (exclusive of dividends and interest) in excess of the amount specified by the *Board Manual of Policies and Procedures*.

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"Immediate family" includes the employee's spouse, domestic partner (as defined under the University's benefits plan) or civil union partner as defined in C.R.S. § 14-15-103) and legal dependents (as defined by the Internal Revenue Code). "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriage.

D.7.7.4 General University Rules and Procedures for Disclosing Conflicts of Interest³ *(last revised June 23, 2010)*

When an individual initially is appointed by the University, the individual shall provide a statement to the employee's supervisor disclosing affiliations and commitments that may involve conflict of interest covered by Section D.7.7.3 above, whether or not they involve the exercise of a substantial discretionary function. Annual disclosures shall be made each year at the time of the annual evaluation of the employee. *Annual disclosures shall be amended by preparation of a supplementary statement at any time that a real or potential conflict emerges.*

D.7.7.4.1 Elements of Disclosure Statements *(last revised June 23, 2010)*

Disclosure statements (using Conflict of Interest, Role and Responsibility Survey, or other forms provided by the administration) shall address each of the following:

- a. Ownership by the employee or an immediate family member (as defined in Footnote 2) of any equity interest in any firm that supports the employee's research or creative activity (including pending proposals).
- b. Ownership by the employee or an immediate family member (as defined in Footnote 2) of any equity interest in any firm that is developing or marketing commercial products based on the employee's research or creative activities.
- c. Circumstances in which the employee is or appears to be in a position of significant influence over the University's business with a supplier or contractor with which the employee or an immediate family member (as defined in Footnote 2) holds a significant financial or advisory interest (see Section D.7.7.3).
- d. Potential and apparent conflicts of interest described in Sections D.7.7.3 and D.7.7.5.
- e. Any other information that the employee feels is necessary to evaluate the disclosure.

D.7.7.4.2 Management Oversight *(last revised June 21, 2011)*

³ Certain federal funding agencies also require separate Conflict of Interest disclosures of "significant financial interests."

Supervisors are responsible for understanding the university's policy on conflict of interest. They shall examine disclosures reported to them, request any additional information that they feel is necessary to evaluate the disclosures, and make one (1) of the following choices for each disclosure:

- a. The reported activity is permissible because it falls within the scope of professional conduct, it serves the interests of the institution, and it has been fully disclosed as required by law and to the satisfaction of the supervisor. The following are examples of such permissible activities:
 - i. Acceptance of publication royalties under the terms of the policy described in Section J and honoraria for commissioned publications and/or lectures.
 - ii. Services to professional, scientific, educational, artistic, cultural, civic, business, and other organizations that enhance the value of the employee to the University and do not adversely affect the employee's primary commitment to the University.
- b. A conflict of interest exists that can be managed through the implementation of a written conflict of interest management plan. The plan may require that participation in related decision-making processes be transferred to another person without a conflict of interest or that other action be taken that is necessary to avoid detriment to the University resulting from the conflict of interest. *The person may, nonetheless, participate in decision-making processes if such participation is deemed necessary by an administrator of the next level and if the person has complied with the voluntary disclosure procedures under C.R.S. 24-18-110 (see Section D.7.7.3).*
- c. A conflict of interest is involved that cannot be managed (see Section D.7.7.5.2), in which case, the University shall disapprove the activity.
- d. The supervisor could not make a determination because the employee did not provide information that the supervisor requested and believes is necessary for the evaluation of the disclosure. In this case, the activity is not approved, but the supervisor at the next level shall attempt to achieve a resolution that allows one (1) of the previous three (3) options

to be selected.

After due analysis of the reported activity, the supervisor shall make a recommendation for review by the Provost, in the case of individuals in academic units, or by the corresponding vice president, in the case of individuals in other units.

Primary responsibility for monitoring compliance with this Conflict of Interest policy is assigned to the Provost, with powers of delegation to deans and the other vice presidents ("senior administrators"). The Provost's office shall provide annual training sessions for all new senior administrators. These senior administrators are responsible for providing annual Conflict of Interest training for all employees with significant supervisory responsibility and for monitoring compliance by all on-campus and off-campus employees. The Director of Human Resources shall assure that all new employees receive copies of the Conflict of Interest Policy and Disclosure Form in order to facilitate completion of appropriate disclosures at the time of initial employment. Questions concerning the policy should be directed to the employee's immediate supervisor.

D.7.7.5 Examples of Apparent and Actual Conflicts of Interest

D.7.7.5.1 Apparent Conflicts of Interest *(last revised June 21, 2011)*

The following are examples of apparent conflicts of interests. In many cases, the potential for conflict can be managed by prior disclosure and appropriate review.

- a. Certain types of outside employment or external professional activities involving assignments that have the potential to compromise the institutional position of the individual.
- b. Consulting relationships involving activities with the potential to compromise the institutional position of the individual.
- c. Relationships that might enable employees to influence for personal gain the University's interactions with companies and other kinds of organizations doing business with the institution.

D.7.7.5.2 Actual Conflicts of Interest *(last revised June 21, 2011)*

The following activities create conflicts of interest and must be disclosed and reviewed prior to being undertaken. The University shall disapprove

the activity if a conflict of interest is involved that cannot be managed.

- a. Performing work for personal financial gain when the work in question falls within the regular assignment of the individual.
- b. Any outside relationships that conflict with the institutional teaching, research, and service responsibilities of the individual.
- c. Financial gain to the individual that results from involvement in institutional decisions.
- d. Financial interests in companies and other kinds of organizations doing business with the institution.
- e. Unauthorized disclosure of unpublished, privileged, or confidential information from a colleague or other University source for personal gain.
- f. Directly or indirectly selling, renting, trading, or leasing personal property to the University without full disclosure of the employee's interests.
- g. Assignment of students or other supervisees into activities from which only the employee intends to realize personal financial gain.
- h. Use of University resources that are not approved per Section D.7.6.2 for consulting arrangements for the purpose of personal financial gain.
- i. Consulting that imposes an obligation that conflicts with the University's policy on ownership of creative and scholarly works (see Section J.7.1) or with obligations to research sponsors (see Section J.7.3).

D.7.7.6 Procedures for Instituting and Processing Conflict of Interest Charges
(last revised June 21, 2011)

Any person who wishes to institute a charge of conflict of interest against a University employee or other public servant of the University shall file a written complaint with the supervisor of the individual against whom the charge is made. The Complaint shall include the name of the individual so charged, a statement of the particulars pertaining to the charge, and the name of the person making the charge. Requests for confidentiality will be honored to the extent permitted by law.

Retaliatory action against persons who make such charges is prohibited under law (C.R.S. 24-50.5-103).

The supervisor, in consultation with other appropriate administrators, shall determine if an investigation of the charge is warranted. If investigation is warranted, it will be conducted in accordance with procedures set forth in the *Manual* and with University guidelines and policies applicable to the employee. A faculty member or administrative professional who is under investigation shall be notified in writing of the nature of the charge and shall be expected to cooperate in the investigation, disclosing the financial and other particulars of the situation to the person(s) conducting the investigation. Conduct representing willful violation of this policy may result in appropriate disciplinary action by the University. Except where otherwise prohibited, employees will have the right to grieve under Section K of the *Manual*.

D.7.8 Legislative Testimony

D.7.8.1 General Policy *(last revised May 6, 1998)*

The Board encourages employees to make their expertise available to legislative committees. When an employee appears before such a committee, the employee shall make it clear that the employee speaks as a professional or as an individual and not on behalf of the University. It is anticipated that the content of a professional presentation will adhere to professional standards of relevance and accuracy.

D.7.8.2 Colorado Sunshine Act of 1972: Registration of Lobbyists

A person receiving any contribution for purposes of influencing regulations or other governmental action is required to register. The requirement that persons engaged in lobbying be registered contains the following exceptions:

"The provisions of this section shall not apply to any person who merely appears before a committee of the general assembly or board or commission in support of or opposition to legislation or rule making, but is not directly or indirectly compensated therefore, or to any State official acting in his official capacity or any elected public official acting in his official capacity."

D.7.9 Holding Public Office *(last revised June 22, 2006)*

- a. Holding public office is defined herein as holding a governmental position of an appointive or elective nature whether or not compensated.
- b. A faculty member or administrative professional contemplating candidacy for

either elective or appointive public office must so inform the appropriate University supervisor. A determination will be made as to whether or not a temporary suspension of some or all of the individual's responsibilities is necessary and if so whether such suspension can be accommodated without seriously impairing the function of the department or unit.

- c. If the contemplated candidacy should require extensive campaigning, special leave (see Section F.3.14) must be requested. Prior approval of the Board is required for all full-time or part-time leaves of absence. Other changes in employment related to holding public office also require prior approval. Depending on the type of change and the type of appointment held by the individual requesting approval, Board approval may be required, or the approval authority may have been delegated to the President by the Board (and the approval authority may have been further delegated by the President to the Provost or vice president for the administrative unit under that leader's authority).
- d. If a faculty member or administrative professional holds public office, there must not be a duplication of University salary and salary monies from the public agency (honoraria, travel monies, and per diem allowances are allowed except as limited by appropriate statutes or regulations). If it is determined that the duties of the public office prevent the individual from meeting the individual's obligations to the University, an appropriate adjustment in the individual's pay will be made whether or not the individual draws compensation from the public office.
- e. When the public office (e.g., a school board or an advisory body or regulatory commission) held by a faculty member or administrative professional does not substantially interfere with one's ability to discharge University duties, no reduction of salary or change of status will be necessary. Decisions on questions concerning changes in salary or employment status will be based on the ability of the individual to continue to give full service to the University.

D.7.10 Work Hours *(last revised May 9, 2014)*

The responsibilities of faculty members and administrative professionals are such that it is not appropriate to establish specific work hours for all the work performed. Teaching faculty members and administrative professionals are expected to meet their classes as scheduled, to be available during their scheduled office hours, and to observe any other scheduled hours (e.g., examinations, department meetings, etc.) as may be required. Administrative personnel are expected to observe the hours established for their offices.

D.7.11 Holidays

The State Controller has given academic institutions authority to substitute for the ten legal state holidays with days that coincide with academic schedules. Accordingly, the

University's holiday schedule is determined by the Director of Human Resource Services on an annual basis. A revised holiday schedule for the University is published each spring.

Additional holidays may be authorized by the President of the University, who also may cancel holidays in event of conditions which, in the President's opinion, warrant such action. In determining annual leave absences, University holidays do not count as working days.

A holiday that falls after an individual's last day of work is not considered a paid holiday if the person is retiring, resigning, or going on leave without pay, unless the holiday is the last working day in the month. In such a case, the holiday is considered a paid holiday if the person has worked the last working day before the holiday.

D.7.12 Membership in Professional Societies

The use of University funds to pay for membership in a professional society or allied organization is permitted when such membership serves the direct needs of the department or administrative unit through informative and supportive services of the organization. To assure fairness in the application of this policy, departments and other administrative units should develop specific guidelines, as appropriate.

D.7.13 Travel Policies *(last revised August 3, 2012)*

Participation in professional activities is recognized as enhancing staff competence and adding to the University's stature. Travel for such purposes is authorized to the limit of funds available, insofar as these authorizations are consistent with University policies and CSU System Fiscal Rules.

D.7.14 Responsibility for Personal Property

Personal property owned by University faculty members or administrative professional is not insured against loss or destruction by University insurance coverage. Personally-owned items brought on campus including but not limited to, clothing, personal papers, money, cameras, books, radios, or any movable objects of value are the sole responsibility of the owner.

D.7.15 Policy on Classified Research

In the following statement, classified research means research in which procedures or results derived there from cannot be freely discussed or disseminated without permission of an outside agency. It is the policy of the Board normally not to permit classified research to be conducted as noted in Section D.7.15.2.

D.7.15.1 The University as a Haven for Free Inquiry

The University shall serve as a haven of free inquiry and scholarly investigation

unaffected so far as possible by the impediments of industrial classification and governmental security regulations, with due consideration for national welfare and confidences required by professional ethics and by legal statutes.

D.7.15.2 Restrictions on Classified Research

Research will be formulated to avoid classification of facilities, procedures, and results; and all faculty members will strive for research publishable in open literature, except that when circumstances so warrant, faculty members, staff, and students have the prerogative to engage in classified research, provided that:

- a. The entire cost of the classified research, including overhead, stipulated security arrangements, personnel, and termination of contract be borne by supporting agencies.
- b. The work is basically non-classified in nature, but is subjected to classification by incidental circumstances, e.g., the need to use classified apparatus, to review classified publications, or to visit classified facilities.
- c. Students employed under contracts for classified research understand that they will not receive tuition scholarships normally accruing to graduate research assistants or graduate teaching assistants.
- d. Results derived from classified research cannot be used as part of a thesis, dissertation, report, or course obligation in meeting degree requirements unless or until the procedures used, the data, and the analysis can be freely disseminated.
- e. Proposals to engage in classified research be approved by the department head, college dean, and the appropriate vice president.

D.7.15.3 Provision for Exceptional Circumstances

Circumstances in which faculty members and graduate students may engage in other classified research shall be those of national crisis as determined by the Board, upon the advice and counsel of the President. In these circumstances, provisions of subsections c., d., and e. of Section D.7.15.2 are waived. The remaining provisions will still apply.

D.7.16 University Policy on Patentable Inventions or Discoveries

See Section J for the University policy on patentable inventions or discoveries.

D.7.17 Resignations

Faculty members and administrative professionals resigning from the University should submit a written resignation with an exact effective date. They are asked to consider the welfare of students and the effective operation of the University when determining the effective date.

D.7.18 Retirement *(last revised December 6, 2019)*

Faculty members with tenured academic appointments are entitled to employment unless terminated for cause under Section E.15 or retired. See the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)* for retirement eligibility.⁴

D.7.19 Prohibition Against Accepting Kickbacks or Improper Gifts or Fees

- a. The Anti Kickback Act of 1986 makes it illegal for any person to provide, solicit, accept, or attempt to accept any kickback in connection with any contract or subcontract with any department or agency of the federal government. Kickback includes any fee, commission, credit, gift, or anything of value which is provided, directly or indirectly, to the University or any of its departments, divisions, or employees in order to improperly obtain or reward favorable treatment in connection with any federal government contract.
- b. Colorado law prohibits State employees from accepting a gift or economic benefit of substantial value that would tend to influence improperly the employee in the performance of public duties or that is given primarily for the purpose of rewarding the employee for official action taken. In addition, the Board's Code of Ethics prohibits University employees from accepting any fee, compensation, gift, payment of expense, or any other thing of monetary value, under circumstances in which the acceptance may result in:
 1. An undertaking to give preferential treatment to any person.
 2. Any loss of complete independence or impartiality.
 3. The making of a governmental decision outside official channels.
- c. Employees of Colorado State University shall comply fully with these requirements. Reports of possible violations of these requirements shall be made to the immediate supervisor of the employee alleged to be in violation of these requirements or to the internal auditor at the University. If requested by the complainant, the internal auditor shall make every reasonable effort to maintain the confidentiality of the complainant's subject to the requirements of applicable laws, regulations, and policies.

D.7.20 Emeritus/Emerita Status *(section added December 5, 2014)*

Administrative Professionals who have completed ten (10) years or more of outstanding and distinguished full-time or part-time service to Colorado State University shall be eligible, at the time of their retirement from Colorado State University, for an emeritus/emerita title equivalent to their highest rank.

Candidates must hold a senior or other advanced rank within Administrative Professional positions at Colorado State University, which may include, but not be limited to Academic Advisor/Support Coordinator, Research Scientist/Associate, Extension Agent/Specialist, Forester, Manager, Director, Executive Director, or Vice President, and must have honorably and consistently demonstrated extraordinary and meritorious contributions to the fulfillment of the mission and programs of the University. These contributions should have resulted in a transformational difference in their field through significant discoveries or enhanced student support and successes, public recognition of remarkable accomplishments and leadership, or a substantial increase in resource development, with a lasting positive impact for the University. In rare occurrences, a deserving candidate may qualify outside of the criteria above. Exceptions may be made with the approval of the Provost.

An eligible administrative professional may request emeritus/emerita status from their college or unit at the same time of retirement from the University, or candidates may be directly nominated by their director, department head, dean, or vice president. The nomination shall be routed for approval by the employee's department head/director through the dean/vice president and then to the Provost. The final decision on granting emeritus/emerita status will be made by the Board.

D.8 Distinguished Service Awards

In 1954, the Faculty Improvement Committee recommended to the administration that a program be established to recognize the achievements of faculty members and administrative professionals, and the program was approved by the Board. The designation of awards beyond those presently granted is the prerogative of the Board through recommendation of the President. Suggestions for new awards, from any source, should be forwarded directly to the President for consideration. The amount of the awards is set annually based on availability of funds.

D.9 Code of Ethical Behavior *(last revised August 12, 2009)*

Faculty members and administrative professionals at Colorado State University should be aware that their personal conduct reflects on the integrity of the University and should take care that their actions have no detrimental effect on the institution. Therefore, each faculty member is expected to:

- a. Perform teaching, advising, and service assignments in a manner consistent with standards established for all faculty members and detailed in the *Manual*.
- b. Use University funds, facilities, equipment, supplies, and staff only in the conduct

of University duties, exceptions to be made only under specific University policies or when established commercial rates are paid.

- c. Maintain a high level of discretion and respect in personal and professional relations with students, faculty members, staff, and the public.
- d. Compensate University personnel (including students) fairly for work performed which is related to professional activities beyond one's University assignment.
- e. Recognize fairly and accurately the extent of the contribution of others to one's professional work.
- f. Avoid non university activities that could significantly interfere with carrying out assigned University responsibilities.
- g. Refrain from disclosing confidential information that was acquired by nature of one's activities as a faculty member or administrative professional (for example, see C.R.S., 1973, 18-8-402, [Misuse of Public Information](#)).
- h. Abide by University policies pertaining to patents, publication, copyrights, consulting, off-campus employment, and conflict of interest as detailed in the *Manual*.
- i. Refrain from selling complimentary textbooks.
- j. Eschew academic misconduct such as fabrication, falsification, and plagiarism, in proposing, conducting, or reporting research, or in scholarly or creative endeavors, or in identifying one's professional qualifications (see Appendix 7).

D.10 Mandatory Performance Evaluation of State Classified Employees

Faculty members and administrative professionals who supervise employees covered by the Colorado State Personnel System are required by law to complete the annual performance evaluations in a timely fashion. Failure to do so could result in the imposition of statutorily-required sanctions (C.R.S. 24-50-118).

D.11 Administrative Professional Council (*last revised June 9, 1999*)

The Administrative Professional Council was established by the Board in September 1992 to represent the large number of dedicated administrative professionals employed by Colorado State University. The *Administrative Professional Council Constitution* as well as the *Administrative Professional Council Manual of Rules and Procedures* are included in the *Administrative Operational Reference Guidelines Manual* and are available on the web or through the Office of the Vice President for Administrative Services or in Morgan Library. Changes to the *Administrative Professional Constitution* shall be subject to approval by the President of Colorado State University.

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SECTION E. FACULTY

E.1 Definition of Faculty *(last revised May 3, 2018)*

The faculty includes all personnel who carry academic rank (professor, associate professor, assistant professor, master instructor, senior instructor, instructor, and faculty affiliate) and the University President. All faculty members shall have the academic freedom enjoyed by tenured faculty members, regardless of the type of appointment.

E.2 Types of Faculty Appointments *(last revised December 2, 2022)*

E.2.1 Basic Types of Faculty Appointments *(last revised December 6, 2019)*

Six (6) basic types of appointments exist for members of the faculty. They are tenured faculty, tenure-track faculty, contract faculty, continuing faculty, adjunct faculty, and faculty on transitional appointments. Only faculty members holding tenure-track appointments at the time of consideration are eligible to acquire tenure. See Section E.2.2 for details of other types of faculty appointments.

Full-time is defined as the academic year or a minimum of nine (9) months. Part-time is defined as any fraction of time less than one hundred (100) percent, but not less than fifty (50) percent of full-time.

The major characteristics of the various types of appointments are as follows.

E.2.1.1 Tenured Faculty Appointments *(last revised December 2, 2022)*

A tenured faculty appointment may be either full-time or part-time. If a tenured faculty member is tenured only for part-time service, additional employment may be arranged each year between the faculty member and the department. Responsibilities and salaries are scaled appropriately to the portion of time worked.

If a tenured faculty member changes to a contract, continuing, or adjunct appointment, they must relinquish tenure and retire from the University. A tenured faculty member who wishes to gain emeritus/emerita status must apply prior to the time they relinquish tenure and retire.

The following conditions apply to a tenured faculty appointment:

- a. The majority of the appointment must reside in one of the academic departments of the University (see Section C.2.3.1).
- b. It is limited to the ranks of assistant professor, associate professor, and professor.

- c. There is no specified ending date.
- d. The faculty member shall have full voting rights at departmental and college faculty meetings and is eligible to serve on departmental and college committees.
- e. Enrollment in a retirement program is mandatory. The faculty member is eligible for other fringe benefits and privileges (see Sections F and G and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)*, and for sabbatical leave (see Section F.3.4).

E.2.1.2 Tenure-Track Faculty Appointments *(last revised December 2, 2022)*

A tenure-track faculty member may be either full-time or part-time. The six (6) year time limit for acquisition of tenure applies for both full-time and part-time appointments (see Section E.10.4.c). Criteria, procedures, and regulations for promotion, tenure, and salary for part-time appointments are subject to the rules governing full-time appointments. If a contract, continuous or adjunct faculty member is given a tenure-track faculty appointment, an appropriate amount of credit may be given for this prior service.

The following conditions apply to a tenure-track faculty appointment:

- a. The majority of the appointment must reside in one of the academic departments of the University (see Section C.2.3.1).
- b. It is limited to the ranks of assistant professor, associate professor, and professor.
- c. The faculty member shall have full voting rights at departmental and college faculty meetings and is eligible to serve on departmental and college committees.
- d. Enrollment in a retirement program is mandatory. The faculty member is eligible for other fringe benefits and privileges (see Sections F and G and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)*), but not for sabbatical leaves (see Section F.3.4). However, time spent on a tenure-track appointment does count towards the accumulation of service for sabbatical leave.

E.2.1.3 Contract Faculty Appointments *(last revised December 2, 2022)*

Contract faculty appointments may be either full-time or part-time. These

appointments may be offered at any time at the discretion of the department.

Contract faculty appointments for research may be offered only for research performed for the University. In this case, the unit or department must document that the multi-year contract or extension is necessary for the hiring or retaining of the faculty member.

The following conditions apply to a contract faculty appointment:

- a. The majority of the appointment must reside in one of the academic departments of the University (see Section C.2.3.1) or a Special Academic Unit (see Section C.2.3.3), unless the Provost approves of it residing in some other unit for clear academic reasons.
- b. All contracts shall have a specified ending date and a term of at least two (2) years. At least one (1) year prior to the expiration of the contract, the faculty member shall either be given a new contract that replaces the current contract or informed that the current contract may be allowed to expire. If the contract is allowed to expire, the employment as a contract faculty appointment shall be converted to employment as a continuing faculty appointment, without loss of rank or salary, unless a new contract is agreed to in writing by both parties.
- c. The faculty member shall participate in annual reviews and the annual salary exercise in the same manner as tenured faculty.
- d. Department and college codes shall specify the voting rights of contract faculty and their eligibility to participate on departmental and college committees. The standard expectation is that contract faculty have voting rights in the governance of their department and college with the exception of decisions relating to tenure and will be eligible to serve on departmental and college committees. If the appointment resides in a unit other than an academic department, then the code of that unit shall specify the voting rights of contract faculty within that unit and their eligibility to participate on committees within that unit.
- e. Enrollment in the retirement program is mandatory. The faculty member is eligible for other fringe benefits and privileges (see Sections F and G in the *Faculty and Administrative Professional Privileges and Benefits Summary Plan SPD*), but not for sabbatical leave (see Section F.3.4.)
- f. A contract faculty member who has at least twelve (12) semesters of employment combined between contract and continuing appointments (or sooner at the discretion of the department) becomes eligible for

funding for release time in order to pursue scholarly development. Once such funding has been granted, the faculty member becomes eligible for such funding again after another twelve (12) semesters of such employment. A request for such funding shall be submitted in writing by the faculty member to the department head. This request shall include details regarding the type of scholarly development and the amount of funding requested. The department head shall respond in writing with an approval or denial of the request. In the case of a denial of the request, the reasons for the denial shall be stated in writing in the response.

E.2.1.4 Continuing Faculty Appointments *(last revised December 2, 2022)*

Continuing faculty appointments may be either full-time or part-time. The following conditions apply to a continuing faculty appointment:

- a. The majority of the appointment must reside in one of the academic departments of the University (see Section C.2.3.1) or a Special Academic Unit (see Section C.2.3.3), unless the Provost approves of it residing in some other unit for clear academic reasons.
- b. There is no specified ending date.
- c. The appointment is “at-will” and is subject to termination by either party at any time. Section D.5.6 regarding the termination of “at will” appointments shall apply to “at will” faculty appointments.
- d. The faculty member shall participate in annual reviews and the annual salary exercise in the same manner as tenured faculty.
- e. Department and college codes shall specify the voting rights of continuing faculty and their eligibility to participate on departmental and college committees. The standard expectation is that continuing faculty have voting rights in the governance of their department and college with the exception of decisions relating to tenure, and will be eligible to serve on departmental and college committees. If the appointment resides in a unit other than an academic department, then the code of that unit shall specify the voting rights of continuing faculty within that unit and their eligibility to participate on committees within that unit.
- f. Enrollment in a retirement program is mandatory. The faculty member is eligible for other fringe benefits and privileges (see Sections F and G and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)*), but not for sabbatical leave (see

Section F.3.4).

- g. A continuing faculty member who has at least twelve (12) semesters of employment combined between contract and continuing appointments (or sooner at the discretion of the department) becomes eligible for funding for release time in order to pursue scholarly development. Once such funding has been granted, the faculty member becomes eligible for such funding again after another twelve (12) semesters of such employment. A request for such funding shall be submitted in writing by the faculty member to the department head. This request shall include details regarding the type of scholarly development and the amount of funding requested. The department head shall respond in writing with an approval or denial of the request. In the case of a denial of the request, the reasons for the denial shall be stated in writing in the response.
- h. A continuing faculty member who has at least ten (10) semesters of employment combined between contract and continuing appointments shall be given serious consideration for conversion to a contract faculty appointment. In this circumstance, the faculty member may submit a formal request in writing to the department head for such a conversion. Such a formal request shall be responded to in writing by the department head with an approval or denial of the request. In the case of a denial of the request, the reasons for the denial shall be stated in writing in the response.
- i. A continuing faculty member may be converted to a contract faculty appointment prior to ten (10) semesters at the discretion of the department.

E.2.1.5 Adjunct Faculty Appointments *(last revised December 2, 2022)*

Adjunct faculty appointments may be full-time, part-time, or less than half-time.

Adjunct faculty appointments are intended for situations where the previous types of appointment are not appropriate. These include the following situations:

- i. Employment at less than half-time.
- ii. Employment on an occasional basis, rather than being for every (Fall and Spring) semester. An approved leave without full-time or part-time service (such as Family Medical Leave) shall not constitute employment on an occasional basis.

- iii. Employment for only one (1) or two (2) semesters (Fall and Spring). This appointment type may not be used for a faculty member employed full-time or part-time every semester (Fall and Spring) for more than two (2) semesters.

The following conditions apply to an adjunct faculty appointment:

- a. The majority of the appointment must reside in one of the academic departments of the University (see Section C.2.3.1) or a Special Academic Unit (see Section C.2.3.3), unless the Provost approves of it residing in some other unit for clear academic reasons.
- b. There may or may not be a specified ending date.
- c. The appointment is “at will” and is subject to termination by either party at any time. Section D.5.6 regarding the termination of “at will” appointments shall apply to “at will” faculty appointments.
- d. The faculty member shall participate in annual reviews and the annual salary exercise in the same manner as tenured faculty.
- e. Department and college codes shall specify the voting rights of adjunct faculty and their eligibility to participate on departmental and college committees. If the appointment resides in a unit other than an academic department, then the code of that unit shall specify the voting rights of adjunct faculty within that unit and their eligibility to participate on committees within that unit.
- f. Enrollment in a retirement program is mandatory. If the faculty member is full-time or part-time, then he or she is eligible for other fringe benefits and privileges (see Sections F and G and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)*), but not for sabbatical leave (see Section F.3).

E.2.1.6 Transitional Appointments *(last revised May 3, 2018)*

The University provides the opportunity for transitional appointment to its tenured faculty members who have retired and terminated employment in consideration of a subsequent reappointment on a part-time tenured basis for a limited period of time. The transitional appointment requires that the faculty member participate in the teaching, advising, service, and research activities of the department, subject

to the part-time provisions of their appointment. Administrators who also hold a tenured faculty appointment are eligible to request a transitional appointment within the context of their faculty roles. Administrative professionals and non-tenured faculty members are not eligible for transitional appointments due to the legal conflict between the statutory “at will” status of such appointments and the appointment term guarantees embodied in a transitional appointment.

Faculty members covered under the federal retirement system are not eligible for transitional appointment due to prohibitive provisions of that retirement system. However, post-retirement employment in a position other than the one requiring a federal appointment is not prohibited. Interested faculty members and/or departments should contact the Director of Human Resource Services for further information.

Conditions regarding transitional appointments are as follows:

- a. Only tenured faculty members on full-time or part-time tenured appointments who are currently eligible for retirement under the University’s definition of retirement (see “Definition of Retirement” under “Benefits” at <https://hr.colostate.edu/>) have the opportunity of requesting transitional appointments. Note that the University’s definition of retirement may differ from those of the retirement plans. For more information, or to confirm eligibility for retirement, contact the University Benefits Office.
- b. Ordinarily, a request for a transitional appointment should be submitted in writing to the department head one (1) full academic year before the requested commencement of the transitional appointment. A time period of less than one (1) year may be accepted in those cases where such appointments with lesser notice are considered to be in the interest of the University. Such an exception requires the approval of the department head, the dean, and the Provost. A transitional appointment shall be evaluated on the basis of both the needs of the department and college and the desires of the faculty member.
- c. A transitional appointment is for a specified term of at least one (1) year and not more than four (4) years, and it concludes with the termination of this part-time tenured appointment. However, this does not preclude subsequent full-time or part-time employment in a non-tenured position subject to the needs and resources of the department and the interests and desires of the faculty member. During the transitional period, a transitional appointment may not be modified to a tenured or tenure-track appointment. A faculty member may elect to terminate the part-time transitional appointment prior to the end of the specified term.

- d. A transitional appointment shall begin no earlier than the first business day after the effective date of termination of employment as a tenured faculty member.
- e. A faculty member shall be tenured on a part-time basis as a condition of the transitional appointment.
- f. Faculty with transitional appointments have full voting rights at departmental and college faculty meetings and are eligible to serve on departmental and college committees.
- g. Any uncompensated leave balances at the time of retirement shall be reinstated and available for use during the transitional appointment. However, at the end of the transitional appointment, there shall be no compensation for unused leave balances.
- h. The salary and workload for a transitional appointment shall normally be fifty (50) percent of what they were at the time of retirement. However, when it is to the benefit of both the University and the faculty member, variations from this fifty (50) percent standard, including brief periods of full-time employment, may be proposed by the department head and the dean for review and approval by the Provost.
- i. The percentage of salary and the percentage of effort during the transitional appointment are subject to negotiation between the department and the faculty member and shall be spelled out in the transitional appointment agreement. Such changes in salary and/or effort shall not affect the percentage level of the appointment (e.g., part-time versus full-time) specified in the transitional appointment agreement. The terms under which the appointment is undertaken or subsequently modified shall be negotiated to be mutually beneficial to both the faculty member and the University, and the terms of the agreement shall be specified in writing, subject to the review and approval of the dean and the Provost. Final approval authority resides with the President.
- j. A faculty member on a transitional appointment who is a PERA annuitant may be subject to that retirement system's annuity penalty for "post retirement" work for PERA affiliated employer, including the University, in excess of one hundred ten (110) days in any calendar year or for work during the first (1st) month of retirement. A faculty member who is receiving a PERA annuity should check with PERA directly to determine what effects, if any, a transitional appointment may have on their annuity amounts.

- k. A faculty member on a transitional appointment participates in the University's Defined Contribution Plan for Retirement (“DCP”) and is eligible for the same benefits as a faculty member with a tenured appointment within the DCP. Leave policies, as described in Section F of the *Manual*, shall be in effect, except that a faculty member on a transitional appointment is not eligible for a sabbatical leave nor for payment for unused sick leave and/or annual leave at the conclusion of the transitional appointment.
- l. A faculty member on a transitional appointment is considered for any pay and benefit increases on the same basis as a faculty member holding a tenured appointment, proportionate to the extent of the appointment.

E.2.2 Other Types of Faculty Appointments *(last revised May 4, 2022)*

E.2.2.1 Extension Faculty Appointments *(new section added May 4, 2022)*

CSU Extension may appoint faculty to deliver educational programs and services in extension or extended studies when the individual possesses training and experience useful to the University’s mission to extend its teaching, research, and service programs. The following conditions apply to CSU Extension faculty appointment:

- a. These appointments are restricted to CSU Extension only, and these faculty have full voting rights within CSU Extension.
- b. These appointments can have the ranks of instructor, senior instructor, master instructor, assistant professor, associate professor and professor.
- c. Promotions will follow the procedures in section E.13.
- d. These appointments are not eligible for tenure and use titles modified to reflect their specialized appointment (e.g., Extension Instructor) based on criteria established in the CSU Extension code.
- e. These faculty members shall participate in annual reviews and the annual salary exercise in the same manner as tenured faculty.
- f. The CSU Extension code shall specify the voting rights of Extension Faculty and their eligibility to participate on committees within CSU Extension.
- g. These appointments are “at will” and are subject to termination by either party at any time. Section D.5.6 regarding the termination of “at will” appointments shall apply to “at will” faculty appointments.
- h. Enrollment in a retirement program is mandatory. The faculty member is eligible for other fringe benefits and privileges (see Sections F and G and the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)*), but not for sabbatical leave (see Section F.3.4).

E.2.2.2 Joint Faculty Appointments

Joint faculty appointments are available to individuals holding any of the six (6)

basic kinds of faculty appointments. Such appointments should be made only when the professional activities of the individual concerned normally fall, to an appreciable degree, within the purview of two (2) departments. Personal preferences of the individual are not sufficient reasons to justify a joint appointment. Each faculty member with an interdepartmental appointment shall be considered a member of the department contracting for the greater percentage of the time. In the case of a faculty member having equal time in two (2) or more departments, the individual and department heads involved will decide in which department the faculty member will be represented; the status of such a member shall remain unchanged unless changes in the academic appointment require a change in departmental representation.

E.2.2.3 Joint Administrative Professional and Faculty Appointments (*last revised May 2, 2007*)

A joint administrative professional and faculty appointment may be given to a University administrative professional if the qualifications of that individual are judged to be acceptable by the academic department concerned. The awarding of a joint administrative professional and faculty appointment is dependent on the approval of both the academic department and the individual's administrative supervisor. Additional conditions regarding such appointments are as follows.

- a. The faculty component of a joint administrative professional and faculty appointment may be established for any fraction of time that is less than the fraction of time for the administrative professional component.
- b. Persons holding such appointments are not eligible for tenure.
- c. The academic component of a joint administrative professional and faculty appointment may be made for up to three (3) years and may be terminated at any time without cause.
- d. If the administrative professional component of a joint administrative professional and faculty appointment is terminated, then the faculty component shall be terminated as well.
- e. Holders of joint administrative professional and faculty appointments are eligible for fringe benefits and participation in a retirement program based on the type of their administrative professional appointment.
- f. The manner in which a person's salary is budgeted is not changed in the awarding of a joint administrative professional and faculty appointment if the faculty duties are mutually agreed to be minimal; otherwise, appropriate budgetary adjustments should be made.

E.2.2.4 Faculty Affiliate Appointments *(last revised June 20, 2007)*

Individuals who possess training and experience useful to the University's teaching and research program and who are not employed by the University may receive faculty affiliate appointments. Conditions of these appointments are as follows:

- a. Faculty affiliate appointments may be made for up to three (3) years and may be terminated at any time, without cause.
- b. Faculty affiliates do not receive stipends nor are they eligible for the employee privileges and benefits described in Section G. They are not eligible for tenure.
- c. An individual may be appointed as a faculty affiliate in more than one (1) academic department with the approval of the Provost.
- d. Faculty affiliates are not eligible to serve on Faculty Council or its standing committees.
- e. Faculty affiliates normally receive the academic rank of faculty affiliate (see Section E.1). However, in special cases, an academic rank of assistant professor, associate professor, or professor may be awarded through the process described in Section E.13.1.

E.2.2.5 Visiting Faculty Appointments

Individuals who are members of the faculty for a short period of time while on leave from another institution of higher education or private agency are given visiting appointments.

Visiting appointments may be made for any rank. The criteria used to determine the rank to be recommended are the same as those applied when determining the rank of a regular member of the faculty. Visiting faculty appointees do not participate in a retirement program and are not eligible for faculty fringe benefits or the study privilege.

E.2.2.6 University Distinguished Professorships

E.2.2.6.1 Eligibility for University Distinguished Professor Status and Title

Persons holding or qualified for the rank of professor with tenure at

Colorado State University are eligible for the title of University Distinguished Professor.

E.2.2.6.2 Selection of University Distinguished Professors

The criterion for selection is outstanding scholarship.

E.2.2.6.3 Prerequisites of University Distinguished Professorships

Persons receiving the title of University Distinguished Professor will hold this title for the duration of their association with Colorado State University. Additional annual compensation and/or support for this professorship will come from funds specified for this purpose.

E.2.2.7 University Distinguished Teaching Scholars *(last revised June 9, 1999)*

Appointment as a University Distinguished Teaching Scholar constitutes the University's highest recognition of excellence in teaching. During the first three (3) years of their appointment, University Distinguished Teaching Scholars will undertake a project of their choice that promotes excellence in teaching.

E.2.2.7.1 Eligibility for University Distinguished Teaching Scholar Status and Title

Persons holding tenure at Colorado State University are eligible for the title of University Distinguished Teaching Scholar.

E.2.2.7.2 Selection of University Distinguished Teaching Scholars

The criterion for selection is outstanding teaching. The Committee on Teaching and Learning will oversee the selection process.

E.2.2.7.3 Prerequisites of University Distinguished Teaching Scholars

Faculty members receiving the title of University Distinguished Teaching Scholar will hold this title for the duration of their association with Colorado State University. Operating support for the project carried out during the first three (3) years of their appointment and a permanent increase in base salary will come from funds specified for this purpose.

E.3 Retired Faculty *(new section added June 21, 2011)*

Former faculty members who have officially retired from Colorado State University have certain rights and privileges. These include a permanent faculty identification card, the option to be

included in University distribution lists for mail and email, free campus parking permits, faculty library privileges, access to athletic facilities, membership in the University Club at a discounted rate, faculty discounts on athletic tickets, faculty discounts on computers and software, and access to ACNS (Academic Computer Network Services) technical assistance.

E.3.1 Emeritus/Emerita Status *(last revised June 21, 2011)*

Faculty members who have completed ten (10) years or more of full-time or part-time service as a faculty member of Colorado State University shall be eligible at the time of their retirement from Colorado State University for an emeritus/emera title equivalent to their highest faculty rank (e.g., emeritus associate professor). Faculty members who have held administrative positions (including department heads) for five (5) years or more shall be eligible for the emeritus/emera title for those administrative positions (e.g., emera associate dean).

An eligible member of the faculty may request emeritus/emera status from the department at the same time of retirement from the University. The department head and the dean of the college shall forward the request to the Provost. As long as the requirements for eligibility are met, such forwarding is pro forma. The final decision on granting emeritus/emera status will be made by the Board.

If possible, office or lab/office space and clerical support shall be provided to each emeritus/emera faculty member who continues to do scholarly work.

E.3.2 Society of Faculty and A/P Staff Retirees *(new section added June 21, 2011)*

The Society of Faculty and A/P Staff Retirees is a CIOU (see Section B.2.6) whose mission is to enhance life in retirement for former faculty members and administrative professionals of Colorado State University. The Society maintains a website (<http://www.society-faculty-ap-retirees.colostate.edu>), publishes a twice-yearly newsletter, and works continuously with the Office of Academic Advancement to strengthen the ties of retirees to Colorado State University.

The Society provides a range of intellectual, artistic and cultural programs of interest to active individuals during their retirement years. In particular, the Executive Committee of the Society organizes and oversees a series of monthly talks by faculty and community members, a series of periodic excursions to campus and area sites, and annual pre-retirement seminars through the Professional Development Institute. The Society nurtures opportunities for members to continue, as desired, their contributions to the teaching, research, and outreach components of the Colorado State University mission, and it is developing opportunities for retired faculty to provide mentoring to faculty and students.

The Society negotiates benefits for members, and assists with retirement planning through workshops, guidelines, and brochures. In particular, the Society has developed a retirement

guideline for faculty that is available on its website. The Society advocates for improved policies affecting its members as a class within the Colorado State University community.

E.4 Selection of Faculty

E.4.1 Policy (See Section D.5) (*last revised June 22, 2006*)

It is the policy of Colorado State University to seek the best qualified candidates available for all positions within the limitations imposed by the availability of resources, level of the appointment, unique requirements of the position, and the talent pool. In the process of searching for and appointing persons to faculty positions, participation by those who will be professional peers and colleagues or who will be subject to direct supervision of the new appointee is strongly encouraged in all cases and is specifically required for some types of appointments. The authority to approve faculty appointments has been delegated by the Board to the President, and the President has further delegated this authority to the Provost.

E.4.2 Selection of Faculty (*last revised August 5, 2016*)

- a. Selection of tenured and tenure-track track faculty members is a responsibility of individual departments, but must be made within the spirit and intent of University policy. Specific hiring procedures employed within the department shall be included in the departmental code. Confidentiality during the hiring process must be maintained to the extent required by law. However, all members of the search committee, as well as other personnel involved in employment recommendations, shall have access to the complete information contained in all applicants' files. Recommendations at each level (department, department head, and dean) shall be reversed at higher levels only for compelling reasons that shall be stated in writing to each of the recommending bodies.
- b. Selection of contract, continuing, and adjunct faculty members is a responsibility of individual departments or Special Academic Units, but must be made within the spirit and intent of University policy including sections E.2.1.3, E.2.1.4, and E.2.1.5 of the *Manual* which describe these appointment types. Specific hiring procedures employed within the department/Special Academic Unit shall be included in the departmental/Special Academic Unit code. Confidentiality during the hiring process must be maintained to the extent required by law. However, all members of the search committee, as well as other personnel involved in employment recommendations, shall have access to the complete information contained in all applicants' files. Recommendations at each level (department/Special Academic Unit, department head/Special Academic Unit director, and dean(s)) shall be reversed at higher levels only for compelling reasons that shall be stated in writing to each of the recommending bodies.

E.4.3 Selection of Department Heads or Chairpersons *(last revised June 21, 2011)*

The appropriate dean shall appoint a search committee of not fewer than five (5) members whose responsibility shall be to conduct a search and screen candidates for the department head or chairperson. The dean shall indicate in the charge to the committee at the time of appointment the number of individuals to be nominated and any other specific instructions which may be significant to convey. After consultation with and advice from the search committee and any other sources deemed expedient, the dean shall either select the new department head or chairperson from among the nominees, subject to approval, or reject all nominees. In the latter case, the dean may either ask for a new search by the same search committee or disband the search committee and appoint a new search committee to conduct a new search. The authority to approve the dean's selection of the department head or chairperson has been delegated to the President by the Board, and has been further delegated by the President to the Provost.

E.4.4 Selection of Administrators with Academic Appointments *(last revised June 21, 2011)*

The normal procedure for the hiring of an administrator on other than an interim basis whose administrative position carries an academic appointment is for the immediate supervisor to appoint a search committee of not fewer than five (5) members to conduct a national or international search. Normally, the majority of the members of the search committee will be faculty and administrative professionals who are qualified by experience, interest, and responsibility to contribute to the performance of the committee. Students and State Classified Staff may also be included as members of the search committee. In exceptional circumstances, the President may authorize deviations from these procedures, but any such deviations must be justified in writing to the campus community.

The individual appointing the search committee shall provide a job description covering the duties of the position, the personal and professional qualifications that applicants are expected to possess, and a time schedule for conducting the search and for filling the position. The position shall be announced in accordance with the requirements of the University's Office of Equal Opportunity.

The search committee shall present its final report to the person appointing the search committee, listing the candidates that were found acceptable as finalists for consideration. Normally, at least one (1) finalist will be from off the campus. The report shall include a summary of the credentials of each finalist.

The person appointing the search committee shall make the final selection from among the finalists, subject to approval, or reject all finalists. In the event that all finalists are rejected, or that the search committee did not find any of the candidates to be acceptable as finalists, the person appointing the search committee may either ask for a new search by the same search committee or disband the search committee and appoint

a new search committee to conduct a new search. For the hiring of the Provost, a vice president, or, if requested by the Board, a senior administrator (as defined in Section D.1), approval by the Board is required. The authority to hire other administrators with academic appointments has been delegated by the Board to the President, and this authority has been further delegated by the President to the Provost and vice presidents for the administrative units under their authority.

E.5 Responsibilities of the Faculty

E.5.1 Responsibility for Government and Discipline

The faculty passes all rules and regulations necessary to University government and discipline. The faculty also is given statutory charge of the laboratories and library. For detailed statutory information concerning the University, see Colorado Revised Statutes (C.R.S.), 1973, Title 23, Article 31.

E.5.2 Responsibilities as a Faculty Member *(last revised June 22, 2006)*

It is the faculty member's responsibility to seek the truth and state the truth, as the faculty member sees it, within their area of specialization. This involves keeping abreast of developments in the specialty and creative activities to contribute to such developments, including publication of results. Intellectual honesty requires critical self-evaluation, objective judgment about the works of others, and respect for the work and evaluations by others.

Faculty members are expected to foster relationships of confidence and mutual respect with students while encouraging and guiding student learning in a climate free of discriminatory behavior. High scholarly standards require the communication of both the faculty member's view and opposing views, as appropriate, within the subject matter of courses. Evaluations of students' efforts should be fair, objective, and directed toward enhancing the learning process. Improvements and innovations in the teaching learning processes and advising are responsibilities of the faculty member.

Faculty members are expected to accept a reasonable share of responsibility for the internal governance of the University and for public and professional service.

Recommendations for faculty appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal are primarily a faculty responsibility, subject to approval by the Board except in cases where the Board has, from time to time, delegated that authority to the President (and the President has, from time to time, further delegated that authority to the Provost or vice president for the administrative unit under their authority). The primary responsibility of the faculty for making recommendations in such matters is based upon the fact that its judgment is central to academic policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues. This responsibility exists for both the adverse and favorable

judgments.

E.5.3 Guidelines on Teaching, Advising, and Mentoring Responsibility *(last revised May 4, 2022)*

The teaching, advising, and mentoring responsibilities of faculty members are among those many areas of university life which have for generations been a part of the unwritten code of a "community of scholars." It seems appropriate to set forth these responsibilities in the form of illustrative statements of desirable practice. These guidelines are by no means exhaustive regarding faculty members' responsibilities to teaching, advising, and mentoring. The performance of faculty members in meeting the expectations contained in the guidelines shall be taken into consideration in determining salary increases, tenure, and promotion.

- a. Faculty members are responsible for stating clearly the instructional objectives of each course they teach at the beginning of each term. It is expected that faculty members will direct their instruction toward the fulfillment of these objectives and that evaluation of student achievement will be consistent with these objectives. Faculty members are responsible for orienting the content of the courses to the published official course descriptions.
- b. Faculty members are responsible for informing students of the attendance expectations and consequences, and of the methods to be employed in determining the final course grade.
- c. Faculty members are responsible for the assignment of the final course grade. The assigned grade should reflect the performance of the student in the course commensurate with the objectives of the course. The course instructor's decision of whether to use whole-letter grading or the plus minus grading system in the course should be indicated in the course syllabus and/or policy statement.
- d. Graded examinations, papers, and other sources of evaluation will be available to the student for inspection and discussion. These should be graded promptly to make the results a part of the student's learning experience. The results of these evaluations will be retained for at least one (1) term to provide the opportunity for review.
- e. Faculty members are expected to meet their classes regularly and at scheduled times. In case of illness or emergency, the department head should be notified promptly.
- f. A faculty member is expected to make time available for student conferences and for advising and mentoring, if these are included in the faculty member's scope of duties. Office hours should be convenient to both the students and the faculty member with the opportunity provided for prearranged appointments. Available conference times should be communicated to

students.

- g. Faculty members shall have their teaching, advising, and mentoring periodically evaluated as specified by departmental codes.

E.6 General Policies Relating to Appointment and Employment of Faculty (*last revised May 8, 2019*)

- a. The conditions and expectations of every appointment shall be confirmed in writing. Any subsequent modifications of the appointment shall also be confirmed in writing after the faculty member and the administrator have mutually determined the new conditions. The faculty member shall receive a copy of these documents.
- b. All faculty members who are on tenure-track appointments, shall be appointed for a period not exceeding one (1) year.
- c. All faculty members on continuing or adjunct appointments shall be appointed “at will.”
- d. Faculty members on contract appointments shall be appointed for periods of two (2) to five (5) years for research and two (2) to three (3) years for teaching.
 - 1. A multi-year contract does not carry any guarantee that the contract will be renewed, even though the duties of the employee may have been discharged satisfactorily.
 - 2. Renewal of a multi-year contract does not entitle the individual to further renewals, a tenure-track appointment, or to a decision concerning tenure.
 - 3. Renewal or extension of multi-year contracts may be made at any time during or after the onset of the contract and shall meet the same conditions required for the initial contract as specified in section E.2.1.3.
 - 4. If the contract is not renewed, employment will be converted to an ‘at will’ continuing appointment as specified in Section E.2.1.3.
- e. If the department head does not propose to reappoint a tenure-track faculty member, the faculty member shall be informed in writing that the appointment will not be renewed. This must be done by March 1 during the first year of employment, by December 15 during the second year, and at least twelve (12) months before the expiration of the appointment in succeeding years.
- f. A tenure-track or contract faculty member may be disciplined or terminated for

cause without following the procedures of Section E.15 for tenured faculty. Termination may be appealed by following the procedures in Section E.11 (for contract faculty) or Section E.16 (for tenure-track faculty). Other disciplinary actions may be grieved as described in Section K.

- g. If a decision made at a higher administrative level will have the effect of altering or reversing a decision made at a departmental level regarding conditions of employment, including reappointment, tenure, promotion, and salary, then, before this change can take effect, the department head must be notified in writing of both the proposed change and the reasons for this change, and they must be given the opportunity to submit a written reply.

E.7 Service of Department Heads

Department heads usually hold twelve (12) month appointments while in office; however, when service as department head is terminated, a return to nine (9) month faculty member status shall occur unless there is good and sufficient reason not to do so, as determined by the appropriate administrators.

E.8 Academic Freedom

E.8.1 Policy

The policy of the University is to foster and maintain an environment in which the professional activities of faculty members are encouraged through freedom to pursue such activities.

E.8.2 Concepts

- a. A faculty member is entitled to learn and to teach in the classroom what scholarship suggests is the truth in their particular field of expertise.
- b. The faculty member is entitled to freedom of research within the confines of the stated conditions or agreements with the institution and/or contract or proposal parameters, if applicable. This freedom extends to publication of results.
- c. Faculty members are free to seek external support for their research and creative activities so long as such activity is balanced with other duties and responsibilities and is compatible with the budgetary and legal procedures and policies of the University (see Sections E.5.1 and E.8.2.b).
- d. A faculty member is free to question that which is believed to be settled.
- e. The freedoms granted by the First Amendment to the Constitution of the United States are applicable to the faculty member, both as an academician and as a

citizen.

- f. The major purpose of the University Administration is to provide an atmosphere conducive to teaching, research, extension, and service. Administrators, therefore, must protect, defend, and promote academic freedom as a necessary prelude to the free search for and exposition of truth and understanding.
- g. A faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the faculty member should be free from institutional censorship or discipline, but this special position in the community imposes special obligations. As a person of learning and an educational officer, the person should remember that the public may judge the profession and the institution by their utterances. Hence the individual should at all times be accurate, exercise appropriate restraint, show every respect for the opinion of others, and make every effort to indicate that the individual is not an institutional spokesman.

E.9 Faculty Productivity *(last revised December 1, 2017)*

Decisions concerning tenure, promotion, and merit salary increases are linked to the faculty member's productivity in the three categories of teaching and advising, research and other creative activity, and University and professional service. Merit salary increases may also take into consideration negative behaviors that fall outside of these three categories. However, for tenured faculty, this may occur only if these behaviors resulted in disciplinary action through the process in Section E.15. Each academic unit must establish expected levels of productivity for the unit in each of these areas. Productivity is assessed by relating the effort expended to the outcome, in terms of effectiveness, impact, and documentation of the activity. Effort distribution is the allocation of effort into particular areas of responsibilities. Workload describes the professional responsibilities of the faculty. The responsibilities of faculty members for each of these activities will vary, depending upon the mission and needs of the academic unit and the expertise and interests of the faculty member. The University recognizes that a faculty member's activities may change over a career and is committed to the use of differentiated responsibilities for individual faculty. Hence, in the evaluation process, reasonable flexibility should be exercised, balancing, as the case requires, heavier responsibilities in one (1) area against lighter responsibilities in another.

Decisions regarding tenure, promotion, and merit salary increases must be consistent with, and based upon, the effort distribution established for each faculty member. The department code shall define the general expectations of effort distribution regarding teaching and advising, research and other creative activity, and service responsibilities in terms of the academic mission of the department. Where appropriate and consistent with the academic mission of the department, the department code should define outreach/engagement expectations and how those expectations are addressed in the faculty member's teaching, research, and/or service effort distribution. During the probationary period and following tenure in the years leading to full professor, there may be a need for changes in the workload and effort distribution originally

established at the time of hiring or at the time of tenure and promotion to associate professor. These changes shall be negotiated between the faculty member and the department head (E.9.1, E.9.2). In this event, since promotion and tenure decisions are linked to the faculty member's productivity in line with effort distribution and workload, the promotion and tenure committee or a subcommittee thereof shall provide input in writing to the department head regarding the extent to which these changes may affect progress toward tenure. Following any negotiated changes, these changes and the committee's response, shall be clearly articulated in writing by the department head to the faculty member.

E.9.1 Individual Faculty Effort Distribution *(last revised August 12, 2009)*

A faculty member's effort distribution shall be negotiated between the faculty member and the department head subject to the provisions of Section C.2.6.2.e. The effort distribution for the next year shall be stated clearly in writing as part of the annual evaluation and used as a framework for annual and periodic comprehensive reviews, as well as tenure and promotion decisions. The effort distribution of each faculty member shall be subject to adjustment from time to time according to the principles articulated in Section E.9 above. Responsibilities within a department should be distributed to achieve the most effective and efficient use of human resources while considering the talents and interests of the individual faculty members. For those faculty members whose appointments include outreach/engagement, such as Extension specialists, responsibilities and metrics for performance evaluations are to be negotiated as part of the annual evaluation. Various criteria for outreach/engagement for faculty members with Extension appointments are found in the Statewide and Regional Specialist Roles and Responsibilities document found in the Colorado State University Extension Handbook.

Responsibilities for all tenure-track faculty members must be established so as to provide sufficient opportunities to demonstrate that they meet the performance expectations for tenure, promotion, and merit salary increases specified in Section E.12.

According to their effort distribution negotiated with the department head, faculty members teach as well as advise undergraduate and/or graduate students, maintain an active research and/or other creative activity agenda, and perform service appropriate to their appointment, discipline, and department (see Section E.12).

The scholarship-based model of outreach/engagement stimulates interaction with the community, which produces discipline-generated, evidence-based practices. Outreach/engagement activities may be integrated into the faculty member's teaching, research, and/or service effort distribution. Outreach/engagement activities are not a mandated component of every faculty member's effort distribution, but are to be included where appropriate to the mission of the faculty member, department, and college. For the activity to be scholarly, it must draw upon the academic and professional expertise of the faculty member while contributing to the public good, addressing or responding to real-world problems. The standards for assessing the scholarship of outreach/engagement activities will vary among disciplines and should be specified by each academic unit and

incorporated into departmental codes.

E.9.2 Individual Faculty Workload *(last revised August 9, 2019)*

Individual workloads for each area of responsibility may vary over time in accordance with the needs and missions of the different academic departments and shall be negotiated between the faculty member and the department head subject to the provisions of Section C.2.6.2.e. Factors for which workload should be adjusted include, but are not limited to, course credits, class size, course level, method of course delivery, type of course (lecture, laboratory, independent study, internship, supervised student research, thesis/dissertation, clinical, practicum), service as a course coordinator or facilitator, advising/mentoring load, off-campus assignments, number of course preparations, new course preparations, contact hours, and teaching assistants. For research and scholarly activity, factors may include the size and activity of the research program or other creative activity, recognition of the research or creative activity in the form of shows, exhibits, presentations, awards, grants, publications and patents. Additionally, service, outreach and engagement should be included in the faculty evaluation. Department codes shall make it clear how workload percentages are determined and set expectations accordingly.

E.9.3 Department Effort Distribution *(last revised August 12, 2009)*

Departments provide distinctive contributions to the overall college and University missions, and department effort distributions should reflect these contributions, including departmental commitments to outreach/engagement, as well as Extension. It is the responsibility of the department head to coordinate the aggregate faculty members' effort, effort distribution, and workload assignments appropriate to the mission of the department.

E.9.4 College Effort Distribution

Colleges provide diverse contributions to the overall University mission, and college effort distribution should reflect these contributions. It is the responsibility of the dean to coordinate and evaluate the aggregate departmental efforts appropriately to the mission of the college.

E.9.5 University Effort Distribution *(last revised August 12, 2009)*

The University's mission is to provide excellence in undergraduate and graduate/professional education, research and other creative activities, and service consistent with the tradition of land grant universities. The University recognizes that individual faculty members, departments, and colleges contribute a variety of interests, strengths, and areas of expertise to accomplish this mission, and as a result of these differences, the University is committed to differentiated effort distributions among individuals and units. It is the responsibility of the Provost to coordinate and evaluate each college's efforts appropriate to the mission of the University.

E.10 Faculty Tenure Policy *(last revised December 1, 2023)*

E.10.1 Definition of Tenure

Tenure is the practice of permanent or continuous appointments for faculty members in higher education, during which their service at a particular institution may be terminated only for (1) adequate cause demonstrated in a hearing before an appropriately selected faculty committee, (2) under the extraordinary circumstances of a bona fide financial exigency, involving retrenchment or discontinuance of an academic program or a department of instruction, or (3) discontinuance of a degree granting program or a department of instruction not mandated by financial exigency.

E.10.2 Rationale for Tenure

Institutions of higher education are conducted for the common good and not to further the interest of either the individual or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Tenure is a means to certain ends; specifically (1) freedom of teaching, research, extension, and extramural activities, and (2) a sufficient degree of economic security to make the profession of university teaching attractive to individuals of ability. Academic freedom and economic security, and thus, tenure are indispensable to the success of an educational institution in fulfilling its singular obligations to its students and to society. Faculty members who are threatened with loss of their positions for voicing unpopular or innovative views cannot effectively engage in the kind of open deliberation and criticism essential to a free society.

E.10.3 Administrative Responsibilities in Relation to Tenure *(last revised February 14, 2014)*

- a. The head of the department and the faculty member on probationary status are jointly responsible for discussing, at least once annually, prior to the time for the decision on tenure, the faculty member's development and fitness for the position involved and prospects for eventually acquiring tenure. The department head shall provide the faculty member and the dean of the college concerned a written summary of the evaluation of progress toward tenure at the time of the conference. This report is independent of the annual evaluation covering achievements of the most recent calendar year. Likewise, the tenured faculty of the department, or a subcommittee thereof, shall annually provide an independent assessment of progress toward tenure, and a written report summarizing progress toward tenure and of any perceived deficiencies, to each tenure track faculty member. The report of the committee shall be shared with the department head and the tenure-track faculty member and may include suggestions for workload and effort distribution judged to be supportive of the faculty member's progress toward tenure.
- b. The head of the department shall make every effort to encourage and assist the

faculty member to fulfill the conditions which will qualify the faculty member for tenure. This may include consulting with the tenured faculty or a subcommittee thereof, regarding suggestions received in the committee's written report summarizing progress toward tenure.

- c. The head of the department is responsible for making explicit at the time of employment to the faculty member in that unit the conditions which normally must be met for the acquisition of tenure, the procedures by which tenure is awarded, denied, terminated, or withdrawn, and the procedures by which the faculty member may challenge such decisions.

E.10.4 Policies on Conferring Tenure *(last revised May 2, 2007)*

- a. A tenure-track faculty member shall be considered for tenure based upon evidence of capability for significant professional contributions.
- b. It is normally expected that a candidate for tenure will have a terminal degree in their field. However, the necessity for any particular advanced degree as a prerequisite for tenure shall be decided upon by the eligible faculty of the department concerned. The requirement for a particular advanced degree may vary within a department depending upon the responsibilities of a specific position.
- c. The decision to award tenure may be made after two (2) years from initial appointment. However, unless stated otherwise in the appointment letter, the probationary period before the granting or denial of tenure is six (6) years of continuous employment for a faculty member initially appointed as an assistant professor, four (4) years of employment for an associate professor, and three (3) years of employment for a full professor. The length of the probationary period, the timing of the midpoint review (see Section E.14.2), and the time frame for the tenure application process shall all be stated unambiguously in the appointment letter.
- d. A tenure-track appointment that begins prior to January 1 shall, at the end of the 30th day of June immediately following, be counted as a full year of service. When the tenure-track appointment begins on or after January 1, the period ending with the 30th day of June immediately following shall not count as any part of the probationary period.
- e. Service in a tenure-track faculty position shall apply toward sabbatical leave and all other faculty member benefits and privileges.
- f. The tenure policies in this *Manual* apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. When a faculty member holding an administrative appointment for which additional compensation is provided either relinquishes or is relieved of administrative

responsibility, salary may be reduced to properly conform with their non-administrative responsibility, upon recommendation of appropriate administrative officers and official approval. The Board has delegated the authority for official approval to the President. If the faculty member relinquishes the administrative appointment voluntarily, or if the termination of the appointment is due to a non-renewal after a specified appointment period to which the faculty member had agreed, then the President has further delegated the authority for official approval to the Provost. If a faculty member alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint the individual, the faculty member is entitled to use of the procedures set forth in Section K.

E.10.4.1 Probationary Period for Tenure *(last revised December 1, 2023)*

The probationary period for a tenure-track faculty member at Colorado State University is the maximum length of continuous service prior to the granting or denial of continuous tenure. The probationary period is limited to six (6) years, except when extended as described in Section E.10.4.1.2, including all previous service as a tenured or tenure-track faculty member at this institution.

E.10.4.1.1 Service Credit *(last revised December 1, 2023)*

Credit may be given for prior service, thus reducing the probationary period, as described below. The details of such credit for prior service, the length of the probationary period, the timing of the midpoint review, and the time frame for the tenure application process shall all be stated unambiguously in the appointment letter. Before granting credit for prior service, the department head should consult with the departmental tenure committee. An application for tenure at the end of such a reduced probationary period shall not be considered an early application for tenure.

- a. When a faculty member has held a contract, continuing, or adjunct appointment at Colorado State University and is subsequently appointed to a tenure-track faculty position (see Section E.2), credit may be given for this prior service.
- b. Credit may be given for either academic or non-academic service at other institutions.
- c. If a newly appointed faculty member has been awarded tenure at another academic institution with the rank of associate professor or professor, the faculty member may be recommended for tenure immediately, in line with any provisions stipulated in the code of the

department. It is recommended that at least two-thirds (2/3) of the eligible tenured faculty members in the department approve. A faculty member who has not been awarded tenure at another academic institution may not be recommended for tenure prior to two (2) years of continuous employment at Colorado State University unless the Provost agrees with the department that the circumstances are exceptional and waives this two (2) year restriction in writing. The written waiver shall be sent to the faculty member, the tenure committee, the department head, and the college dean. The origin and processing of any tenure recommendation must follow the procedure in Section E.10.5.

E.10.4.1.2 Extension of the Probationary Period *(last revised August 2, 2013)*

The use of Family Medical Leave may lead to an automatic extension of the probationary period (see Appendix 8 for details).

Extension of the probationary period for reasons other than use of Family Medical Leave is not automatic. A faculty member may request an extension of the probationary period as described below. The faculty member must make the request for an extension of the probationary period in writing to the departmental tenure committee. Such a request should be made as early as possible, and must be made prior to the first day of the final academic year of the probationary period. The recommendation of the tenure committee shall be forwarded successively to the department head, the college dean, and the Provost, each of whom shall recommend either acceptance or rejection of the recommendation of the tenure committee. Such recommendations shall not be made in an arbitrary, capricious, or discriminatory manner. The final decision on such an extension shall be made by the President. If the faculty member making the request is dissatisfied with a rejection at any level of a positive recommendation by the tenure committee, the faculty member has the right to appeal through formal grievance procedures.

- a. A faculty member may request an extension of the probationary period due to exceptional circumstances, including, but not limited to, birth or adoption of a child, personal health issues, and care of immediate family members (this is separate from the issue of leaves, which are addressed in Section E.10.4.1.2.c). The tenure committee may recommend up to two (2) separate extensions of the probationary period, each for a period not to exceed one (1) year.
- b. A faculty member may request an extension of the probationary period under the Americans with Disabilities Act (ADA). Such a request must identify the nature of the disability and explain why

an extension of the probationary period is necessary for purposes of reasonable accommodation. The faculty member requesting such an extension also must provide evidence of protected status under ADA to the Director of the Office of Equal Opportunity (OEO), who shall determine the validity of the protected status and inform the departmental tenure committee. The tenure committee may recommend an extension of the probationary period for a period not to exceed one (1) year (see Sections E.6.b and E.4). Any subsequent request to the tenure committee for an additional extension shall require reverification of the protected status by the OEO Director.

- c. Any leave for a period not exceeding one (1) year shall normally count as part of the probationary period. However, if the leave is of such a nature that the individual's development as a faculty member while on leave cannot be judged, or if the leave is for purposes that are not scholarly, the faculty member may request that the leave not count as part of the probationary period.
- d. If a faculty member has been granted credit for prior service, thus reducing the probationary period, then, if circumstances warrant, the faculty member may request that this credit for prior service be reduced, thus extending the probationary period.

E.10.5 Procedures for the Granting of Tenure *(last revised December 1, 2023)*

E.10.5.1 Origin and Processing of Tenure Recommendations *(last revised December 1, 2023)*

The head of the department shall initiate the process leading to a recommendation for the granting or denial of tenure not later than the beginning of the final year of the probationary period of the faculty member. The department head should consult with the tenure committee before initiating this process. The department head should also consult the website of the Office of the Provost for information and forms regarding applications for tenure.

Because the recommendation for the granting or denial of tenure is primarily a faculty responsibility, the department head shall ask the members of the tenure committee to vote by ballot for or against the granting of tenure to the faculty member being considered. A tenure recommendation shall be by a majority vote of the tenure committee, with a tie vote being considered a vote against tenure.¹

The chair of the tenure committee shall submit a report on behalf of the committee to

¹ The term "majority" as used in the *Manual* shall be according to the definition provided in *Robert's Rules of Order*, that is, more than half of the votes cast, ignoring blanks.

both the department head and the faculty member. This report shall include a vote summary, a summary of the analysis by the committee, and a statement of reasons for the majority and minority points of view. This report does not need to be endorsed by every member of the committee. However, the report cannot be submitted if at least one-third of the committee informs the committee chair of their objection to the report. Since the report is submitted by the chair of the committee, only that person needs to sign it.

The recommendation shall be forwarded successively to the department head, the dean of the college, the Provost, and the President for review and either endorsement or opposition. The Board has delegated the final decision to the President.

All reviews are to be exercised expeditiously at each level. After each review the reviewing administrator shall make a recommendation in writing to grant or deny tenure, and it shall be forwarded to each successive administrator. A copy of each recommendation shall be sent to the faculty member, the chair of the tenure committee, and all administrators who have previously made recommendations. The chair of the tenure committee shall send copies to the other members of the tenure committee.

E.10.5.2 Tenure Committee

The tenure committee must have at least five (5) members and shall include all eligible department faculty members. The department head, college dean, Provost, and President are not eligible to serve on the tenure committee and shall not be present during the committee's deliberations, except when specifically invited by the committee. A faculty member holding an administrative appointment (as defined in Section K.11.2) of more than half (0.5) time is not eligible to serve on the tenure committee, unless the department code specifies otherwise. If a faculty member holding an administrative appointment does serve on the tenure committee, it is expected that the faculty member will not participate in discussions of the case at higher administrative levels. A faculty member with a conflict of interest is expected to recuse oneself.

The eligible department faculty members are all other tenured department faculty members. If a committee of at least five (5) tenured faculty members within the department cannot be constituted, then additional tenured faculty members shall be selected from other departments within the University so as to produce a committee of five (5) members. A department may specify in its code a procedure for narrowing the pool of eligible additional members to faculty in disciplines similar to that of the candidate, possibly including faculty members from other colleges. In the absence of such a procedure, the pool shall consist of all tenured faculty members on the tenure committees from all departments within the college. The department head shall draw the additional members of the tenure committee by lot from the pool of eligible faculty members. Faculty members from other

departments may decline to serve on the tenure committee.

The departmental faculty members of the tenure committee shall select one of themselves to serve as the chair of the tenure committee.

E.10.5.3 Processing of Recommendations

After a recommendation is received from the tenure committee, a contrary recommendation shall be issued at a higher administrative level below the President only for compelling reasons which shall be stated in writing in their recommendation. The administrator shall send copies of their recommendation to the faculty member, the chair of the tenure committee, and all administrators who have previously made recommendations. The chair of the tenure committee shall send copies to the other members of the tenure committee. If such a contrary recommendation is issued, the chair of the tenure committee and all administrators who have previously made recommendations shall be given seven (7) working days from the date of notification of the contrary recommendation to respond in writing to the administrator's reasons for opposition, and the contrary recommendation may be opposed at an even higher administrative level. The responses from the chair of the tenure committee, and the administrators shall be forwarded to each successive administrator along with the recommendation and rationale for the contrary recommendation and all previous recommendations and responses.

A response from the chair of the tenure committee shall summarize the variety of opinions from the members of the tenure committee. If at least one-third (1/3) of the members of the tenure committee indicate to the committee chair that a response is appropriate, then a response shall be sent by the chair. The response can state that only a minority of the committee members felt that a response was appropriate if that is the case.

In the event of a committee recommendation to deny tenure, or a recommendation by an administrative officer below the President to deny tenure, the reasons for the recommendation shall be made available promptly to the faculty member under consideration. The faculty member shall be given seven (7) working days from the date of notification of the recommendation to submit a written response. This response shall be forwarded to each successive administrator along with all previous recommendations and responses.

E.10.5.4 Grievance

If the tenure committee recommends the granting of tenure, but the Provost recommends the denial of tenure, then the faculty member may file a grievance via Section K to oppose the recommendation to deny tenure. In any grievance proceeding, the tenure committee shall be represented by the chair of the tenure committee. Although a grievance may not be filed until the Provost has made their

recommendation to the President, the grievance shall be against the first administrator to recommend denial of tenure. However, the effective date of notification of the grievant shall be the date of notification of the Provost's recommendation.

If the tenure committee recommends denial of tenure (including by a tie vote), the faculty member cannot grieve this recommendation. This is because grievances can be filed only against administrators, not fellow faculty. Also, a grievance cannot be filed against an administrator for supporting the recommendation of the promotion committee, since the first paragraph of Section E.10.5.3 states that this is what is expected of them.

When a department head is under consideration for tenure, the successive forwarding of the tenure committee's recommendation shall begin with the dean of the college, rather than the department head.

E.10.5.5 Postponement of Consideration for Tenure

The department head, the college dean, or the Provost may elect to postpone consideration of a faculty member for tenure, without prejudice, if the application for tenure is made in a year earlier than the final year of the probationary period. The decision to postpone and the reasons for postponement shall be communicated immediately in writing to the faculty member and the tenure committee. However, the faculty member must either be granted tenure by the beginning of the first year after the end of the probationary period or be notified by the end of the probationary period that their appointment will be terminated at the end of one (1) additional year. Once a faculty member is on a regular tenure-track appointment, the use of contract, continuing, or adjunct appointments to extend the probationary period for tenure is not permitted.

E.10.5.6 Notification of Presidential Action on Tenure Recommendations

When the President has ruled on a recommendation relating to tenure for a faculty member, the faculty member shall be notified promptly in writing of the action taken. The decision of the President to grant or deny tenure is final.

If the decision of the President is to deny the application for tenure, the tenure-track appointment of the faculty member shall be allowed to expire without any future renewals, and the faculty member cannot apply for tenure again in the future in the same academic department. However, this does not prevent the candidate from being hired by the University in another capacity, including as a tenure-track faculty member in another academic department.

E.10.5.7 Withdrawal of Application for Tenure

At any time before the final decision by the President, the faculty member may withdraw their application for tenure. In particular, once the Provost has made their recommendation to the President and the faculty member has been notified of this recommendation, the faculty member shall have ten (10) working days to withdraw their application for tenure by submitting a withdrawal request to the Provost. If the application for tenure is withdrawn before the final decision by the President, then the faculty member may apply for tenure again in the future if sufficient time remains in their probationary period. If the tenure application is not withdrawn before the final decision by the President, then the decision of the President is final.

E.10.6 Relation of Tenure to Changes in Status and/or Salary

- a. Reduction in salary when effective for all faculty members shall not be considered as conflicting with this tenure policy when such reduction is in line with other current reductions.
- b. Acquisition of tenure carries certain privileges; nevertheless, by mutual agreement between a faculty member and the appropriate administrative officers, the salary and/or employment status of a faculty member may be altered. Any change in salary or employment status of a faculty member which does not rest upon mutual agreement with the administration shall be susceptible to test by appropriate due process procedures as outlined in Section K.

E.11 Appeal of Early Termination of Contract Faculty Appointments *(New section February 8, 2019)*

A contract faculty member may appeal a recommendation to the President to terminate their appointment prior to the ending date of the contract. This section of the Manual sets forth the procedures for such an appeal. The University Grievance Officer (UGO) shall be charged with overseeing this appeal process. At the discretion of the UGO, any of the time limits in this section may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

E.11.1. Initiating the Process *(last revised May 8, 2019)*

When a Recommendation to the President to terminate a Contract Faculty Appointment prior to the ending date of the contract is sent to the Provost, a copy of this Recommendation shall be provided in writing to the faculty member by the person making the Recommendation (hereinafter referred to as the Recommender). At the same time, the Recommender shall notify the faculty member of their right to appeal this recommendation and refer them to Section E.11 of the Manual. The faculty member then has ten (10) working days to submit to the UGO an Appeal in writing of this Recommendation, along with the Recommendation itself. If an Appeal is submitted within this time frame, then the UGO shall notify the Provost within three (3) working days, and the Recommendation shall not be sent to the President until the conclusion of the Section E.11 process.

If the faculty member fails to submit an Appeal within this time frame, then they shall forfeit the right to appeal the Recommendation for termination (unless the UGO decides that extenuating circumstances justify an extension of this deadline). If the Provost has not been notified by the UGO of an Appeal within twenty (20) working days of receiving the Recommendation from the Recommender, then the Provost may assume that no Appeal will be filed, and they may forward the Recommendation to the President for a final decision.

The Appeal should provide all of the information that the Appeal Committee (see Section E.11.2) will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Appeal. The Appeal Committee is not required to contact all of the persons listed in the Appeal. The UGO will review the Appeal to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Appeal to the Appellant for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Appeal from the Appellant, the UGO shall forward the Appeal to the Recommender and to the members of the Appeal Committee. The Recommender shall then have ten (10) working days to provide a Response. This Response should provide all of the information that the Appeal Committee will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Response. The Appeal Committee is not required to contact all of the persons listed in the Response. The UGO will review the Response to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Response to the Recommender for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Response from the Recommender, the UGO shall forward the Response to the Appellant and to the members of the Appeal Committee.

E.11.2 Appeal Committee

The Appeal Committee shall consist of the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the Chair of the Faculty Council Committee on Non-Tenure-Track Faculty. The Chair of Faculty Council shall serve as the Chair of the Appeal Committee. After receiving both the Appeal and the Response from the UGO, the members of the Appeals Committee shall begin their consideration of the Appeal. As part of this consideration, they shall meet with the Recommender, the Appellant, and any other persons that they consider relevant to their consideration of

the Appeal. All three members of the Appeal Committee must be present at each of these meetings. At their discretion, the members of the Appeal Committee may request additional information from the Recommender and/or the Appellant, and they may choose to meet more than once with some persons.

E.11.3 Report of the Appeal Committee

After the completion of the process described in Section E.11.2, the three members of the Appeal Committee shall meet to discuss the case and to reach a final decision by majority vote whether to support or oppose the Recommendation for the termination of the Appellant.

After the conclusion of this meeting, the Chair of the Appeal Committee shall prepare a final Report. This Report shall include the overall vote of the Appeal Committee and the reasons supporting its decision. If the vote was not unanimous, then the Report shall also summarize the reasons given by the dissenting member. The Report shall be submitted to the UGO within twenty (20) working days of the receipt from the UGO of both the Appeal and the Response by the members of the Appeal Committee.

E.11.4 Final Decision by the President

Within three (3) working days of receiving the Report from the Chair of the Appeal Committee, the UGO shall send the Report to the President, along with the initial Recommendation, the Appeal, and the Response. Within twenty (20) working days of receiving these materials from the UGO, the President shall make a final decision regarding the termination of the Appellant and send it in writing to the UGO. This written decision shall include the reasoning that supports the decision. The UGO shall forward this decision by the President to the Appellant, the Recommender, and the Provost. This decision by the President is final.

E.12 Performance Expectations for Tenure, Promotion, and Merit Salary Increases *(last revised May 6, 2021)*

All faculty members being considered for tenure and/or promotion must demonstrate a level of excellence appropriate to the rank under consideration and consistent with the standards of their discipline, their unit's institutional mission, CSU's Principles of Community, and the faculty member's individual effort distribution in teaching and advising/mentoring, research and other creative activity, and service. Outreach and engagement efforts (as described in Section E.12.4) should be integrated into the faculty member's teaching, research, and/or service responsibilities, as appropriate. Additionally, efforts related to inclusivity and equity as practice or theory may be included by the faculty member into their teaching, research, and/or service responsibilities, as appropriate.

Annual and periodic comprehensive reviews of a faculty member's performance are addressed

in Sections C.2.5, E.12, and E.14, and the expectations articulated in this section are applicable to those reviews. The basis for annual and periodic comprehensive reviews shall be the set of criteria in place at the beginning of the review period. A faculty member shall provide evidence, consistent with their stated effort distribution, of teaching and advising/mentoring competence, and/or sustained research and other creative activity, and/or service (see Section E.9.1) for annual and periodic comprehensive reviews, as well as for tenure and promotion. The department code shall establish clearly articulated criteria and standards for evaluation in these areas. Performance expectations may take into consideration the current rank of the faculty member.

E.12.1 Teaching, Advising and Mentoring *(last revised May 4, 2022)*

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, create an inclusive learning environment, advise and facilitate student academic and professional development. This engagement may involve teaching, advising, and/or mentoring.

Teaching includes, but is not limited to, classroom and/or laboratory instruction; on-line instruction; individual tutoring; supervision and instruction of student researchers; clinical teaching; field work supervision and training; preparation and supervision of teaching assistants; supervision of field trips; teaching abroad; service learning; outreach/engagement; organization, coordination, marketing, and promotion of official university educational activities; 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 and should be included in portfolio materials and be considered as part of the evidence of teaching effectiveness. 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 and engagement activities as specified by the department/unit, are important to CSU as a land-grant institution and should be integrated into teaching efforts, as appropriate (see Section E.12.4). This includes teaching efforts of faculty members with Extension appointments. Examples of engaged teaching include service-learning and conducting workshops, seminars and consultations, and the preparation of educational materials for those purposes. Other examples can be found in the "[Continuum of Engaged Scholarship](#)". Activities that enhance diversity and inclusion at CSU and align with CSU's Principles of Community are important to CSU's land-grant mission and should be integrated into teaching efforts.

Excellent teachers are characterized by their command of subject matter; logical organization and presentation of course material; formation of interrelationships among fields of knowledge; creation of inclusive learning environments, energy and

enthusiasm; availability to help students outside of class; encouragement of curiosity, creativity, and critical thought; engagement of students in the learning process; 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 must, within the context of their disciplines, (1) define effective teaching and (2) describe the process and criteria for evaluating teaching effectiveness. Department codes shall make it clear what is needed for a faculty member to meet teaching expectations and what is needed to exceed expectations. Evaluation of teaching should be designed to highlight strengths, identify deficiencies, and improve overall 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 information, managing class sessions, encouraging student engagement and critical thinking, and responding to student work. Evaluation of teaching shall involve 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; 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. Importantly, student perceptions of the learning environment are, by definition, *not* evaluations of teaching effectiveness and cannot be taken as such; they are simply the student perspectives on their experience in a learning environment. Departments must not use student survey responses as a direct or comparative measure of teaching effectiveness nor use student responses or attendant metrics derived from student responses independent of multiple sources of evidence of teaching effectiveness. The use of student survey responses is appropriate only in the context of multifactorial reviews of multiple resources oriented toward an instructor's continuous improvement in fulfilling our teaching mission. Given this, reflection on, and use of, student perceptions can be one part of instructors' formative development because these perceptions can offer insights into the learning environment that only the students can provide. As such, results from student course surveys should be shared with department heads and promotion and tenure committees and considered only *in context of* a multifactorial review for the purpose of mentoring and evaluating teaching that includes information on courses taught, patterns in student survey responses, and instructors' reflections on such patterns in teaching portfolios that document their accounts of how they have used this and other feedback. 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 should take into account

the physical and curricular context in which teaching occurs (e.g., lecture, practicum, lab courses, independent and group study courses; 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 the type and level of courses taught. The University provides resources to support the evaluation of teaching effectiveness, such as systems to create and assess teaching portfolios, access to exemplary teaching portfolios, and professional development and programs focusing on teaching and learning.

Effective advising and mentoring of students, at both the undergraduate and graduate levels, is a vital part of the teaching/learning process. Advising and mentoring are two distinct activities. Advising is an activity that generally focuses on academic and programmatic guidance for students, ranging from coursework and program navigation steps to pointing out key resources and contacts within a given community. Mentoring is a bi-directional activity between a mentor and a mentee that often includes aspects of advising, but has additional involvement of a mentor-mentee relationship that transcends the advising role. This will generally involve a faculty member or other professional in the discipline working with the mentee to understand the mentee's personal and professional goals and then providing the mentee with a mix of professional knowledge, career advice, counsel on work-life balance issues, guidance on academic expectations, a rigorous academic challenge, and support as the mentee develops the skills necessary to become a full member of a profession. Advising and mentoring are characterized by being available to students, keeping appointments, providing accurate and appropriate advice, and providing knowledgeable guidance. The advising/mentoring commitments are different for undergraduate students, non-thesis masters students, thesis masters students, doctoral students, and postdoctoral fellows.

Advising and mentoring 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; advising/mentoring students for official university activities and advising student organizations. Advising and mentoring of graduate students includes, but is not limited to, supervision of and/or assistance with theses, dissertations, publications, presentations and project-related products.

Evaluation of advising and/or mentoring effectiveness can be based upon signed evaluations from current and/or former students, faculty members, and professional peers. Evaluation of advising/mentoring should take into account the quality of the advising/mentoring and the time spent on advising and/or mentoring activities. Department codes shall, within the context of their disciplines, include criteria and standards for evaluating advising and/or mentoring effectiveness and shall evaluate advising and/or mentoring as part of annual and periodic comprehensive reviews.

E.12.2 Research and Other Creative Activity *(last revised May 6, 2021)*

Research is the discovery and development of knowledge; other creative activity is original or imaginative accomplishment. Research and other creative activity include, but are not limited to: publications (including scholarly articles, conference proceedings, invited reviews, book chapters, textbooks, and other monographs); exhibitions, presentations or performances; copyrighted, patented, or licensed works and inventions; supervision of or assistance with graduate student theses/dissertations and undergraduate research; and both effort and success in generating funding to support research and other creative activities; emergent forms of scholarship and research such as digital scholarship, translational scholarship that brings academic ideas into public service and community engagement; and narrative, feminist, and anti-racist scholarship. Scholarly activities that advance the effectiveness of teaching and education, including and advancing the diversity and inclusion of our learning, engagement, and research environments, should also be considered research/creative activity. Scholarly activities with a research/creative artistry component that include reciprocal engagement with external partners (local, state, national, and international) are encouraged and should be considered research and creative activity (see Section E.12.4). Examples include applied research, community-based participatory research, and collaboratively-created new artistic or literary performances. Other examples can be found in the “[Continuum of Engaged Scholarship](#)”.

The criteria for evaluating the original or imaginative nature of research and other creative activities should be the generally accepted standards prevailing in the applicable discipline or professional area. It is important to note that the focus is on quality and impact, rather than quantity of output. Standards for determining quality will vary among disciplines and should be specified by each academic unit. However, evaluations should be based primarily upon the quality of the product as judged by peers. Some measures of quality are the prestige of the journals in which publications appear, reviews of publications in the critical literature, reviews of awards for significant professional accomplishment, citations of publications, grants obtained in open competition, invitations to speak at prestigious national and international meetings, invitations to serve on grant panels or other national or international committees, and impact and outcome assessments as indicated by adoption of results by clientele. When work is a collaborative effort, every attempt should be made to assess the value of the contribution of the faculty member. Some categories of publication or other accomplishments, such as Extension publications, more properly are regarded as vehicles for teaching or outreach/engagement; however, these may be considered evidence of other creative activity to the extent that new ideas and research are incorporated.

E.12.3 Service *(last revised May 6, 2021)*

Service advances the interests of the institution, the community, and the professions and is described below.

E.12.3.1 University Service *(last revised May 6, 2021)*

In academic institutions the faculty members share in the formulation of University policies and in making and carrying out decisions affecting the

educational and scholarly life of the University. University service can occur at the department, college, campus, and system-wide levels, as well as outside of the university system. Faculty are expected to participate in the governance and the common good of their department, the campus, and the advancement of their profession. University service includes but is not limited to contributions to the governance and leadership of the University through participation in the formulation and implementation of department/college/university policies via membership on committees, councils, and advisory groups and participation in administrative activities. University service also includes advising student organizations and working to enhance the diversity and inclusion of CSU's community, and community outreach and engagement.

University service is evaluated through timely and effective participation in such activities. The standards for assessing faculty service activities will vary among disciplines and should be specified by each academic unit and incorporated into departmental codes. Faculty members should undertake service roles based upon their experience, but all faculty members should be encouraged to participate in activities which contribute new perspectives, develop expertise, and further the mission of the University.

E.12.3.2 Professional Service *(last revised May 6, 2021)*

Service in local, state, national, or international professional organizations enhances the University's scholarly and academic reputations. Service in professional organizations includes but is not limited to editorial activities for professional publications; service as an officer or committee member of a professional society; participating in or organizing research conferences, workshops or professional meetings; reviewing grant proposals; working to enhance the diversity and inclusion of the professional community; and service on academic review or accreditation boards. Service rendered in one's professional capacity as a citizen of the community is commendable and may be evaluated as an appropriate faculty activity.

Professional service is evaluated through the amount and quality of participation and its contribution to the long-term improvement of teaching, scholarship, and the profession.

E.12.3.3 Clinical Service *(New section October 4, 2019)*

Professional education programs are often dependent upon faculty members with advanced training that devote a considerable fraction of time and effort to these important activities. Attainment of board certification is often an external endorsement of competence granted by a professional organization representing the specialty.

E.12.3.4 Service with External Partners and Communities
(last revised May 6, 2021)

As a land-grant institution, the University is committed to engagement efforts that work with external partners to serve current and future needs of local, state, national and international communities (see Section E.12.4). Therefore, departments and units should encourage and support faculty efforts that are focused on such engagement. Examples of engaged service include technical assistance, consulting, and policy analysis, and working to enhance the diversity and inclusion of the community. Other examples can be found in the [“Continuum of Engaged Scholarship”](#).

E.12.3.5 Extension Service (New section October 4, 2019)

Extension is dedicated to serving current and future needs of the population within the state, as well as nationally and internationally, through educational information and programs to address important and emerging community issues using dynamic, science-based educational resources. CSU Extension is highly valued for inclusive, impactful community engagement in support of our land- grant university mission.

E.12.3.6 Other Types of Service (New section October 4, 2019)

1. Leaves from the campus without salary for governmental or industrial positions. These leaves can result in long-term benefits to the individual and the campus.
2. Nonstandard service. In some cases, service may be considered “non-standard” or ambiguous with respect to how it should be considered. In the following situations, it may not be clear as to whether the contribution is to research, teaching, or service: (1) directing a field program overseas, which involves administrative service while at the same time contributing to one’s research activities; or (2) administering an exchange program, where the faculty member directs the program while also teaching students in the program. The categorization of such activities may not be evident from the descriptions usually provided by the faculty member. Therefore, the department head, when preparing a faculty member’s case for merit or promotion, should clarify the categorization of the activity under one or more of the headings of research, teaching, and service and should specify the nature of the activity in question.
3. Public service. As faculty members advance through the professorial ranks, they are expected to exhibit an increasing record of service in their dossier of performance. Recognition is given to service that fulfills the public mission of the University, such as involvement in community

organizations and service to governmental agencies at the local, state and national level, and to professional associations at the local, national, and international level.

E.12.3.7 Guidelines for Evaluation of Service in Faculty Performance Reviews *(New section October 4, 2019)*

The following guidelines are for faculty, department heads, deans, and other reviewing committee members involved in the preparation and consideration of merit and promotion cases. In order to cultivate a culture of service at CSU, some suggested guidelines are offered here.

An Assistant Professor is expected to provide service at the local level of the department or school; for example, through clinical service in specialized areas of medicine or by serving as an undergraduate adviser, as a member of a graduate admissions committee, or as a member of a faculty search committee. Service at the campus level is relatively rare for Assistant Professors, but, when it occurs, it is most appropriate for the service to be on campus committees that do not have intensive and prolonged time demands.

Assistant Professors in Extension or Clinical service are expected to provide their expertise to teaching at the professional student levels. These faculty, by definition, have high service loads within the clinics and/or within the community.

Associate Professors are expected to serve both their departments and the campus. It is understood, however, that Associate Professors in some departments may need to devote more service to the governance of their departments – whether as department heads or undergraduate/graduate directors. These faculty are thus not as free to perform campus service as faculty in other departments. It will be the job of the department head to explain such situations in sending forward promotion and merit cases.

At the level of Full Professor the expectations increase to include all of the categories mentioned in the lower ranks of the professorate, including the assumption of administrative positions such as department head, directors, or leadership in other research units such as field stations. Periodic service on Faculty Council and its committees is also expected unless the aforementioned positions preclude such service. In summary, Full Professors are expected to offer frequent and broadly distributed service to multiple constituencies within the academic community.

The type and level at which service is performed should be commensurate with the rank of the faculty member, with the expectation that, as a faculty member rises in rank, the level at which service is performed is expected to rise. A sustained deficiency in service should be a consideration when making decisions

regarding merit increases and promotion.

Departments are encouraged to include contract and continuing faculty in service assignments, especially through membership on appropriate departmental committees. Also, contract and continuing faculty are encouraged to participate in service activities when the opportunity arises. Such service shall be acknowledged in the effort distribution and the annual evaluation of the faculty member. In addition, it shall be compensated for by a reduction in other duties and/or supplemental pay. It is understood that a reduction in other duties may need to be averaged over more than just one or two semesters. For example, a continuing service percentage of 5% might be compensated for by a release of one course every fourth semester.

Faculty members, when preparing background material for their promotion or merit case, should provide accurate information about their service record and should indicate any unusually demanding service they performed.

The service record will be considered along with the teaching and research records in merit and promotion cases. The role of the department head or dean is to evaluate the faculty member's service record. This should include a summary of the work performed and the time demands involved, as well as an assessment of the value of this work, the contribution made by the faculty member, and the effectiveness of the faculty member in performing this work. A listing of service activities is not sufficient.

Department heads who are being considered for academic advancement are subject to regular review procedures. Academic leadership is, in itself, a significant academic activity. Therefore, distinguished leadership and effective discharge of administrative duties by a department head shall be considered in evaluating the performance of a department head for a merit increase, accelerated increase, or promotion.

E.12.4 Outreach and Engagement (*last revised May 6, 2021*)

Outreach and engagement are fundamental components of the University's land-grant mission, described as "the partnership of university knowledge and resources with those of the public and private sectors to enrich scholarship, research, and creative activity; enhance curriculum, teaching, and learning; prepare educated, engaged citizens; strengthen democratic values and civic responsibility; address critical societal issues; and contribute to the public good (*Committee on Institutional Cooperation, 2003*). CSU applies this definition across a spectrum of scholarship-based outreach and engagement activities conducted in all areas of the university's mission: teaching, research, service, and extension (as described in the table "Continuum of Engaged Scholarship").

Outreach involves generating, transmitting, translating, applying, and preserving knowledge for the direct benefit of external audiences, in support of university and unit missions. Faculty who conduct outreach programs generate and apply knowledge to address community needs without necessarily engaging community input. Examples of outreach include technology transfer, presentations at community or stakeholder meetings, advice to industry, presentations to K-12 audiences, and student recruitment.

As an inherent commitment of the university's land-grant mission, outreach may be seen as part of the University's public relations effort and enhances the status of CSU in the community and the state. These activities may also facilitate further and deeper engagement with external partners, as described in the paragraphs to follow.

Engagement is distinguished from outreach as "collaboration between institutions of higher education and their larger communities (local, regional/state, national, global) for the mutually beneficial exchange of knowledge and resources in a context of partnership and reciprocity" (Carnegie Foundation, 2008).

Engagement increases the effectiveness of university activities in its mission of improving the condition of the greater society and includes a continuum of progressively increasing levels of involvement with external partners and the community (see [Continuum of Engaged Scholarship](#)). While outreach may be seen as the first step in engaged scholarship, engagement is characterized by the development and maintenance of partnerships that are reciprocal and mutually beneficial and generally addresses challenges facing the University and the communities it serves. In some cases, increasingly effective engagement may include moving the engagement focus from local to regional to national to international communities.

Examples of engagement include community-based participatory research; service-learning; managed learning environments such as museums, libraries and gardens; and work with defined communities such as producer groups, industries and businesses, teachers, and civic-minded non-profit entities, and community service groups.

Distinguishing characteristics of engagement include:

- i. Engagement is scholarly as it co-creates discipline-generated, evidence-based practices and experiences.
- ii. Engagement cuts across the university activities of teaching, research, service, and extension, so that it represents a particular approach to these activities rather than a separate activity.

Due to its embedded and integrative nature, outreach and engagement cannot and should not be evaluated separately. Engagement is not an end in itself, but rather, can be a means for accomplishing, informing and enriching teaching, research and service outcomes. It can bring together effort in these three traditional areas of work in a systematic way and

makes more visible the full value of faculty effort.

Where appropriate and consistent with the academic mission of the department, the department code should define outreach/engagement expectations and how those expectations are addressed in the faculty member's teaching, research, and/or service effort distribution (see Section E.9). The standards for assessing the scholarship of outreach/engagement activities will vary among disciplines and should be specified by each academic unit and incorporated into departmental codes (see Section E.9.1).

E.13 Advancement in Rank (Promotion) *(last revised December 1, 2023)*

For the purposes of discussing promotion in this section, the six (6) available ranks for faculty are grouped into four (4) levels as follows:

1. Instructors
2. Senior Instructors and Assistant Professors
3. Master Instructors and Associate Professors
4. Professors

A promotion is an advancement in rank from one level to a higher level. A change in rank within a level is not a promotion. Department and College codes should specify the expectations for each of these ranks within their unit, following guidelines from the Provost. Department and College codes should also define all titles used for faculty within their unit.

Except in unusual circumstances noted in the statement of reasons given for the promotion recommendation, when tenure is granted to a tenure track assistant professor, the individual shall be promoted concurrently to associate professor as part of the tenure process.

Normally, after five (5) years in rank, faculty are eligible to be considered for promotion. If the promotion is approved, it shall become effective the following July 1. Promotion may be considered prior to five (5) years in rank in those cases in which the faculty member's performance clearly exceeds the standards for promotion established pursuant to the performance expectations stipulated in Section E.12.

Service at other academic institutions may or may not count toward time in rank. The appointment letter shall state unambiguously whether or not service at other institutions will count toward time in rank at Colorado State University and state specifically the exact number of years of prior service credit being granted. The department head and dean are responsible for apprising the candidate of this possibility.

E.13.1 Origin and Processing of Recommendations *(last revised December 1, 2023)*

The faculty member shall initiate the process leading to a recommendation for the granting or denial of promotion by submitting a formal request for promotion in rank to the department head. The faculty member should consult with the department head before initiating this process. The faculty member should also consult the website of the Office of

the Provost for information and forms regarding applications for promotion.

Because this recommendation is primarily a faculty responsibility, the department head shall ask the promotion committee to vote by ballot for or against promotion of the faculty member being considered. A promotion recommendation shall be by a majority vote of the promotion committee, with a tie vote being considered a recommendation against promotion.

The chair of the promotion committee shall submit a report on behalf of the committee to both the department head and the faculty member. This report shall include a vote summary, a summary of the analysis by the committee, and a statement of reasons for the majority and minority points of view. The report shall be sent to the members of the promotion committee for review before its submission. The report does not need to be endorsed by every member of the committee. However, the report cannot be submitted if at least one-third (1/3) of the committee members inform the committee chair that they object to the submission of the report. Since the report is submitted by the chair of the committee, only that person needs to sign it.

The recommendation shall be forwarded successively to the department head, the dean of the college, the Provost, and the President for review and either endorsement or opposition. The Board has delegated the final decision to the President.

All reviews are to be exercised expeditiously at each level. After each review, the reviewing administrator shall make a recommendation in writing to grant or deny promotion, and this recommendation shall be forwarded to each successive administrator. A copy of each recommendation shall be sent to the faculty member, the chair of the promotion committee, and all administrators who have previously made recommendations. The chair of the promotion committee shall send copies to the other members of the promotion committee.

E.13.2 Promotion Committee *(last revised December 1, 2023)*

This section describes the membership of the promotion committee and which members of the committee are voting members.

The department head, college dean, Provost, and President are not eligible to serve on the promotion committee and shall not be present during the committee's deliberations, except when specifically invited by at least two-thirds (2/3) of the members the committee. A faculty member holding an administrative appointment (as defined in Section K.11.2) of more than half (0.5) time is not eligible to serve on the promotion committee unless the department code specifies otherwise. If a faculty member holding an administrative appointment does serve on the promotion committee, it is expected that they will not participate in discussions of the case at higher administrative levels. A faculty member with a conflict of interest is expected to recuse oneself.

For promotion of a tenured or tenure-track faculty member, the eligible department faculty

members are all other tenured faculty members of a higher level than the faculty member under consideration, and all of these eligible faculty members are voting members. For promotion of a non-tenure track faculty member, restriction to tenured faculty members does not apply, so the eligible faculty members are all other faculty members of higher level than the faculty member under consideration. A department may specify in its code additional requirements for voting members. In the absence of such requirements, all eligible faculty members are voting members.

The promotion committee shall consist of all eligible department faculty members, unless this leads to a committee with fewer than five (5) voting members. If the committee has fewer than five (5) eligible voting faculty members then additional eligible voting faculty members shall be selected from other departments within the University so as to produce a committee with five (5) voting members. A department may specify in its code a procedure for narrowing the pool of additional eligible voting members to faculty in disciplines similar to that of the candidate, possibly including faculty from other colleges. In the absence of such a procedure, the pool shall consist of all eligible voting faculty members on the promotion committees from all departments within the college. The department head shall draw the additional members of the promotion committee by lot from the pool of eligible voting faculty members. Faculty members from other departments may decline to serve on the promotion committee.

The voting departmental faculty members of the promotion committee shall select one of themselves to serve as the chair of the promotion committee.

E.13.3 Processing of Recommendations

After a recommendation is received from the promotion committee, a contrary recommendation shall be issued at a higher administrative level below the President only for compelling reasons that shall be stated in writing in their recommendation. The administrator shall send copies of their recommendation to the faculty member, the chair of the promotion committee, and all administrators who have previously made recommendations. The chair of the promotion committee shall send copies to the other members of the promotion committee. If such a contrary recommendation is issued, the chair of the promotion committee and all administrators who have previously made recommendations shall be given seven (7) working days from the date of notification of the contrary recommendation to respond in writing to the administrator's reasons for opposition, and the contrary recommendation may be opposed at an even higher administrative level. The responses from the chair of the promotion committee and the administrators shall be forwarded to each successive administrator along with the recommendation and rationale for the contrary recommendation and all previous recommendations and responses.

A response from the chair of the promotion committee shall summarize the variety of opinions from the members of the promotion committee. If at least one-third (1/3) of the members of the promotion committee feel that a response is appropriate, then a response

shall be sent by the chair. The response can state that only a minority of the committee members felt that a response was appropriate if that is the case.

In the event of a committee recommendation to deny promotion or a recommendation by an administrative officer below the President to deny promotion, the reasons for the recommendation shall be made available promptly to the faculty member under consideration. The faculty member shall be given seven (7) working days from the date of notification of the recommendation to submit a written response. This response shall be forwarded to each successive administrator along with all previous recommendations and responses.

E.13.4 Grievance

If the promotion committee recommends the granting of promotion, but the Provost recommends the denial of promotion, then the faculty member may file a grievance via Section K to oppose the recommendation to deny promotion. In any grievance proceeding, the promotion committee shall be represented by the chair of the promotion committee. Although a grievance may not be filed until the Provost has made their recommendation to the President, the grievance shall be against the first administrator to recommend the denial of promotion. However, the effective date of notification of the grievant shall be the date of notification of the Provost's recommendation.

If the promotion committee recommends denial of promotion (including by a tie vote), the faculty member cannot grieve this recommendation. This is because grievances can be filed only against administrators, not fellow faculty. Also, a grievance cannot be filed against an administrator for supporting the recommendation of the promotion committee, since the first paragraph of Section E.13.3 states that this is what is expected of them.

When the department head is under consideration for promotion, the successive forwarding of the promotion committee's recommendation shall begin with the dean of the college, rather than the department head.

E.13.5 Notification of Presidential Action on Advancement in Rank *(last revised December 1, 2023)*

When the President has ruled on a recommendation relating to promotion for a faculty member, the faculty member shall be notified promptly in writing of the action taken. The decision of the President to grant or deny promotion is final.

E.13.6 Withdrawal of Application for Advancement in Rank

At any time before the final decision by the President, the faculty member may withdraw their application for promotion. In particular, once the Provost has made their recommendation to the President, and the faculty member has been notified of this recommendation, the faculty member shall have ten (10) working days to withdraw their

application for promotion by submitting a withdrawal request to the Provost.

E.14 Performance Reviews *(last revised May 6, 2021)*

All faculty members, including department heads and deans, are subject to performance reviews. These reviews include annual reviews, comprehensive reviews of tenure-track faculty members, and comprehensive reviews of tenured faculty members. Annual reviews and comprehensive reviews of tenured faculty members shall be conducted by the academic supervisor for the faculty member's academic unit. For a faculty member who is not a department head, a dean, an associate dean or an assistant dean, the academic unit is their home department, and the academic supervisor is the department head. For a department head, an associate dean, or an assistant dean, the academic unit is the college, and the academic supervisor is the dean of that college. For a dean, the academic unit is the University, and the academic supervisor is the Provost.

Nothing contained in this section shall be construed to affect the at-will status of administrative appointments. The evaluation of an individual's performance as an administrator and fit within a specific administrative organizational structure is separate from the review processes described in this section.

Performance reviews are intended to facilitate continued professional development, to refocus professional efforts when appropriate, to assure that faculty members are meeting their obligations to the University, and to assist faculty in achieving tenure or promotion. These reviews must be conducted in such a way that they are consistent with academic freedom, due process, the tenure system, and other protected rights. It is also appropriate for performance reviews to document problems with behavior (see Section D.9 and also Section E.15).

A performance review must take into account the individual faculty member's effort distribution (see Section E.9.1) and the individual faculty member's workload (see Section E.9.2), and it must consider each area of responsibility. Expectations for each area of responsibility should be laid out clearly in departmental codes. Furthermore, effort distributions should be established so as to best utilize the individual talents of all tenured faculty members, because having similar assignments for all faculty members in a department often is not the effective use of resources. Faculty members should have the opportunity to work with the academic supervisor to adjust their professional responsibilities throughout their careers in a way that permits them to meet both institutional and individual goals.

For each performance review, a written report shall be prepared by the academic supervisor, and this report shall identify strengths and any deficiencies in the faculty member's performance. The faculty member shall be given a copy of this report, and they shall then have ten (10) working days to prepare a written response to this report if the faculty member desires to do so. The report and any written response on the part of the faculty member shall be forwarded to the dean and the provost, and a copy shall be maintained in the faculty member's official Personnel File.

E.14.1 Annual Reviews *(new section added June 22, 2006)*

Annual reviews are typically for the purpose of evaluation for merit salary increases, for providing assistance to faculty members to improve their performance when needed, and for the early identification and correction of perceived weaknesses and deficiencies in performance. When appropriate, the academic supervisor shall work with the faculty member to develop specific actions to improve performance. Requirements for annual performance reviews are found in Section C.2.5.

E.14.2 Comprehensive Reviews of Tenure-Track Faculty *(last revised May 3, 2011)*

A comprehensive performance review of each tenure-track faculty member shall be conducted by the midpoint of their probationary period at Colorado State University. For example, the normal probationary period for an assistant professor is six (6) years, so the midpoint review would be conducted by the end of the third (3rd) year. However, if the assistant professor were given one (1) year of credit for prior service, then the probationary period at Colorado State University would be reduced to five (5) years, so the midpoint review would be conducted by the middle of the third (3rd) year.

The use of Family Medical Leave may lead to a delay of the Comprehensive Review (see Appendix 8 for details).

This midpoint review shall be conducted by a Review Committee consisting of all eligible faculty members of the department, or, if so specified in the department code, by a duly elected committee thereof. The department head, college dean, Provost, and President are not eligible to serve on the Review Committee. A faculty member holding an administrative appointment (as defined in Section K.11.2) of more than half-time (0.5) is not eligible to serve on the Review Committee, unless the department code specifies otherwise. The eligible faculty members are all other tenured department faculty members, except for those who choose to recuse themselves. Prior to conducting the review, the members of the Review Committee shall consult with the college dean to discuss the expectations for tenure at administrative levels higher than the department. One (1) of the following three (3) outcomes must be selected by a majority of the Review Committee:

- a. The faculty member is making satisfactory progress toward tenure and promotion;
- b. There are deficiencies, but, if they are corrected satisfactorily, the faculty member will be making satisfactory progress toward tenure and promotion; or
- c. The faculty member has not met the stated requirements for the position in one (1) or more areas of responsibility, and the Review Committee recommends against further appointments.

Upon completion of the midpoint review, the Review Committee shall prepare a written report. A copy of this report shall be given to the faculty member, who shall then have ten

(10) working days to prepare a written response to this report if the faculty member desires to do so. Both the report and the faculty member's response shall be forwarded successively to the department head, the college dean, and the Provost (if one (1) of these persons is the faculty member under review, they will be skipped in the forwarding). Each of the included administrators may add written comments, and copies of these comments will be given to the faculty member, the Review Committee, and each of the administrators. A final comprehensive performance review is required prior to a recommendation concerning tenure (see Section E.10.4).

E.14.3 Periodic Comprehensive Reviews of Tenured Faculty *(last revised May 6, 2021)*

E.14.3.1 Phase I Comprehensive Performance Reviews *(last revised May 6, 2021)*

Phase I Comprehensive Performance Reviews of all tenured faculty members, except those on transitional appointments of fewer than five (5) years, shall be conducted at five (5) year intervals, beginning in the fifth (5th) year after the granting of tenure. If a tenured faculty member receives a promotion in rank, this alters the schedule for Phase I Reviews, with the next review being conducted in the fifth (5th) year after the promotion. If a tenured faculty member becomes a department head, this alters the schedule for Phase I Reviews as described in Section C.2.4.2.2.c. The schedule for Phase I Reviews may be shifted by up to two (2) years in order to accommodate a sabbatical leave, a major health issue, having too many faculty members scheduled for review in the same year, or some other compelling reason. However, such a shift requires the consent of both the faculty member and the academic supervisor. If two (2) annual reviews since the last Phase I Review have identified deficiencies of sufficient magnitude to warrant a Phase I Review, then the schedule for Phase I Reviews will be altered, with the next review occurring immediately.

A Phase I Review shall be based upon a summary of all annual reviews since the last comprehensive review or the acquisition of tenure or promotion; an updated curriculum vitae; a self-analysis by the faculty member, including both strengths and weaknesses; and a statement by the faculty member of professional goals and objectives. The academic supervisor shall provide an overall assessment of the faculty member's performance, including evidence of discriminatory actions as determined by the Office of Equal Opportunity, and the faculty member shall be given a copy of this evaluation. The evaluation must be based upon the faculty member's performance in each area of responsibility (see Section E.12), and it must take into account the individual faculty member's effort distribution (see Section E.9.1) and the individual faculty workload (see Section E.9.2). As part of the overall assessment of the faculty member's performance, the academic supervisor must select one (1) of the following three (3) outcomes:

- a. The faculty member's performance is satisfactory, and no further action is necessary;
- b. The faculty member has deficiencies which the academic supervisor believes can be remedied without implementing a Phase II Comprehensive Performance Review; or
- c. The faculty member's performance is sufficiently unsatisfactory that a Phase II Comprehensive Performance Review shall be conducted.

Evaluations should identify strengths and any deficiencies in the faculty member's performance. If the second outcome is selected, the academic supervisor shall design a specific professional development plan to assist the faculty member in meeting expectations. The faculty member shall be given the opportunity to work with the academic supervisor on the design of this plan, and the faculty member shall be given a copy of this plan. As part of this plan, the faculty member's effort distribution and/or workload may be adjusted to focus on the faculty member's interests and demonstrated performance, as well as the needs of the academic unit. This plan shall include a time-frame for achieving the indicated goals, and it shall specify what resources, assistance, and opportunities will be made available to the faculty member in order to help the faculty member achieve these goals.

E.14.3.2 Phase II Comprehensive Performance Reviews *(last revised December 1, 2023)*

A Phase II Comprehensive Performance Review is initiated when the academic supervisor decides that a tenured faculty member's performance in a Phase I Review was not satisfactory, or it may be initiated as described in Section E.15.4.1. The initiation of a Phase II Review is not grievable by the faculty member. A Phase II Review Committee of at least five (5) tenured peers at the same or higher rank as the faculty member shall be selected to conduct a comprehensive performance review according to procedures specified in the code of the academic unit. These peers shall be selected from the same academic unit as the faculty member, unless that academic unit is a department that is too small, in which case, some of the peers may be from other departments within the same college. The academic supervisor shall not be a member of the Review Committee, nor shall any other administrator at the same administrative level as the academic supervisor or higher. The procedure for the selection of these peers shall be specified in the code of the academic unit. If the selection procedures are not specified in the code of the academic unit, then a committee of five (5) tenured peers shall be drawn by lot from the eligible faculty members in the same academic unit as the faculty member. If the academic unit is a small department with fewer than five (5) eligible faculty members, then additional tenured peers shall be drawn by lot from the eligible faculty members in the same college so as to increase the total number of committee members to five (5).

The code of each academic unit shall specify:

- a. The procedure for the selection of a Phase II Review Committee;
- b. Procedures for assuring impartiality and lack of bias among members of the Phase II Review Committee;
- c. The criteria to be used by the Phase II Review Committee, including standards for evaluation which reflect the overall mission of the academic unit, and which permit sufficient flexibility to accommodate faculty members with differing responsibilities, effort distributions, and workloads;
- d. The types of information to be submitted by the faculty member being reviewed; and
- e. Any additional information to be used in evaluations such as peer evaluations and student opinions of teaching.

As a result of a Phase II Comprehensive Performance Review one (1) of the following three (3) outcomes shall be selected by a majority of the Review Committee:

- a. The faculty member has met the reasonable expectations for faculty performance, as identified by their academic unit;
- b. There are deficiencies, but they are not judged to be substantial and chronic or recurrent; or
- c. There are deficiencies that are substantial and chronic or recurrent.

Regardless of the outcome, the Review Committee shall prepare a written report and provide the faculty member with a copy. If the second outcome is selected, the written report may recommend that the academic supervisor design a specific professional development plan to assist the faculty member in meeting expectations. If the third outcome is selected, then the written report shall explain what deficiencies led to that selection.

For either of the first two (2) outcomes, no further action is necessary. For the third outcome, taking into account the faculty member's actions, prior actions and history, and whether a pattern exists, the committee's written report shall recommend whether or not disciplinary action should be pursued as described in Section E.15.

The faculty member shall then have ten (10) working days to prepare a written response to this report. For informational purposes, both the report and the faculty member's response shall be forwarded to the academic supervisor, and, at successive steps, to each higher supervisor, ending with the Provost.

If the Review Committee selects the third outcome and identifies deficiencies that need to be remedied, the academic supervisor shall design a specific professional development plan indicating how these deficiencies are to be remedied and setting time-lines for accomplishing each element of the plan. The faculty member shall be given the opportunity to work with the academic supervisor on the design of this plan. This professional development plan shall be submitted to the next higher administrative level for approval, and the faculty member shall be given a copy of the approved plan. This professional development plan shall be considered to be part of the faculty member's official personnel file.²

E.14.4 Grievance *(last revised August 12, 2009)*

A faculty member shall have recourse to the provisions in Section K, except where otherwise prohibited (e.g., see Section E.15), once an adverse recommendation is made by an administrator in any performance review. The recommendations made by a Phase II Review Committee, whose membership is faculty, are not grievable, but any adverse recommendation or decision made by an administrator as a result of a Phase II Comprehensive Performance Review may be the basis for complaint under Section K. Neither constructive recommendations for improvement nor a professional development plan is grievable by the faculty member.

E.15 Disciplinary Action for Tenured Faculty *(last revised December 1, 2023)*

The procedures set forth in this section of the Manual govern disciplinary action other than a Letter of Reprimand (see Section D.4.2) for tenured faculty members, including revocation of tenure and termination of appointment. These actions may occur in connection with either behavior or performance of professional duties. Disciplinary action other than a Letter of Reprimand for a

² The term "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 the individual's supervisors.

faculty member (hereinafter termed the “Tenured Faculty Member”) must follow the procedures outlined in this section of the Manual. These procedures shall be used in a manner that is consistent with the protection of academic freedom (see Section E.8) and confidentiality of all participants in such actions to the extent permitted by law. These procedures must not be used in an unfair, unreasonable, capricious, arbitrary, or discriminatory manner. Participants shall conduct themselves in accordance with the Code of Ethical Behavior (see Section D.9).

Any member of the University community who knowingly makes false statements as a part of these proceedings shall be subject to disciplinary action appropriate to their position within the University.

The University Grievance Officer (UGO) shall be charged with assuring the integrity of the E.15 processes, including discussions to achieve a mutually agreeable resolution at any stage of the process, coordinating committee appointments and duties, and certifying that appropriate individuals participate in the process. At the discretion of the UGO, any of the time limits in Section E.15 may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

Either of the following conditions may lead to formal disciplinary action:

- a. Substantial neglect of assigned duties that prevents the Tenured Faculty Member from fulfilling their obligation to the University as stated in Section E.5.2 and impacts the department, college, or University; or actions that substantially impair the duties or responsibilities of others.
- b. Behavior of the Tenured Faculty Member that (1) presents significant risk to the safety or security of members of the University community (e.g., violence) and/or (2) represents a serious violation of ethics (see Section D.9) and/or University policy (including, but not limited to, unlawful discrimination, research misconduct, harassment, bullying, retaliation, or misappropriation of funds).

There are two (2) avenues for discipline:

- i. Acceptance of disciplinary action by the Tenured Faculty Member. The Tenured Faculty Member may agree to accept formal disciplinary action without a Hearing. In this case, there must be a written document stating that disciplinary action is being taken and detailing the disciplinary action and any agreements made. This document must be signed by both the Tenured Faculty Member and the Academic Supervisor to indicate their mutual agreement regarding the disciplinary action. The agreement by the Tenured Faculty Member to accept this action does not imply admission of responsibility for the charge. This action requires the approval of the Provost. If the Provost, after consultation with the UGO, determines that the disciplinary action is not appropriate, the Provost shall direct that the matter be referred to the formal Hearing Process. This document stating the disciplinary action, if rejected, may not be used in the resulting Hearing.

- ii. Disciplinary Action resulting from a formal Hearing. The University may impose disciplinary action against the Tenured Faculty Member. Possible disciplinary actions resulting from a formal Hearing include, but are not limited to, one or more of the following: letter of reprimand, reassignment of duties, mandatory education or training, monitoring, reduction in pay, suspension with or without pay, revocation of tenure, and termination of employment. Since faculty rank is an academic credential, reduction in rank may not be used as a disciplinary action unless the rank was obtained through fraudulent means. Some disciplinary actions may be for a specified period of time or until some condition is met, and some may be for an indefinite period of time, subject to later review. It is also possible that the Hearing will not result in any disciplinary action.

E.15.1 Initiating the Process

The disciplinary process shall be initiated when a written and signed statement (hereinafter termed the "Statement"), which specifies with reasonable particularity the alleged grounds for disciplinary action, is filed with the UGO by one or more of the following individuals: the academic supervisor, the college dean, or the Provost. Anyone may write the Statement, but one or more of the individuals listed in the previous sentence shall file it with the UGO in order to initiate the disciplinary process. Upon receipt of the Statement, the UGO shall notify the person(s) who filed the Statement that the disciplinary process has been initiated. Also, when the process has been completed, the UGO shall notify the person(s) who filed the Statement of the final outcome. In both cases, the person(s) who filed the Statement shall notify the person(s) who wrote the Statement.

E.15.2 Operational Procedures Prior to Completion of Formal Disciplinary Action

The UGO shall review the Statement to ensure that it alleges the existence of one or more of the conditions for disciplinary action listed in Section E.15.a or E.15.b. If the UGO finds that the Statement alleges one or more of these conditions, then, no later than three (3) working days following receipt of the Statement, the UGO shall provide a copy of the Statement to the Tenured Faculty Member and inform the Academic Supervisor and the dean of the college (or the Provost if the Academic Supervisor is a dean) of the commencement of the disciplinary process. The Statement is deemed to have been received when it is delivered personally to the Tenured Faculty Member, or ten working days after it has been sent to the Tenured Faculty Member via email to their official CSU email address, or when receipt has been confirmed to the UGO by the Tenured Faculty Member.

Pending the outcome of this process, the Provost may assign the Tenured Faculty Member to other duties or take such other action as deemed appropriate, including suspension of duties, only if the Provost determines that the continued presence of the Tenured Faculty Member would threaten the safety or security of the Tenured Faculty Member or other persons or would substantially impair or disrupt the normal functioning of the University or one of its departments or divisions. Salary shall continue during the period of a

suspension.

E.15.3 Discussions to Achieve a Resolution

No later than three (3) working days after confirming the adequacy of the Statement and notifying the appropriate parties, the UGO shall direct the Academic Supervisor, the college dean, and/or the Provost to enter into discussions with the Tenured Faculty Member in an effort to come to a resolution as to possible disciplinary action to be taken against the Tenured Faculty Member by mutual agreement.³ The agreement by the Tenured Faculty Member to accept such action does not imply admission of responsibility for the charge(s).

If an agreement is reached, it requires the approval of the Provost. If the Provost determines that the agreement is appropriate, and the agreement does not involve revocation of tenure, demotion, reduction in pay, resignation, or other separation from the University, the Provost is authorized to approve the agreement. If the Provost determines that the agreement is appropriate, and the agreement involves revocation of tenure, demotion, reduction in pay, resignation, or other separation from the University, the agreement must be approved by the President. If the Provost determines, after consultation with the UGO, that the agreement is not appropriate, the Provost shall direct that the matter proceed to the formal Hearing Process. This agreement that states the disciplinary action, if rejected, may not be used in the resulting Hearing. If no agreement can be reached within five (5) working days of the UGO's directive to enter into discussions, the matter shall proceed to the formal Hearing Process.

If the decision is made to proceed to a Hearing, the Tenured Faculty Member shall be notified of the decision and given ten (10) working days to submit a written response (hereinafter termed the "Response") to the allegations in the Statement.

E.15.4 Hearing Process

If the allegations in the Statement are limited to performance of professional duties (Section E.15.a), then the procedures specified in Section E.15.4.1 are to be followed. If the allegations in the Statement are limited to behavior (Section E.15.b), then the procedures specified in Section E.15.4.2 are to be followed. If the Statement contains allegations involving both performance of professional duties and behavior, and each of the two procedures determines that a formal hearing is warranted, then a single Hearing shall be conducted with the participation of both of the Hearing Committees specified in Sections E.15.4.1 and E.15.4.2.

As appropriate, individuals appointed to serve on Hearing Committees assembled under the provisions of Section E.15 may have their effort distributions adjusted, as negotiated with their immediate supervisor, to reflect their involvement in the disciplinary process, or they may receive release time from some of their academic obligations.

³ These discussions are intended as avenue of resolution that would be acceptable to both the Tenured Faculty Member and the administrator(s).

E.15.4.1 Performance of Professional Duties

For allegations involving performance of professional duties as described in Section E.15.a, the charges shall be considered in a Phase II Review (see Section E.14.3.2) before the formal disciplinary Hearing Process is initiated. The Phase II Review Committee shall determine whether or not the formal disciplinary Hearing Process is warranted. The Provost may, for convincing reasons stated in writing, reverse the decision of the Phase II Review Committee, but this must be done within five (5) working days of being notified of the decision.

If the decision is made to conduct a formal disciplinary Hearing regarding allegations involving performance of professional duties, the Tenured Faculty Member's performance must be judged against the normal expectations within their department, taking into account the tenured faculty member's effort distribution (see Section E.9.1) and workload (see Section E.9.2). In this case, a Hearing Committee of at least six (6) members shall be formed. The persons eligible to serve on this Hearing Committee are the tenured faculty members of the Tenured Faculty Member's department who have the same or higher rank as the Tenured Faculty Member and who have no administrative duties (see Section K.11.2) but excluding the Tenured Faculty Member and their academic supervisor. The Department Code may specify the process for selecting the eligible faculty members to serve on the Hearing Committee. If the Department Code does not specify this process, then the Hearing Committee shall consist of six (6) eligible faculty members drawn by lot by the college dean. In no case may this committee consist of fewer than six (6) members. If there are fewer than six (6) faculty members of the department eligible for the committee, then additional members shall be drawn by lot by the college dean from a pool consisting of all tenured faculty members of the college who have the same or higher rank as the Tenured Faculty Member and have no administrative duties (see Section K.11.2). The members of this Hearing Committee shall then select from their membership a chairperson who shall be a voting chair of the committee.

E.15.4.2 Behavior

If the Statement contains allegations involving behavior as described in Section E.15.b, then the UGO and the Chair of the Faculty Council shall jointly appoint a six (6) person Hearing Committee from the tenured faculty members of the Faculty Grievance Panel (see Section K.15). Neither the Tenured Faculty Member nor their Academic Supervisor may be part of this committee. The members of this Hearing Committee shall then select from their membership a chairperson who shall be a voting chair of the committee.

If the Statement involves allegations of sexual harassment, discrimination, bullying, retaliation, or research misconduct, the procedures appropriate to those allegations shall be followed (see Appendices 1, 2, 3, 6, and 7) before a Hearing

Committee is formed.

This Hearing Committee shall conduct a Preliminary Review in which they discuss the allegations in the Statement, evaluate the Tenured Faculty Member's Response and determine whether or not a Hearing is warranted. During this process, the Hearing Committee may request additional statements from the Tenured Faculty Member, the person(s) filing the Statement, and/or other persons deemed to have relevant information. The Hearing Committee shall then retire for private discussion, which shall be confidential. These deliberations shall be followed by a vote to determine if sufficient information exists to warrant a Hearing. The decision to conduct a Hearing requires a majority vote. The Provost may, for convincing reasons stated in writing, reverse this decision by the Hearing Committee, but this must be done within five (5) working days of being notified of the decision.

E.15.4.3 Removal of Hearing Committee Members

Members of a Hearing Committee who believe themselves sufficiently biased or interested that they cannot render an impartial judgment shall remove themselves from the committee on their own initiative. Challenges for cause may be lodged with the UGO by the Tenured Faculty Member, the person(s) who filed the Statement, or any member of the Hearing Committee. The UGO shall decide all challenges with such advice from legal counsel for the University or from the Colorado Department of Law (Office of the Attorney General) as the UGO deems necessary or advisable. The UGO may remove a member of the Hearing Committee even though actual cause cannot be proven. The Tenured Faculty Member shall have a maximum of two (2) challenges without stated cause, but such challenges must be made within five (5) working days of receiving notification of the membership of the Hearing Committee. If a member is removed from the Hearing Committee, then a replacement member shall be chosen by following the same procedures as for the initial selection of the committee members in order to produce a Hearing Committee with six (6) members.

E.15.4.4 Hearing

- a. The Hearing Committee(s) may hold organizational meetings, which may include meetings with the Tenured Faculty Member, the Academic Supervisor, the person(s) filing the Statement, or other persons, as needed, to (1) clarify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, (4) formulate a list of potential witnesses, and (5) achieve other pre-Hearing objectives as will make the Hearing fair, effective, and expeditious. The UGO shall be present at all meetings of the Hearing Committee(s). The Hearing Committee(s) decide what witnesses will be interviewed and will provide a written explanation of their decision to the UGO. The written explanation of the decision will

be shared with the Tenured Faculty Member and the person(s) filing the Statement.

- b. The Tenured Faculty Member and the person(s) filing the Statement shall be notified in writing of the Hearing within five (5) working days following the formal decision to proceed with the Hearing. Within five (5) working days of this notification, the Tenured Faculty Member and the person(s) filing the Statement must submit to the UGO any additional materials that they wish the Hearing Committee(s) to consider. The UGO shall forward these materials to the Hearing Committee(s) within three (3) working days of receiving them.

The Hearing shall commence no sooner than twenty (20) working days following receipt of the notice by the Tenured Faculty Member, unless the Tenured Faculty Member requests an earlier Hearing and the Hearing Committee concurs. A notice is deemed to have been received when it is delivered personally to the Tenured Faculty Member, when it has been sent to the Tenured Faculty Member via email to their official CSU email address, or when receipt has been confirmed to the UGO by the Tenured Faculty Member.

- c. The Hearing and recommendations for action shall be limited to the allegations specified in the Statement. Any additional allegations emerging during the Hearing may be considered only after a new Statement regarding such allegations has been filed with the Hearing Committee(s) and the Tenured Faculty Member has been given an opportunity to submit a new written Response.
- d. The Hearing shall be closed, and the proceedings shall remain confidential to the extent permitted by law. During the Hearing, the UGO shall be present at all times, and the Tenured Faculty Member shall be invited to be present at all times. In addition, the Tenured Faculty Member and the Hearing Committee(s) shall each be permitted to have a maximum of two (2) advisors present, consisting of academic advisors and/or legal counsel. These advisors may provide advice and assistance, but they may not actively participate in the proceedings, such as making objections or attempting to argue the case (however, if an advisor is called as a witness, the advisor is allowed to participate in this capacity). Advisors for any participant shall be free to advise the participant fully throughout the proceeding, including assisting the participant in formulating any required written documentation and helping the participant prepare for any oral presentations.
- e. The Hearing shall be recorded, a copy of the recording shall be made available, without cost, to the Tenured Faculty Member, and a verbatim

transcription shall be made available without cost to the Tenured Faculty Member at the Tenured Faculty Member's request.

- f. At least five (5) working days prior to the Hearing, the Tenured Faculty Member and the person(s) filing the Statement shall be provided with all written documents scheduled to be presented and the names of all witnesses scheduled to be heard in the proceedings along with the nature of their proposed testimony. The administration shall cooperate with the Hearing Committee(s) to the extent possible in securing witnesses and making documentary and other information available.

If the need arises, the Hearing Committee(s) may decide to request additional written documents or call additional witnesses during the Hearing. If so, the Tenured Faculty Member must be given the opportunity to prepare a response to such changes, and this may include presenting new written documents and/or calling additional witnesses. This may require adjournments of the Hearing for periods that the Hearing Committee(s) deem appropriate.

- g. The Tenured Faculty Member shall have the right to see all written evidence presented, hear all testimony, and question all witnesses. Furthermore, the Tenured Faculty Member must be afforded the opportunity to question the person(s) filing the Statement. If any person filing the Statement refuses to appear as a witness, then the Hearing shall conclude immediately, and no disciplinary action shall be taken as a result of this Hearing (although the same allegations may be considered again in a newly initiated Hearing). However, harassment of witnesses by the Tenured Faculty Member, as determined by a concurrence of at least two-thirds (2/3) of the members of the Hearing Committee(s), is prohibited. Also, if it is deemed appropriate by at least two-thirds (2/3) of the members of the Hearing Committee(s), the questioning of one (1) or more witnesses may occur with the parties being in different physical locations, but the questioning must occur in a real-time, spontaneous format (e.g., a video conference or a teleconference), unless at least two-thirds (2/3) of the members of the Hearing Committee concur that this is not feasible.
- h. The person(s) filing the Statement shall not be present during the testimony of others, unless specifically invited by the Hearing Committee(s). Such an invitation must be agreed to by at least two-thirds (2/3) of the members of the Hearing Committee(s). Such an invitation does not include the right to question either the Faculty Member or any other witnesses, unless this right is included explicitly in the invitation. If such an invitation is made, the invited person shall be permitted to have a maximum of two (2) advisors present, consisting of

academic advisors and/or legal counsel. These advisors may provide advice and assistance, but they may not actively participate in the proceedings (however, if an advisor is called as a witness, the advisor is allowed to participate in this capacity).

- i. The Hearing Committee is not bound by strict rules of legal evidence. Every possible effort shall be made to obtain the most reliable information available.
- j. If one or more members of the Hearing Committee cannot complete the Hearing and reporting process, then this process shall continue without them. However, if fewer than five (5) members of the Hearing Committee are able to complete this process, then the process shall be terminated, a new Hearing Committee shall be formed, and a new Hearing shall be conducted.

E.15.5 Procedures Following Completion of the Hearing

After the completion of the Hearing, the Hearing Committee(s) shall retire for private discussion and review with the UGO being present. These deliberations shall remain confidential to the extent permitted by law. If there are two (2) Hearing Committees, they shall have separate deliberations and make separate recommendations.

Each Hearing Committee shall evaluate the information presented to determine if the condition required for disciplinary action exists related to its particular charge (behavior or performance of professional duties). If the Hearing Committee determines that the condition does not exist, then it shall issue a report that states that finding. If the Hearing Committee determines that the condition does exist, then it shall issue a report that states that finding and makes a recommendation for appropriate disciplinary action. In deciding upon appropriate disciplinary action, the Hearing Committee shall consider the totality of the circumstances, including the egregiousness of the Tenured Faculty Member's actions, the prior actions and history of the Tenured Faculty Member, and whether a pattern exists.

The written report of the Hearing Committee shall include a comprehensive and detailed summary of the relevant facts and the conclusions reached in assessing those facts. If the recommendation from the Hearing Committee is not unanimous, the report shall explain the reasoning of the dissenting minority, as well as that of the majority.

The Hearing Committee shall issue its final report no later than ten (10) working days after the conclusion of the Hearing.

E.15.6 Recommendation for Disciplinary Action

If at least two-thirds (2/3) of the members of the Hearing Committee concur that disciplinary action is appropriate, a written report shall be prepared that states this

conclusion, recommends specific sanctions, and specifies the reasons for this recommendation. The report must include a review of the information and an explanation of the grounds for the recommendation. The sanction(s) recommended must be reasonably related to the seriousness of the offense and may take into account the totality of the circumstances.

A recommendation for revocation of tenure and/or termination of appointment requires the concurrence on at least two-thirds (2/3) of the members of the Hearing Committee.

If less than two-thirds (2/3) of the members of the Hearing Committee concur that disciplinary action is appropriate, a written report shall be prepared that recommends that no disciplinary action be taken.

E.15.7 Disposition of the Hearing Committee's Report

The Hearing Committee's written report shall be transmitted to the Tenured Faculty Member and their Academic Supervisor, the person(s) filing the Statement, and, at successive steps, to the dean, and the Provost.

The Tenured Faculty Member and the person(s) filing the Statement shall have the right to object in writing to the recommendation of the Hearing Committee. Such an objection shall be limited to five (5) typed pages with normal font size, and it must be submitted to the Tenured Faculty Member's Academic Supervisor, no later than five (5) working days after receipt of the Hearing Committee's report. Any objections shall be attached to the recommendation of the Hearing Committee and considered together with this recommendation at each successive level in the administrative chain.

E.15.8 Administrative Action on the Hearing Committee Recommendations

After a recommendation is received from the Hearing Committee, the Academic Supervisor shall each review the Hearing Committee's report and recommendation and any written objections and make their own recommendation to the dean within five (5) working days, with written copies sent to the Tenured Faculty Member and the person(s) filing the Statement. The dean shall then review the Hearing Committee's report and recommendation, any written objections, and the recommendation from the Academic Supervisor and make their own recommendation to the Provost within five (5) working days, with copies sent to the Tenured Faculty Member, the person(s) filing the Statement, and the Academic Supervisor. If two (2) separate Hearing Committees have made two separate recommendations, each recommendation is considered separately until the two recommendations reach the Provost. The Provost shall then combine the two separate recommendations and make a single recommendation to the President. If someone in the administrative chain fails to issue a recommendation within the specified time limit, the matter shall be forwarded to the next administrative level for review.

If the Provost must combine two separate recommendations into a single recommendation

to the President, then the decision of the President is final. Otherwise, the decision of the Provost is final, unless the decision involves revocation of tenure, demotion, reduction in pay, resignation, or other separation from the University. If the decision of the Provost involves revocation of tenure, demotion, reduction in pay, resignation, or other separation from the University, then that decision shall be forwarded to the President as a recommendation, and the decision of the President is final. A final decision by the Provost or a recommendation by the Provost to the President must be made within ten (10) working days of receiving the recommendation from the dean. A final decision by the President must be made within ten (10) working days of receiving the recommendation from the Provost.

An alternate recommendation or final decision that is either more or less severe than the recommendation made by the Hearing Committee(s) shall be issued at a higher administrative level only for compelling reasons that shall be stated in writing to the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee(s), and all previous administrators in the administrative chain. In the case of an alternate recommendation, the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee(s), and the previous administrators in the administrative chain shall be given five (5) working days from the date of notification of the alternate recommendation to object in writing to the administrator's reasons for making the alternate recommendation, and the alternate recommendation could be reversed at an even higher administrative level. If the Provost must make a recommendation to the President, the Provost's recommendation shall be communicated in writing to the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee(s), and all previous administrators in the administrative chain, and it may be objected to the President in the same manner within five (5) working days. Objections shall each be limited to five (5) typed pages with normal font size and shall be forwarded to each successive administrator along with the alternate recommendation and the rationale for it.

E.15.9 Written Records

The recording of the Hearing, the verbatim transcription if requested by the Tenured Faculty Member and all written records of E.15 documents and proceedings, including the Statement and Response; supporting documents; committee reports and recommendations; administrative reviews of committee recommendations; alternate recommendations; objections to any recommendations; and final decisions, shall be kept on file in the archives of the UGO for three years or for the duration of the employment of the Tenured Faculty Member, whichever is longer, and these shall be considered to be part of the Tenured Faculty Member's official Personnel File. (see footnote #2 regarding the official Personnel File)

E.15.10 Term of Continuation of Faculty Salary and Benefits Following Termination of Appointment

Employment, together with salary and benefits, shall terminate upon a final decision to

terminate an appointment. However, employment may continue for a period not to exceed one (1) year if the President independently determines or concurs with a recommendation that employment be continued for that specified period to enable the Tenured Faculty Member to complete essential responsibilities.

E.15.11 Time Limit for Action by the Provost

The Provost must act on the final decision regarding disciplinary action within ten (10) working days of the reporting of that decision.

E.16 Appeal of Early Termination of Tenure-Track Faculty Appointments *(New section May 8, 2019)*

A tenure-track faculty member may appeal a recommendation to the President to terminate their appointment prior to the ending date of the contract. This section of the Manual sets forth the procedures for such an appeal. The University Grievance Officer (UGO) shall be charged with overseeing this appeal process. At the discretion of the UGO, any of the time limits in this section may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

E.16.1 Initiating the Process

When a Recommendation to the President to terminate a Tenure-Track Faculty Appointment prior to the ending date of the Appointment is sent to the Provost, a copy of this Recommendation shall be provided in writing to the faculty member by the person making the Recommendation (hereinafter referred to as the Recommender). At the same time, the recommender shall notify the faculty member of their right to appeal this recommendation and refer them to Section E.16 of the Manual. The faculty member then has ten (10) working days to submit to the UGO an Appeal in writing of this Recommendation, along with the Recommendation itself. If an Appeal is submitted within this time frame, then the UGO shall notify the Provost within three (3) working days, and the Recommendation shall not be sent to the President until the conclusion of the Section E.16 process.

If the faculty member fails to submit an Appeal within this time frame, then they shall forfeit the right to appeal the Recommendation for termination (unless the UGO decides that extenuating circumstances justify an extension of this deadline). If the Provost has not been notified by the UGO of an Appeal within twenty (20) working days of receiving the Recommendation from the Recommender, then the Provost may assume that no Appeal will be filed, and they may forward the Recommendation to the President for a final decision.

The Appeal should provide all of the information that the Appeal Committee (see Section E.16.2) will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and

persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Appeal. The Appeal Committee is not required to contact all of the persons listed in the Appeal. The UGO will review the Appeal to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Appeal to the Appellant for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Appeal from the Appellant, the UGO shall forward the Appeal to the Recommender and to the members of the Appeal Committee. The Recommender shall then have ten (10) working days to provide a Response. This Response should provide all of the information that the Appeal Committee will need in order to make its decision whether to support or oppose the Recommendation for termination. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Response. The Appeal Committee is not required to contact all of the persons listed in the Response. The UGO will review the Response to make sure that the information included is relevant to the issue of termination. In some cases, it may be necessary for the UGO to return the Response to the Recommender for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Response from the Recommender, the UGO shall forward the Response to the Appellant and to the members of the Appeal Committee.

E.16.2 Appeal Committee

The Appeal Committee shall consist of the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the Chair of the Faculty Council Committee on Responsibilities and Standing of Academic Faculty. The Chair of Faculty Council shall serve as the Chair of the Appeal Committee. After receiving both the Appeal and the Response from the UGO, the members of the Appeals Committee shall begin their consideration of the Appeal. As part of this consideration, they shall meet with the Recommender, the Appellant, and any other persons that they consider relevant to their consideration of the Appeal. All three members of the Appeal Committee must be present at each of these meetings. At their discretion, the members of the Appeal Committee may request additional information from the Recommender and/or the Appellant, and they may choose to meet more than once with some persons.

E.16.3 Report of the Appeal Committee

After the completion of the process described in Section E.16.2, the three members of the Appeal Committee shall meet to discuss the case and to reach a final decision by majority vote whether to support or oppose the Recommendation for the termination of the Appellant.

After the conclusion of this meeting, the Chair of the Appeal Committee shall prepare a final Report. This Report shall include the overall vote of the Appeal Committee and the reasons supporting its decision. If the vote was not unanimous, then the Report shall also summarize the reasons given by the dissenting member. The Report shall be submitted to the UGO within twenty (20) working days of the receipt from the UGO of both the Appeal and the Response by the members of the Appeal Committee.

E.16.4 Final Decision by the President

Within three (3) working days of receiving the Report from the Chair of the Appeal Committee, the UGO shall send the Report to the President, along with the initial Recommendation, the Appeal, and the Response. Within twenty (20) working days of receiving these materials from the UGO, the President shall make a final decision regarding the termination of the Appellant and send it in writing to the UGO. This written decision shall include the reasoning that supports the decision. The UGO shall forward this decision by the president to the Appellant, the Recommender, and the Provost. This decision by the President is final.

E.17 Renewal of Tenure-Track Faculty Appointments *(new section added August 9, 2019)*

Tenure-track faculty appointments are for a specified period of time and must be renewed periodically. Prior to the expiration of such an appointment, the Tenure and Promotion Committee within the Department shall meet and discuss the performance of the faculty member. This committee shall then prepare a report regarding the progress of the faculty member toward tenure and promotion. This report shall be submitted to the Department Head along with a recommendation whether or not to renew the tenure-track appointment. The Department Head shall then decide whether or not to renew the appointment.

If the Tenure and Promotion Committee within the Department recommends the renewal of a tenure-track faculty appointment, but the Department Head decides not to renew the appointment, then the Department Head shall notify the Tenure and Promotion Committee of this decision. The Tenure and Promotion Committee shall then reconsider their recommendation for renewal. If the Committee still believes that renewal is appropriate, then it shall prepare a document (hereinafter referred to as the Recommendation) explaining the reasons for recommending renewal, and this Recommendation shall be sent to the Department Head. If the Department Head still decides not to renew the appointment, then the Department Head shall prepare a document (hereinafter referred to as the Decision) explaining their reasons for this decision. The Recommendation and the Decision shall then be provided to the faculty member.

In this case, the faculty member may appeal the nonrenewal decision by the

Department Head. This section of the Manual sets forth the procedures for such an appeal. The University Grievance Officer (UGO) shall be charged with overseeing this appeal process. At the discretion of the UGO, any of the time limits in this section may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

E.17.1. Initiating the Appeal Process

When the faculty member is provided with a copy of the Recommendation and the Decision, the Department Head shall notify the faculty member of their right to appeal the nonrenewal decision and refer them to Section E.17 of the Manual. The faculty member then has ten (10) working days to submit to the UGO an Appeal in writing of the nonrenewal decision, along with the Recommendation and the Decision. If an Appeal is submitted within this time frame, then the UGO shall notify the Provost within three (3) working days.

If the faculty member fails to submit an Appeal within this time frame, then they shall forfeit the right to appeal the nonrenewal decision (unless the UGO decides that extenuating circumstances justify an extension of this deadline). If the Provost has not been notified by the UGO of an Appeal within twenty (20) working days of receiving the Recommendation from the Recommender, then the Provost may assume that no Appeal will be filed.

The Appeal should provide all of the information that the Appeal Committee (see Section E.17.2) will need in order to make its decision whether to support or oppose the nonrenewal decision. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Appeal. The Appeal Committee is not required to contact all of the persons listed in the Appeal. The UGO will review the Appeal to make sure that the information included is relevant to the issue of nonrenewal. In some cases, it may be necessary for the UGO to return the Appeal to the Appellant for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Appeal from the Appellant, the UGO shall forward the Appeal to the Department Head and to the members of the Appeal Committee. The Department Head shall then have ten (10) working days to provide a Response. This Response should provide all of the information that the Appeal Committee will need in order to make its decision whether to support or oppose the nonrenewal decision. This may include relevant documentation and persons that the Appeal Committee may contact for additional supporting information. The relevance of each person should be stated in the Response. The Appeal Committee is not required to contact all of the persons listed in the Response. The UGO will review the Response to make sure that the information included is relevant to the issue of nonrenewal. In some cases, it may be necessary for the UGO to return the Response to the Recommender for editing before it is acceptable.

Within three (3) working days of receiving an acceptable Response from the Recommender, the UGO shall forward the Response to the Appellant and to the members of the Appeal Committee.

E.17.2 Appeal Committee

The Appeal Committee shall consist of the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the College Dean. The Chair of Faculty Council shall serve as the Chair of the Appeal Committee. After receiving both the Appeal and the Response from the UGO, the members of the Appeals Committee shall begin their consideration of the Appeal. As part of this consideration, they shall meet with the Department Head, the Appellant, the Chair of the Tenure and Promotion Committee, and any other persons that they consider relevant to their consideration of the Appeal. All three members of the Appeal Committee must be present at each of these meetings. At their discretion, the members of the Appeal Committee may request additional information from the Department Head and/or the Appellant, and they may choose to meet more than once with some persons.

E.17.3 Report of the Appeal Committee

After the completion of the process described in Section E.17.2, the three members of the Appeal Committee shall meet to discuss the case and to reach a final decision by majority vote whether to support or oppose the nonrenewal of the Appellant.

After the conclusion of this meeting, the Chair of the Appeal Committee shall prepare a final Report. This Report shall include the overall vote of the Appeal Committee and the reasons supporting its decision. If the vote was not unanimous, then the Report shall also summarize the reasons given by the dissenting member. The Report shall be submitted to the UGO within twenty (20) working days of the receipt from the UGO of both the Appeal and the Response by the members of the Appeal Committee.

E.17.4 Final Decision by the President

Within three (3) working days of receiving the Report from the Chair of the Appeal Committee, the UGO shall send the Report to the President, along with the Recommendation, the Decision, the Appeal, and the Response. Within twenty (20) working days of receiving these materials from the UGO, the President shall make a final decision regarding the termination of the Appellant and send it in writing to the UGO. This written decision shall include the reasoning that supports the decision. The UGO shall forward this decision by the President to the Appellant, the Department Head, and the Provost. This decision by the President is final.

E.18 Financial Exigency

E.18.1 Definition of Financial Exigency and Conditions of Tenured Faculty Terminations

For purposes of this policy, a financial exigency is defined as a condition in which the anticipated financial resources of the University's educational and general budget available for allocation for faculty compensation are adjudged to be inadequate to maintain the level of faculty staffing or prevailing rates of compensation. Any involuntary termination or reduction in the salary of a tenured member of the faculty based upon inadequate financial resources shall require a University declaration of financial exigency which pertains to the University as a whole and is not limited to any academic subunit. The tenured faculty member whose appointment is to be terminated for reasons of financial exigency shall have the right to continued employment at least for twelve (12) months from the end of the academic year in which notification of pending termination is received. The position of the tenured faculty member whose appointment is terminated shall not be filled by a replacement within a period of three (3) years, unless the released faculty member has been offered reinstatement and a reasonable time to respond to the offer.

E.18.2 Declaration of Financial Exigency

Any declaration of a condition of financial exigency shall be made by majority action of the Board. (Such a declaration is not subject to challenge by faculty members under the University mediation and grievance procedure.) The President of the University may recommend the declaration of a condition of financial exigency at any time after consultation with the Committee on Strategic and Financial Planning. When the President makes such a recommendation to the Board, the chairman or other member designated by each of these committees shall present the views of their respective committees to the Board.

E.18.3 Development of a Plan of Action

Upon the determination of the Board that a condition of financial exigency is present, the President of the University recognizing the primary responsibility of the faculty members in matters of status and general educational policy shall in consultation with the Committee on Strategic and Financial Planning prepare a plan of action to meet the financial exigency. The plan of action should be designed to minimize the impact of the exigency upon the academic programs of the University and should give due regard to a faculty judgment on the criteria to be used for choosing a response to the exigency. The President shall present the plan to the Board for its approval. The Chairperson, or designated representatives of the Committee on Strategic and Financial Planning, shall present the view of their respective committees on the plan being submitted to the Board.

E.18.4 Order of Terminations

When all reasonable means for coping with a financial exigency except the reduction of staff have been exhausted, terminations shall be made from among the faculty members

who have not acquired tenure, except in extraordinary circumstances where a serious distortion of the academic program would otherwise result.

E.18.5 Responsibility of Committee on Strategic and Financial Planning

The Committee on Strategic and Financial Planning should monitor the ongoing financial status of the University and keep the Faculty Council informed of any conditions which are likely to result in a condition of financial exigency. The Committee should collect information about procedures used in other universities faced with financial exigencies and any other information that would aid in developing reasonable plans to deal with any emergent condition of financial exigency.

E.18.6 Right of Access of Individual Faculty Member to the Grievance and Mediation Procedure

An individual faculty member who feels aggrieved by the implementation of the Board's declaration of financial exigency has access to the grievance and mediation procedure.

E.19 Discontinuance of a Degree Granting Program or a Department of Instruction not Mandated by Financial Exigency

In the event that a degree granting program or department of instruction be discontinued by action of the Board in consultation with the Faculty Council, termination of appointments of tenured faculty members whose responsibilities relate primarily to the discontinued program or department may become necessary.

E.19.1 Procedure

Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a degree granting program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position within the institution. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service, the amount of which will be reasonably determined, after consultation with the relevant department and/or college, by the Board at the time of termination.

E.19.2 Appeal Procedure *(last revised August 12, 2009)*

Affected faculty members shall have the right to appeal the actions defined in Sections E.17 and E.17.1, as outlined in Section K.3 Grievable Actions.

¹The term "majority" as used in this *Manual* shall be according to the definition provided in *Robert's Rules of Order*, that is, more than half of the votes cast, ignoring blanks.

²The term "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 the individual's supervisors.

³These discussions are intended as avenues of resolution which would be acceptable to both the Tenured Faculty Member and the administrator(s).

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F.6 Authorized Absences Due to Death of Relatives

SECTION F. LEAVE POLICIES

F.1 Absences from Campus

Application for leave, the granting of which will require the University to obtain a replacement, shall be submitted at least ninety (90) days prior to the date on which leave is expected to begin.

A faculty member or administrative professional whose application for leave is approved to permit temporary employment outside the University shall be responsible for informing the temporary employer that such employment is on the basis of leave granted by the University.

F.2 Leave Records

Department heads are responsible for maintaining records relating to all types of leaves of absence for personnel in their department. Reports of absences due to earned annual and sick leave must be submitted to the Director of Human Resource Services for all employees involved.

F.3 Types of Leaves

F.3.1 Annual Leave

F.3.1.1 Annual Leave Accrual *(last revised August 8, 2014)*

Full-time faculty members on twelve (12) month tenured, tenure-track, contract, or continuing appointments, and administrative professionals on regular or special twelve (12) month appointments earn annual leave at the rate of two (2) days per month.

Faculty members on twelve (12) month regular, special, or senior teaching appointments, and administrative professionals on regular or special twelve (12) month appointments of less than full-time but at least half-time (0.5) earn annual leave prorated by the part-time fraction of their appointment. The accrual is rounded to the nearest 1/100 of an hour.

Employees who begin work after the first of a month or who terminate before the end of a month earn annual leave on a prorated basis as described in Section 2 of the Human Resources Manual.

Faculty members and administrative professionals on nine (9) month appointments do not accrue annual leave. These individuals may, however, be granted leave on a limited basis throughout the academic year to include the interim term between semesters. Determination of this privilege shall be made by the department head.

No annual leave is earned by employees working less than half-time (0.5), employed on an hourly basis, or on temporary appointments. Postdoctoral fellows and graduate assistants are considered temporary employees.

Annual leave does not accrue during leave without pay nor during sabbatical leave. Annual leave earned during periods of paid leave (annual, sick, injury, etc.) is not credited to the employee until the employee returns to work.

If an employee with accrued annual leave changes to an employment status that is less than half-time (0.5), without a break in service, the employee shall retain all accrued annual leave and the ability to use this annual leave for a period of one (1) year, provided the employee remains employed by the University. If the employee changes to a status that is again eligible to earn annual leave within the one (1) year period and without having the employee employment with the University terminated, then the accrued annual leave shall continue to be available for use by the employee.

F.3.1.2 Accrual Limitations

The maximum accrual of annual leave is forty-eight (48) days. As of January 1, 1981, employees continue to accrue leave during the year even though they have reached the forty-eight (48) day limit. Days accumulated in excess of the forty-eight (48) day limit are forfeited on July 1 of each year.

F.3.1.3 Scheduling and Usage *(last revised December 14, 2004)*

Scheduling annual leave is a responsibility of department heads. Annual leave should be so scheduled as to least interfere with effective operations of the offices concerned, but desires of employees should be considered.

F.3.1.4 Payment for Accrued Annual Leave Upon Separation from Employment *(last revised May 3, 2011)*

When a faculty member or administrative professional who has been an employee of the University for at least six (6) months ceases to be employed by the University, the employee shall be paid for their accrued annual leave up to the maximum number of days specified below and in accordance with the formulas given below. In the case of the death of an employee, the payment shall be made to the estate of the deceased.

In the case of death, the maximum number of days for payment of accrued annual leave is twenty-four (24). For all other types of separation, including, but not limited to, retirement, resignation, and termination, the maximum number of days is twenty-four (24) minus the number of days of annual leave taken during the thirty (30) working days immediately prior to the date of separation from employment. In exceptional circumstances, the Vice President for University Operations has the authority to reduce or eliminate this deduction due to leave taken immediately prior to separation.

The computation of the annual leave termination payment is made using the following formulas:

$$(\text{Monthly Salary Rate} / 173 \text{ Hours}) \times 8 \text{ Hours} = \text{Daily Salary Rate}$$

$$\text{Daily Salary Rate} \times \text{unused days of annual leave (up to the maximum specified above)} = \text{annual leave termination payment.}$$

F.3.1.5 Transfer of Earned Annual Leave with Transfer of Employee between Departments

If an eligible employee is transferred from one (1) department to another within the University, the employee's accrued annual leave shall follow the employee to the receiving department.

F.3.1.6 Leave Policy in Conversion of Faculty Members and Administrative Professional from Twelve (12) Month to Nine (9) Month Status

If a twelve (12) month faculty member or administrative professional has accrued annual leave at the time of conversion to a nine (9) month appointment, such leave shall be taken prior to assuming the nine (9) month appointment. In specific cases, accrued leave may be taken the academic year following conversion to a nine (9) month appointment with the approval of the responsible vice president. Cash payment for accrued leave at time of conversion is not authorized at that time or subsequently.

F.3.2 Sick Leave

F.3.2.1 Sick Leave Accrual *(last revised May 3, 2017)*

One (1) day of sick leave is considered to be eight (8) hours of sick leave. The accrual of sick leave is rounded to the nearest 1/100 of an hour. No sick leave is earned by employees working less than half-time (0.5) or employed on an hourly basis. Graduate assistants do not earn sick leave.

If an employee with accrued sick leave changes to an employment status that is less than half-time (0.5), without a break in service, the employee shall retain their accrued sick leave and the ability to use this sick leave for a period of one (1) year, provided the employee remains employed by the University. If the employee changes to a status that is again eligible to earn sick leave within the one (1) year period and without having their employment with the University terminated, then the accrued sick leave shall continue to be available for use by the employee. No sick leave is earned during the period in which the appointment is less than half-time.

Faculty and Administrative Professionals

Full-time faculty members and administrative professionals on twelve (12) month appointments earn one and one-quarter (1.25) days of sick leave per month, cumulative with no maximum.

Employees who begin work after the first of a month or who terminate before the end of a month earn sick leave on a prorated basis as described in Section 2 of the Human Resources Manual.

Full-time faculty members and administrative professionals on nine (9) month appointments earn one and one-quarter (1.25) days of sick leave per month, cumulative with no maximum. Full-time nine (9) month faculty members and administrative professionals who accept summer session appointments accumulate sick leave at the rate of one and one-quarter days (1.25) per month while on such appointment.

Faculty members and administrative professionals appointed less than full-time, but at least half-time (0.5) earn sick leave prorated by the part time fraction of their appointment.

At the time of initial employment, the employee shall receive an amount of sick leave equal to that which they are expected to earn during a year of employment (as described above). This initial year of sick leave is an “advance” and is granted in lieu of monthly sick leave accruals during the first year of benefits eligible employment. Sick leave does not accrue during leave without pay nor during sabbatical leave. Sick leave accrued during periods of paid leave (annual, sick, injury, etc.) is not credited to the employee until the employee returns to work.

Post-doctoral Fellows, Veterinary Interns, and Clinical Psychology Interns

Post-doctoral fellows, veterinary interns, and clinical psychology interns on full-time nine (9) month or twelve (12) month appointments earn one and one-quarter (1.25) days of sick leave per month.

Post-doctoral fellows, veterinary interns, and clinical psychology interns with appointments of less than full-time, but at least half-time (0.5), earn sick leave each fiscal year prorated by the part time fraction of their appointment. Sick leave accrues and expires each fiscal year.

At the time of initial appointment, and at the beginning of each subsequent fiscal year, post-doctoral fellows, veterinary interns, and clinical psychology interns shall receive an amount of sick leave equal to that which they are expected to earn during a fiscal year (as described above). Unused sick leave does not carry forward into the next fiscal year.

F.3.2.2 Use of Sick Leave *(last revised August 8, 2014)*

A faculty member or administrative professional may use accrued sick leave for treatment of and convalescence from their own illness or injury. Illness includes treatment for alcoholism and drug addiction. In cases of extended sick leave absence as defined in the Human Resources Manual, the faculty member or administrative professional will be required to furnish a physician's statement establishing the need for and duration of absence from work. Sick leave may be used for medical and dental appointments, including routine exams and checkups.

A faculty member or administrative professional may use up to four hundred eighty (480) hours per fiscal year of their accrued sick leave for the following purposes:

- a. Illness or medical treatment of the employee's spouse, domestic partner, civil union partner, parent, or child (as those terms are defined in Appendix 8) or an individual for whom the employee has responsibility to provide care. In addition, an employee will be presumed to have a responsibility to provide care for a serious medical condition of the employee's adult child, sibling, grandparent, or in-law (sibling, parent or grandparent of the employee's spouse, domestic partner or civil union partner) if the employee submits a request for leave stating that the leave is necessary for such reasons.
- b. To provide care for a newborn son or daughter or for a child newly placed for adoption with the employee, in accordance with the Parental Leave and Catastrophic Circumstances Leave Policy and in accordance with the Family Medical Leave Policy (FML). The child need not be ill for use of sick leave in this instance.

F.3.2.3 Payment for Accrued Sick Leave upon Retirement *(last revised June 23, 2010)*

Upon retirement from the University after at least five (5) years of service, employees are paid for one-fourth (1/4) of unused sick leave up to a maximum of

fifteen (15) days according to the following formulas:

$(\text{Monthly Salary Rate}/173 \text{ Hours}) \times 8 \text{ Hours} = \text{Daily Salary Rate}$

$\text{Daily Salary Rate} \times [\text{the lesser of fifteen (15) days or } 0.25 \times \text{unused days of sick leave}] = \text{sick leave upon retirement.}$

In the case of death of an employee who is eligible for retirement from the University, this payment shall be made to the estate of the deceased. A lump sum payment for unused sick leave at retirement or death is not subject to a Public Employees' Retirement Association (PERA) contribution or an employee's DCP contribution, but it may be subject to applicable taxes.

F.3.2.4 Transfer of Earned Sick Leave with Transfer of Employee Between Departments

If an eligible employee is transferred from one (1) department to another within the University, the employee's accrued sick leave shall follow the employee to the receiving department.

F.3.3 Family Medical Leave *(last revised May 3, 2011)*

The Family Medical Leave Policy is designed to comply with the provisions of the Family Medical Leave Act of 1993 (FMLA), later amendments to this Act, and applicable implementing regulations. This policy, including the application to different employee types, is found in Appendix 8.

F.3.4 Sabbatical Leave *(last revised August 12, 2009)*

The University offers tenured faculty members the possibility of sabbatical leaves. According to state statute, a faculty member may not take sabbatical leave more often than once every seven (7) years. According to University policy, a faculty member does not become eligible for sabbatical leave until the accumulation of six (6) years of service as a tenured or tenure-track faculty member at Colorado State University since the faculty member's initial appointment or most recent sabbatical leave. A faculty member in a tenure-track position may apply for sabbatical leave prior to being granted tenure, and such leave may be granted subject to the condition that the faculty member receive tenure prior to beginning the sabbatical leave. However, a faculty member must have tenure in order to take sabbatical leave.

F.3.4.1 Conditions and Procedures for Granting Sabbatical Leave *(last revised December 3, 2013)*

- a. The faculty member seeking sabbatical leave shall follow the procedures established by their academic unit. College deans or the Dean of

Libraries, shall forward to the Provost, the names of faculty members recommended for sabbatical leave along with a detailed sabbatical plan. The detailed plan shall specify how the sabbatical will result in the faculty member's professional growth, enhance the institution's reputation and the students' educational experience at the institution, and increase the overall level of knowledge in the faculty member's area of expertise.

- b. Administrative members of the faculty are not eligible for sabbatical leaves. Department heads shall be eligible for sabbatical leaves.
- c. Absence is to be for not more than two (2) academic semesters in cases of faculty members on nine (9) month appointments, and for not more than one (1) calendar year in cases of faculty on twelve (12) month appointments.
- d. A faculty member may elect to take their sabbatical leave in two (2) or more different time periods, instead of all at once, providing that the faculty member is able to show that this is a more beneficial arrangement for their professional development and for the needs of their department. The total of such time periods with full pay shall not exceed one-half (0.5) of the term of the faculty member's annual appointment, whether it be nine (9) or twelve (12) months, and each grant of such total time for leave shall be made only after six (6) years of previous full-time employment.
- e. The salary of a faculty member while on sabbatical leave shall be either one-half (0.5) their base salary for one (1) year (nine (9) or twelve (12) month appointments) or full salary for one (1) semester for nine (9) month employees or full salary for six (6) months for twelve (12) month employees (except as provided in item "j" listed below). The base salary shall be the salary scheduled for the year of the semester in which the leave is taken. A faculty member who participates in PERA and is on half-pay (0.5) will receive service credit towards PERA to the extent provided for in PERA's statutes and policies. A faculty member who participates in the Defined Contribution Plan (DCP) will receive continued contributions during sabbatical leave in accordance with the DCP plan description. Faculty members on sabbatical leave are eligible for all benefits.
- f. As a prior condition to the granting of sabbatical leave, the faculty member must agree in writing that upon expiration of leave the faculty member will return to their employment with the University for at least one (1) year (two (2) semesters for nine (9) month employees), and, if the individual fails to conform to the requirement, the faculty member will refund to the Board in full the salary and such other fringe benefits the University has paid in the individual's behalf during their leave as a prior condition of the faculty member's release from the agreement.

- g. Absence must be planned to permit conduct of work of the department or section with least inconvenience and least additional expense during the faculty member's absence. If more than one (1) member from the same department or section desires leave at the same time and absence of two (2) members would constitute a hardship to the department or section, either by handicapping the work or by causing too great additional expense, priority for leave shall be given to the faculty member longest employed by the University on a continuous tenured appointment since any such type of leave.
- h. The accumulation of service for sabbatical leave is limited to six (6) years. Periods of temporary employment do not count toward the accumulation of service for sabbatical leave.
- i. During sabbatical leave, faculty members are permitted to accept part-time employment from an employer other than Colorado State University when that employment is directly related to objectives of their leave. There is no limit on the amount of remuneration which may be received for such employment. Any part-time employment of a faculty member on leave shall be in the professional field of work of the faculty member and shall be approved by the department head, dean, and Provost prior to the leave.
- j. With the approval of the Office of Sponsored Programs, faculty members on sabbatical leaves are permitted to accept additional salary compensation from grants and/or contracts administered by Colorado State University, as long as the total compensation from all University sources, including contracts and grants, does not exceed the full-time base salary during the period of their sabbatical leave. This additional salary, including cost of fringe benefits, must be fully funded by the grants and/or contracts.
- k. Sabbatical leave is not granted for the purpose of taking substantially full-time employment in another assignment regardless of how closely related such employment may be to the technical field of the faculty member. Special leave without pay is intended to be used in such cases. This limitation does not extend to employment as faculty assistants or fellows or the equivalent by faculty members whose sabbatical leave is authorized for the purpose of study toward a higher degree.
- l. Requests for sabbatical leaves to commence within any fiscal year shall be submitted in the preceding fiscal year through the department head and dean to the Office of Provost. The submission deadline shall allow faculty members at least thirty (30) days following the beginning of the fall appointment period to prepare their requests. The submission deadline may be extended when there are extenuating circumstances.

- m. Normally, time spent on leave does not count toward the accumulation of service for sabbatical leave. However, in special cases, time spent on non-sabbatical leave may count toward the accumulation of service for sabbatical leave. This requires that the details and rationale regarding the accumulation of service be stated in writing in the request for non-sabbatical leave, and that they be approved in writing by the Provost prior to the beginning of the non-sabbatical leave.
- n. The faculty member on sabbatical leave is on University business, and shall be eligible for promotion and salary raises while on leave.
- o. Sabbatical leaves may be spent at any location.

F.3.4.2 College Criteria for Granting of Sabbatical Leaves

College criteria for the granting of sabbatical leaves shall be stated in writing, be made readily available to all faculty members in the college, be consistent with policies respecting sabbatical leaves in the *Manual*, and be complete (i.e., no criteria shall be utilized on a regular basis which are not stated in writing and communicated to the faculty members of the college).

College criteria shall promote opportunities for faculty members to take sabbatical leaves. Faculty members whose sabbatical requests are denied shall receive a personal written statement of reasons for the denial and shall have the right of appeal through the standard grievance procedures of their college and the University.

Deans of colleges shall act as coordinators for administration of this policy in order to prevent any situation which might impair efficiency of a department. The maximum number of faculty members to be awarded sabbatical leaves each year shall be determined by the fiscal resources of the University for the year in question.

F.3.4.3 Sabbatical Leave as a Legitimate Expectation

While sabbatical leaves shall not be construed as a mandatory right of any faculty member, they can be considered as a legitimate expectation, providing that the faculty member satisfies the criteria of the faculty member's college and of the University for the granting of such leaves. Such leaves are intended to benefit the University by increasing the experience level or academic achievement of the faculty member participating.

F.3.4.4 Sabbatical Report *(last revised June 22, 2006)*

Upon completion of the sabbatical leave, the faculty member shall submit a final sabbatical report to the department head, who shall forward it to the dean and the

Provost for review and submission to the Board. The report shall include a summary of the faculty member's activities while on sabbatical and the benefits derived by the faculty member from the sabbatical activity. Such reports need not include specific details of the research performed by the faculty member. Final sabbatical reports must be submitted to the office of the institution's chief academic officer within three (3) months of the completion of the leave. Sabbatical reports are considered public record and shall be available for inspection upon request. The Board may deny subsequent sabbatical leave to a faculty member who fails to submit the required report or who fails to meet the goals specified in the application for sabbatical leave.

F.3.4.5 Sabbatical Records

The Office of Academic Affairs shall maintain information about all sabbatical leaves granted and denied each year and shall make all sabbatical records for sabbaticals granted and lists of sabbaticals denied available upon request for inspection by the Joint Budget Committee of the Colorado General Assembly and by the Education Committees of the Colorado Senate and House of Representatives.

F.3.5 Graduate Study Leave

Graduate study leave is available to members of the Extension, Colorado State Forest Service, and personnel holding dual appointments in the Extension and Experiment Station who are based off-campus. Graduate study leave may be granted upon completion of three (3) or more years of full-time service to pursue an approved graduate study program. No more than one (1) quarter or one (1) semester of leave will be granted during any fiscal year. A maximum of four (4) quarters or two (2) semesters plus a summer session will be granted in any seven (7) year period beginning with the date of first employment. Personnel granted graduate study leave will be paid half (0.5) salary during the period on leave. This program is intended to compensate for the fact that off-campus faculty members and administrative professional employees cannot participate in the on-campus study privileges.

F.3.6 Military Leave

F.3.6.1 Annual Military Leave

Colorado statutes provide for attendance of state employees at annual military encampments as follows:

Any officer or employee of the State of Colorado, or any of its institutions, who is a member of the National Guard or any other component of the military forces of the state organized or constituted under state or federal law or who is a member of the reserve forces of the United States, organized or constituted under federal law, is

entitled to leave of absence from their public office or employment without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits for all the time when the employee is engaged with such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for state or federal purposes, but not exceeding fifteen (15) days in any calendar year. Such leave shall be allowed if the required military service is satisfactorily performed, which shall be presumed unless the contrary is established.

Additional extended military leave, without pay, will be permitted if required by proper authority of the military services.

This policy is interpreted as including required annual individual tours of active duty by reservists, not performed with a reserve unit.

Individuals requesting annual military leaves are expected to schedule leaves at times most convenient for their respective departments if military considerations allow.

F.3.6.2 Extended Active Duty

Regularly employed (not temporary) employees of all branches of the University entering the active military service in time of war or other emergency declared by proper authority of the state or the United States, or as a result of being inducted under the provisions of federal selective service laws, will be granted leave without pay with the understanding that absence will not be voluntarily prolonged for more than ninety (90) days beyond the period required by the particular branch of the armed service in which service is performed. Employees who enlist in the Armed Forces of the United States and members of Reserve units who volunteer for active duty shall have such reinstatement rights as are provided by Federal Law 38 U.S.C. & 2024.

F.3.6.3 Application for Military Leave

Requests for military leave shall follow the procedure required for all other types of leave. The request must state name of applicant, position the employee holds, military status, and beginning date of proposed absence. Requests shall be submitted through administrative officers concerned to the Department of Human Resource Services, accompanied by a copy of order to active duty. Requests should be made in advance of such leave unless military orders, for strategic and security reasons, prohibit advance notice.

F.3.6.4 Reemployment after Military Service and Eligibility for Reinstatement or Reemployment *(last revised August 8, 2014)*

In order to be eligible for reinstatement or reemployment following a period of absence for military service, an employee must:

- a. Have been released from service under honorable conditions and must furnish proof of that release;
- b. Have been employed in a non-temporary position at the time of entering active duty;
- c. Have left CSU for the purpose of going into active duty, and must have given the notice required by law to that effect;
- d. Report for work or apply in writing within the specified time period after separation or release from training or service (see below); and
- e. Have been away for a period no greater than five years.

Upon completion of extended military service, an employee may apply for reinstatement within the time period specified below after being honorably discharged from such service and shall be reinstated into the same position or into a position of comparable seniority, status, and pay, if available, as long as the employee is not physically or mentally disabled from performing the duties of such a position. Less than honorable discharges will be considered on a case-by-case basis. If the employee is not able to perform the duties of the employee's previous position or a comparable position because of a disability sustained during the service, but is qualified to perform the duties of another position(s) that is available, the employee shall be offered the position that will most approximate the seniority, status, and pay of the previous position.

F.3.6.4.1 Time periods for employee to report to work or give notice to CSU of intent to reinstate

- a. In the case of military service less than 31 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, the employee must report back as soon as possible after the expiration of the 8-hour period.
- b. For 31-180 days of service, the employee must submit written or verbal application for reemployment no later than 14 days after completion of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, the employee must submit the application as soon as possible thereafter.
- c. For 181 or more days of service, the employee must submit an application for reemployment not later than 90 days after completion of the period of service.

- d. For any time period the deadline to report back or submit application for reemployment may be extended for up to 2 years to accommodate a period during which employee was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service

F.3.6.5 Accrued Status and Benefits *(last revised August 8, 2014)*

A reinstated employee shall have the same rights with respect to accrued and future seniority, status, efficiency rating, vacation, sick leave, and other benefits as if the employee had been actually employed during the time of leave. An employee who is reinstated under the provisions of this Section shall not be discharged, except for cause, within one (1) year after reinstatement. If general salary increases are made during an employee's military leave, whether by lump sum increase, percentage increase, or otherwise, the employee's salary upon their return to employment shall be adjusted to equal the salaries of other employees of comparable rank, qualifications, and abilities as determined by the proper officials. Furthermore, upon return the employee shall not be precluded from such other individual salary adjustment or promotion in rank as may be deemed justifiable. For further information and assistance with respect to Military Leave, including assistance with PERA benefits, contact the Benefits Unit in Human Resources.

F.3.7 Administrative Leave

Ordinarily leaves of absence are not granted to administrative officers unless the granting of such leave is considered to be in the best interests of the University.

Requests for leave for administrative officers, without salary, are considered on their individual merits by the Office of the President of the University and by the Board. When granted, they are known as "administrative leaves."

F.3.8 Leave for Civilian Employment

Wartime leaves to permit employees to engage in civilian employment are not granted except in unusual cases such as those in which services of an employee are specifically requested by a government agency or other public agency engaged in a bona fide activity which is definitely a part of the nation's war effort. The burden of establishing such qualification is entirely upon the employee. Proof is required that the employee's services are needed because of a particular technical knowledge or skill which cannot easily be obtained otherwise.

F.3.9 Leave for Government Assignment

The demand from the Federal government for technically qualified personnel to staff government sponsored programs, particularly in the field of assistance to foreign countries,

makes it advisable for the Board to set forth explicitly its policy on granting leave to University staff members.

The Board recognizes the University's obligation to contribute its share of help on all programs designed to strengthen the United States in administration of the nation's foreign policy. In recognition of this institutional obligation, the Board looks with favor on participation by a University employee in such programs if it is apparent that the nation's best interests rather than the individual's are being fostered thereby.

The primary obligation of the Board is, however, to promote the welfare of the University and of individuals on its staff. Proposals for foreign assignments invariably bring into sharp focus conflict between the welfare and best interests of the Federal government, the University, and the individual staff member. The Board's policy on this matter is stated in these terms:

- a. Each case is to be considered on its merits.
- b. Upon recommendation through administrative channels, favorable consideration may be given to requests for leave not exceeding a two (2) year duration.
- c. No extension of leave beyond two (2) years will be granted, although an academic member and administrative professional's resignation at the time they may elect to extend their absence beyond two (2) years will not prejudice the faculty member's opportunity for subsequent employment at the University.
- d. Faculty members and administrative professionals granted leaves of absence for two (2) years, or for the major part of one (1) year or more, must notify the Board not less than three (3) months prior to termination date of their leave of their intentions with respect to returning as an active member of the University faculty or administrative professional.

F.3.10 Leave for Jury Duty

Faculty members and administrative professionals shall be granted jury leave with pay for the period they are required to serve. Such leave shall be coordinated with the department head concerned. Compensation received by the individual for time spent performing jury duty on working days shall be turned over to the University Payroll Office except for mileage and expenses. If the compensation received by the individual includes such expenses, the individual should document this to the University Payroll Office. In such a case, the individual should cash the check covering the total compensation and pay the University the remainder after the expenses have been deducted.

F.3.11 Leave as Expert Witness

On occasions individual employees are obligated to testify as court witnesses on subjects upon which they qualify as experts. However, employees should not seek such obligations and are permitted leave to so serve only when subpoenaed to appear.

In testifying as an expert witness, the employee necessarily must make preparation for the case presumably upon the employee's own time and therefore is permitted to retain personally all fees received, whether paid by the court or by the person, firm, or organization as whose witness the employee is subpoenaed. An exception, obviously, is the case of prolonged absence from duty which, as in the case of one rendering consultant services, would call for placing the employee on leave of absence without salary for the duration of the employee's absence.

The technical knowledge of any employee who may testify as an expert witness should be made available equally to both sides of any court case.

F.3.12 Injury Leave

A full-time faculty member on a tenured, tenure-track, contract, or continuing nine (9) month or twelve (12) month appointment, or an administrative professional on a regular or special nine (9) month or twelve (12) month appointment is entitled to a maximum of ninety (90) working days of injury leave with full pay from scheduled work when required for recuperation from an on the job accident or an occupational disease providing the accident or disease is determined to be compensable under Workman's Compensation. Since the individual is receiving full salary, the weekly benefits paid by Workman's Compensation are deposited directly to the University. The ninety (90) working day limit is the maximum that can be allowed for any absences resulting from any single accident.

F.3.13 Leave Without Pay *(last revised December 6, 2019)*

A faculty member on a tenured, tenure-track, contract, or continuing appointment, or an administrative professional on a regular or special appointment may be granted leave without pay with approval by the Board. A request for such leave must be sent through channels to the President. See the *Faculty and Administrative Professional Privileges and Benefits Summary Plan (SPD)* regarding continuation of benefit coverage while on leave without pay.

An administrative professional on temporary appointment may be granted leave without pay only as required under the Family Medical Leave Policy.

F.3.14 Special Leave *(last revised June 22, 2006)*

Any leave, with or without salary or expenses, that does not fall under one (1) of the categories found in the other sections of this *Manual*, shall be designated as a special leave. Each case shall be considered on its merits upon recommendation through

administrative channels to the President.

F.3.15 University Closure

Only the President of the University or the President's representative may make the decision to close the University. Announcement of such unscheduled closures will be communicated to the local media by the Executive Director of Public Relations or the Executive Director's designee no later than 5:30 A.M., whenever possible. Employees are encouraged to tune in a local radio station whenever inclement weather conditions indicate the possibility of closure.

F.3.16 Parental Leave *(last revised August 5, 2016)*

Academic Faculty, Administrative Professionals, Post-Doctoral Fellows, Veterinary Interns and Clinical Psychology Interns with an appointment of at least half-time (50%) or greater are eligible for Parental Leave. An employee who is not in a paid employment status is not eligible for this leave.

An employee becomes eligible for Parental Leave upon becoming a parent or legal guardian of a child. Parental Leave is not available during the period preceding the birth or placement for adoption, even if absences are due to the expected arrival. Foster care placement is not included; however, foster care as part of adoption is included. Employees may use other types of accrued leave (such as Sick Leave or Annual Leave), as applicable, for absences during such periods. Only one Parental Leave benefit per employee is available per birth or adoption. The number of children born or adopted (e.g., twins) does not increase the amount of the Parental Leave benefit. If both Parents are employees, each is entitled to use their Parental Leave benefit for the same event.

Parental Leave consists of 3 work weeks of paid time off, in addition to the employee's accrued Sick Leave and Annual Leave and any Short Term Disability (STD) benefits to which the birth mother is entitled to be used for the purpose of a new parent to care for and bond with the child. Parental Leave may be taken anytime within the first year after delivery or adoption. Once commenced, Parental Leave must be used in a continuous block (not split into intermittent days off). Family Medical Leave (FML) provides job protection for an employee for up to 12 weeks of leave for qualifying events (see Faculty and Administrative Professional Manual Appendix 8 for details on FML). A combination of Sick Leave, Annual Leave, STD, and 3 weeks of Parental Leave may provide income replacement during FML. If a birth mother does not have sufficient accrued Sick Leave and Annual Leave to cover the STD elimination (waiting) period, Special Leave will be granted with pay. For a non-birth parent, STD does not apply. This policy is intended to ensure adequate time off for employees who become new parents, and to provide, in most circumstances, compensation for at least 9 weeks of the birth mother's 12-week FML period (typically a combination of Sick Leave, Annual Leave, STD, and 3 weeks of Parental Leave). For adoptive parents, an employee who is the primary caregiver is also eligible for 12 weeks of FML and a minimum of 9 weeks of paid leave, typically a

combination of Parental Leave, Sick Leave, and Annual Leave. If Sick Leave and Annual Leave are not sufficient to cover 6 weeks of leave, Special Leave will be granted with pay. As used herein, “primary caregiver” means the one parent who has primary responsibility for the care of a child immediately following the coming of the child into custody, care, and control of the parent for the first time. A non-birth parent or an adoptive parent who is not the primary caregiver is eligible for 3 weeks of Parental Leave and any accrued Sick Leave and Annual Leave. Prior notice of the intent to take Parental Leave is required at least 30 days in advance (unless such notice is impractical, in which case, as far in advance as possible). The employee’s supervisor is responsible for timely reporting of Parental Leave, within one month following the return to work date, in accordance with the Leave Reporting Policy in the Human Resources Manual, in order to receive funding from the fringe pool. Illustrative examples of Parental Leave are located in Section 2 of the Human Resources Manual at www.hr.colostate.edu.

Note: The Parental Leave Policy may be reviewed at policy.colostate.edu.

F.3.17 Catastrophic Circumstances Leave (*last revised August 5, 2016*)

Eligible Employee: Academic Faculty, Administrative Professionals, Post-Doctoral Fellows, Veterinary Interns and Clinical Psychology Interns with an appointment of at least half-time (50%) or greater who are benefits eligible. An employee is not an Eligible Employee during any period in which the employee is not in paid employment status.

Catastrophic Circumstances: An extraordinary, disastrous event or situation that was not reasonably foreseeable, or that resulted from serious illness, and that caused the employee to be unable to work for a period of at least 2 weeks.

Unit Head: The Department Head, Dean, Director, Vice President, or other administrator responsible for making determinations concerning an employee’s leave.

When Catastrophic Circumstances are found to exist, and an Eligible Employee has exhausted all available paid leave, a Unit Head may authorize up to two work weeks of paid or unpaid time off in the Unit Head’s discretion. In the rare case that an employee who is eligible for short term disability (STD) benefits does not have enough paid leave to cover the 10-day STD elimination (waiting) period, paid leave must be granted for the unpaid portion; all other cases are within the discretion of the Unit Head. See the Academic Faculty and Administrative Professional Privileges and Benefits Summary for details on short term disability coverage.

1. Determination of Catastrophic Circumstances

The Catastrophic Circumstances in which leave may be granted under this policy are limited to those in which the Eligible Employee, or the employee’s immediate family member (as defined in the Family Medical Leave (FML) policy, Academic Faculty and Administrative Professional Manual, Appendix 8) who lives with the employee or for whom the employee is responsible to provide care, is so severely

affected by the catastrophe that the employee cannot reasonably return to work for at least two 2 weeks. Examples of eligible scenarios include:

- a. A natural disaster that substantially damages or destroys the employee's primary residence or displaces the employee from the home;
- b. A severe injury or illness, as certified by a healthcare provider, that results in the inability of the employee to work.

2. Exhaustion of Other Leave

Before a request for Catastrophic Circumstances Leave may be granted, the Eligible Employee's Unit Head must determine that the employee has exhausted or is ineligible for all other paid leave benefits, including, but not limited to, sick leave, annual leave, and short- and long-term disability.

3. Maximum Period of Leave

Leave granted under this policy cannot exceed two work weeks and must be taken contiguously, and runs concurrently with FML if applicable. Leave is not prorated beyond the two weeks for employees who are half-time, but not full-time. Leave may be granted only for so long as the Catastrophic Circumstances continue to exist.

4. Effect on Other Leave

- a. Leave without pay (LWOP): An employee who is granted Catastrophic Circumstances Leave and remains unable to return to work after such leave is exhausted may be eligible for Leave with Pay, as provided in the Human Resources Manual, Section 2 and the Academic Faculty and Administrative Professional Manual, Section F.3.13.
- b. Family Medical Leave (FML): Leave granted under this policy must be designated as FML if the reason for the leave qualifies as FML and the employee is eligible under the FML policy. Catastrophic Circumstances Leave must run contiguously with FML, when applicable. Departments are responsible for reporting FML when it applies.
- c. Human Resources can assist unit administrators with Catastrophic Circumstances Leave due to an illness or injury that qualifies for the use of FML, and short- or long-term disability.

F.4 Appeals of Interpretations of Annual and Sick Leave Regulations

If a supervisor and employee disagree regarding interpretation of annual and sick leave regulations, either or both may appeal in writing to the Director of Human Resource Services

for interpretation. Any question not covered by regulations may also be submitted in writing to the same official for decision.

F.5 Leave Policy for Overseas Project Personnel

Annual, sick, and home leave will be granted in conformity with the usual practices of the University.

Annual leave is earned at the rate of two (2) days for each month of service, or a total of twenty-four (24) working days each full year. Annual leave is provided primarily to allow necessary rest and recreation to faculty members and administrative professionals during their tours of duty overseas. The chief of party, faculty members and administrative professionals will do their best to arrange for earned annual leave to be used for the above stated purpose during the tour of duty. In the event that the interests of the project dictate otherwise, and the chief of party certifies in writing that such is the case, lump sum payments for annual leave earned but not taken may be made at the end of the faculty member or administrative professional's service, provided that such lump sum payment shall be limited to leave earned during a twelve (12) month period (not to exceed twenty-four (24) working days). Country differential will not be paid on lump sum payments in lieu of annual leave, nor on annual leave spent outside the country assignment. While the faculty member or administrative professional remains on the same overseas contract, annual leave may be carried forward to the contract year following the contract year in which the leave was earned, except that the maximum terminal leave shall be twenty-four (24) working days unless all sick leave has been utilized and the annual leave is needed in lieu of sick leave.

Sick leave may be accumulated during the period the faculty member and administrative professional remains on the same contract at the rate of one and one-quarter (1.25) days per month, in accordance with the policy of the University.

Home leave of up to thirty (30) calendar days in the United States will be allowed after the faculty member or administrative professional has served two (2) years, provided the employee agrees to return overseas for an additional two (2) year period. The period of service overseas required for home leave shall begin on the date of departure from the United States port of embarkation on international travel and shall continue, inclusive of authorized delays enroute, to the date of arrival at the United States port of debarkation from international travel. Allowable annual and sick leave taken, but not leave without pay, shall be included in the required period for service overseas, provided that any such annual and sick leave was not taken within the boundaries of Canada or the United States and its territories. No country differential shall be payable for time spent in the United States for home leave or for travel time in connection therewith.

Appointments may be automatically extended to cover terminal leave or home leave but, if the faculty member or administrative professional elects in writing to receive a lump sum payment in lieu of terminal leave, they shall cease to be an employee of the University at the close of their last working day, plus minimum travel time to return to their point of origin in the United States

by the most expeditious mode of transportation. If the individual is to be employed by the University, the individual will not go back on the payroll until after the leave period for which the individual has been paid has elapsed.

Campus coordinators are requested to make such arrangements as may be necessary to ensure that field party chiefs report monthly regarding the leave status of each member of the party. In addition, procedures should be established so that upon the departure or termination of any faculty member or administrative professional, the individual may carry with them a final leave status report as of the day of their departure. A copy of the final leave status report should be mailed promptly to the campus coordinator.

Final settlement of employment agreements may be concluded in the field by the chief of party with the concurrence of the campus coordinator, provided end of tour reports and other obligations are settled, thus enabling the faculty member and administrative professional to proceed to the employee's point of origin if outside Colorado.

F.6 Authorized Absences Due to Death of Relatives *(last revised February 6, 2001)*

Absences occasioned by deaths of relatives of employees may be allowed by department heads with approval by deans, without deduction from annual leave or sick leave, to the extent deemed appropriate and advisable in view of circumstances, but not in excess of five (5) working days. This does not automatically entitle an employee to a full week's absence; this maximum may be granted only if travel to and from distant points is necessary.

Relative is defined as a member of the employee's or spouse's family. Members of the family include wife, husband, children, foster children, parents of employee or spouse, grandparents, grandchildren, sisters and brothers, nephews and nieces, aunts and uncles, brothers- and sisters-in-law, and daughters- and sons-in-law. Allowed absences also may be granted for other family members not included in this listing based on the relationship of the employee to the deceased.

SECTION G. FACULTY AND ADMINISTRATIVE PROFESSIONAL PRIVILEGES AND BENEFITS

- G.1 Study Privileges
- G.2 Athletic Tickets at Reduced Cost
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- G.4 Tuition Scholarship Program for Spouses, Domestic Partners, Civil Union Partners and
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- G.5 Benefits

SECTION G. FACULTY AND ADMINISTRATIVE PROFESSIONAL PRIVILEGES AND BENEFITS

G.1 Study Privileges *(last revised August 8, 2014)*

Under the following conditions, faculty members, administrative professionals, and post doctoral fellows, veterinary interns, and clinical psychology interns with appointments at half-time (0.5) time or greater may register for credit courses at Colorado State University, Colorado State University-Global Campus, Colorado State University-Pueblo, and, subject to the terms of agreement between institutions, the University of Northern Colorado on a space-available basis without the assessment of the student portion of total tuition or general fees to the employee:

- a. The employee must obtain the written consent from the head of their administrative unit to register for specific courses. Ideally, courses taken as an employee under the Employee Study Privilege Program should contribute to the employee's success at the University. This is one of several factors taken into account in determining whether or not the value of this benefit is taxable to the employee. Such determinations are made by Human Resources and Business and Financial Services, with reference to the Internal Revenue Code (26 U.S.C. sections 127, 132(d) and 117). However, supervisors may approve an employee's use of the study privilege even if the subject matter is not directly related to current job duties.
- b. Time off to attend courses taught during an employee's scheduled work hours require approval of the supervisor, which should be granted unless there is no reasonable way for the employee to perform their duties at other times. Time off that is granted to attend courses in which an employee enrolls at the request of the department in order to improve job skills should be treated as administrative leave with pay.
- c. Faculty members, administrative professionals and post-doctoral fellows, veterinary interns, and clinical psychology interns become eligible for this study privilege as soon as their employment begins.
- d. The President shall set the maximum number of credits for which faculty members and administrative professionals are permitted to register per academic year, including the previous summer term, but it shall be at least nine (9) credits for employees with full time appointments, at least seven (7) credits for employees with appointments from .75 time to .99 time, and at least five (5) credits for employees with appointments from .50 time to .74 time.

Certain tuition and fees are not covered by the study privilege (e.g., tuition covered under COF, Special Course Fees, University Facility Fee and College Charges for Technology), so these must be paid by the employee at the time of registration. Tuition and fees covered may include base tuition, differential tuition, and program charges. A waiver of the University Technology Fee and General Fee will be credited to the student account.

Only credit courses which are a part of the Colorado State University Curriculum, as defined by the *Colorado State University General Catalog*, are available under this benefit. These courses will be identified with a departmental course number. In particular, the study privilege does not cover the cost of continuous registration.

The Division of Continuing Education (“DCE”) offerings are included under this privilege if they are credit bearing at the institution; however tuition for these courses may be higher than “Resident Instruction” tuition, in which case, the difference must be paid by the employee or by some other source. Courses that provide only continuing education units (CEUs) are not eligible.

The above credit maxima include courses which are audited by the employee rather than taken for credit. Tuition will be assessed as soon as credits are taken in excess of the program maximum for the employee.

Contact the Department of Human Resources for more information.

G.2 Athletic Tickets at Reduced Cost

All full-time employees of the University are eligible to purchase, at a reduced price, season admission tickets for all University intercollegiate events. The Department of Athletics announces the availability of this privilege by letter and brochure each year.

G.3 Recreational Facilities *(last revised June 22, 2006)*

Recreational facilities are available for a fee for use by faculty members, administrative professionals, and staff (including retirees in all categories). Contact Campus Recreation for information regarding the use of the Student Recreation Center, and contact the Department of Health and Exercise Science regarding programs offered in the Moby Gymnasium and the South College Gymnasium.

G.4 Tuition Scholarship Program for Spouses, Domestic Partners, Civil Union Partners, and Dependent Children *(last revised August 8, 2014)*

The spouse, domestic partner, civil union partner, and Eligible Children of an Eligible Employee shall be qualified to receive a Tuition Scholarship if admitted to Colorado State University, Colorado State University Global Campus, or Colorado State University Pueblo and enrolled in a degree program or as a degree-seeking student with an undeclared major. This Tuition Scholarship Program is also available to students in programs such as Professional Veterinary Medicine, Teacher Certification, and Principal Licensure. The amount of this Tuition Scholarship shall be a fixed percentage of the undergraduate or graduate tuition that would be assessed to the student for regular on-campus courses at the in-state tuition rate, except for a student in the Professional Veterinary Medicine Program, whose scholarship shall equal this same percentage of the tuition assessed to in-state graduate students. This percentage shall be set by the President, but it shall be at least fifty (50) percent. Note that, in some cases, this Tuition Scholarship may be taxable income. Applications for this Tuition Scholarship must be

processed in accordance with the requirements established by Student Financial Services and Human Resource Services for this program.

If a person dies while an Eligible Employee, the Eligible Employee's spouse or domestic partner, or civil union partner shall continue to be qualified for this Tuition Scholarship program until six (6) years after the date of the death, and each of the Eligible Employee's Eligible Children shall continue to be qualified for this Tuition Scholarship Program until the Eligible Child reaches the age of twenty-six (26). For all cases of separation from employment of an Eligible Employee other than death, the spouse, domestic partner, civil union partner, and Eligible Children of the Eligible Employee shall cease to be qualified for this Tuition Scholarship Program at the end of the academic year in which the separation from employment occurs.

In exceptional circumstances, the Vice President for University Operations has the authority to grant eligibility to someone who might not qualify otherwise for eligibility.

For the purposes of Section G.4 and G.5, the following definitions shall apply:

- a. Eligible Employee shall mean and refer to all:
 1. faculty members with tenured, tenure-track, contract, and continuing appointments of half-time (0.5) or greater. Faculty transitional appointments are eligible for the same benefit available to full-time academic faculty;
 2. administrative professionals with regular or special appointments of half-time (0.5) or greater, and;
 3. non-temporary state classified appointments of half-time (0.5) or greater.
- b. "Eligible Child" shall mean and refer to biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's spouse, domestic partner, or civil union partner as well as any person for whom either the Eligible Employee or the Eligible Employee's spouse or domestic partner or civil union partner is standing in loco parentis, provided that the "Eligible Child" is under twenty-six (26) years of age.
- c. "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriages.
- d. "Domestic partner" has the meaning described under the University's benefits plan.
- e. "Civil union partner" has the meaning defined in C.R.S. §14-15-103.

G.5 Benefits *(last revised August 8, 2014)*

Faculty members and administrative professionals with specific appointment types are eligible for certain benefits as provided by the University with the approval of the Board. Such benefits may include a retirement plan, medical coverage, dental coverage, vision coverage, life insurance, disability insurance, tax-sheltered annuities, and other such benefits. These benefits may include coverage for immediate family members and domestic partners and civil union partners. Such benefits are subject to change by the University with the approval of the Board. Contact the Department of Human Resources for more information.

**SECTION H. CHANGES TO THE ACADEMIC FACULTY & ADMINISTRATIVE
PROFESSIONAL MANUAL** *(New section December 6, 2018)*

- H.1 General Expectations
- H.2 Joint Development of Proposed Changes
- H.3 Unresolved Differences

SECTION H. CHANGES TO THE ACADEMIC FACULTY & ADMINISTRATIVE PROFESSIONAL MANUAL *(New section December 6, 2018)*

H.1 General Expectations

- a. A proposed change to the Academic Faculty & Administrative Professional Manual (hereinafter referred to as the “Manual”) may be initiated by either the Faculty Council or the Administrative Professional Council.
- b. It is generally expected that a proposed change to the Manual that affects faculty will be approved by the Faculty Council prior to its submission to the Board by the President.
- c. It is generally expected that a proposed change to the Manual that affects administrative professionals will be approved by the Administrative Professional Council prior to its submission to the Board by the President.
- d. When both councils will be expected to approved a proposed change to the Manual, it is generally expected that the proposed change will be developed jointly by the two councils.

H.2 Joint Development of Proposed Changes

When either of the two councils decides to initiate a proposed change to the Manual, the initiating council shall inform the other council of its intention to initiate the proposed change. The Chair of each council shall assign an appropriate working group from that council to work on the proposed change. Draft proposals (including proposed changes to previous draft proposals) produced by either working group shall be sent to the other working group for a response. It will often be useful for the two working groups to meet jointly to discuss the proposed change. It is generally expected that the two working groups will come to agreement on a final version of the proposed change prior to its submission to either council for a formal vote.

In the unlikely event that the two working groups cannot reach agreement on a final version of the proposed change, each council may submit a draft proposal to its membership for discussion, possible amendment, and a possible vote. In this case, when the proposed change is presented at the meeting of each council, the agenda packet shall include written arguments from both working groups, and representatives of both working groups shall be allowed to address the council members at the meeting.

If the two councils approve different versions of the proposed change, or if one council votes to oppose a proposed change passed by the other council, then the Chairs of the two councils shall form an ad hoc committee to attempt to resolve any differences. If this committee comes to an agreement on a final version of the proposed change, then it shall be submitted to each council for final approval.

H.3 Unresolved Differences

In the unlikely event that the ad hoc committee is unable to agree on a final proposal, then each council may decide to present its version of the proposed change to its membership for a vote, or to vote to oppose the proposed change passed by the other council. In this case, when the proposed change is presented at the meeting of each council, the agenda packet shall include written arguments from both working groups, and representatives of both working groups shall be allowed to address the council members at the meeting.

If this results in two different versions of the proposed changes being approved by the two councils, or one council approving a proposed change and the other council voting to oppose that change, then each council shall send their proposals and arguments to the President. The President shall then decide whether or not to submit a proposed change to the Board for approval.

SECTION I. ACADEMIC AND LEGAL MATTERS

- I.1 Colorado Open Records Act
- I.2 The Family Educational Rights and Privacy Act of 1974
- I.3 Colorado Open Meetings Law
- I.4 Disciplinary Action for Students
- I.5 Academic Integrity Policy and Academic Misconduct
 - I.5.1 Instructor Responsibilities Regarding the Academic Integrity Policy
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- I.14 Classroom Policies
 - I.14.1 Policy on Who May Attend Classes
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- I.15 Responsibilities of Being a Student Group Advisor
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- I.17 Limitation on Study for Advanced Degrees by Faculty
- I.18 Colorado Tuition Classification Law Restriction
- I.19 Policies Regarding Controlled Substances, Illicit Drugs, and Alcohol
- I.20 Faculty Liability

SECTION I ACADEMIC AND LEGAL MATTERS

I.1 Colorado Open Records Act *(last revised August 3, 2012)*

Under the Colorado Open Records Act (C.R.S. 24-72-201, et seq.) (CORA), records of state institutions of higher education are generally open for public inspection, except as otherwise provided. In order to assure compliance with CORA's very short time frame for response, all requests for inspection or copying of University records should be referred immediately to the Office of the General Counsel, which has been charged with receiving and coordinating responses to CORA. (Full text of the current Open Records Act is available from the Colorado State University System website: <https://csusystem.edu/open-records-policy/>)

I.2 The Family Educational Rights and Privacy Act of 1974 *(last revised August 3, 2012)*

The Family Educational Rights and Privacy Act ("FERPA" or the "Buckley Amendment") of 1974 provides for the protection of student education records after a person enrolls at a post-secondary institution.

It is the policy of Colorado State University and the responsibility of colleges, departments, and faculty members to comply with FERPA. See <https://registrar.colostate.edu/> for guidelines on FERPA compliance. (Full text of the current Family Educational Rights and Privacy Act of 1974 (FERPA) is available from the Colorado State University Registrar's Office website <https://registrar.colostate.edu/student-privacy-ferpa/>.)

I.3 Colorado Open Meetings Law *(last revised August 3, 2012)*

The Colorado Open Meetings Law (C.R.S. 24-6-401, et seq.) (the "Open Meetings Law"), implements the stated policy of requiring state business to be conducted in open meetings and **not** in secret.

Meetings of University administrators and faculty members, including college and departmental meetings and meetings of Faculty Council standing committees, do not generally constitute meetings of a "public body" under the Law. As a matter of policy and in the interest of openness, however, Faculty Council has historically chosen to conduct its meetings in a public forum. (Full text of the current Colorado Open Meetings Law is available from the site <https://archives.colorado.gov/about/statutes/state-archives-statute-article-6>.)

I.4 Disciplinary Action for Students

Disciplinary action for students shall follow the procedures found in the Student Conduct Code. The procedures for assigning academic penalties for students in cases of academic misconduct are given in Section I.5.

In the case of an appeal of a disciplinary decision by a Hearing Officer, the members of the

Appeal committee shall be selected from a pool of faculty, staff, and students as described in the Student Conduct Code. The faculty members of this pool shall consist of ten (10) full-time tenured, tenure-track, contract, and continuing faculty members having no administrative duties as described in Section K.11.2. They shall be nominated by the Faculty Council Committee on Faculty Governance, which shall solicit names in February of each year. They shall be elected by Faculty Council, with elections conducted in April. They shall be elected to three (3) year terms staggered so that approximately one-third (1/3) of the faculty members shall be elected each year. The term of office for faculty members shall begin July 1 following their election. There is no limit on the number of terms that a faculty member may serve.

I.5 Academic Integrity Policy and Academic Misconduct *(new section added June 21, 2011)*

I.5.1 Instructor Responsibilities Regarding the Academic Integrity Policy

Course instructors¹ and departments shall work to enhance a culture of academic integrity at the University (see the *Colorado State University General Catalog* for the Academic Integrity Policy).

- a. Each course instructor shall state clearly in their course syllabus that the course will adhere to the Academic Integrity Policy of the Colorado State University General Catalog and the Student Conduct Code. The TILT Academic Integrity website provides examples of possible wordings for the course syllabus.
- b. By the end of the second week of the course and/or in the course syllabus, the course instructor shall address academic integrity as it applies to their course components, such as homework, written assignments, lab work, group projects, quizzes, and exams. Examples of items to address include, but are not limited to, the use of class notes, study sheets, and solution manuals; appropriate uses of sources, Internet or otherwise; receiving assistance from others; and the use of prior work. More examples are available in the General Catalog section on Academic Integrity and on the TILT Academic Integrity website.
- c. The course instructor shall decide which course components will use an honor pledge. For those course components, the course instructor shall provide the opportunity for students to sign an affirmative honor pledge. The honor pledge shall include one of the following statements and may be expanded according to instructor, department, or college practices and policies:

¹ The term “course instructor”, as used in Sections I.5 and I.7, is applicable to all persons responsible for assigned grades, including graduate teaching assistant.

HONOR PLEDGE: I have not given, received, or used any unauthorized assistance.

HONOR PLEDGE: I will not give, receive, or use any unauthorized assistance.

Examples of other wordings, including the Honor Pledge endorsed by the Associated Students of Colorado State University, may be found on the TILT Academic Integrity website.

A course instructor may offer the student the opportunity to write out the pledge if deemed practicable. Students may be given the opportunity to include an honor pledge along with electronic submissions of their work.

A student's decision to forego signing the honor pledge shall not be used as evidence of academic misconduct and shall not negatively impact a student's grade.

- d. Instructors shall adhere to the following procedures when they allege that academic misconduct has occurred:

If a course instructor has information that suggests a student has engaged academic misconduct in their course, prior to assigning any academic penalty, the course instructor shall notify the student of the concern and make an appointment with the student to discuss the concern. The student shall be given the opportunity to give their position on the matter.

After being given this opportunity, if the student admits to engaging in academic misconduct, or if the course instructor judges that the information supports the allegation of academic misconduct, the course instructor may then assign an academic penalty. The course instructor may choose to refer the case to Student Conduct Services in the Student Resolution Center for a hearing before deciding on a penalty. The course instructor shall notify the student in writing of the infraction and the academic penalty to be imposed. A copy of this notification shall be sent to Student Conduct Services. Examples of academic penalties include assigning a reduced grade for the work, assigning a failing grade in the course, removing the Repeat/Repair option for that course, or other lesser penalty as the course instructor deems appropriate.

If, after making reasonable efforts, the course instructor is unable to contact the student or is unable to collect all relevant information before final course grades are assigned, they shall assign an interim grade of Incomplete and notify the student in writing of the reason for this action.

If evidence of academic misconduct is discovered after the final course grades have been submitted, the course instructor shall follow the above procedure in properly notifying the student and providing an opportunity for the student to give their position on the matter before making a decision about any academic penalty. The course instructor must notify the student in writing of the infraction and any academic penalty subsequently imposed. A copy of this notification shall be sent to Student Conduct Services.

If the course instructor requests Student Conduct Services will conduct a hearing to determine if the Student Conduct Code has been violated. If the Hearing Officer determines that a violation has occurred, they may impose sanctions in addition to the grading penalty.

I.5.2 Student Response

If a student disputes a decision of a course instructor regarding alleged academic misconduct, they may request a Hearing with Student Conduct Services. The request must be submitted no later than thirty (30) calendar days after the first day of classes of the next regular semester following the date that the grade for the course was initially recorded or subsequently revised. If no appeal is filed within this time period, the decision of the course instructor shall be final.

I.5.3 Hearings

If a Hearing is conducted by Student Conduct Services, in order for there to be a finding that a student has engaged in prohibited conduct, the information must demonstrate that it is more likely than not that a violation occurred (also known as preponderance of information).

The hearing shall be conducted by a Hearing Officer assigned by the Director of the Student Resolution Center (or the Director's designee). The Hearing Officer shall give the student the opportunity to respond to the allegation made by the course instructor, and they shall give the course instructor the opportunity to respond to claims made by the student. The Hearing Officer shall make one of the following two (2) decisions:

1. The allegation of academic misconduct is supported by a preponderance of the information.

In this case, the Hearing Officer may impose sanctions for violations of the Student Conduct Code. The Hearing Officer and the course instructor shall confer regarding appropriate sanctions. The course instructor shall make the final decision regarding academic penalties, which may include, among other options, a reduced grade for the course and/or removal of the Repeat/Repair option, and they shall inform the student of that academic penalty. The Hearing Officer shall make the

final determination regarding disciplinary sanctions, which will take into account the severity of the incident, its impact on others, and the student's previous conduct record, and they shall inform the student of those sanctions.

2. The Hearing Officer chooses to forward the case to an Academic Misconduct Review Committee for additional review prior to a resolution being determined.

Prior to forwarding the case to an Academic Misconduct Review Committee, the Hearing Officer shall inform the course instructor and the student of their concerns related to the allegations, and the course instructor and the student shall each be given a chance to respond to the Hearing Officer regarding these concerns.

In this case, an Academic Misconduct Review Committee consisting of three members shall be selected from the members of the pool described in Section I.4. These members shall be selected by the Chair of the pool, and they shall consist of two faculty members and one student. The Chair may or may not be one of the two faculty members. Student Conduct Services shall provide the Academic Misconduct Review Committee with the case file (including all information received by the Hearing Officer) and a summary of any concerns.

After consideration of the case, the members of the Academic Misconduct Review Committee shall make a recommendation to the Director of the Student Resolution Center (or the Director's designee), who will then make a determination regarding whether or not a preponderance of the information supports the allegation of academic misconduct.

If the determination is that the allegation of academic misconduct is not supported by a preponderance of the information, then the course instructor shall determine a grade based on the student's academic performance without consideration of the charge of academic misconduct and change any previously assigned grade accordingly.

If the determination is that the allegation of academic misconduct is supported by a preponderance of the information, then the Director of the Student Resolution Center (or the Director's designee) and the course instructor shall confer regarding appropriate sanctions. The course instructor shall make the final decision regarding academic penalties, which may include, among other options, a reduced grade for the course or removal of the Repeat/Repair option. The Director of the Student Resolution Center (or the Director's designee) shall make the final determination regarding disciplinary sanctions.

I.5.4 Student Appeal

If the student disagrees with the findings of the hearing, they may file an appeal. This is done by following the procedures in the Student Conduct Code for an appeal of a disciplinary decision. If an Appeal Committee is formed, it will consist of two faculty

members and one student from the pool as described in Section I.4, excluding any members of this pool who have already served on an Academic Misconduct Review Committee for this case.

I.5.5 Transcript Notation for Academic Misconduct

In the case of a serious infraction or repeat offense of academic misconduct that is upheld through a Hearing, the Hearing Officer and the course instructor shall decide whether the student's transcript shall be marked with a notation of "AM," which shall be explained on the student's transcript as a "finding of Academic Misconduct." A notation of "AM" shall be made on the student's transcript only if both the Hearing Officer and the course instructor agree that this penalty should be imposed. Grades marked on the student's transcript with the designation "AM" shall not be eligible for the Repeat/Repair option.

I.5.6 Records and Action

Information regarding incidents of academic misconduct is kept on file with Student Conduct Services. No further action is initiated unless the incident constitutes a serious infraction, the student has a prior record of University infractions, or there are subsequent reports of misconduct.

I.6 Course Examination Policies

I.6.1 Final Examinations

The final in-class examination period is intended for the end-of-semester examination. No in-class examination constituting more than 10% of the final course grade may be given in undergraduate courses during the week preceding the final examination period of the semester; laboratory, performance and other alternative classes (e.g., courses in the individualized mathematics program) excluded. It is the responsibility of the department head, or where appropriate, the school head, to ensure compliance with this policy.

I.6.2 Evening or Saturday Examinations *(last revised August 2, 2013)*

Academic departments may wish to schedule evening or Saturday examinations for their courses offered during the day for a variety of reasons. The following regulations apply to these evening or Saturday examinations:

- a. The department head shall notify the Registrar's Office on the working draft for the development of the class schedule of departmental plans to offer evening or Saturday examinations outside of regular class periods by identifying the times and dates for such examinations. Evening examinations may be offered only between 5:00 p.m. and 7:00 p.m. or between 7:00 p.m. and 9:00 p.m. and only on Mondays, Tuesdays, Wednesdays, or Thursdays. Saturday examinations may be offered only between 8:00 a.m. and 10:00 a.m. or between 10:00 a.m. and 12:00

noon. The times and dates chosen for such examinations are considered part of the assigned meeting times for the course and are included in the course registration process.

- b. The Registrar's Office shall publish the times and dates for these evening and Saturday examinations in the class schedule for the term involved and, thus, alert students. Suitable classrooms shall be assigned by the Registrar's Office.
- c. Students will need an override to sign up for any other class which meets during these evening or Saturday examination times. Course instructors are not required to make special accommodations for students who have received such overrides.
- d. The instructor of the course involved shall announce the specific dates and times of these examinations, as well as the policies concerning attendance at these examinations, during the first three (3) class meetings. This information shall also be included in the course outlines or syllabi provided to the class.
- e. The full policy statement on the scheduling of evening or Saturday examinations outside of regular class periods shall be brought to the attention of all deans and department heads, who are charged with the rigorous enforcement of the regulations governing the publication and announcement of such examinations.

I.7 Student Appeals of Grading Decisions *(last revised August 10, 2018)*

Course instructors (see footnote 1) are responsible for stating clearly the instructional objectives of the course at the beginning of each term and for evaluating student achievement in a manner consistent with these objectives. Students are responsible for meeting the standards of academic performance established for each course in which they are enrolled. Course instructors are responsible for determining and assigning final course grades. Graded examinations, papers and other materials used as a basis for evaluating a student's achievement shall be available to the student for inspection and discussion. A student may appeal the grade assigned to them by a course instructor. However, the burden of proof rests with the student to demonstrate that one (1) or more of any of the following occurred:

- a. The grading decision was made on some basis other than academic performance and other than as a penalty for academic misconduct.
- b. The grading decision was based upon standards unreasonably different from those which were applied to other students in the same course and section.
- c. The grading decision was based on an unreasonable departure from previously articulated standards.

Before making an appeal, the student should discuss the situation with the course instructor(s)

involved in the decision.

To appeal a grading decision, the student shall submit a written request to the department head. The request must set forth the basis for the appeal, identifying one (1) or more of the three (3) criteria listed above. The request must be submitted (or postmarked, if mailed) no later than thirty (30) calendar days after the first day of classes of the following spring semester for appeal of grades recorded for the fall, and no later than thirty (30) calendar days after the first day of classes of the following fall semester for grades received in the spring or summer semester. If no appeal is filed within this time period, the grade shall be considered final.

Within thirty (30) calendar days of the receipt of an appeal, the appeal shall be forwarded to the course instructor(s) who assigned the grade, and an appeal committee shall be formed, unless the request is received during or shortly before the Summer Session, when the course instructor(s) who assigned the grade or members of the appeal committee may not be available. In this case, the appeal committee shall be formed no later than thirty (30) calendar days after the beginning of the following Fall semester. The appeal committee shall be composed of two (2) faculty members and two (2) students from within the department and one (1) faculty member from outside the department who shall serve as the chair. All five (5) members of the appeal committee shall be voting members. Formation of the appeal committee shall be specified in the Department Code, and it shall be the responsibility of a departmental faculty member other than the course instructor. Additionally, the code shall specify procedures in the case that the instructor is the department chair.

The appeal committee shall review the written appeal and the written response(s) from the course instructor(s). The appeal committee may elect to interview separately both the student and the course instructor(s) before rendering a decision. The decision of the appeal committee shall be based upon whether or not one (1) of the criteria for an appeal listed above has been met. At the conclusion of the deliberations, the committee shall render one (1) of the following two (2) decisions:

- a. The original grading decision is upheld.
- b. The department head or the department head's designee(s) shall reevaluate the student's academic performance with respect to the instructional objectives of the course and assign a grade accordingly.

A written summary of the hearing, the decision of the appeal committee and the reasons for this decision shall be prepared. The chair of the appeal committee shall send this summary to the student and the course instructor(s) within thirty (30) calendar days of the appointment of the committee and it shall be retained in the department office for the duration of the student's enrollment at the University. The appeal committee's decision is the final decision of the University.

I.8 Student Course Survey *(last revised May 8, 2019)*

The Student Course Survey is designed to provide formative 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 student course survey feedback as a stand-alone tool is not an acceptable means of evaluating the quality of teaching, and departments are required to use multiple sources of evidence in assessing teaching effectiveness (see section E.12.1).

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. The use of any of the optional modules of additional questions or custom questions in addition to the core/common university wide instrument is at the discretion of the instructor. Summaries of quantitative responses (in the form of frequency distributions) 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 report, which includes student comments, shall be granted only to the course instructor(s) and to individuals explicitly granted access by the instructor(s) or as specified by the department code. In situations where other persons are granted access to the report by the department code, the report should be used only in the context of a comprehensive assessment, by which faculty are provided an opportunity to reflect upon student feedback and include additional evidence of teaching effectiveness (see section E.12.1). Costs for conducting and providing access to survey results should 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, as well as additional forms of evidence to be used in assessing teaching effectiveness. Changes to the Student Course Survey shall be approved by Faculty Council.

I.9 Grades of Incomplete

At the discretion of the instructor, a temporary grade of Incomplete may be given to a student who demonstrates that they could not complete the requirements of the course due to circumstances beyond the student's control and not reasonably foreseeable. A student must be passing a course at the time that an Incomplete is requested unless the instructor determines that there are extenuating circumstances to assign an Incomplete to a student who is not passing the course. When an instructor assigns an Incomplete, the instructor shall specify in writing the requirements the student shall fulfill to complete the course as well as the reasons for granting an Incomplete when the student is not passing the course. The instructor shall retain a copy of this statement in the instructor's grade records and provide copies to the student and the department head or the department head's designee. After successful completion of the makeup

requirements, incomplete grades will be changed by the instructor of record or the department head, in the absence of the instructor of record. After one (1) year or at the end of the semester in which the student graduates (whichever comes first), an incomplete will be automatically changed to a “F” (failure) unless the course has been previously completed and a grade change submitted by the instructor or the head of the department.

I.10 Letters of Recommendation *(last revised August 3, 2012)*

The Colorado Employer's Liability Act, (C.R.S., Section 8-2-114 (5)), requires that University personnel who provide written information to a prospective employer about a current or former employee provide a copy of this information to the employee if the employee appears at the employer's or former employer's place of business during normal business hours and if the employee has not signed a waiver, waiving the employee's right to view the written information.

I.11 Students Called to Active Duty *(last revised August 9, 2019)*

In response to military action declared by the President of the United States or Congress in which United States forces are being called into active duty, the University shall apply this policy for the duration of such actions. As a primary point of contact, students are encouraged to work with Adult Learner and Veteran Services (ALVS) in order to review all options prior to leaving CSU. Depending on when in the semester the student is called to duty, different options may be available including University withdrawal, late withdrawals, or incompletes. Additional information can be found in the General Catalog.

I.12 Degrees Awarded Posthumously *(new section added May 5, 2005)*

In exceptional circumstances, the Board may award degrees posthumously. Recommendations for such an award will only be considered when the student had completed nearly all of the requirements for the student's degree before dying, and when the student's academic record clearly indicates that the degree would have been successfully completed had death not intervened. Nominations for posthumous awards of degree will be initiated by the student's department and approved internally by the relevant college dean and the Provost. The posthumous nature of the recommended degree award shall be made explicit when the recommendation is forwarded to the Board. The Provost's office shall be responsible for presenting the degree to appropriate survivors.

I.13 Attendance at Graduation Ceremonies

Although degrees are awarded at the end of each semester, formal graduation ceremonies are held at the end of the fall and spring semesters. Participation in these commencement exercises is a responsibility of all members of the academic faculty. College deans are responsible for establishing attendance policies for their respective units, with the approval of the Provost.

I.14 Classroom Policies

The classroom instructor is responsible for controlling the conduct of the class and the demeanor and behavior of the students in exercising classroom discipline, subject to accepted departmental, college, and University standards and practices.

I.14.1 Policy on Who May Attend Classes

University policy permits only enrolled students, persons attending with the permission of the instructor, and administrative personnel of the University to be present in a classroom during scheduled classroom periods.

At the discretion of the instructor in charge, any full time student, faculty member, or senior citizen may attend any class without formal registration provided adequate classroom space is available.

I.14.2 Policy on Classroom Use

Use of classrooms during non-scheduled periods and other areas of academic buildings is permitted only in accordance with departmental, college, or University practices.

I.14.3 Policy on Disruptive or Obstructive Classroom Behavior

University policy prohibits all forms of disruptive or obstructive behavior or demonstrations in classrooms, teaching and research laboratories, and offices or meeting rooms of academic buildings during periods of scheduled use, and prohibits any form of demonstration in the building or on the grounds which disrupts regular and authorized use of any University facility.

If an unauthorized person enters or is present in a classroom or other instructional or research area during periods of use, the faculty member in charge should first ask the person to identify themselves and then ask the person to leave. If the person refuses to leave, the faculty member should tell the person that the person is in violation of University rules and is subject to discipline. If the person then continues to refuse to leave, the faculty member should call the University Police Department.

If any person disrupts the orderly conduct of any class, laboratory, or makes threat thereof, the faculty member should warn the person that such an act is not only in violation of University rules but is in violation of state law, and that appropriate University and legal action will be taken. If the person refuses to desist, the faculty member should call the University Police Department.

The faculty member should seek to obtain the identification of the person or persons involved. The faculty member is not obligated to continue a class when the faculty member's safety or that of the students is threatened.

I.14.4 Class Attendance Regulations *(last revised June 21, 2011)*

Instructors and departments are responsible for establishing attendance policies for classes and examinations. These policies must accommodate student participation in University-sanctioned extracurricular/co-curricular activities. Students must inform their instructors prior to the anticipated absence and take the initiative to make up missed work in a timely fashion. Instructors must make reasonable efforts to enable students to make up work which must be accomplished under the instructor's supervision (e.g., examinations, laboratories). In the event of a conflict in regard to this policy, individuals may appeal using established University procedures.

For the purposes of this regulation, University-sanctioned activities include competitions, events and professional meetings in which students are officially representing the institution. Appropriate sanctioned activities include:

- a. Intercollegiate athletics;
- b. Collegiate club sports and competitions;
- c. Conferences and workshops recognized by the University not related to academics;
- d. Commitments on behalf of the University (ASCSU, band, etc.); and
- e. Professional activities recognized by the University related to academics.

Department heads or their designated representatives must approve sanctioned professional and departmental activities. Other sanctioned activities must be approved by the appropriate program director on record with the Division of Student Affairs or the Department of Athletics.

I.14.5 Policy on Off-Campus Graduate Instruction

The policy of Colorado State University is that standards and requirements for students, faculty members, courses, and programs for off-campus graduate study are the same as those standards and requirements on campus. The academic department head has the basic responsibility for the implementation of this policy.

I.15 Responsibilities of Being a Student Group Advisor *(last revised August 7, 2015)*

An advisor is selected by a student group and serves upon mutual agreement among the student group, the advisor, and the advisor's administrative head. The role of the advisor is to provide guidance in fiscal matters; assistance in attaining group goals; encouragement of open lines of communication among students, faculty members, and staff; and continuity to the group from year to year. When a faculty member or staff member is confirmed as an advisor to a student group, this role as an advisor will constitute an assigned University duty, which will last at least

through the academic year, and may be renewed annually at the discretion of all parties.

I.16 Field Trips and Other Similar Sanctioned Off-Campus Activities

University employees, as a part of their official capacities, must at times arrange for various types of off-campus activities such as instructional related trips, field and demonstration trips, recreational, and athletic trips. The following guidelines are provided to assist employees in carrying out their responsibilities in these matters.

- a. University employee: an officer, employee or servant acting on behalf of the University, whether or not compensated, elected or appointed. NOTE: An "independent contractor" is NOT a University employee.
- b. Any activity associated with a class, course, program or function must be approved by an employee in an official capacity with the University who is authorized to grant such approval. Approval procedures will vary but authorization ordinarily will reside with the department head or director of the administrative unit.
- c. All "sanctioned off-campus" activities shall be conducted under the direct supervision of a University employee. The University employee shall be responsible for such items as, but not limited to:
 1. Obtaining authorization.
 2. Communicating to participants expected standards of conduct.
 3. Arranging for excused absences for participants.
 4. Obtaining releases of liability from participants where appropriate. Contact the Office of Risk Management for guidance and the appropriate forms.
 5. Arranging transportation and itinerary.
 6. Assuring that conditions concerning liability insurance are met and are in effect.

I.17 Limitation on Study for Advanced Degrees by Faculty

No academic faculty member with the rank of assistant professor or higher may receive a master's or doctor's degree from the department of the institution in which the faculty member holds academic appointment. Under special or exceptional circumstances, a faculty member with a rank higher than instructor may be allowed to pursue and receive an advanced degree from this institution, but only if that degree is granted from another department, and only if written permission is granted by the head of the department in which the faculty member holds

rank, the head of the department granting the degree, the dean(s) of the college(s) involved, and the Provost.

I.18 Colorado Tuition Classification Law Restriction

The Colorado Tuition Classification Law requires a newly appointed faculty member moving to Colorado from another state to be domiciled in Colorado for twelve (12) months before the faculty member or the faculty member's spouse or minor child is eligible for Colorado resident status for tuition purposes.

I.19 Policies Regarding Controlled Substances, Illicit Drugs, and Alcohol *(last revised May 3, 2017)*

No member of the academic community (faculty members, administrative professionals, staff, and students) may unlawfully possess, use, manufacture, dispense, or distribute controlled substances, illicit drugs, or alcohol on University property or as a part of any University activity. University policy also prohibits the performance of one's duties while impaired by the use of alcohol or drugs. The University, through its established committees and procedures, will impose sanctions on students and employees found to be in violation of this policy, possibly including, but not limited to, one (1) or more of the following: reprimand, probation, expulsion, eliminating or lowering salary increases for a period of time, temporary suspension with or without pay, termination, and referral to civil authorities for prosecution consistent with local, State, and Federal law and University policy. University employees who are convicted under a criminal drug statute for an act in violation of this policy must report the conviction to the Executive Director of the Department of Human Resources, in writing within five (5) days. The University will annually inform faculty members, administrative professionals, staff, and students of applicable health risks, counseling, treatment, rehabilitation or reentry programs, and applicable local, State, and Federal law on unlawful possession or distribution of drugs and alcohol.

Under certain conditions, alcoholic beverages may be served at campus functions. However, before alcoholic beverages may be served at a function held on campus, the intent to serve alcoholic beverages must be registered with the appropriate office. If alcoholic beverages are to be served at a function held in the Lory Student Center, the registration is with that office, and their policies and procedures must be followed. If alcoholic beverages are to be served at a function held elsewhere on campus, the registration is with Facilities Management, and their policies and procedures must be followed. Policies related to alcohol at athletic events held at athletics venues, including tailgating areas, are available from the Department of Athletics. University employees and students intending to serve alcoholic beverages as part of a campus function need to be aware of and follow the appropriate policies and procedures.

I.20 Faculty Liability

The Colorado Government Immunity Act, (C.R.S., Article 10, Title 24), protects public employees from liability and from the costs of defense where the claim against the public employee arises out of injuries sustained from an act or omission of such employee occurring

during the performance of their duties and within the scope of their employment.

The Colorado Governmental Immunity Act defines "employee" as "an officer, employee or servant of the public entity, whether or not compensated, elected, or appointed, but does not include an independent contractor or any person who is sentenced to Section 42-4-1202(4), C.R.S. 1973, to participate in any type useful public service."

In 1985, the State legislature passed the Risk Management Act which established a state self-insured fund. Colorado State University and employees, as defined are covered by this act for claims where immunity has been waived by the Government Immunity Act.

To qualify for protection under the Colorado Government Immunity Act employees, as defined above, should adhere to the following criteria:

- a. Incidents or occurrences that can reasonably be expected to lead to a claim should be reported as soon as possible to the employee's supervisor and to the Office of Risk Management. Incidents or occurrences involving injury or death should be reported immediately.
- b. Injured persons, or claimants, should be referred to the Office of Risk Management for procedures to file a claim with the Office of the Attorney General of Colorado and the State Division of Risk Management.
- c. Employees must not compromise or settle claims without consent of the University, the Division of Risk Management and the Attorney General.
- d. An employee who has been served with notice for a court action against the employee and/or the University must notify the Office of the Attorney General of Colorado, in writing, within fifteen (15) days of receipt of such notice.

There is no protection provided:

- a. When the act or omission is outside the scope of employment.
- b. For acts or omissions that are criminal, intentional, willful or wanton.

Employees should exercise due caution and use common sense in attempting to avoid accidents and injury which could result in liability to themselves or to Colorado State University.

Questions on liability insurance should be directed to the Office of Risk Management. Questions of a legal nature should be referred to the Office of the General Counsel.

Provisions as stated in the Colorado Government Immunity Act and the Risk Management Act supersede any statement made in this *Manual*.

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SECTION J. RIGHTS AND RESPONSIBILITIES RELATED TO CREATIVE WORKS (last revised February 9, 2024)

J.1 Policy on Patents, Inventions, and Research Property

J.1.1 Definitions

Appeals Committee for Inventions: The committee that makes decisions regarding disputes arising from the policies in Section J.1. The members are the Vice Provost for Faculty Affairs, the Chair of Faculty Council, and the University Grievance Officer. Decisions made by the Appeals Committee are final.

Bayh-Dole: U.S. legislation found at 35 U.S.C. §§ 200-212 pertaining to the reporting, ownership, patenting, and licensing of Inventions or Discoveries made under Federally Sponsored Research Agreements.

Colorado State University Research Foundation (“CSU-STRATA”): The primary intellectual property marketing agent for the University is the Colorado State University Research Foundation, now known as CSU-STRATA, and as it may otherwise be known from time to time. CSU-STRATA provides these services in accordance with the Master Services Agreement with the Colorado State University System on behalf of the University.

Data: The recorded material commonly accepted in the scientific community as necessary to validate research findings arising from or associated with research conducted at, under the auspices of, or using the resources of the University. “Data” covered in this policy includes both intangibles (e.g., information and copyrightable works such as software and expressions of creativity, artistry or information) and tangibles (e.g., cell lines, biological samples collected for research purposes, synthetic compounds, organisms, biomarkers, novel reagents and originals or copies of laboratory notebooks) arising out of the academic and research units of the University. Protectable “Data” includes the recorded material as well as supporting materials such as experimental protocols and code written for statistical analyses commonly accepted in the scientific community as necessary to validate research findings.

Equity: Any shares of capital stock, partnership interests, membership interests in a limited capability company, beneficial interests in a trust, or any options, warrants, rights or securities (including debt securities) convertible, exchangeable or exercisable to acquire any such interests.

Extraordinary University Resources: Resources such as financial, technical, personnel, or additional forms of support provided by the University which exceed the type or level of resources typically provided to similarly situated Members. This may include the commitment of staff, faculty, or student effort or material support in the creation of Invention other than what is available to similarly situated Members

for their use, such as open-source materials. It may include use of University owned intellectual property, CSU-STRATA owned intellectual property, Inventions, and Research Results. Considering the benefit that accrues to the University from individual scholarly activity, the University has concluded that Extraordinary University Resources shall not include the Member's time, office space, computer equipment (excluding in some cases server space), use of the library, or any commonly available resources available on or off campus.

Intellectual Property Disclosure: Documentation of potential Invention to be completed by the Inventor(s) and submitted through the Disclosure Portal established by CSU-STRATA.

Inventions: New, useful, and non-obvious ideas and/or their reduction to practice that result in, but are not limited to, new devices, processes, and/or methods of producing new and/or useful industrial operations and materials; any produced article useful in trade; any composition of matter, including chemical compounds and mechanical mixtures; any plant covered under plant patent laws, the Plant Variety Protection Act, or other methods that provide protection; biological materials, including cell lines, plasmids, hybridomas, monoclonal antibodies, and genetically-engineered organisms with commercial potential; many new designs in connection with the production or manufacture of an article including computer software, data bases, circuit design, prototype devices and equipment; and any improvement upon existing processes or systems. An Invention may be patented or maintained as a trade secret. An Invention may contain Copyrightable Works. If so, the Marketing Agent may choose to license the patent and copyrights together or separately, depending on commercial interest.

Inventor: An Individual that made an Invention subject to this policy. Support staff such as research assistants, computer programmers, and others who contribute to an Invention may not be considered Inventors unless they substantially influence the original and novel aspects of the Invention. Inventorship is a legal standard and may not be consistent with authorship of any associated publications.

Manual: Academic Faculty & Administrative Professional Manual.

Master Services Agreement: The agreement by and between CSU-STRATA and the Colorado State University System on behalf of the University, as may be amended from time to time.

Member: This policy shall apply to all persons employed, compensated, or appointed by the University, including without limitation Supported Students, and to anyone making use of Extraordinary University Resources (including non-employees, absent an agreement to the contrary). The inclusion of this Policy in the Manual does not limit or impact the inclusion of individuals who would not otherwise be subject to the Manual.

Reduced to Practice: This is accomplished when an Inventor's conception is embodied in such form as to render it capable of practical and successful use.

Research Results: Includes, but is not limited to, materials, computer software, computer databases, prototype devices or equipment, engineering designs or drawings, integrated computer chips, audiovisual works, antibodies, genetically modified animals, and cell lines. Also includes Data, samples, physical collections, records, results and supporting materials, documents, and records, whether or not patentable, including, for example, computer programs, circuit designs of all types, data bases, technical and design drawings, biogenic materials, novel varieties of plants, chemically synthesized molecular systems, and other creations. Absent agreement, University policy, contract, or legal requirement to the contrary, Research Results will be subject to this policy and must be disclosed upon request or where it reasonably appears there is commercial value in such Research Results.

Sponsored Project: Research activity or other work performed under sponsorship from any agency, party, or parties external to the University, pursuant to an agreement between such agency or party and the University, which may result in the creation of Inventions or Research results.

Supported Students: Students who are either employed by the University or receive University support for research activity in the form of a stipend and/or tuition award, including but not limited to fellowships, teaching assistantships and research assistantships, and those Students who make Substantial Use of University Resources. "Support" in the form of financial assistance such as scholarships for which "support" is independent of a research degree program or research activities are not included within the definition of "Supported Student."

University Duties or Activities: University Duties or Activities include teaching, mentoring of students, the conduct of scholarly research in the Member's specialized field, and service on university committees consistent with the furtherance of knowledge and its dissemination. Members who are not members of the faculty have University Duties or Activities as defined by the position they hold at the university. A Member's University Duties or Activities include those that are customarily expected to be performed by those holding the position held by the Member as well as those that are assigned by the University.

VPR Intellectual Property Manager (IPM): The individual appointed by the Vice President for Research to be the division contact for matters involving intellectual property.

J.1.2 Policy on Inventions

J.1.2.1 Ownership and Rights

J.1.2.1.1 University Ownership

Unless otherwise stated in this policy, the University shall be the owner, under any applicable law, of all Inventions that fall into one or more of the following three categories:

- i. Inventions created or developed by Members in the course of performing University Duties or Activities whether on or off campus, during or after normal University business hours, alone or with others, or during a sabbatical, summer, University holiday, or break.
- ii. Inventions created or developed with Extraordinary University Resources or expressly commissioned by the University.
- iii. Inventions created or developed as part of a Sponsored Project, unless explicitly provided otherwise in an agreement to which the University is a party.

J.1.2.1.2 Inventions Created by Members While Consulting

Rights to Inventions resulting when a Member acts as a consultant with non-University entities must be specified in the consulting agreement under which the Member acts. Members must be cognizant that Inventions may represent the culmination of endeavor in a specialized field, often conducted with University Resources. Members cannot grant rights to University-owned Inventions as the University's ownership vests automatically in Inventions pursuant to this policy. As such it is recommended that the following clause be added to any consulting agreement a Member may sign:

The Company will have no rights by reason of the Agreement in any intellectual property whatsoever, whether or not patentable or copyrightable, generated wholly or in part as a result of Consultant's activities carried out at the University, or with substantial aid of its facilities or funds administered by it or as otherwise provided in the University's policies including for example and without limitation those covering Intellectual Property.

J.1.2.1.3 Inventions Involving More Than One Inventor

When Inventions result from the joint efforts of Inventors, including Inventors who are not Members, such as those from another institution, a written agreement among the parties must specify

ownership, allocations, and other rights.

J.1.2.1.4 Sponsored Projects

Rights to Inventions financed wholly or partially by governmental, industrial, philanthropic, or other external organizations or persons must be specified in contracts or written agreements that protect the University's interest. Before work begins, the Member responsible for a contract or agreement must advise all coworkers of their rights. The Vice President for Research (VPR) will exercise every reasonable effort to assure that contracts and agreements secure commercial value and patent rights favorable to the Member and the University.

J.1.2.1.5 The U.S. Government

Covered Individuals may receive financial support for their research from the U.S. Government. The ownership of Inventions or Research Results made with Government financial support is determined by Federal law, including the Bayh-Dole Act (35 U.S.C. §§ 200-212) and the regulations at 37 C.F.R. Pt. 401.

The University has certain duties to disclose to the Government all Inventions, and in some cases Research Results, made in the performance of a Government funding agreement, where a funding agreement means prime awards from the Federal government and Federal pass-throughs, i.e., subcontracts at all tiers. Other reporting requirements not previously mentioned may exist now or in the future. Accordingly, Members associated with Government-sponsored projects shall notify CSU-STRATA promptly whenever any Invention is conceived or actually Reduced to Practice in the course of the project. When permitted by law and the funding agreement, if CSU-STRATA decides to seek patent protection for such an Invention in accordance with this policy, CSU-STRATA must elect to retain title to the Invention within any time limits established by law and make efforts to achieve practical application of the Invention.

J.1.2.1.6 University Sponsored Research

If the University sponsors a research project, solicits voluntary Member participation in the project, and provides funding for the project, possibly including compensation/release time for the Member, the University will own the intellectual property rights developed through the project unless the University agrees to share ownership. A written document, signed by the Member prior to initiation of the project, will be executed to acknowledge the University's ownership, or sharing arrangement, and the Member's

commitment to cooperate with the University, at University expense, to protect and commercialize the intellectual property. Should the parties agree, the University may opt to share with the Member involved any profits that result from the intellectual property created on the project. Such agreement, and the details of profit-sharing arrangements, shall be recorded in a written document, signed by both parties, which shall supersede this policy to the extent that any provisions are in conflict.

J.1.2.1.7 Member Rights in Inventions

Unless otherwise stated in this policy, Member(s) will retain a non-exclusive, personal, non-transferable or sublicensable license to their Inventions for their own teaching and research purposes. Any use outside of that, such as a commercial use including use in consulting activities, will require a license from the University.

J.1.2.1.8 Member Conflict of Interest Disclosure

Member must disclose all Equity offered to or received by Member, or an individual or entity associated with Member, directly in connection with a license agreement. Member is required to disclose in writing to the University Conflict of Interest Office (“CIO”) the specific terms and conditions associated with Equity issued to Member or an individual or entity associated with Member for their role as founders, consultants, or otherwise. The Member shall disclose to the University CIO any existing or proposed consulting agreement between the Member, or an individual or entity associated with Member, and the prospective licensee or any other agreements with other entities that have potential for conflicts of interest pertaining to the license. The University CIO may suggest limitations on the proposed license agreement, associated sponsored research agreement, consulting agreement between the Inventor and the licensee, or other agreements in order to address actual or potential conflicts of interest in accordance with the Conflict-of-Interest Policies. The University and CSU-STRATA will coordinate on Conflict of Interest matters, as set forth in the Master Services Agreement, particularly where CSU-STRATA is a party to the license agreement.

J.1.2.1.9 Assigning Ownership Back

CSU-STRATA may elect not to assert its right to an Invention after disclosure. In such instance, ownership of the Invention will be returned to the University subject to any rights of the Federal Government and to any rights of the sponsor of the research leading

to the Invention. The University or CSU-STRATA will execute such documentation as may be necessary to effectuate such transfer of ownership. When an Invention is returned to the University, the University may elect to transfer ownership to the Inventor(s), but the University retains the right to use said Invention in teaching and research. Inventor(s) remain(s) obligated to disclose to the University follow-on research or progeny, modifications or derivations of disclosed Inventions as these will remain subject to this Policy.

J.1.2.2 Ownership in Dispute

When the Member declares in an Invention Disclosure that a disclosed Invention is not the property of the University, the Invention Disclosure shall be forwarded to the IPM for a determination of ownership of the Invention under this policy. The IPM shall gather such information as needed to determine ownership of a disclosed Invention, including, but not limited to, consultation with CSU-STRATA and the Office of General Counsel. A decision by the IPM that the Invention is the property of the University must be announced within sixty (60) calendar days from receipt of notification of disputed ownership of an Invention by Member, unless an extension of this timeline is granted by the VPR.

J.1.2.3 Right to Appeal

If the Member disagrees with the decision of the IPM or there is any other dispute regarding ownership, the Invention Disclosure shall be forwarded to the Appeals Committee for Inventions for a final determination of ownership of the Invention under this policy.

J.1.2.4 Administration

The Office of the Vice President for Research (OVPR) is responsible for the administration of the University's rights regarding Inventions having potential monetary or commercial value and for the selection of internal or external marketing agents. As set forth in the Master Services Agreement, the marketing agent for the University is CSU-STRATA. However, Inventions may be marketed better as part of an academic unit's activities, especially in cases where use of the Invention is subject to sponsor requirements or limitations. The decision to use a marketing agent other than CSU-STRATA, including the decision to keep marketing within the academic unit, is set forth in the Master Services Agreement and currently requires the review and approval of the Chancellor, after consultation with CSU-STRATA.

J.1.2.5 Notification of Inventions

Members must provide timely notification of the creation of Inventions via

submission of an Invention Disclosure to CSU-STRATA. Members shall disclose all Inventions as soon as possible after discovery or significant development, but, in all events, the Invention Disclosure must be submitted to CSU-STRATA prior to any public disclosure of the Invention. Members must keep CSU-STRATA informed about anticipated publications and presentations as well as update the Invention Disclosure as needed by providing copies of Data, publications, and presentations to CSU-STRATA. It is also expected that the Member will provide reasonable assistance and cooperation to CSU-STRATA in its efforts to market or license Inventions. Principal investigators of research projects, as well as department chairs and deans, have a responsibility to ensure that all Inventions of which they become aware are disclosed to CSU-STRATA. Failure to disclose an Invention or to provide reasonable assistance or cooperation may result in the forfeiture of the Member's rights to payment under this policy. Such a decision by the University may be appealed to the Appeals Committee for Inventions.

J.1.2.6 Evaluation of Disclosure, Patent Filing

The procedures to be followed by CSU-STRATA in evaluating an Invention Disclosure, electing to take an assignment of the disclosed Invention, evaluating the market for the Invention, and filing for appropriate intellectual property protection is set forth in the Master Services Agreement.

If the evaluation reveals that the Invention Disclosure is either incomplete or insufficient for a proper evaluation, CSU-STRATA shall notify the Member(s) of the need for more information or more research. Where additional research needs to be done, an updated Invention Disclosure shall be submitted to CSU-STRATA once additional development has taken place.

The Member(s) will provide CSU-STRATA with such reasonable additional information and assistance as CSU-STRATA may request, and that the Member(s) can reasonably provide, in order to assist CSU-STRATA in evaluating the Invention Disclosure and the Invention, the need for any further development of the Invention, the potential markets or licensees, and the like. If there is a disagreement concerning the scope of additional assistance requested of the Member, such disputes shall be settled by the Appeals Committee for Inventions.

J.1.2.7 Formal Assignments and Preparation of Documents for Prosecution

Once CSU-STRATA has evaluated an Invention, CSU-STRATA may require the Member(s) to execute a formal assignment document to the University, to CSU-STRATA or to a third party as required by the Patent and Trademark Office. Typically, assignments to third parties will be subject to the

University's and the Member's nonexclusive, irrevocable, paid-up license to use the Invention for research and teaching purposes.

Members are required to execute all contracts, assignments, waivers, patent applications, and other documents reasonably necessary to carry out the provisions of this Policy in a timely manner. Members will also, at the request of CSU-STRATA or the University, meet with potential or actual licensors of an Invention and otherwise provide reasonable assistance to the University in the marketing and licensing of the Invention. If CSU-STRATA elects to seek patent protection for an Invention in one or more jurisdictions, the Member shall provide reasonable assistance to CSU-STRATA in preparing and prosecuting patent applications.

Any disputes involving these requirements shall be settled by the Appeals Committee for Inventions.

J.1.3 Marketing and Distribution of Proceeds

J.1.3.1 Marketing of Inventions

The Marketing Agent, as referenced in Section J.1.2.4, shall be responsible for marketing Inventions, including collecting and distributing net income derived from licensing, sublicensing, or sale of an Invention which it administers. CSU-STRATA's marketing responsibilities are set forth in the Master Services Agreement. For any income derived by the Marketing Agent for such licenses, the Marketing Agent will be reimbursed for its direct costs attributable to marketing, patenting, and licensing incurred in connection with each license agreement ("direct costs"). In general, absent agreement by all parties to the contrary, net income will be allocated as follows:

<u>Member</u>	<u>Member's Department/College</u>	<u>VPR</u>	<u>Marketing Agent</u>
<u>35%</u>	<u>10%</u>	<u>15%</u>	<u>40%</u>

Distribution of net income shall occur no less than once per fiscal year. Where there is more than one Inventor, they will each receive an equal share of the "Member" portion (i.e. 35%) of net income, absent agreement among the Inventors to an alternative split of that portion. This same distribution will be applied to the Department/College portion where more than one Department/College is involved. If there is a dispute as to distributions among Inventors, the Invention Appeals Committee for Inventions will make a determination of the proper distribution.

J.1.3.2 Royalty Distributions

Any proceeds accruing to Members hereunder constitute royalties, not salaries, and will be paid as royalties to Members through CSU-STRATA or the University's external agent/assignee. If a Member leaves the University, the Member's portion of proceeds will continue to be paid to the Member. If a Member dies, the Member's portion of the proceeds will continue to be paid in accordance with the testamentary disposition (wills, trusts, and similar mechanisms) or, in the absence of such a disposition, as provided by law.

J.1.3.3 Equity Transactions

Special circumstances may apply in the event CSU-STRATA or the University's external agent/assignee accepts Equity as consideration for the grant of a license or other interest in an Invention. License agreements involving Equity must be structured to protect the University from liability and to avoid conflicts of interest.

Generally, all Equity provided as payment for the grant of a license from CSU-STRATA must be issued directly to CSU-STRATA. All decisions with respect to management and liquidation of Equity held by CSU-STRATA will be made by CSU-STRATA on behalf of the University and the Inventor(s). Upon liquidation of the Equity held by CSU-STRATA, distributions shall be made by CSU-STRATA in accordance with Section J.1.3.1.

J.2 Policy on Copyrightable Works

J.2.1 Definitions

Appeals Committee for Copyrightable Works: The committee that makes decisions regarding disputes arising from the policies in Section J.2. The members are the Vice Provost for Faculty Affairs; the Chair of Faculty Council; and the University Grievance Officer. Decisions made by the Appeals Committee are final.

Author: Under the copyright laws of the United States, a person who has created a Copyrightable Work is called an "Author." If more than one person has participated in the creation of a Copyrightable Work, each must have contributed materials which would independently qualify as a Copyrightable Work in order to be considered a co-Author of such work. An Author of a Copyrightable Work may be different than the owner of such work such as when a Work is assigned to a new owner. An employer such as the University may also be considered to be an Author of a Copyrightable Work under certain circumstances. Under this Policy, when a Work constitutes a "University Institutional Work" or a "Work Made For Hire" the University will be deemed to be the "Author" for all purposes. This section extends the definition of Author from Copyrighted Works to Copyrightable Works.

Colorado State University Research Foundation ("CSU-STRATA"): The

primary intellectual property marketing agent for the University is the Colorado State University Research Foundation, now known as CSU-STRATA, and as it may otherwise be known from time to time. CSU-STRATA provides these services in accordance with the Master Services Agreement with the Colorado State University System on behalf of the University.

Copyrightable Works: Original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. It includes, but is not limited to, books, journals, software, computer programs, databases, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, and other similar works.

Courseware: The set of tools and technologies used to deliver or present the content of a course, independent of the content itself. Courseware is typically used in the asynchronous delivery of academic content via a learning management system (e.g., Canvas or Bridge) or an interactive online software system (e.g., Teams, Zoom, or Webex). Use of Courseware provided by the University (including courseware used by instructional designers at CSU Online to convert material to a different format) will not, in and of itself, be deemed use of Extraordinary University Resources.

Creator Support Personnel: Creator Support Personnel are support staff such as office staff, university photographers and graphic artists, non-faculty computer programmers, and others who contribute to the Works in the course of performing and within the scope of their employment duties and under the direction and guidance of a faculty member or supervisor. Faculty and Faculty-Like Employees generally will not be considered Creator Support Personnel. Creator Support Personnel are not generally considered to be Authors. Copyrightable Works by Creator Support Personnel are considered Works Made For Hire and the University is considered the Author. If, however, Creator Support Personnel substantially influence the conception, design and/or creation of the Copyrightable Work and make a copyrightable contribution to the Work, they may be determined to be an Author by the Provost. Note that the use of Creator Support Personnel may at times constitute use of Extraordinary University Resources.

Equity: Any shares of capital stock, partnership interests, membership interests in a limited liability company, beneficial interests in a trust, or any options, warrants, rights or securities (including debt securities) convertible, exchangeable or exercisable to acquire any such interests.

Extraordinary University Resources: Resources such as financial, technical, personnel, or additional forms of support provided by the University which exceed the type or level of resources typically provided to similarly situated Members. This may include the commitment of staff, faculty, or student effort or material support in the creation of the Copyrightable Work that is beyond what is available

to similarly situated Members for their use. It may include use of University-owned intellectual property, CSU-STRATA owned intellectual property, Inventions, and Research Results. Considering the benefit that accrues to the University from individual scholarly activity, the University has concluded that Extraordinary University Resources shall not include the Member's time, office space, computer equipment (excluding in some cases server space), use of the library, Courseware, or any commonly available resources available on or off campus. Where Scholarly Works or Publications are based on Research Results, that alone will not be considered "extraordinary" for purposes of this Policy. The use of Courseware will not in and of itself be considered "extraordinary" for purposes of this Policy.

Faculty-Like Employee: A University employee who teaches and/or conducts research at the University with a level of responsibility and self-direction similar to that exercised and enjoyed by a faculty member in a similar activity.

Fair Use: Fair Use is a legal doctrine that promotes freedom of expression by permitting the unlicensed use of copyright-protected works in certain circumstances. Section 107 of the Copyright Act provides the statutory framework for determining whether something is a fair use and identifies certain types of uses—such as criticism, comment, news reporting, teaching, scholarship, and research—as examples of activities that may qualify as fair use under that Section.

Intellectual Property Disclosure: Documentation of potential Copyrightable Work to be completed by the Author(s) and submitted through the Disclosure Portal established by CSU-STRATA.

Manual: Academic Faculty and Administrative Professional Manual.

Master Services Agreement: The agreement by and between CSU-STRATA and the Colorado State University System on behalf of the University, as may be amended from time to time.

Member: This policy shall apply to all persons employed, compensated, or appointed by the University and to anyone (including non-employees absent an agreement to the contrary) making use of Extraordinary University Resources. Undergraduate students, unsupported graduate students, and secondary school students are excluded from the application of the policy unless they are paid by or through the University in connection with and participation in Sponsored Research. When a Member has created a copyrightable work, they may be referred to as an "Author."

Publications: Textbooks, bulletins, circulars, pamphlets, reports, information releases, exhibits, demonstrations, and other scholarly or popular writings regardless of medium. Publications may be copyrighted.

Research Results: Includes, but is not limited to, materials, computer software,

computer databases, prototype devices or equipment, engineering designs or drawings, integrated computer chips, audiovisual works, antibodies, genetically modified animals, and cell lines. Also includes Data, samples, physical collections, records, results and supporting materials, documents and records whether or not patentable, including, for example, computer programs, circuit designs of all types, data bases, technical and design drawings, biogenic materials, novel varieties of plants, chemically synthesized molecular systems, and other creations. Research Results will be subject to this policy and must be disclosed upon request or where it reasonably appears there is commercial value in such Research Results.

Scholarly Works: Works used for pedagogical or scholarly purposes including, but not limited to recorded and live digital, video, and audio presentations; photographs, films, graphic illustrations, transparencies, and other visual aids; programmed instructional packages; virtual learning tools, computer programs and data bases; and scripts, study guides, syllabi, tests, and other items that accompany, or are used to present or demonstrate, the above-described materials. Scholarly Works may be copyrighted, patented, and/or trademarked.

Sponsored Project: Research activities or other work performed under sponsorship from any agency, party, or parties external to the University, pursuant to an agreement between such agency or party and the University, which research activity or other work may result in the creation of Inventions or Research Results.

Student Works: Copyright ownership of works prepared by University students, including graduate students, resides with such students, unless the work: (a) was created primarily in the course or scope of the student's University employment; (b) involved the use of Extraordinary University Resources; (c) is a University Institutional Work or a Work Made For Hire, or (d) was created under a separate agreement that specifies a different copyright owner. For the purposes of this section, a student's financial aid is not considered Extraordinary University Resources. Absent extraordinary circumstances, copyright ownership of theses or dissertations authored by University students resides with such students. Note that, notwithstanding the foregoing, the University may make Fair Use of Student Works in connection with or as part of normal academic and administrative activities.

University Duties or Activities: University Duties or Activities include teaching, mentoring of students, the conduct of scholarly research in the Member's specialized field, and service on university committees consistent with the furtherance of knowledge and its dissemination. Members who are not members of the faculty have University Duties or Activities as defined by the position they hold at the University. A Member's University Duties or Activities include those that are customarily expected to be performed by those holding the position held by the Member, as well as those that are assigned by the University.

University Institutional Work: Where no single Author or set of Authors can be

reasonable attributable to a Work, such as in the case of a Work created with the input of numerous individuals in a past collaborative efforts over long periods of time, such that distinct Authorship or specific contributions are not reasonable identifiable, the Work will be treated as having no inventors/creators. When a University Work is clearly attributable to one or more specific unit, those units shall be treated as the Author for the purposes of this policy.

VPR Intellectual Property Manager (IPM): The individual appointed by the Vice President for Research to be the division contact for matters involving intellectual property.

Works: Copyrightable Works or other intellectual property that are subject to this policy.

Works Made For Hire: Expressly commissioned Works for instructional, public service, or administrative use. Where a Work is created or developed in whole by Members, other than academic faculty members or Faculty-Like Employees, in the course of performing and within the scope of their employment duties, the Work will be considered to be a Work Made For Hire. Works created pursuant to a written agreement between the University and a Member will also be considered Works Made for Hire. In an agreement for the creation of a Work Made For Hire, the Member will generally receive some form of compensation such as funding or course relief. Ownership of Works Made for Hire will be governed by the terms of the agreement between the University and the Member.

J.2.2 Ownership of Copyrightable Works

Ownership of the various rights associated with Copyrightable Works is dependent upon several factors, listed below. As a general rule, Author(s) retains all rights to Copyrightable Works, unless subject to the conditions discussed in this section.

J.2.2.1 Scholarly Work

Scholarly Work produced by a Member on their own initiative shall be the exclusive property of such Member, unless the Scholarly Work was specifically commissioned or assigned as part of their employment (refer to Section J.2.2.2 – Employee Works), or unless the work was prepared under the terms of a contract or grant, or unless preparation involved use of Extraordinary University Resources. Copyrightable Scholarly Works include but are not limited to scholarly or educational materials, artworks, musical compositions, and literary works related to the Author(s)' academic or professional field, regardless of the medium of expression. Except in the cases covered in Sections J.2.2.2 through J.2.2.5 below, the ownership of the copyright in the Scholarly Work will reside with the Author(s) and any revenue derived from their work will belong to the Author(s).

Copyrightable Scholarly Works created for ordinary teaching use in the

classroom and in department programs, such as syllabi, assignments, and tests, shall remain the property of the Author(s), but University shall be permitted to make Fair Use of the Scholarly Works for administrative purposes, including satisfying requests of accreditation agencies for faculty-authored syllabi and course descriptions.

J.2.2.2 Employee Works

Copyrightable Work prepared by a Member in the course of their University Duties or Activities, by special commission or assignment, or with the use of Extraordinary University Resources shall be the property of the University. The general obligation of a faculty member or a Faculty-Like Employee to produce scholarly and creative Copyrightable Works (such as being assigned to teach a course) does not constitute a University special commission or assignment or condition of employment in the context of this policy. In the case of faculty or Faculty-Like Employees, Copyrightable Work shall only be considered to be Employee Work if this is agreed to in advance by both the University and the faculty or Faculty-Like Employee and it is not a Scholarly Work. Employee Works also include, but are not limited to, Works Made for Hire.

J.2.2.3 University Institutional Works

Copyrightable Works whose authorship cannot be attributed to one or more specific Authors or units, but rather result from simultaneous or sequential contributions over time by multiple faculty, staff and/or employed students will be owned by the University. For example, software tools developed and improved over time by multiple faculty, staff and/or employed students where authorship cannot be attributed to a specific group of Authors or units would constitute a University Institutional Work. The mere fact that multiple individuals have contributed to the creation of a Copyrightable Work shall not in and of itself cause the Copyrightable Work to constitute a University Institutional Work.

J.2.2.4 Sponsor Works

Ownership of Copyrightable Works developed during work supported partially or in full by an outside sponsor or through a contract or grant with the University is determined by the applicable provisions of such contract or grant. In the absence of any governing provision, the ownership of any Copyrightable Work shall be determined in accordance with Sections J.2.2.1 through J.2.2.3. Note that use or marketing of Sponsor Works may be subject to Sponsor imposed contractual limitations including, but not limited to, non-profit uses only.

J.2.2.5 Supported Works

A Copyrightable Work that is developed with Extraordinary University Resources and is not sponsor-supported shall be the property of the University.

J.2.3 Marketable Works

Marketable Works are Employee Works, University Institutions Works, and Supported Works which have potential monetary or commercial value.

J.2.3.1 Disclosure

Marketable works should be disclosed in writing to CSU-STRATA. Notification must be timely and in accordance with University Intellectual Property submission procedures in order to protect the rights of the Author(s) and the University and the requirements of the United States and foreign copyright laws. Failure to disclose as required does not impact or eliminate the University's rights in a Marketable Work. Upon CSU-STRATA's receipt of a Disclosure of a Marketable Work, CSU-STRATA will evaluate the Marketable Work and determine if it wishes to have the Marketable Work assigned to CSU-STRATA or not.

J.2.3.2 CSU-STRATA Notice of Election

The procedures to be used by CSU-STRATA in evaluating a Disclosure and electing to take an assignment of the disclosed Marketable Work are set forth in the Master Services Agreement. Upon completion by CSU-STRATA of its evaluation of the Disclosure, as may be modified or updated, CSU-STRATA may elect to take an assignment of the disclosed Marketable Work, or it may determine that it will not take such an assignment. This decision will be completed expeditiously, typically within six (6) months of the filing of the Disclosure. Notice of CSU-STRATA's decision with respect to its election must be promptly provided to the Author(s) and the IPM.

J.2.3.3 Assigning Ownership Back to Author(s)

As described in the Master Services Agreement, CSU-STRATA may elect at any time not to retain its rights in a Marketable Work after disclosure. In such instance, ownership of the Marketable Work will be returned to the Author(s) subject to any rights of the Federal Government and to any rights of the sponsor of the research leading to the Marketable Work. CSU-STRATA will execute such documentation as may be necessary to effectuate such transfer of ownership.

J.2.3.4 Classification

Author(s) may declare in such notification that a disclosed Copyrightable

Work is not properly classified as a Marketable Work. Creator Support Personnel may argue that they are an Author of a disclosed Copyrightable Work. Questions over classification or Authorship will be submitted to the IPM who will evaluate the classification or Authorship of the Copyrightable Work and will announce a decision as to the University's position within thirty (30) calendar days from receipt of notification of a dispute.

J.2.3.5 Right to Appeal

If the Member disagrees with the decision of the IPM or there is any other dispute regarding ownership, the disclosure shall be forwarded to the Appeals Committee for Copyrightable Works for a final determination of ownership of the Copyrightable Work under this policy.

J.2.3.6 Administration

The Provost is responsible for the administration the University's rights in Marketable Works and for the selection of internal or external marketing agents. As set forth in the Master Services Agreement, the marketing agent for the University is CSU-STRATA. However, it is often the case that Marketable Works are best marketed as part of an academic unit's activities, especially in cases where the use of the Marketable Work is subject to sponsor requirements or limitations. The decision to use a marketing agent other than CSU-STRATA, including the decision to keep marketing within the academic unit, is set forth in the Master Services Agreement and currently requires the review and approval of the Chancellor, after consultation with CSU-STRATA.

J.2.3.7 Member Conflict of Interest Disclosure

The Member must disclose all Equity offered to or received by the Member, or an individual or entity associated with the Member, directly in connection with a license agreement. The Member is required to disclose in writing to the University Conflict of Interest Office ("CIO") the specific terms and conditions associated with Equity issues to the Member, or an individual or entity associated with the Member, for their role as founders, consultants, or otherwise. The Member shall disclose to the University CIO any existing or proposed consulting agreement between the Member, or an individual or entity associated with the Member, and the prospective licensee, or any other agreements with other entities that have potential for conflicts of interest pertaining to the license. The University CIO may suggest limitations on the proposed license agreement. Such limitations may be appealed to the Appeal Committee for Copyrightable Works. The University and CSU-STRATA will coordinate on Conflict of Interest matters, as set forth in the Master Services Agreement, particularly where CSU-STRATA is a party to the license agreement.

J.2.4 Marketing and Distribution of Proceeds

J.2.4.1 Marketing of Copyrightable Works

The Marketing Agent, as referenced in Section J.2.3.6 shall be responsible for marketing Marketable Works, including collecting and distributing net income derived from licensing, sublicensing or sale of such works which it administers. CSU-STRATA's marketing responsibilities are set forth in the Master Services Agreement. For any income derived by the Marketing Agent with respect to Marketable Works, the Marketing Agent will be reimbursed for its direct costs attributable to marketing and licensing incurred in connection with each license agreement ("direct costs"). In general, absent agreement by all parties to the contrary, net income will be allocated as follows:

<u>Member</u>	<u>Member's Department/College</u>	<u>Provost</u>	<u>Marketing Agent</u>
<u>35%</u>	<u>10%</u>	<u>15%</u>	<u>40%</u>

Distribution of net income shall occur by the end of each fiscal year. Where there is more than one Author, they will each receive an equal portion of the "Author" portion (i.e., 35%) of net income, absent agreement among the Authors to an alternative split of that portion. This same distribution will be applied to the Department/College portion where more than one Department/College is involved. If there is a dispute as to distributions among Inventors, the Invention Appeals Committee for Inventions will make a determination of the proper distribution.

J.2.4.2 Royalty Distributions

Any proceeds accruing to Author(s) hereunder constitutes royalties, not salaries, and will be paid as royalties to Author(s) through CSU-STRATA or the University's external agent/assignee. If an Author leaves the University, the Author's portion of proceeds will continue to be paid to the Author. If an Author dies, the Author's portion of the proceeds will continue to be paid in accordance with the testamentary disposition (wills, trusts, and similar mechanisms) or, in the absence of such disposition, as provided by law.

J.2.4.3 Equity Transactions

Special circumstances may apply in the event CSU-STRATA or the University's external agent/assignee accepts Equity as consideration for the grant of a license or other interest in Marketable Works. License agreements involving Equity must be structured to protect the University from liability and to avoid conflicts of interest.

The Author(s) shall disclose to the University any existing or proposed consulting agreement between the Author(s) and the prospective licensee or any other agreements with other entities that have potential for conflicts of interest pertaining to the license. The University may impose limitations on the proposed license agreement, associated sponsored research agreement, consulting agreement between the Author(s) and the licensee, or other agreements in order to address actual or potential conflicts of interest in accordance with the Conflict-of-Interest Policies. Such limitations may be appealed to the Appeal Committee for Copyrightable Works. The University and CSU-STRATA will coordinate on Conflict of Interest matters, as set forth in the Master Services Agreement, including Conflict of Interest matters concerning Equity.

CSU-STRATA may require the prospective licensee to disclose all Equity offered to CSU-STRATA, the University, their employees, and other institutions or individuals in consideration for the license agreement. In addition, the prospective licensee may be required to disclose in writing to CSU-STRATA the specific terms and conditions associated with such Equity and the anticipated capital structure of the venture. Furthermore, the Author(s) must disclose to CSU-STRATA in writing if any equity is to be issues to Author(s) for their role as founders, consultants, or otherwise.

Generally, all Equity provided as payment for the grant of a license from CSU-STRATA must be issued directly to CSU-STRATA. All decisions with respect to management and liquidation of Equity held by CSU-STRATA will be made by CSU-STRATA on behalf of the University and the Author(s). Upon liquidation of the Equity held by CSU-STRATA, distributions shall be made by CSU-STRATA as provided herein.

J.2.5 University Use of Scholarly Works

J.2.5.1 Fair Use

Nothing in Section J.2 will be deemed to limit in any way the right of the University or its faculty, staff, or students to make Fair Use of any Copyrightable Works.

J.2.5.2 Administrative Use

From time to time, the University may ask an Author to submit a Scholarly Work to the University for an administrative purpose. This includes, but is not limited to, tenure and promotion, curriculum committee review, and public record requests. Administrative use shall not alter the ownership of the Scholarly Work by the Author(s).

J.2.5.3 Unexpected Unavailability

If an Author is utilizing their Scholarly Work in teaching an assigned course and that Author becomes unexpectedly unavailable, such as in the case of death, injury/illness, or departure from the University prior to the end of the semester, the University may find it necessary to assign another faculty member to teach that course for the remainder of the semester. In such a case, the new faculty member will be permitted to utilize the Author's Scholarly Works that would have been used by the Author for the teaching of that course for the limited purpose of teaching the remainder of that course.

J.2.5.4 Return of Scholarly Work

When an Author leaves the University, the University will take reasonable steps to work with the Author to effectuate an export of their Scholarly Works which may be contained within University Courseware. Thereafter, absent agreement of the Author to the contrary, such Scholarly Works will be deleted from the Courseware. Any disputes will be settled by the Appeals Committee for Copyrightable Works.

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SECTION K. RESOLUTION OF DISPUTES

K.1 General Information *(last revised February 9, 2024)*

Colorado State University is committed to the timely and fair resolution of disputes. 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, and/or capricious. 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, and/or capricious. Section K provides three avenues for resolution of such claims: a) informal conciliation, b) mediation, and c) a formal grievance hearing process.

Several additional offices on campus are available to assist with the resolution of conflicts. See the website <https://employeeconflictresolution.colostate.edu> for a list of such resources. In particular, note the Office of the Ombuds. An overview of the procedures described in Section K can be found on the website <https://universitygrievanceofficer.colostate.edu> of the University Grievance Officer.

K.1.1 Participants in the Section K Process and Definition of Terms *(last revised December 6, 2019)*

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, and/or capricious.

Hearing Committee – A group of five (5) faculty members or administrative professionals from a 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 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 recommendations from a Hearing Committee and deciding whether or not to accept them. 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 Section K process advising Grievants and Supervisors, and coordinating involvement by others.

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 *(last revised December 6, 2019)*

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

A Grievable Action is an Action by Supervisor that has or will have an adverse academic and/or professional effect on the Grievant and is unfair, unreasonable, arbitrary, and/or capricious. 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, and/or capricious.

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: *(last revised December 6, 2019)*

- 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.
- d. Terms agreed to by the Grievant under a Section K mediation agreement.
- e. Acts in response to violations of law or endangerment of public safety.
- f. Placement on paid administrative leave.
- g. A subsequent complaint for the same action by the same supervisor once a Grievance regarding the original complaint has concluded.
- h. 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 Sections 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 (*last revised December 6, 2019*)

K.3.2.1 (“Class A”) (*last revised December 6, 2019*)

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

- a. reduction of salary and/or demotion;
- b. violation of academic and/or intellectual freedom; or
- c. 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. annual salary adjustment;
- b. denial of tenure and/or promotion;
- c. receipt of a lower evaluation than deserved on a performance review;
- d. 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 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.12.6). 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, the Grievant may appeal this decision. Such an appeal must be made in writing to the Chair of the Grievance Panel (see Section K.11.1) for the Employee Classification of 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 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 send 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 (1) 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

- a. 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 Section K Process

In the spirit of reaching an expeditious resolution of disputes, an aggrieved 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 Section K shall supersede the Grievant's rights under federal and/or state laws.

K.5 Initiation of the Section K Process

In order to initiate the Section K process, an administrative professional or a faculty member 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 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 the UGO's 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) 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 the UGO's 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 *(last revised February 9, 2024)*

K.6.1 Initiation of the Mediation Process *(last revised February 9, 2024)*

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, and/or capricious. 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 the UGO's 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 is no longer employed by the university or no longer holds the relevant supervisory position, then the Responsible Administrator(s) for the unit shall decide, at the Administrator's 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.13.2, paragraph 6 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 Response from the Supervisor, the UGO shall 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 Grievant and/or the Supervisor shall have five (5) working days from the date of this notification to object to the choice of UM. Such an objection may be based only on the UMs prior or current relationship with the Grievant and/or Supervisor and/or the UMs 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 the UM's 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 the UGO's 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, the UGO 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.6.2 Mediation Process

- a. Within ten (10) working days of being assigned by the UGO, the UM shall meet with the Grievant and the Supervisor, discuss their respective positions, and review relevant information.
- b. If the UM believes there is a reasonable chance that mediation efforts may produce a resolution of the dispute, the Grievant, the Supervisor, and the UM shall enter into a mediation period of up to twenty (20) working days to attempt to resolve the dispute.
- 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.

- d. If the UM decides that mediation efforts are not productive, then the UM may choose to terminate the mediation period at any time.
- e. If the mediation period expires or is terminated, the UM shall notify the UGO 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 Grievant shall then have five (5) working days after receiving this notification from the UGO to initiate the formal hearing process regarding any Grievable Action (see Section K.9).
- f. Documentation and other communication created specifically in connection with the resolution of a dispute shall be considered to be part of the Grievant's and the Supervisor's personnel files.¹ Under the Dispute Resolution Act, C.R.S. 13-22-301 et seq., documents and communications that 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 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 prior to the 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).

¹The term "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 the individual's supervisors.

K.9 Initiating the Grievance Process

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 the Grievant intends to submit at the Hearing, a list of the witnesses that the Grievant 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 the Grievant 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 the Supervisor intends to submit at the Hearing, a list of the witnesses that the Supervisor 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 material that the Supervisor 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 the Grievant's right to pursue the hearing process and notify the Grievant of this decision.

K.10 Grievance Procedure

K.10.1 Hearing Committee

As described in Section K.11.4, a Hearing Committee shall be selected by the UGO, which consists of five (5) members, one of whom shall serve 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.12.6), 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 locations(s) for the Hearing and forward 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.

For a Class B Grievance, since the burden of proof is on the Grievant, the Hearing Committee may decide without a Hearing 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 recommendation made by 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. Grievance Hearings are confidential and closed to the public.
- b. Each Party 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 Party prepare for the proceedings, including the preparation of any

required written documentation, and may advise the Party 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, the advisor 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 Parties to the Grievance, and any witnesses called. Each Party shall identify their advisors at the opening of the Hearing and neither Party 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.
- d. Once initiated, the Hearings shall continue on a daily basis, depending on the convenience of the Parties, and, the Hearing shall be concluded within ten (10) working days of its opening.
- e. The Parties to a Grievance have the responsibility to attend all scheduled meetings of the Hearing. No substitutes for the Parties shall be allowed. If a Party is unable or unwilling to attend any scheduled meeting of the Hearing, the meeting may be held ex parte.
- f. 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 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.
- g. The Grievant, the Supervisor, and their advisors are responsible for abiding by the procedures herein established. Anyone failing to 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 any excluded persons.
- h. 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.g, the following persons are entitled to be

present during the Hearing:

- a. The Parties 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 Party 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 Party having the burden of proof (hereinafter referred to as the “First Party”).
- b. Statement by the other Party (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 oneself 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 oneself 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.
- e. Members of the Hearing Committee shall have the right to direct questions to witnesses called and to the Parties during these proceedings.
- f. Summary arguments by the First Party.
- g. Summary arguments by the Second Party.
- h. The members of the Hearing Committee shall have the authority to direct any

further questions to either or both 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. The Chair of the Hearing Committee shall notify the Parties in writing of the scheduling of additional meetings, 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.

- i. 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).

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 Party 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 Party calling a witness shall first establish the relevance of the testimony of the witness.
- c. Material introduced by either Party 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 Party 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 Party making the objection shall state the reason(s) for the objection, and the other Party 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 *(last revised December 6, 2019)*

- 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 solely to determine whether this Action is unfair, unreasonable, arbitrary, and/or capricious, but not to substitute its judgment regarding the substantive merits of the Grievable Action.

- 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, as well as that of the majority.
- d. The written Recommendation from the Hearing Committee 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 three (3) working days after receiving the Recommendation from the Hearing Committee, the UGO shall send a copy of this Recommendation to the Parties. Within this same time frame, the UGO shall provide copies of the Recommendation, 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 Party 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 shall instead 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

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 five (5) working days of receipt of the written Recommendation from the Hearing Committee, it must provide reasons for the appeal, and it must not exceed five (5) pages with normal font size. This appeal shall be submitted to the Provost, unless the Provost and/or the President is a Party to the Grievance. If the Provost is a Party 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, the Grievant 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 *(last revised December 6, 2019)*

If the Hearing Record is sent to the Provost, the Provost shall review the Hearing Record, together with any appeal from the Grievant (hereinafter referred to collectively as the "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 Appeal Record. No 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 may differ from the Recommendation from the Hearing Committee only if the Provost finds that the Recommendation from the Hearing Committee is unfair, unreasonable, arbitrary, and/or capricious.

The Provost shall also send a copy of the Provost's recommendation to the UGO, and the UGO shall send copies of this recommendation to the Grievant and the Supervisor. The Provost shall send the Provost's recommendation to the President and the UGO within 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.

K.10.6.3 Appeal of the Recommendation From the Provost *(last revised December 6, 2019)*

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 five (5) pages with normal font size.

If the Grievant submits an appeal to the President, the Grievant 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 *(last revised December 6, 2019)*

If the Hearing Record is sent to the President, the President shall review the Hearing Record, together with any recommendation from the Provost, 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. No 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 may differ from the Recommendation from the Hearing Committee only if the President finds that the Recommendation from the Hearing Committee is unfair, unreasonable, arbitrary, and/or capricious. The President shall send the President's written decision to the UGO within 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 decision of the President is final.

If the decision of the President includes taking action as a result of the Grievance, the President shall notify the appropriate 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 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. Board Policy 123 contains the procedures to be followed regarding this review.

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 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.

K.11 Grievance Panels and Hearing Committees

K.11.1 Grievance Panels *(last revised August 10, 2018)*

The Faculty Grievance Panel shall be a pool of eligible Hearing Committee members consisting of one (1) tenured faculty member from each academic department and one (1) tenured faculty member from the Libraries.

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. 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 either Grievance Panel.

K.11.1.1 Duties *(last revised August 10, 2018)*

As specified elsewhere in 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 the procedures outlined in Section K and the activities of the UGO.

K.11.1.2 Chairs (*last revised August 10, 2018*)

Each year, the Chair of the Faculty Council shall select a Chair for the Faculty Grievance Panel from among 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.

As specified elsewhere in this Section K, the duties of the chairs are:

- a. To meet with the UGO as needed to review activities of the UGO,
- b. To review challenges to the qualification of grievances by the UGO (Section K.3.3),
- 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.12.7),
- e. To advise the UGO on policy and procedural matters covered in Section K,
- f. To advise the Faculty Council and Administrative Professional Council on matters pertaining to rights and responsibilities described in this Section,
- g. To provide input for the UGO's annual report (Section K.12.4.i),
- h. 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. This shall include administrators at the level of department head or above, but not assistant or associate department heads. 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

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 tenured, tenure-track, contract, continuing, 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. Vacancies shall be filled by elections at other times throughout the year following the procedures set forth above.

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). Hearing Committees shall consist of five (5) members having the same Employee Classification as the Grievant. The UGO shall provide each selected member of the Hearing Committee the opportunity to excuse themselves from service because of having an involvement with one or both of the Parties and/or with the Action being challenged that causes the Hearing Committee member 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.

In the event that it is impossible to establish a full Hearing Committee from the membership of the Grievance Panel, 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.10.1.

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 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 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 administratively 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 reappointment. 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 10, 2018)*

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 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 have a twelve (12)-month appointment as a tenured faculty member. The appointment fraction as UGO and associated funds shall be negotiated between the UGO and the Provost and will depend on the workload as UGO. The fraction of the workload as

UGO shall be considered to be service in the overall workload distribution of the UGO. Typically, this will lead to a compensating reduction in the workload within the home department of the UGO. 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 February 9, 2024)*

The UGO shall be responsible for:

- a. Maintaining a record of actions taken as part of the processes in Section K and Sections E.11, E.15, E.16 and E.17.
- 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 Hearing Committees, calling individuals to appear before 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 Sections E.11, E.15, E.16 and E.17 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 Sections E.11, E.15, E.16 and E.17.
- 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.h.
- f. Making recommendations to Hearing Committees and Appeal Committees regarding guidelines for the operation of these committees pursuant to Section K and Sections E.11, E.15, E.16, and E.17.
- 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 and Appeals pursuant to Section K and Sections E.11, E.15, E.16, and E.17.
- i. Preparing an annual report each 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.

K.12.5 Right to Extend Deadlines

At the UGO's discretion, the UGO may extend any deadlines or timelines described in Section K and Sections E.11, E.15, E.16, and E.17. An individual 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.12.6 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, the UGO 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 final.

K.12.7 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 President, after consultation with the chairs of the Grievance Panels 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 the Temporary Special UGO 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

currently employed individual 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 who previously held such an appointment. The UM shall have no administrative duties (see Section K.11.2) throughout the term of service.

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, a person who previously held such an appointment.

K.13.2 Selection, Terms, and Evaluation of University Mediators for Faculty *(last revised August 10, 2018)*

The Chair of Faculty Council and the Provost shall solicit nominations for faculty UMs prior to the end of each academic year. In consultation with the Executive Committee of Faculty Council, 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 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 department head may choose to provide an adjustment in effort distribution and/or workload. In this case, individuals appointed as faculty UMs may negotiate this change in effort distribution and/or workload with their department head, to reflect their involvement in the 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. 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 reappointment of the UM. 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 10, 2018)*

The Chair of the Administrative Professional Council and the Vice President for University Operations shall solicit nominations for administrative professional UMs prior to the end of each academic year. In consultation with the Executive Committee of the Administrative Professional Council, 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 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 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 UM who has mediated one or more cases during the calendar year shall be evaluated 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 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.

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APPENDIX 1: Title IX Sexual Harassment *(last revised December 3, 2020)*

SECTION 1. POLICY STATEMENT & PURPOSE

Colorado State University (CSU) is a land-grant institution committed to offering access in its educational, scholarly and outreach activities to all individuals representative of our multi-cultural society and providing an environment of excellence in which all individuals can participate to the full level of their capabilities, realize their aspirations and contribute to the global society in which we live. In this pursuit, the University is committed to providing an environment that respects the dignity and worth of every member of its community. To this end, **the University prohibits sexual harassment, as defined in this Policy, by or against any member of or visitor to the CSU community.**

The University will respond to reports or information about such incidents of which it has actual knowledge and will work to stop the inappropriate behavior, remediate its effects, and take steps to prevent the recurrence of the prohibited conduct while respecting the rights of all involved.

CSU is required to comply with applicable state and federal statutes, including Title IX of the federal Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial aid. Sexual harassment in its various forms is a type of sex discrimination prohibited by Title IX. In the employment context, other federal and state laws and regulations may also apply; see the [CSU Policy on Discrimination and Harassment](#).

The purpose of this policy is to further the University's goals of addressing sexual harassment and providing resources to those impacted by such incidents. The policy will describe the manner in which CSU responds to reports of sexual harassment and the procedures and options for reporting policy violations.

SECTION 2. DEFINITIONS USED IN THIS POLICY

Consent: Consent is defined in [Colorado Revised Statutes § 18-3-401](#) as “cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act... Submission under the influence of fear shall not constitute consent.” Under this policy, consent must be knowing, voluntary, active, present and ongoing. Consent is described in more detail in Section 5 below.

Formal complaint: A document filed by an Impacted Party or signed by the Title IX Coordinator alleging sexual harassment against a Responding Party and requesting that the University investigate the allegation of sexual harassment.

Impacted Party (referred to in federal regulations as the “Complainant”): An individual who reports being the subject or target of sexual harassment as prohibited by this policy.

Official with Authority: Officials with authority to initiate corrective action, including disciplinary sanctions, when a report of sexual harassment is received are the University's Title IX Coordinator,

the President, the Provost, all Vice Presidents, Vice Provosts, Dean of Students, Associate Dean of Students, Director of the Student Resolution Center, Director of the Office of Equal Opportunity, Executive Director of Human Resources/Chief Human Resource Officer, and Director of Athletics.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the Impacted Party.

Responding Party: (referred to in federal regulations as a “Respondent”): An individual who is alleged to be responsible for an incident(s) of sexual harassment.

Responsible Employee: Any CSU employee who has the responsibility to report to the Office of Title IX Programs and Gender Equity any incident of sexual harassment of which they become aware. At CSU, this includes:

- An academic or activity advisor such as a faculty advisor, student success coordinator, internship coordinator, advisor to a student organization or club; however, faculty members are not considered responsible employees in the ordinary course of classroom or online instruction
- All coaches, trainers, and other athletic staff that interact directly with students, including club sports
- All student affairs employees whose duties require them to have regular or daily contact with students. This includes employees who are responsible for directly providing services to undergraduate and graduate students and to student organizations
- All employees of the CSU Police Department
- Employees whose job duties require that they regularly interface with students
- All supervisors of employees, including student employees
- A senior administrator (president, provost and executive vice president, vice provost, associate and assistant provost, dean or associate dean, vice president, associate or assistant vice president, director of athletics, senior associate director of athletics department head/chair, executive director, director, associate or assistant director)
- Student employees assigned responsibilities for campus safety or when acting as mentors

Retaliation is any action, performed directly or through others, that is intended to deter a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Retaliation includes any attempt to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under the Title IX law and regulations or this policy, or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing. The University strictly prohibits retaliation. Depending on the behaviors, examples of actions that could constitute retaliation when done in retribution for engaging in a protected activity include, but are not limited to:

- Reducing a person’s salary or work hours
- Giving a negative performance evaluation
- Making adverse decisions relating to one’s work assignments, vacation, or promotion or advancement opportunities (whether employment-related or academic)

- Reducing a student's grade
- Removing a person from a student organization, academic program, or lab
- Interfering with one's job search
- Engaging in harassing conduct that is sufficiently severe, pervasive, and/or persistent to create a hostile environment; for this purpose, the existence of a hostile environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) and subjectively (meaning the affected individual felt the environment was hostile) or
- Making threats to engage in any of the actions listed above.

Sexual harassment is defined under Title IX regulations as conduct on the basis of sex that constitutes one or more of the following:

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct ("*quid pro quo*" *sexual harassment*); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity. Depending upon the behaviors, examples of such conduct may include, but are not limited to:
 - Gender-based bullying, including towards trans and non-binary people
 - Direct propositions of a sexual nature
 - Pressure for sexual activity
 - A pattern of conduct that includes one or more of the following: (1) unwelcome and unnecessary touching, patting, hugging, or brushing against a person's body; (2) remarks of a sexual nature about a person's clothing or body, whether or not intended to be complimentary; (3) remarks about sexual activity or speculations about previous sexual experience; (4) other comments of a sexual nature, including sexually explicit statements, questions, jokes or anecdotes; or (5) written or digital communications such as emails, texts, live or streaming audio or video, social media posts, etc. containing sexual comments, words or images
 - Visual displays of sexually oriented images outside the educational context
3. "Sexual assault", "dating violence", "domestic violence", "stalking" as defined in laws and regulations and set forth below.

a. *Sexual Assault* is defined as:

- *Non-Consensual Sexual Penetration (Rape)*: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. The gender of the victim is irrelevant.

- *Non-Consensual Sexual Contact (Groping/Fondling)* is the touching of the private body parts of another person without the consent of the person, including instances where the person is incapable of giving consent because of their age or temporary or permanent mental incapacity. This type of sexual assault also includes making a person touch themselves or another with, or on, any intimate body parts. It can occur whether those involved are clothed or unclothed.
 - *Incest*: Non-forcible sexual intercourse between persons who are related to each other as an ancestor or descendant, including a natural child, child by adoption, or stepchild twenty-one years of age or older, a brother or sister of the whole or half blood, or an uncle, aunt, nephew, or niece of the whole blood.
 - *Statutory Rape*: Sexual penetration with an individual who is below the legal age of consent according to Colorado law. The general age of consent in Colorado is 17. However, the ages of both parties, as well as their marital status, are considered when determining whether the sexual contact is unlawful. For a more detailed definition of the age of consent, see [C.R.S. § 18-3-402](#) and [this article released by the Colorado General Assembly](#).
4. *Dating violence* means violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (referred to in this policy as the Impacted Party). The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:
1. The length of the relationship
 2. The type of relationship
 3. The frequency of interaction between the persons involved in the relationship
5. *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim (Impacted Party) under the domestic or family violence laws of the jurisdiction (i.e., Colorado or other place where the conduct occurs), or by any other person against an adult or youth victim who is protected from that person's acts under the laws of the jurisdiction.

In Colorado, "domestic violence" means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. "Domestic violence" also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment,

intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship. C.R.S. § 18-6-800.3.

6. *Stalking*: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behavior include, but are not limited to:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, letters, notes, gifts, or any other communications that are undesired and place another person in fear
- Surveillance or other types of observation, including staring or “peeping”
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim
- Defamation (disseminating false information to others about another)
- Gathering information, or asking others to gather information about an individual from friends, family, or co-workers
- Threats to harm self or others Vandalizing a person’s property
- Cyber-stalking--the repeated use of electronic communication to harass or frighten someone through use of online, electronic, or digital technologies, such as:
 - Unauthorized posting of pictures, messages, and/or information about the Impacted Party on websites, internet sites, social networking sites, mobile apps (e.g., Snapchat, Instagram, etc.), bulletin boards and/or chat rooms
 - Creating a website about the victim
 - Sending unwanted/unsolicited email, texts, talk, or communication requests (e.g., Facebook friend requests)
 - Posting private or public messages on Internet sites, social networking sites, and/or bulletin boards
 - Using Global Positioning Systems (GPS) to monitor a victim
 - Installing surveillance equipment, hardware, or software (e.g., spyware, cameras) on a victim's computer or other device
 - Catfishing: falsifying your identity in order to gain access to or trust of another person or trick someone into a relationship.

7. Sexual exploitation of another that is unwelcome and is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the university's education programs or activities. Some examples of sexual exploitation include:

- Prostituting another person, coercing sex work or trafficking persons for sex
- Voyeurism (secretly viewing the sexual activities or nudity of others)
- Exhibitionism (compulsive display of one's genitals in non-consensual circumstances; masturbation in front of others; flashing someone with a sexual or other intimate body part)
- Non-consensual photographing or videotaping another individual's personal body parts (clothed or unclothed)
- Non-consensual video or audio recording of sexual activity
- Non-consensual possession, sharing, or streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved
- Allowing a third-party to observe consensual sexual activity without the knowledge and consent of all parties involved
- Knowingly having sexual contact with a person who is not aware that you have a sexually transmitted disease, or HIV
- Inducing incapacitation to make another person vulnerable to non-consensual sexual activity and/or to make another person expose their genitals

Title IX Coordinator means the CSU Vice President for Equity, Equal Opportunity and Title IX (Vice President) or any person appointed by the Vice President to serve as Title IX Coordinator. The Vice President may also appoint Deputy Title IX Coordinators at any time. The names and contact information for each of these individuals are available on the [Title IX web page](#).

SECTION 3. PARTIES, JURISDICTION & APPLICABILITY

A. The Parties

The Parties to a formal complaint and related proceedings are the Impacted Party and the Responding Party. This Policy and the related Procedures apply equally to both Parties, although different supportive and interim measures, remedies and sanctions may be implemented as appropriate. There may be more than one Impacted Party and/or more than one Responding Party named in a formal complaint.

An Impacted Party may bring a formal complaint when participating in, or attempting to participate in, a University education program or activity at the time of filing the formal complaint.

In some circumstances when the Impacted Party has not filed a formal complaint or is not participating in the grievance process, Title IX may nevertheless require the University to initiate an investigation and adjudication of sexual harassment allegations in order to protect the University community. In such instances, the Title IX Coordinator will sign the complaint. The Title IX Coordinator may consider a variety of factors, including a pattern of alleged misconduct by a

particular Responding Party, in deciding whether to sign a formal complaint. The Title IX Coordinator may take circumstances into account such as whether the information or allegations involved violence, use of weapons, or other such factors.

Pursuant to C.R.S. § 13-25-138, the TIX coordinator may NOT consider an Impacted Party's previous sexual history except for prior or subsequent sexual conduct with the Responding Party, or physical evidence such as the source or origin of semen to show that the act or acts were or were not committed by the Responding Party.

B. Applicability

1. Members of the University Community

All University community members are prohibited from engaging in or assisting another's engagement in conduct that would violate this policy. This includes, without limitation, all students, faculty, staff, other employees and volunteers.

2. Non-Members of the University Community

When the person accused of sexual harassment is not a member of the University community and the University has no authority to impose disciplinary sanctions against that person if found responsible, the University may dismiss the formal complaint while still providing supportive measures to the Impacted Party. For more information on supportive and interim measures, see the procedures described in Section 11 below.

Employees and agents of contractors, visitors to the University, donors, alumni and others over whom the University does not have authority to take corrective or disciplinary action are also expected to comply with this policy when doing business with the University. The University may, among other actions, terminate its contract and relationship with the individual or entity, exclude such persons from campus, and/or refer the matter to law enforcement.

C. Relationship of the Behavior to the University's Programs and Activities

- Behavior is subject to this policy when:
 - The behavior occurs on university property, including property owned or controlled by a recognized student organization such as a fraternity or sorority;
 - The behavior occurs off university property in the context of university employment or any university education program or activity, including, but not limited to, university-sponsored academic, athletic, alumni, fundraising, public relations, extracurricular, study abroad, research, on-line or internship programs or activities; or
 - The behavior occurs off university property and outside the context of a university employment or education program or activity but has a continuing adverse effect on students, employees, or third parties in any university employment, living or education program or activity.

- **Cyber Harassment:** As used above, “university employment or education program or activity” includes behavior conducted electronically, such as in an online class or through digital communication.

SECTION 4. FALSE STATEMENTS

It is prohibited to knowingly make a materially false statement in bad faith during the grievance process. The outcome of the case alone cannot be the basis for concluding that a party made a bad-faith materially false statement.

SECTION 5. CONSENT

It is the responsibility of every individual to ensure they have the consent of others to engage in sexual activity. Communication regarding consent consists of mutually understandable words or actions that indicate an unambiguous willingness to engage in specific sexual activity at the same time, in the same way. In the absence of clear communication or outward demonstration, there is no consent. Lack of protest, lack of resistance, or silence do not alone constitute consent.

Consent must be all of the following:

- *Knowing:* All individuals understand, are aware of, and agree as to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.
- *Active:* Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or on a date.
- *Voluntary:* Consent must be freely given and cannot be the result of respondent’s intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant consequences from respondent if one does not engage in sexual activity), force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- *Present and Ongoing:* Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

Consent may also be withdrawn at any time, for any reason, provided the person withdrawing consent makes that known in clearly understandable words or actions. Thus, even if a person agreed

to a sexual interaction or continued sexual interaction, that person has the right to change their mind, at any time, irrespective of how much sexual interaction may have already taken place.

Consent to any one form of sexual activity does not imply consent to any other forms of sexual activity. The existence of a dating relationship or past sexual relations between the individuals involved is not conclusive evidence of consent in another instance (nor will subsequent sexual relations or dating relationship alone suffice as evidence of previous consent).

A. Force and Coercion

Consent obtained through force or coercion is not valid consent. Force is the threat or use of violence and/or imposing on someone physically to gain sexual access.

Coercion is pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure exerted to obtain consent. When someone has not indicated clearly that they want to engage in sexual activity or, indicates that they want to stop or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point is coercive. Coercion occurs when a person exerts power or influence over another in order to gain consent to engage in sexual activity.

Coercion can happen one time in the moment and/or over a length of time. A person can coerce someone into an act with them or into a sexual act with others.

Resistance is a clear demonstration of non-consent; however, there is no requirement that a party resist a sexual advance or request. Physical trauma is not required to investigate accusations of non-consensual sex.

B. Incapacitation

Incapacitation is a state where a person cannot make rational, reasonable decisions because they lack the physical or mental capacity to give knowing consent (i.e., to understand the “who, what, when, where, why and how” of their sexual interaction).

Because alcohol or other drug use can place an individual’s capacity to consent into question, sober sex is less likely to raise such questions. When alcohol or other drugs, including those that incapacitate (such as Rohypnol, Ketamine, GHB, etc.), are involved, a person will be considered unable to give consent if they cannot fully understand the details of a sexual interaction because they lack the capacity to reasonably understand the situation. Administering a drug that incapacitates another individual is a violation of this policy. More information on these drugs can be found at www.911rape.org.

This policy also prohibits sexual activity with a person whose incapacity results from mental or physical disabilities, sleep, unconsciousness, or involuntary physical restraint.

Consent is not obtained when:

- The Responding Party's belief in affirmative consent arose from their own intoxication or recklessness; or
- The Responding Party did not take steps under the circumstances to determine whether the Impacted Party consented to sexual activity.

C. Consensual Relationships Involving CSU Employees

The University has a [policy defining Consensual Relationships](#) and providing procedures to be followed when such relationships arise between students and faculty or other employees, or between employees. When the policy on Consensual Relationships is violated, a violation of this policy may also result.

SECTION 6. THE ROLE OF THE TITLE IX COORDINATOR

CSU has appointed a Title IX Coordinator and Deputy Title IX Coordinators to oversee and coordinate its compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX) and its implementing regulations, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance, of which CSU is one.

A. Title IX Coordinator

The University's Title IX Coordinator oversees the University's compliance with Title IX, including its policy, procedures, education and prevention efforts, and coordinates training for members of the CSU community. The Title IX Coordinator also oversees and monitors Title IX investigators and reviews information about sexual harassment and gender-based discrimination occurring in the University community in order to identify and address systemic problems. In so doing, the Title IX Coordinator provides appropriate resources and supportive and interim measures to those involved in a complaint or investigation.

The Title IX Coordinator is available to meet with any member of the University community or campus organization that would like to make a report involving matters of sexual harassment and gender-based discrimination, discuss reporting options, and to answer questions about the University's Title IX compliance, efforts, policy and procedures.

The Title IX Coordinator has overall responsibility for the effective implementation of remedies offered to the Parties to assure equal access to educational programs and activities.

B. Deputy Title IX Coordinators

Deputy Title IX Coordinators provide support for the University and the CSU community on Title IX-related matters and concerns and answer questions about Title IX policy, procedures and resources.

Contact information for the Title IX Coordinator and Deputy Title Coordinators is found below under [How to Report](#).

SECTION 7. DUTY TO REPORT & REPORTING OPTIONS

Anyone who has witnessed, suspects, or is aware of any incident involving conduct prohibited by this policy is strongly encouraged to report it to the Title IX Coordinator or a Deputy Title IX Coordinator (see [How to Report](#), below).

A “Responsible Employee” [is defined above](#) in this policy. Responsible Employees have special responsibilities with respect to reporting incidents of sexual harassment. All Responsible Employees **must** report incidents of sexual harassment to the Title IX Coordinator or a Deputy Title IX Coordinator within 24 hours after becoming aware of the incident (see [How to Report](#), below). It does not matter whether the person alleged to have engaged in sexual harassment is a member of the University community, or not; the Responsible Employee’s duty is to report all incidents. Failure to report sexual harassment may subject a Responsible Employee to corrective or disciplinary action.

A. Privacy and Sharing of Information

The University will protect the identity of persons involved in reports of sexual harassment to the best of its ability. The University will only share personally identifiable information with those who have a legitimate need to know in order for the University to investigate and respond or to deliver resources or support services. The University does not publish the names or post identifiable information about persons involved in a report of sexual harassment in the CSU Police Department’s Daily Crime Log or elsewhere online. However, the University cannot promise complete confidentiality or privacy in the handling of sexual harassment reports. For those seeking completely confidential services and support, [see Confidential Support Options below](#).

B. How to Report

When an emergency exists such as a person needing immediate medical attention or a crime or threat is in progress, call 911 from any phone and provide the dispatcher with your location.

Consistent with Section 7.A above, anyone may report an incident of sexual harassment to the Office of Title IX Programs and Gender Equity as follows:

Online: [Title IX Reporting Options and Form](#)

In person:

Office of Title IX Programs and Gender Equity
123 Student Services Building
Colorado State University
Fort Collins, CO 80523

By postal mail:

Office of Title IX Programs and Gender Equity
0161 Campus Delivery
Fort Collins, CO 80523-0161

By telephone: 970-491-1715

By email: titleix@colostate.edu

Reports may also be made online on the Student Conduct Services website under [Create an Incident Report](#).

The University will not impose discipline on a party or witness for other policy violations related to the incident such as possession or consumption of alcohol or drugs. However, participation in an investigation, hearing or appeal does not shield any person from disciplinary action for sexual harassment or sexual misconduct, whether or not such behavior is related to the allegations in the formal complaint.

C. Law Enforcement Reporting Options (Non-Confidential)

In an emergency or to report a crime in progress, call 911. To report a crime that is not in progress or whenever police assistance is needed in a non-emergency, call CSU Police at 970-491-6425, day or night.

CSU Police Department

Phone: (970) 491-6425 (non-emergency)

In-Person: 750 Meridian Street, Campus Police- Green Hall

Online (Anonymous): <https://police.colostate.edu/reportcrimeanonymous/>

Online (NON-emergency): <https://police.colostate.edu/crime-reporting/>

Fort Collins Police Services

Phone: (970) 221-6540 (non-emergency)

In-Person: 2221 S. Timberline Road, Fort Collins

Monday through Friday 8 a.m. – 6 p.m.

Saturday and Sunday 8 a.m. – 2 p.m.

Online (NON-emergency): <https://www.fcgov.com/police/coplogic-start-report.php>

Larimer County Sheriff's Office

2501 Midpoint Dr, Fort Collins, CO 80525

Phone: (970) 416-1985

D. Other University Reporting Options (Non-Confidential)

Tell Someone

If you are concerned about safety or mental health – your own or someone else's, please call (970) 491-1350 or complete the online referral form.

Bias Incident Reporting

A bias incident is any conduct, speech, or expression, motivated in whole or in part by bias or prejudice that is meant to intimidate, demean, mock, degrade, marginalize, or threaten individuals or groups based on that individual or group's actual or perceived identities. To report an incident of

bias, call Support and Safety Assessment at (970) 491-7407.

Student Conduct Services Incident Report

If you have knowledge of a CSU student violating the Student Conduct Code, you are encouraged to notify our office of the incident. If you have any questions regarding filing an incident report, please contact Student Conduct Services at the Student Resolution Center at (970) 491-7165.

SECTION 8. SUPPORT OPTIONS

Individuals who wish to seek advice or assistance or to discuss options for addressing sexual harassment or other sexual misconduct or discrimination confidentially may do so by speaking with licensed counselors, clergy, medical providers in the context of providing medical treatment, and interpersonal violence advocates and counselors who specialize in IPV trauma. Students, staff, and faculty who wish to speak to someone on a strictly confidential basis may contact the following confidential resources:

A. On-Campus Confidential Support

Victim Assistance Team (VAT): Women and Gender Advocacy Center

Confidential Victim Advocates are available to provide crisis intervention and emotional support through the Women and Gender Advocacy Center. Advocates in the office are full time staff members dedicated to working with students of all genders who have experienced trauma as a result of interpersonal/gender-based violence. Advocates provide information about academic, legal, medical, emotional, and student conduct resources available to survivors of sexual assault, relationship violence and stalking. Advocates can also offer support to secondary survivors, such as intimate partners, friends, and family.

All information shared with advocates is confidential unless the person is a danger to themselves, someone is in imminent danger, a child currently under 18 has been abused or if the perpetrator is currently in a position of power over minors (even if the survivor is over the age of 18).

Locations for drop-in or appointment:

112 Student Services (corner of Libby Coy Way and University) OR 234 Lory Student Center

Monday – Friday, 8am-5pm

Phone: 970-492-4242 (24-Hour Hotline)

Phone: 970-491-6384 (WGAC Office)

Email: wgac@colostate.edu

Website: <https://wgac.colostate.edu/support/about-advocacy/>

CSU Health and Medical Center Counseling Services

Provides counseling and spiritual care services.

Location for drop-in or appointment:

151 W. Lake St., 3rd Floor

(corner of College Ave. and Prospect Rd.)

Monday – Friday, 8am- 5pm
Phone: 970-491-6053
Phone: 970-491-7111 (After-hours)

Website Information to Make an Appointment:
<https://health.colostate.edu/make-a-counseling-appointment/>

Women's Care Services at CSU Health Network

Provides care services, including, but not limited to, women's examinations, birth control counseling, and sexual transmitted infection (STI) testing, counseling, and treatment.

Location for drop-in or appointment:

151 W. Lake St., 2nd Floor
(corner of College Ave. and Prospect Rd.)

Monday – Friday, 8am- 5pm

Phone: 970-491-1754

Website: <https://health.colostate.edu/womens-care/>

B. Off-Campus Confidential Support

Sexual Assault Victim Advocate Center (SAVA)

Provides counseling, crisis intervention, and advocacy services for those affected by sexual violence.

Phone: 970-472-4200 (24-Hour Rape Crisis Hotline)

Phone: 970-472-4204 (Fort Collins Office)

Crossroads Safehouse

Provides crisis intervention, emergency shelter and advocacy services for individual experiencing dating violence or domestic violence.

Phone: 970-482-3502 (24-Hour Crisis Hotline)

Phone: 970-530-2353 (Fort Collins Office)

Alternatives to Violence (Loveland)

Provides crisis intervention, emergency shelter and advocacy services for individuals experiencing dating violence or domestic violence.

Office: 970-669-5150

After Hours Crisis Hotline:

970-880-1000

Rape, Abuse & Incest National Network (RAINN)

Provides advocacy by phone or live online communication.

Phone: 1-800-656-4673 (24-Hour National Crisis Hotline)

[Online Chat](#)

C. On-Campus Non-Confidential Support

Student Case Management and Referral Coordination

501 W. Lake Street, Suite B

Fort Collins, CO 80523
Phone: (970) 491-8051

SECTION 9. FIRST AMENDMENT

As a public institution of higher education, Colorado State University is required to follow the First Amendment to the U.S. Constitution, which broadly protects speech and expression from governmental interference. Depending on the circumstances, certain speech or expression may be protected by the First Amendment and, therefore, will not be actionable under this Policy.

SECTION 10. CLERY ACT CRIME REPORTING BY THE UNIVERSITY

Actions or conduct that occur in geographical locations defined under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and that constitute crimes defined under the Clery Act will be reported **without personally identifying information** by CSU to the U.S. Department of Education to be included within the annual crime statistics reported by the University to students, employees, prospective students and employees, parents of students and prospective students, and the public.

SECTION 11. PROCEDURES

CSU has adopted procedures for investigating and responding to complaints of sexual harassment under Title IX laws and regulations (“Procedures”) to implement this policy and to provide for prompt and equitable investigations, hearings and appeals of complaints of sexual harassment and gender-based discrimination that fall under the Title IX laws and regulations.

CSU will treat all those involved in a proceeding pursuant to this policy fairly and equitably. Differences between one party’s rights and options and another party’s rights and options will never be based on sex. When a report of sexual harassment is received, the University will offer such supportive measures to the Impacted Party as are appropriate to the circumstances and will not impose disciplinary sanctions on the Responding Party except as warranted after following fair and equitable procedures.

Sexual misconduct that does not fall within the definition of sexual harassment under the Title IX regulations is subject to different procedures than those for Title IX matters. Students alleged to have committed such violations are subject to the provisions in the [Student Conduct Code](#). Employees alleged to have committed such violations are subject to the [CSU Policy on Discrimination and Harassment](#).

SECTION 12. COMPLIANCE WITH THIS POLICY

Compliance with this policy is required of every member of the University community. When an individual is found to have violated this policy, consequences will result.

1. Students: Disciplinary sanctions may be imposed pursuant to the Student Conduct Code, up to and including expulsion from CSU. Disciplinary sanctions may include but are not limited to:

- Disciplinary standings:
 - Disciplinary probation
 - Loss of good standing
 - Disciplinary suspension
 - Deferred disciplinary suspension
 - Disciplinary expulsion
 - Loss of student organization recognition
- Discretionary sanctions:
 - Alcohol and drug education, intervention, or treatment
 - A continuum of conflict resolution processes
 - Withholding or revocation of a degree
 - Educational workshops
 - Permanent University housing modification including removal from University housing
 - Interpersonal violence evaluation/treatment
 - Parent/guardian notification (student under the age of 21)
 - Compliance with court-ordered sanctions

2. Employees: Disciplinary sanctions may be imposed pursuant to applicable policies and procedures, up to and including termination from university employment. Any disciplinary action for a tenured faculty member must follow the procedures outlined in Section E.15, Disciplinary Action for Tenured Faculty, of the Faculty and Administrative Professional Manual. Disciplinary sanctions may include:

- Coaching
- Verbal reprimand/documented conversation
- Pay reduction
- Suspension without pay
- Demotion
- Facilitation/Mediation
- Letter of Expectation
- Termination

SECTION 13. REFERENCES AND LEGAL AUTHORITY

- Title IX of the 1972 Education Amendments to the Higher Education Opportunity Act, 20 U.S.C. § 1681, et seq., and 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.1 et seq.
- Violence Against Women Act, 34 U.S.C. § 12291, et seq., 34 C.F.R. § 668.46
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ([20 U.S.C.A. §1092\(f\)](#)) and implementing regulations, [34 C.F.R. §668.41 and 668.46](#))

- [Colo. SB19-007](#), C.R.S. § 23-5-146 – 147, Prevention of Sexual Misconduct on Higher Education Campuses
- [CSU Student Conduct Code](#)
- [CSU Policy on Discrimination and Harassment](#)
- [Rape Shield Protections for impacted parties-- C.R.S. § 13-25-138](#)
- [Victims' Rights](#)
 - [State of Colorado- Colorado Crime Victim Rights](#)
 - [CSU Annual Fire and Safety Report \(Clery Report\)](#), which details victim rights and expectations

APPENDIX 2: DISCRIMINATION AND HARASSMENT *(last revised December 3, 2020)*

SECTION 1. POLICY STATEMENT

Colorado State University (CSU) is a land-grant institution committed to offering access in its educational, scholarly and outreach activities to all individuals representative of our multi-cultural society and providing an environment of excellence in which all individuals can participate to the full level of their capabilities, realize their aspirations and contribute to the global society in which we live. In this pursuit, the University is committed to providing an environment that respects the dignity and worth of every member of its community and strives to create and maintain a work and study environment that is equitable, inclusive, and responsible so that each member of the University community is treated with dignity and respect and is rewarded for relevant considerations such as ability and performance. As a means of achieving these goals and to prevent harm arising from discrimination and harassment, the University prohibits discrimination and harassment, including sexual harassment and retaliation, as defined in this policy, by or against any member of or visitor to CSU.

Colorado State University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connections among all people at our university. Acts of discrimination and harassment will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

Discrimination and harassment are very serious matters that can have far-reaching, current and future impact on the lives, educational experience, and careers of individuals. Intentionally false accusations can have a similar impact. Discrimination and harassment are strictly prohibited by the University and will not be tolerated. An individual who impermissibly discriminates against another, or an individual who knowingly and intentionally files a complaint under this policy containing false statements or information, is subject to university discipline.

SECTION 2. DEFINITIONS USED IN THIS POLICY

For the purposes of determining whether a particular course of conduct constitutes discrimination or harassment under this policy, the following definitions will be used:

Complainant: The person who reports or is reported by another person as having been subjected to acts potentially constituting discrimination, harassment, sexual harassment, or retaliation by another.

Discrimination is conduct that is based upon an individual's race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy that (a) excludes an individual from participation in, (b) denies the individual the benefits of, (c) treats the individual differently from others in, or (d) otherwise adversely affects a term or condition of an individual's employment, education, living environment or university program or activity. It is unlawful discrimination for an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any person otherwise qualified because of any of the listed protected identities. Consistent with state and federal law, this includes failing to provide reasonable accommodations to persons with disabilities or to accommodate religious practices.

Harassment is a form of discrimination and is conduct based upon an individual's race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy that is unwelcome and sufficiently severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or offensive, or that substantially interferes with an individual's work or education. Intent is irrelevant in the determination of prohibited harassment. Depending upon the facts, harassment could include, but is not limited to threats, physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, or vandalism.

Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive so as to substantially interfere with or limit the ability of an individual in the environment to work, study, or otherwise participate in activities of the University.

Conduct alleged to be harassment, including sexual harassment (defined below), will be evaluated by considering the *totality of the particular circumstances*, including the nature, frequency, intensity, location, context, and duration of the conduct. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.

Sexual Harassment* is any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a university activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a university activity; or
3. Such conduct is sufficiently severe or pervasive to unreasonably interfere with an individual's employment or academic performance or create an intimidating, hostile or offensive environment for that person's employment, education or participation in a university activity.

Depending upon the facts, examples of sexual harassment could include, but are not limited to:

unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures, including electronic images, which are sexual in nature and which create a hostile or offensive work, education, or living environment.

The fact that a consensual relationship exists, in and of itself, is not a defense to a charge of sexual harassment. Conduct may occur within a consensual relationship or following termination of a consensual relationship that is unwelcome and meets the definition of sexual harassment under this policy or as defined by the University's Title IX policy.*

The University's Consensual Relationship Policy prohibits faculty from entering into new consensual relationships with a student over whom they have any evaluative authority. The asymmetry of the faculty-student relationship means that any sexual relationship between a faculty member and a student is potentially exploitative. In the event of a charge of sexual harassment, the University will in general be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or supervisor-employee power differential existed within the relationship.

*For the definition of sexual harassment pursuant to Title IX of the Education Amendments Act of 1972, see the CSU Policy on Sexual Harassment. Sexual harassment is prohibited by both Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972, and by both this policy and the CSU Policy on Title IX Sexual Harassment. The Office of Equal Opportunity will explain the applicability of these laws and policies to parties involved in a complaint and grievance procedure involving sexual harassment.

Respondent: The person reported to have engaged in one or more acts that may constitute a violation of this policy, including discrimination, harassment, sexual harassment, or retaliation.

Retaliation is any materially adverse action taken against an individual or someone associated with that individual because they have participated or may participate in a protected activity, such as making a complaint or report; serving as a witness; assisting in an investigation, grievance procedure, hearing, or related activity concerning an unlawful practice or violation of university policy; or opposing a discriminatory practice. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy. For there to be retaliation, there must be a causal connection between the protected activity and the materially adverse action. The University strictly prohibits retaliation. Depending upon the facts, examples of conduct that may be retaliation may include, but are not limited to demotion, denial of raise, termination, threats, harassment, and intimidation.

Third-Party Harassment is harassment committed by an individual or persons not employed by or enrolled as students at the University such as a vendor, contractor, guest lecturer or other visitor to campus.

SECTION 3. JURISDICTION & APPLICABILITY

All University community members are prohibited from engaging in or assisting another's engagement in conduct prohibited by this policy. This includes, without limitation, students, employees (including faculty), affiliates, volunteers, visitors, and (where provided by law or contract) agents, contractors, subcontractors, and grantees of the University. The University's disciplinary response may be limited if the conduct is by a visitor or other third-party not subject to the University's jurisdiction. When alleged discrimination or harassment is by an individual or external entity (for example, an individual employed by an outside contractor, program provider, or internship provider) doing business with the University and it reasonably appears that a violation has occurred, the matter will be referred to the appropriate official or department for further action, which may include termination of the contract or relationship.

This policy applies to alleged discrimination or harassment that takes place on university property or at university-sponsored events, regardless of their location. This policy may also apply to alleged discrimination or harassment that occurs off university property and outside the context of a university employment or education program or activity but nevertheless has a continuing adverse impact on or creates a hostile environment for students, employees, or third parties in any university employment, living or academic environment. Depending upon the facts, examples of where such conduct may occur include, but are not limited to, study abroad programs, conferences, social gatherings and virtual spaces.

SECTION 4. FIRST AMENDMENT

As a public institution of higher education, Colorado State University is required to follow the First Amendment to the U.S. Constitution, which broadly protects speech and expression from governmental interference. Depending on the facts, certain speech or expression may be protected by the First Amendment and, therefore, will not be actionable under this Policy.

SECTION 5. CONFIDENTIALITY

The University recognizes the importance of confidentiality and privacy. Although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to the extent feasible and as permitted by law. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as confidential and will only involve individuals whom the University determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or when the University is required to provide information under the law.

The expressed request of the complainant not to proceed with a complaint or investigation will be considered in the context of the University's legal obligation to act upon the allegations and the right of the responding party to be informed concerning the charge(s). The University will evaluate the request to determine whether the University can honor the request while still providing a safe and nondiscriminatory environment. A decision to proceed despite a complainant's request not to will be made on a case-by-case basis after an individualized review, and the complainant will be notified of the decision to proceed.

All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

SECTION 6. REPORTING DISCRIMINATION OR HARASSMENT

Any university community member or individual who is directly involved in, observes, or reasonably believes that discrimination or harassment may have occurred can submit a report to the Office of Equal Opportunity.

How to Report

Anyone may report an incident of discrimination, harassment or sexual harassment as follows:

In person:

Office of Equal Opportunity
101 Student Services Building
Colorado State University
Fort Collins, CO 80523

By telephone: 970-491-5836

By postal mail:

Office of Equal Opportunity
0160 Campus Delivery
Fort Collins, CO 80523-0160

By email: oeo@colostate.edu

University Confidential Support for Faculty and Staff

Office of the Ombuds
316 General Service Building
Fort Collins, CO 80523
Phone: (970) 491-1527

SECTION 7. PROCEDURES

CSU has procedures addressing complaints of discrimination and harassment (“Procedures”) to implement this policy and to provide for prompt and equitable informal resolutions, investigations, hearings and appeals for complaints of discrimination, harassment and sexual harassment. An individual may file a complaint addressing an instance or a pattern of instances if the last instance took place within the last 120 calendar days.

Colorado State University will employ the preponderance of the evidence standard.

SECTION 8. COMPLIANCE WITH THIS POLICY

Compliance with this policy is required of every member of the University community and all

others who are subject to it. When an individual is found to have violated this policy, consequences will result, up to and including dismissal from CSU in accordance with the applicable procedures. Any disciplinary action for a tenured faculty member must follow the procedures outlined in Section E.15, Disciplinary Action for Tenured Faculty, of the Faculty and Administrative Professional Manual.

SECTION 9. AFFIRMATIVE ACTION

The University, as a federal contractor, takes affirmative action to employ qualified women, racialized minorities, veterans, and individuals with disabilities. For information on this Affirmative Action commitment and program, contact the Office of Equal Opportunity at oeo@colostate.edu or (970) 491-5836.

SECTION 10. FILING WITH EXTERNAL AGENCIES

Persons who believe that they have been subjected to discrimination, harassment, sexual harassment, retaliation may be able to file a complaint with the Colorado Civil Rights Division, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education's Office for Civil Rights or the Office of Federal Contract Compliance Programs. Information regarding filing charges with any of these agencies may be obtained from the Office of Equal Opportunity.

SECTION 11. REFERENCES AND LEGAL AUTHORITY

- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964, amended in 1991
- Executive Order 11246, as amended
- Pregnancy Discrimination Act of 1978
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- Vietnam Era Veterans' Readjustment Assistance Act, as amended
- Uniformed Services Employment and Reemployment Rights Act of 1994
- Genetic Information Nondiscrimination Act of 2008
- Americans with Disabilities Act of 1990, amended by the ADA Amendment Act of 2008
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Title IX of the 1972 Education Amendments to the Higher Education Opportunity Act, 20 U.S.C. § 1681, et seq., and 20 U.S.C. §§ 1681-1688; 34 C.F.R. § 106.1 et seq.
- Violence Against Women Act, 34 U.S.C. § 12291, et seq., 34 C.F.R. § 668.46
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C.A. §1092(f) and implementing regulations, 34 C.F.R. §668.41 and 668.46) ("Clery Act")

**APPENDIX 3: PROCEDURE FOR RESOLUTION OF DISCRIMINATION
COMPLAINTS (OTHER THAN SEXUAL HARASSMENT)** *(last
revised January 27, 2006)*

I. Policy

It is the policy of Colorado State University that no member of the University community may discriminate against another member of the community on any basis for which discrimination is prohibited by state or federal law or University policy, including, but not limited to, race, color, religion, gender, age, national origin, veteran status, sexual orientation, and disability. Therefore, this appendix provides an internal mechanism at Colorado State University for the expeditious resolution of complaints of discrimination involving actions that are either unlawful or violate University policy, excepting claims of sexual harassment, against the University or any of its faculty members, administrative professionals, state classified employees, or student employees (separate and apart from this policy, claims of sexual harassment are dealt with in accordance with Appendix 1). It is also possible to pursue complaints through avenues external to the University. These avenues have their own restrictions and time limitations. However, the pursuit of any outside remedy precludes invoking the provisions of this appendix.

II. Applicability of Policy

A. Students

Complaints against students shall be handled in accordance with procedures set forth in Student Rights and Responsibilities in the *University General Catalog*.

B. State Classified Staff

Complaints against State Classified Staff shall be handled in accordance with procedures set forth in Chapter 8 of the *State Personnel Board Rules*.

**C. Faculty, Administrative Professionals, Other Non-Student Employees
(Excepting State Classified Staff), and Student Employees**

Complaints against these individuals will be handled in accordance with the policy set forth in this Appendix.

III. Definitions *(last revised January 27, 2006)*

A. Complainant

A complainant is a current or former Colorado State University: student, student employee, faculty member, administrative professional, or employee who files a

complaint. Volunteers and others who encounter issues covered by this policy are encouraged to contact the OEO for guidance regarding appropriate channels to pursue.

B. Respondent

A respondent is a Colorado State University: faculty member, administrative professional, employee, or student employee against whom a complaint is filed.

C. Discriminatory Act or Policy

A discriminatory act or policy is an act or policy that violates state or federal law or University policy with regard to discrimination, including, but not limited to, discrimination based on race, color, religion, gender, age, national origin, veteran status, sexual orientation, and disability.

D. Office of Equal Opportunity (“OEO”)

This office is a unit of the University that reports to the President. It is administered by the Director and Associate Director, it attempts to conciliate informal complaints of discrimination, and it investigates and hears formal complaints of discrimination.

E. Associate Director

The Associate Director of OEO receives all complaints, both informal and formal, extends all deadlines as deemed appropriate, coordinates the procedures listed under this policy, and informs all parties of the procedures and deadlines under this policy.

F. Director/Hearing Officer

The Director of OEO shall serve as the Hearing Officer for formal complaints that are referred for a hearing. Any party to the Hearing may submit to the vice president of the party’s administrative unit a written statement claiming that the Director has a conflict of interest. If the vice president agrees, then the vice president shall appoint a different Hearing Officer after consultation with the Office of the General Counsel. If the vice president is a party to the Hearing, then this duty shall be assumed by the President.

G. Complaint

A complaint is a written, signed allegation by a Complainant that one (1) or more Respondents has committed one (1) or more discriminatory acts and/or pursued one (1) or more discriminatory policies against the Complainant during the performance of the Respondent's official duties as a University employee. Complainants are advised that there are some instances in which the University has a responsibility to act, even if the

Complainant requests that no action be taken, such as, for example, where other members of the University community may be at risk.

There are two (2) types of complaints:

1. Informal Complaint

If the Complainant designates the complaint as informal, the Complainant thereby requests the Associate Director to review and conciliate the matter with the Respondent(s) in the alleged discrimination. The Complainant may change their informal complaint to a formal complaint at any time during the process in Section VI or within thirty (30) calendar days after the completion of the process in Section VI, even if this extends beyond the time limit of one hundred eighty (180) calendar days mentioned in Section V.A. A failure to file a formal complaint within this time frame constitutes a waiver of the right to file a formal complaint.

2. Formal Complaint

If the Complainant designates the complaint as formal, the Complainant thereby requests a hearing before the Hearing Officer with the right to appeal the decision to the vice president who oversees the Respondent's area of employment (or the President, if the Respondent is a vice president).

IV. The Form of the Complaint

To file either an informal or formal complaint, a prospective complainant must submit to the Associate Director a written signed dated document containing the following information:

- A.** Identification of the Complainant and Respondent(s) and the nature of their relationships to the University;
- B.** The type of discrimination alleged (see Section III.C);
- C.** A description of the circumstances of the alleged discrimination, including the date(s) and location(s), witnesses, and supporting documents, if available; and
- D.** A designation of whether the complaint is informal or formal.

V. Time Restriction and Conditions for Filing Either an Informal or Formal Complaint *(last revised January 27, 2006)*

- A.** Both informal and formal complaints shall be submitted to the Associate Director within one hundred eighty (180) calendar days from the time the Complainant

becomes aware of the alleged discrimination. The Associate Director has the discretion to consider a complaint outside this time frame, but compelling reasons must be given for extending the deadline.

- B. The Associate Director shall, within ten (10) working days after the filing of a formal complaint, review the complaint and determine whether the issues raised are of a discriminatory nature (but not whether the claims are true or whether any action is required). If, in the opinion of the Associate Director, discriminatory issues are not present in the complaint, the complaint will not be forwarded to the Hearing Officer, and the Complainant and Respondent(s) shall be notified in writing of this decision. Otherwise, the Associate Director will certify in writing that the issues raised are of a discriminatory nature.
- C. A Complainant who has filed a formal complaint that has been heard and resolved has invoked these procedures in lieu of any other internal procedures.

VI. Resolution of Informal Complaints

Informal resolution of discrimination complaints is encouraged whenever possible. In order for an informal complaint to proceed, the parties must have agreed to participate. When an informal complaint is received by the Associate Director, the following steps shall be completed within twenty (20) working days of receipt:

- A. The Associate Director shall interview the Complainant.
- B. The Associate Director shall notify each Respondent in writing that an informal complaint has been filed against them and arrange for an interview with each Respondent.
- C. The Associate Director shall interview each Respondent.
- D. The Associate Director shall interview relevant witnesses as identified by the Associate Director, including, but not limited to, witnesses named by the Complainant and Respondent(s).
- E. After the Associate Director conducts the above investigation, the Associate Director will examine the evidence. If the Associate Director finds the complaint to be without merit, it will be dismissed, and all parties shall be notified in writing of the dismissal. If the Associate Director finds merit in the informal complaint, the Associate Director shall attempt to negotiate and conciliate the matter in a manner satisfactory to all parties. Possible outcomes of an informal resolution may include, but are not limited to, an explicit written understanding about future conduct, changes in workplace assignment, or the substitution of one class for another.
- F. Any written understanding that is created to resolve an informal complaint requires

mutual acceptance by the Complainant, the Respondent(s), and the Associate Director. Such a written understanding shall state that the acceptance of the document by the parties does not imply an admission of wrongdoing or a clearance of charges. It shall also state which issues are being resolved by the document and which issues remain unresolved. Only issues that remain unresolved may be raised later in a formal complaint.

- G. If an informal resolution is not achieved, the Associate Director shall notify all parties in writing that the informal process has terminated without a resolution. The Complainant has thirty (30) calendar days from the date that this notification is received to file a formal complaint.

A brief summary of the informal process shall be kept on file in the archives of the OEO for the duration of the employment of the Complainant and Respondent(s), and it shall be considered to be part of the official Personnel Files¹ of the Complainant and Respondent(s). If the Complaint is dismissed, the summary shall include the reasons for dismissal. If an informal resolution is achieved, the summary shall include the conditions of the resolution, including any written understandings. If a resolution is not achieved, the summary will include a statement to this effect.

VII. Resolution of Formal Complaints

A. Notification

When a formal complaint is filed within the allowed time frame (see Sections III.G.1 and V.A), the Associate Director shall send a written acknowledgment to the Complainant and provide a copy of the formal complaint to each Respondent within five (5) working days after certification of the complaint as set forth in Section V.B.

B. Respondent's Reply

Each Respondent shall submit a written reply to the Complaint and to the Associate Director within fifteen (15) working days from the date of receipt. A copy of each reply shall be sent to the Complainant by the Associate Director within five (5) working days from the date of receipt.

C. Complaint and Reply

The Complaint and the Reply shall define the issue(s) to be addressed at the Hearing. The Associate Director shall inform the Complainant of this limitation prior to the filing of the Complaint. The Respondent shall be informed of this limitation when the

¹ The term "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 is available to the individual and to the individual's supervisors.

Complaint is sent to him or her. The Associate Director shall forward the Complaint and Reply and other appropriate materials to the Hearing Officer within five (5) working days from the date of receipt.

D. Notification of Hearing

The Hearing Officer shall notify all parties of the date, time, and location of the hearing at least thirty (30) working days prior to the Hearing date.

E. Submission of Names of Witnesses and Exhibits by the Parties

Within ten (10) working days of being notified of the Hearing date, each party shall submit to the Associate Director a list of proposed witnesses, together with the relevance of each, and all exhibits that they intend to present at the Hearing. The Associate Director shall make this material available to all other parties and the Hearing Officer within five (5) working days of the date of receipt. Within five (5) working days after receipt of this material, the parties shall provide a list of rebuttal witnesses to the Associate Director, who will then forward them to the Hearing Officer.

F. Hearing Proceedings

1. Rights of Participants *(last revised January 27, 2006)*

a. Hearing Officer

The Hearing Officer shall be advised by a representative from the Office of the State Attorney General or the Office of the General Counsel.

b. Complainant and Respondent(s)

Each party may seek the aid and assistance of counsel, both legal and peer, at the party's expense. Legal counsel refers to those counselors selected by the parties who are licensed to practice law, whether or not they are members of the University Community. Peer counsel refers to a member of the University community at the time the complaint was filed. A member of the University community is a current employee or a matriculating student. Each party may select one (1) legal counsel and one (1) peer counsel to serve as advisors during the Hearing.

c. Questioning of Witnesses

The Complainant, each Respondent, and the Hearing Officer shall have the right to hear all testimony and question all witnesses. Furthermore, each Respondent must be afforded the opportunity to question the Complainant. If the Complainant

refuses to appear as a witness, then the Hearing shall conclude immediately, and no disciplinary action shall be taken as a result of this Hearing. If the Hearing Officer decides that special circumstances warrant it, the questioning of one (1) or more witnesses may occur with the parties being in different physical locations, but the questioning must occur in a real-time, spontaneous format (e.g., a video conference or a teleconference).

d. Role of Advisors

All advisors shall have the right to be present during the proceedings, to advise their client(s), and to present written material on behalf of their client(s), but they may not speak on behalf of their client(s) during the proceedings.

2. Rules of Evidence

The Hearing Officer shall not be strictly bound by state law governing the use and admissibility of evidence. However, the Hearing Officer shall not allow evidence that is irrelevant to the issues defined by the Complaint and Reply.

3. Identification of Witnesses and Exhibits

The Hearing Officer shall review the list of witnesses submitted by the Complainant and Respondent(s). The Hearing Officer may add additional witnesses that the Hearing Officer believes may have knowledge of facts pertinent to the charge. The Hearing Officer shall submit to all parties the names of all witnesses, together with the relevance of each, at least ten (10) working days prior to the Hearing date. Each party shall have five (5) working days from the date of receipt to submit to the Hearing Officer a list of additional rebuttal witnesses, together with the relevance of each. The Hearing Officer shall make this material available to all other parties within five (5) working days of receipt, and at least two (2) working days prior to the Hearing date.

4. Notification of Witnesses

Each proposed witness shall be informed in writing by the Associate Director of the date and place of the formal Hearing and the approximate time the witness is expected to give testimony.

5. Role of Hearing Officer

During the Hearing, the Hearing Officer shall call witnesses, receive exhibits into evidence, and rule on objections, as needed.

6. Hearing

- a. Attendance at the formal Hearing shall be limited to the Hearing Officer, Complainant, Respondent(s), advisors, representative from the Office of General Counsel, representative from the Office of the State Attorney General, recorder, and any others the Hearing Officer may deem appropriate (the Hearing Officer shall provide a justification for each such additional attendee).
- b. Witnesses other than those persons listed in Section VII.F.6.a shall not be present at the formal Hearing, except when giving testimony before the Hearing Officer.
- c. The duplication and dissemination of the formal Complaint, Reply, list of proposed witnesses, and exhibits to be presented at the formal Hearing shall be limited to the Complainant, Respondent(s), Hearing Officer, Associate Director, and advisors. Witnesses may be given access to relevant materials as deemed appropriate by the Hearing Officer. All documents shall be considered confidential to the extent permitted by law.
- d. A verbatim record of the Hearing shall be taken, and a printed copy shall be made available, without cost, to the Complainant and each Respondent at either's request. The University shall bear the cost.

7. Issuance of Hearing Officer's Written Report

The Hearing Officer shall issue a written report within ten (10) working days after the close of the Hearing. The report shall include the Hearing Officer's factual findings and conclusions of law. If the Hearing Officer finds that discrimination did occur, the report shall also contain recommended remedial or disciplinary action, which may include, but is not limited to, training, letter of reprimand, salary reduction, demotion, suspension, or termination of employment. The report shall be sent to all parties and the vice president who oversees each Respondent's area of employment (or the President, if the Respondent is a vice president).

8. Written Records

All written records, including the Complaint and each Reply; the verbatim record of the Hearing; supporting documents; the written report of the Hearing Officer; administrative reviews of the Hearing Officer's recommendations; appeals, replies, and results of appeals; and final actions, shall be kept on file in the archives of the OEO for the duration of the employment of the Complainant and Respondent(s), and these shall be considered to be part of the official Personnel Files of the Complainant and Respondent(s).

VIII. Appeals and Administrative Review *(last revised January 27, 2006)*

A. Appeals

1. Appeal of Hearing Officer's Recommendations

If either the Complainant or any Respondent wishes to appeal the Hearing Officer's recommendations, either must file such an appeal in writing with the Hearing Officer and the vice president charged with overseeing each Respondent's area of employment (or the President, if the Respondent is a vice president) within ten (10) working days of the receipt of the Hearing Officer's report. The Hearing Officer shall prepare a written reply to the Appeal within ten (10) working days after receipt. No remedial measures or disciplinary action related to this complaint shall occur until the appeals process has been completed.

2. Vice President's Review of Hearing Officer's Report *(last revised January 2006)*

Within ten (10) working days of receipt of the Appeal, the Hearing Officer shall forward the Appeal, the reply, and the record of the Hearing to the vice president charged with overseeing each Respondent's area of employment (or the President, if the Respondent is a vice president). The vice presidential (Presidential) review shall be completed within twenty (20) working days. The decision from this review is final. Each party and the Hearing Officer shall be provided with the written result of the vice presidential (Presidential) review, specifying in writing the reasons for support or modification of the Hearing Officer's recommendations with regard to the Respondent(s) overseen by him or her.

3. Administrative Action Following Review of Hearing Officer's Report

If remedial measures are recommended, the vice president (President) will work with the Respondent's supervisor to implement these measures. In the event that disciplinary action is recommended, the vice president will forward the matter to the Respondent's supervisor for consideration of appropriate action as provided for in the *Manual* or the *State Personnel Rules*.

B. Administrative Review

1. Vice President's Review of Hearing Officer's Report

If the Hearing Officer's report is not appealed pursuant to Section VIII.A, the vice president (or the President, if the Respondent is a vice president), at the vice president's sole discretion, may send a written statement to all parties and the Hearing Officer making modifications to the recommendations contained in the report with regard to the Respondent(s) overseen by the vice president (or the President, if the Respondent is a vice president) and providing a written rationale for these modifications.

2. Administrative Action Following Review of Hearing Officer's Report

If remedial measures are recommended, the vice president (President) will work with the Respondent's supervisor to implement these measures. In the event that disciplinary action is recommended, the vice president (President) will forward the matter to the Respondent's supervisor for consideration of appropriate action as provided for in the *Manual* or the *State Personnel Rules*.

IX. Expectations for Members of the University Community (*last revised January 27, 2006*)

- A. Cooperation and Participation by Members of the University Community:**
Cooperation and participation by the members of the University community in the resolution of a Complaint under these procedures is necessary.
- B. Truthful Testimony:** The Complainant, Respondent(s), and all witnesses shall be truthful in their testimony. This includes statements made in the Complaint and each Reply. Failure to comply with this expectation may result in the implementation of University sanctions.
- C. Protection of Participants:** No person shall restrain, interfere with, coerce, and attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the implementation of University sanctions.
- D. False or Malicious Charges:** Intentionally making false or malicious charges may result in the implementation of University sanctions against the Complainant.

APPENDIX 4: CONSENSUAL RELATIONSHIPS *(last revised June 23, 2010)*

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are identified and managed. The University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party have the potential to interfere with these goals and policies. Therefore, consistent with its commitment to objectivity and ethical behavior, the University is required to intervene in such circumstances.

A romantic, intimate, or sexual relationship in which one individual is in a position to Exercise Authority over the other creates conflicts of interest and perceptions of undue advantage or disadvantage. When both parties have consented at the outset to a romantic, intimate, or sexual relationship, this consent does not remove grounds for a charge of conflict of interest, sexual harassment, or violation of applicable parts of Section D.9, Code of Ethical Behavior, based upon subsequent unwelcome conduct.

For the purposes of this Appendix, the following definitions shall apply:

- a. “Consensual Relationship” shall mean and refer to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes marriage.
- b. “Student” shall mean and refer to any person applying to the University or currently enrolled, either full-time or part-time, in any course or academic program associated with Colorado State University.
- c. “Employee” shall mean and refer to any person currently employed by Colorado State University, either full-time or part-time, in any location and in any capacity. “Employee” shall include, but is not limited to, administrators, faculty, administrative professionals, state classified staff, graduate assistants, student hourly employees, non-student hourly employees, non-paid staff, and student work-study employees.
- d. “Exercise(s) Authority” shall mean and refer to evaluating, providing oversight, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a Student or subordinate Employee.
- e. “Supervisor” shall mean the individual who performs the Employee’s annual evaluation.

A faculty member shall not enter into a new Consensual Relationship with a Student over whom the faculty member Exercises Authority.

An Employee shall report immediately to the Employee's Supervisor the following:

- a. Past or preexisting Consensual Relationships with a Student for whom the Employee is in a position to Exercise Authority. Examples include, but are not limited to, a Student research assistant, a Student in a current class, a Student intern, or a Student advisee.
- b. Past or present Consensual Relationships with a subordinate Employee over whom the supervising Employee Exercises Authority. An Employee who is the subordinate Employee in a Consensual Relationship also is encouraged to report that relationship to the Supervisor of the individual with whom the employee is involved.

Within fifteen (15) working days of receiving a report of a Consensual Relationship, the Supervisor shall consult with their supervisor to develop a plan to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document in writing the actions that shall be taken, including one or more of the following actions:

- a. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
- b. Providing an additional layer of oversight to the supervisory role;
- c. Transferring one of the individuals to another position; and/or
- d. Taking any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects.

Every effort should be made to preserve confidentiality, sharing names and pertinent information only with individuals directly involved in these actions and only as necessary.

If an Employee has a Consensual Relationship with another Employee who is not a subordinate, then he or she shall refrain from participating in or influencing votes or decisions that may reward or penalize that Employee (such as votes or decisions regarding tenure and/or promotion).

A violation of this policy may lead to disciplinary action, as permitted by University policy and law, up to and including termination of employment.

Retaliation against persons who report concerns about Consensual Relationships is prohibited and constitutes a violation of this Policy.

APPENDIX 5: FAMILIAL RELATIONSHIPS *(new section added May 3, 2011)*

The University is committed to the principle that its personnel shall carry out their duties in an objective and ethical fashion and in an atmosphere in which conflicts of interest are identified and managed. A situation in which an employee retains a direct supervisory or evaluative role over a family member creates conflicts of interest and perceptions of undue advantage or disadvantage.

For the purposes of this Appendix, the following definitions shall apply:

- a. “Family Member” shall mean and refer to a spouse, domestic partner, parent, sibling, or child (as defined in Appendix 8).
- b. “Student” shall mean and refer to any person applying to the University or currently enrolled, either full-time or part-time, in any course or academic program associated with Colorado State University.
- c. “Employee” shall mean and refer to any person currently employed by Colorado State University, either full-time or part-time, in any location and in any capacity. “Employee” shall include, but is not limited to administrators, faculty, administrative professionals, state classified staff, graduate assistants, student hourly employees, non-student hourly employees, non-paid staff, and student work-study employees.
- d. “Exercise(s) Authority” shall mean and refer to evaluating, providing oversight, supervising, academic advising, mentoring, coaching, counseling, providing extracurricular oversight, and/or otherwise participating in or influencing votes or decisions that may reward or penalize a Student or subordinate Employee.
- e. “Supervisor” shall mean the individual who performs the Employee’s annual evaluation.

An Employee shall notify their Supervisor immediately in writing of a situation in which the Employee is in a position to Exercise Authority over a Family Member who is a Student or a subordinate Employee. Within fifteen (15) working days of receiving this notification, the Supervisor shall consult with their supervisor to develop a plan to manage or eliminate conflicts of interest and mitigate adverse effects on the involved parties and other third parties. This plan shall document in writing the actions that shall be taken, including one or more of the following actions:

- a. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
- b. Providing an additional layer of oversight to the supervisory role;

- c. Transferring one of the individuals to another position; and/or
- d. Taking any other action reasonably necessary to manage or eliminate the actual or potential conflict of interest and/or mitigate adverse effects.

In addition, an Employee shall refrain from participating in or influencing votes or decisions that may reward or penalize a Family Member who is a Student or Employee (such as votes or decisions regarding tenure and/or promotion).

A violation of this policy may lead to disciplinary action, as permitted by University policy and law, up to and including termination of employment.

Retaliation against persons who report concerns about Familial Relationships is prohibited and constitutes a violation of this Policy.

APPENDIX 6: BULLYING IN THE WORKPLACE *(last revised August 9, 2019)*

Purpose of Policy

Colorado State University is committed to maintaining an environment conducive to working and learning, in which the rights and dignity of all staff, faculty, and students of the university community are respected. The university prohibits behaviors that rise to the level of bullying, as described below. Workplace bullying is a form of psychological violence that disrupts the peaceable environment and can result in lower workplace morale and productivity, greater employee absenteeism and turnover, and higher stress and its related health issues.

Application of Policy

This policy applies to all employees (“Covered Persons”), including, but not limited to, faculty, administrative professionals, state classified employees, student employees, volunteers, affiliates, and all other persons under the jurisdiction of the University to impose sanctions for behavior in the employment context, including agents, contractors and subcontractors. It is not intended to cover CSU students who are not employed by CSU (although a similar policy applies under the Student Conduct Code).

It is the responsibility of all Covered Persons to know and apply this policy.

DEFINITIONS USED IN POLICY

Bullying in the context of the workplace is repeated mistreatment by words or actions that are intended to shame, embarrass, humiliate, degrade, demean, intimidate, and/or threaten an individual or group.

A person who is a target of bullying may not be the only one, or even an intended target; behavior that foreseeably places bystanders or unintended targets at risk or in fear, or causes them to feel threatened or humiliated, is within the scope of this definition.

Bullying can take a variety of forms and may include behaviors that are physical, verbal, nonverbal, direct or indirect, and may take place face-to-face, via written communications, or by electronic means. Some examples of bullying include, but are not limited to:

- Shouting or yelling at, berating, ridiculing, or demeaning others;
- Name calling and attacks on one’s character, using a person as an object of ridicule, using nicknames after being warned by the target that the nickname is considered to be offensive, or spreading gossip and rumors about the person to others;
- Mocking, ridiculing, punishing, or putting someone down in front of others, constant unwarranted criticism, or making offensive remarks regarding a person’s known intellectual or physical attributes;
- Persistently interrupting a person or otherwise preventing a person’s legitimate

- attempts to speak;
- Undermining or sabotaging the work performance of others;
- Spreading false or sensitive information about another;
- Deliberately excluding, isolating or marginalizing a person from normal workplace activities;
- Tampering with a person's personal effects or work equipment; damage to or destruction of a person's work product, work area, including electronic devices, or personal property;
- Punishments or negative consequences designed primarily to shame, exclude, and/or draw negative attention from others;
- Violent behavior, such as pushing, shoving, kicking, poking, or tripping; assault or threat of physical assault; making threatening gestures toward a person or invading personal space after being asked by the target to move or step away. Bullying that is physically violent may violate criminal law and is addressed in CSU's Workplace Violence policy.
- Making threats, either explicit or implicit, to the security of a person's job or position when not part of a legitimate process by the supervisor to set expectations or engage in progressive discipline as outlined by the University. This may include, but is not limited to, manipulating the workload of a person in a manner intended to cause that person to fail to perform legitimate functions.

POLICY STATEMENT

The University values the well-being of its employees and recognizes that bullying in the workplace can significantly impact a person's dignity and their physical and mental health, as well as the overall experience of working at CSU. Colorado State University considers workplace bullying unacceptable and will not tolerate it under any circumstances. Bullying, as defined in this policy, is prohibited.

POLICY PROVISIONS

1. CSU has a [policy that prohibits unlawful discrimination and harassment](#). While workplace bullying can be intertwined with unlawful discrimination and harassment, bullying behavior can occur apart from these other forms of misconduct. In either case, workplace bullying is prohibited by this policy. Conduct that might be unlawful discrimination or harassment should be reported to the Office of Equal Opportunity (970-491-5836 or oeo@colostate.edu).
2. The determination of whether bullying has occurred is highly dependent upon the facts and circumstances surrounding any given situation. Words or actions that may cause an individual discomfort or distress do not necessarily constitute bullying behavior. Differences of opinion and routine conflicts or problems in workplace relationships are not bullying, as these may be part of working life. Behavior that is unfriendly, dismissive or curt is not bullying unless carried to such an extreme that a reasonable person would feel fearful, intimidated, or physically or mentally harmed by it. Criticism, complaints, or negative feedback are not considered bullying when they

are reasonable, legitimate, and proportional, and directly address issues of workplace performance and/or conduct. Employees are expected to meet the reasonable performance and behavior standards of their position, and requiring a person to meet those expectations is not bullying under this policy.

3. Those involved are encouraged to consider informal methods of resolution (see the Bullying Complaint Guidelines and Procedures attached to this policy). Resources to assist with an informal resolution include the HR Solutions Partner and the Office of the Ombuds. However, if informal resolution is not feasible or any party wishes to follow the formal process, a written complaint should be made to the impacted party's immediate supervisor. (See the required Bullying Complaint Form attached to this policy). A formal complaint must be filed within 180 days of the incident of workplace bullying or, where the behavior is of an ongoing nature, within 180 days from the most recent incident. Either the impacted party or the supervisor of either party may file a formal complaint.
4. Freedom of Speech
The University values and promotes freedom of expression and inquiry as provided under applicable law. Please refer to the University's policies under References, below. Nothing in this policy is intended to limit or restrict a person's First Amendment rights or rights to academic freedom; however, such rights do not include the right to engage in workplace bullying.
5. Violence
The University is committed to providing a safe and secure campus environment for members of the CSU community, and workplace violence impedes such goals and endangers the entire community. Violent behavior is prohibited on any university property or while participating in any university activity, as described in the University's separate Violence in the Workplace policy.

Any incident that involves a threat of violence or physical harm should be reported immediately and referred to the Office of Support and Safety Assessment for review and consultation, unless the threat is imminent, in which case the CSU Police (or local law enforcement having jurisdiction) should be called. In certain circumstances, the University may impose interim measures for the duration of the review, including but not limited to campus exclusion.
6. Members of the university community shall cooperate with the reasonable inquiry and review process.
7. Retaliation
The University will not tolerate, and this policy expressly prohibits, retaliation against employees making good faith reports as provided for in this policy, even where the concerns are ultimately unsubstantiated. False reports of prohibited behavior that are found to have been made intentionally are also a violation of this policy. Policy violations may result in University disciplinary action in accordance

with established policies and procedures, as appropriate.

COMPLIANCE WITH POLICY

Compliance with this policy is mandatory. For assistance with interpreting or applying its provisions, contact the designated Human Resources Solutions Partner.

Any person covered by this policy who engages in workplace bullying is subject to disciplinary sanctions up to and including termination or dismissal from the University. Any disciplinary actions shall be in accordance with applicable policies and procedures, including: for tenured faculty, section E.15 of the Academic Faculty and Administrative Professional Manual; for state classified personnel, the Human Resources Manual section 3; and for administrative professionals, section D.5.5 of the *Faculty and Administrative Professional Manual*.

Student employees who are in violation of this policy are also subject to the procedures detailed in the CSU Student Conduct Code.

This policy is not intended to conflict with or supersede any other policy that might subject a violating party to disciplinary review, including but not limited to the Policy on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation; the Policy on Workplace Violence; the CSU Student Conduct Code; the *Academic Faculty and Administrative Professional Manual*; and existing Human Resources and departmental conduct policies.

REFERENCES

- [CSU Policy on Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation](#)
- [Student Conduct Code](#)
- [Colorado Governor's Executive Order D 023 09, Establishing a Policy to Address Workplace Violence, including Domestic Violence Affecting the Workplace](#)
- [Freedom of Expression and Inquiry](#)
- [CSU Policy on Workplace Violence](#)
- [Academic Faculty and Administrative Professional Manual](#)
- [Employee Assistance Program](#)
Anyone impacted by bullying behavior may access support services from the Employee Assistance Program by calling 1-800-497-9133.
- [Faculty Ombuds](#)
Faculty may contact the Faculty Ombuds at <https://ombus.colostate.edu>
- [University Ombuds](#)

The Ombuds Office is a confidential resource for all employees to explore options and obtain information about the policy and processes related to workplace bullying. As a neutral resource, the office is available both to the person who feels they have been a target of bullying as well as the responding party to bullying complaints. As an informal resource, the Ombuds Office is not an office where complaints are placed “on the record.” Therefore, if someone wants to initiate a formal process, the Ombuds Office can discuss the process, but does not initiate an inquiry or document the concerns for the institution.

BULLYING COMPLAINT GUIDELINES AND PROCEDURES

Responsibility to Report

1. In the case of physical assault or harm, or imminent danger of harm, the supervisor should immediately contact CSU Police (or the local police in a non-campus location) by dialing 911. The non-emergency number for CSU Police is 970-491-6425. The matter should also be referred to the Office of Support and Safety Assessment (970-491-1350) for review and consultation within five working days (a “working day” is any day that the University is open for business).
2. Any person who is a target of workplace bullying is strongly encouraged to report it to their supervisor (or, if the supervisor is involved, then to the next level supervisor in the reporting line).
3. Any person who witnesses or learns of an incident of workplace bullying at CSU is strongly encouraged to report it to their supervisor (or, if the supervisor is involved, then to the next level supervisor in the reporting line).
4. Any reports may also be made by calling or emailing the Human Resources (HR) Solutions Partner (970-491-6947 or myhr@colostate.edu), who may bring the matter to the attention of other University officials, as appropriate. Individuals wishing to report a concern are encouraged to do so as soon as possible following the incident(s).
5. A supervisor receiving a report of bullying is required to take steps to address the matter. If the report is not a formal complaint made using the Bullying Complaint Form, the supervisor should attempt to resolve the matter informally following the steps outlined for Informal Resolution by the Supervisor below. If the report is a formal complaint, the supervisor should contact the HR Solutions Partner and follow the steps outlined below for the Formal Resolution Process.
6. More than one impacted party, more than one responding party, and/or more than one supervisor may be involved in the bullying complaint process. Singular references herein may be taken as plural as the context requires. As used herein, “impacted party” means the person(s) targeted or affected by the responding party’s behavior, and “responding party” means the person(s) alleged to have engaged in bullying behavior.

Informal Resolution by the Targeted Employee

An employee who believes they have been bullied may wish to take informal action, in which case, some suggestions are as follows:

1. **Keep Records:** Keep notes detailing the nature of the behavior (e.g., dates, times, places, what was said or done and who was present) and copies of paper trails that may indicate bullying. Hold onto copies of documents that provide evidence of events (e.g., time sheets, letters or emails). This documentation will be useful when seeking advice from another party, discussing the matter with the responding party, or if the matter is formally investigated.
2. **Seek Immediate Support and Advice:** Explain the behavior you experienced to someone you trust. Good sources of support and advice are HR Solutions Partners, the Employee Assistance Program (EAP), and the Ombuds. It is vital to discuss the situation with somebody who is empathic and trained in these issues. These individuals can provide information regarding one's rights and responsibilities and suggest options on how best to deal with the situation. Bringing the situation to the attention of another party is often an effective way of dealing with the problem and ensuring that the bullying stops. Oftentimes bullying goes on in private and, by informing someone, it may become apparent that others are feeling the same way. This will help employees get the support and advice they need.
3. **Consider Addressing the Behaviors of the Responding Party Directly:** Employees may want to consider approaching the responding party directly and raising the matter, either face-to-face or in writing, but should only do so if they feel it is a safe option. Avoid being contentious or escalating the situation. Tell the responding party politely and calmly exactly which behaviors are offensive and why, and expressly state that the behavior is unwelcome and unacceptable. The person should be asked to stop immediately, and told that if the behavior doesn't stop further action will be taken. Remaining silent allows the responding party to continue their behavior, which may result in the bullying getting worse. Sometimes the responding party will stop immediately once becoming aware that their behavior is offensive and harmful.

Addressing the responding party's behaviors directly can be difficult. The person involved may deny and perhaps misconstrue the accusations. To address these issues, a colleague or an HR Solutions Partner may act as support or as a witness. Keep a record of the discussion and a copy of any correspondence that is sent to the responding party. It is best to seek guidance from support personnel prior to meeting with the responding party.

4. **Mediation:** Consider mediation as an option. If all parties agree to mediation, they will be given the opportunity to state their case and how they would like to see the situation resolved. The mediator will assist the parties in attempting to reach a mutually acceptable solution. However, it is important to remember that bullying

may result from an imbalance in power, in which case, the target and the responding party may not be on an equal footing. Seek guidance from the Ombuds Office or HR Solutions Partner to explore the option of mediation.

Informal Resolution by the Responding Party

If you have been accused of bullying, there are steps you should take immediately to resolve the situation and to prevent it from escalating.

1. **Keep Records:** If you are told that your actions have offended someone and that they feel bullied by you as a result, you should document this discussion including what you were told and how you responded. This will be important if you need to discuss the matter with your supervisor or Human Resources or if the matter is formally reviewed.
2. **Seek Advice:** You are advised to seek counsel immediately from your supervisor, Human Resources, or the Ombuds, especially if you do not understand the complaint against you or if you believe that the allegations are unjust or malicious. The Employee Assistance Program is available to all employees as a resource.
3. **Stop the Offending Behavior:** If you have been told that your behavior makes someone feel uncomfortable, then you should stop it immediately. Even though your behavior may seem innocent to you, it is important to consider its effects on others. Remember it is the other person's reaction to your behavior that is important, not the reaction you think they should have.
4. **Reflect on Your Work Behavior:** Review the way you behave at work and consider whether any of your behaviors may be perceived as bullying. For instance, ask yourself the following question: If other people were to witness my behavior would they find it offensive, humiliating, intimidating, or threatening? If you have concerns about the appropriateness of your behavior consider asking your supervisor for training on communication, conflict management, etc. or seek advice from the Employee Assistance Program.

Informal Resolution by the Supervisor

When a report of bullying is received, or when a supervisor observes the bullying behavior directly, the supervisor may attempt to resolve the matter informally by interacting with both the impacted party and the responding party.

Supervisors may begin by initiating informal discussions with the parties involved (and the supervisor of each of the parties, if different from the one receiving the complaint). If this does

not resolve the situation, or if the supervisor receives a formal written bullying complaint, they should first notify their HR Solutions Partner, and then follow the formal resolution process. Any supervisor with a conflict of interest should recuse themselves from the process and refer it to the next higher-level supervisor.

Other approaches that a supervisor may take to informally resolve the matter may include:

1. **Offer Support:** The person who believes they are being bullied needs to be able to discuss the situation with somebody who is empathetic and trained in these issues. If bullying is occurring, the employee will gain strength to address the offensive course of action; if bullying is not occurring, those involved can be advised accordingly.
2. **Seek Advice:** Obtain the advice and support of individuals or groups with expertise in handling bullying such as your supervisor, the HR Solutions Partner, the Ombuds, or the Employee Assistance Program when deciding the most appropriate course of action to follow.
3. **Refer the Employee to Available Resources:** Suggest that the impacted party access support and guidance from sources such as Human Resources, the Ombuds, or the Employee Assistance Program as appropriate.
4. **Address the Responding Party:** Accompany and support the impacted party when they approach the responding party to ask the behavior to stop, but without taking sides before you know the facts. If the impacted party is not comfortable approaching the responding party directly, you may approach the person on the employee's behalf. Make the responding party aware of the behavior in question, as well as its harmful effects, its inappropriateness, and that it is contrary to policy. Remind the responding party that bullying is a disciplinary offense and repeated incidents may render them liable to a formal procedure which may result in disciplinary action. It may be necessary to discuss any training needs with the responding party that may help change the unacceptable behavior.

Formal Resolution Process

1. If an informal resolution was not reached and the impacted party wishes to pursue the matter, they must submit a written complaint to their immediate supervisor (or, if the supervisor is involved, then to the next level supervisor) using the Bullying Complaint Form. The complaint must be limited to events having occurred within the last five years, with the most recent incident having occurred within the last 180 days. The supervisor should be prompt to acknowledge receipt of the complaint, in writing. Only the targeted, impacted party or the supervisor of either party, may file a formal complaint.

2. Within 10 working days of receiving the complaint, the supervisor must contact the designated HR Solutions Partner (970-491-6947 or myhr@colostate.edu). If the impacted party, and/or the responding party have different supervisors, then the HR Solutions Partner will contact the other supervisor(s) and facilitate communications between those involved. In the discretion of the Chief Human Resources Officer (CHRO) or delegate, the matter may be elevated to other University officials, as appropriate. The CHRO or delegate also has the authority to extend all timelines as deemed necessary.
3. The formal process requires that the supervisor(s) (or higher-level university official) and the HR Solutions Partner make a jointly coordinated, reasonable inquiry into the facts, document what is discovered, and, if warranted, take appropriate action, which may include counseling those involved, initiating corrective action, or pursuing other employment action. If a supervisor of either party filed the complaint, that person cannot act as an investigator, and the matter will be referred to next higher-level supervisor.
4. At the discretion of the CHRO, related complaints or incidents may be combined for purposes of inquiry, resolution, and/or review through the HR Solutions Partner.
5. Before initiating a reasonable inquiry into a complaint of bullying, the supervisor should contact the HR Solutions Partner for help in creating a plan of action. The supervisor should consider if they have any biases or other conflicts of interest that would preclude them from conducting a full and fair reasonable inquiry. If so, the next higher level supervisor should take over responsibility. The HR Solutions Partner will assist in this determination.
6. Supervisors and the HR Solutions Partner should jointly begin the inquiry promptly upon learning of the complaint, conduct the inquiry expeditiously, prepare a confidential, written report and provide it to the parties and HR within 30 working days after receiving the written complaint. If a longer time is needed, the HR Solutions Partner can extend the time.
7. The supervisor and HR Solutions Partner must meet with the complainant to discuss the complaint of bullying. When meeting with the complainant, the interviewers should listen carefully and not be judgmental. The interviewers should refrain from evaluating the complaint or offering premature feedback to the complainant.
8. Acknowledging the complainant's perceptions and feelings by briefly paraphrasing what the complainant has shared to ensure accurate understanding is important. The interviewer(s) should make notes of the key facts that are stated and instruct the complainant to put their requested relief in writing, utilizing the Bullying Complaint Form.

9. The supervisor should thank the complainant for bringing concerns forward and ensure them there will be timely follow-up regarding their concerns.
10. A supervisor and the HR Solutions Partner conducting a reasonable inquiry should meet privately with the responding party to get their side of the story. They should clearly communicate the need for undesirable behavior to change. Clear expectations should be set with the complainant, responding party and any witnesses. The supervisors and the HR Solutions Partner should emphasize with all parties that retaliation is not acceptable, and explain that disciplinary action will follow if retaliation occurs.
11. The confidential report will include, at a minimum, the following information:
 - a. Identities of the supervisor, HR Solutions Partner and any others involved in conducting the reasonable inquiry;
 - b. Nature and substance of the allegations;
 - c. Reasonable inquiry process, including the number of witnesses interviewed, but excluding the identity of the witnesses;
 - d. Summary of the facts;
 - e. Final determination of whether the Bullying Policy was violated;
 - f. Decision as to action to be taken.
12. If the determination is that the facts do not sustain a charge of bullying, this should be documented and communicated to the parties, and no further action is required. If requested by the responding party, this determination should also be communicated to all persons interviewed during the inquiry.
13. If the determination is that bullying is substantiated, then it should be documented, and action should be taken promptly to address the situation, including disciplinary action or other employment action, if warranted, subject to applicable university policies and procedures as described below.
14. If the action to be taken involves formal discipline, the applicable CSU policies and procedures for the employees involved will be followed. Actions not involving formal discipline may include:
 - a. Separation of the parties involved within the workplace, without a change in duties;
 - b. Counseling one or both parties;
 - c. Requiring attendance at an appropriate training about workplace behavior;
 - d. A letter of expectations that is shared only with the responding party and does not become part of the employee's personnel file.
15. Repeated violations of the bullying policy by the same individual should result in progressively stricter actions being taken.

16. Substantiated bullying incidents should be taken into consideration in an employee's annual performance review, subject to established evaluation procedures (see, e.g., Academic Faculty and Administrative Professional Manual, section C.2.5 for faculty and D.55 for Administrative Professionals, and Human Resources Manual section 3 for State Classified personnel). In particular, department heads need to be familiar with the restrictions in section C.2.5 of the Manual.
17. In addition, the reasonable inquiry process may identify improper or problematic conduct that does not constitute bullying as defined and prohibited by this policy. In that situation, the supervisor should address the improper conduct, and such conduct may form the basis for action by the supervisor in accordance with university policies and procedures.
18. All disciplinary actions shall be taken in accordance with applicable policies and procedures, including: for tenured faculty, section E.15 of the Academic Faculty and Administrative Professional Manual; for state classified personnel, the Human Resources Manual section 3; and, for administrative professionals, Section D.5.5 of the Academic Faculty and Administrative Professional Manual.
19. The file containing all documents related to the report, review, and reasonable inquiry must be kept for 5 years by Human Resources, after which time, it may be destroyed.

Administrative Review

The final decision of the supervisor may be subject to administrative review at the request of either the complainant or the responding party. The request must be made in writing and submitted to the HR Solutions Partner within 10 working days after the written decision is received. The request must specify the reasons why the party finds the resolution unacceptable.

The administrative review will be performed by the next higher-level supervisor of the person who rendered the decision (or the department/unit head if that person is higher in the reporting line). The reviewer will assess the written request for a review, the written report and decision, and the written documentation in the case. The reviewer may also consult with the supervisors involved and the HR Solutions Partner. No new evidence will be taken. The decision will be announced, in writing, within 30 working days after the receipt of the written request for a review by the reviewing administrator. The decision of the administrative review is final, and is not grievable.

Resources for Employees

Anyone impacted by bullying behavior may access support services from the Employee Assistance Program, by calling 1-800-497-9133. EAP is a resource available to all employees that can provide support for those impacted by concerns about workplace bullying—including resources for the person who feels they have been a target as well as for the responding party in a bullying complaint.

Supervisors should inform participants in the bullying process about the Employee Assistance Program.

The Ombuds Office is a confidential resource for all employees to explore options and obtain information about the policy and processes related to workplace bullying. As a neutral resource, the office is available both to the person who feels they have been a target of bullying and the responding party to bullying complaints. As an informal resource, the Ombuds office is not an office where complaints are placed “on the record.” Therefore, if someone wants to initiate a formal process, the Ombuds office can discuss the process but does not initiate an inquiry or document the concerns for the institution.

APPENDIX 7: RESEARCH MISCONDUCT *(new section added August 12, 2009)*

Universities receiving federal funds must comply with requirements promulgated by the federal agencies regarding ethical behavior in scholarship. The terminology used in this regard is “Research Misconduct,” although the concern for ethical behavior encompasses virtually every discipline. The definition of Research Misconduct, as well as the procedures for reporting, investigating, and holding hearings regarding suspected cases of Research Misconduct may be found at the following website <http://www.research.colostate.edu/ricro/rer/research-misconduct/>

APPENDIX 8: FAMILY MEDICAL LEAVE POLICY *(last revised August 8, 2014)*

Introduction

Colorado State University (CSU) recognizes that its faculty members and staff strive to balance the responsibility of their work and personal lives. This Family Medical Leave Policy is designed to support those efforts and to comply with the provisions of the Family Medical Leave Act of 1993 (FMLA), as later amended, and applicable implementing regulations including the State of Colorado's Family Care Act (FCA)¹. Much of the language in Appendix 8 is taken from the FMLA of 1993 and later amendments as of August 2013 and the FCA, which is effective August 2013.

This Appendix provides rules and guidance for the use of Family Medical Leave (hereinafter referred to as "FM Leave" for these needs. Additional procedures, guidelines and forms for applying for FM Leave, recording the use of such leave in the university's HR system, and working with employees to assure that this policy is correctly and consistently followed, are prescribed by Human Resources.

FM Leave is not a form of paid leave; it is a job protection benefit afforded by the university in accordance with the law. In order for any period of FM Leave to be taken as paid leave, the employee must concurrently use another type of accrued leave, such as sick or annual leave, in accordance with the university's policies and procedures for that type of leave. If an employee is entitled to FM Leave but has insufficient accrued, applicable, paid leave benefits available for the full period of absence, then the remaining period of FM Leave will be unpaid.

Covered Appointment/Employee Types

All CSU appointment/employee types other than State Classified personnel, including those with faculty, administrative professional, graduate assistant, veterinary resident, post-doctoral fellow, veterinary or clinical psychology intern, student or non-student hourly appointments (including work study), or a combination thereof, are covered by this policy and are eligible for Leave in accordance with the criteria listed below under "Eligibility." FM Leave policies for State Classified employees are contained in the procedures adopted by the Executive Director of the State Department of Personnel and Administration.

Eligibility

Any CSU faculty member or employee, other than State Classified personnel, who has been appointed or employed at CSU for at least twelve (12) months and who has worked at least 1040 hours during the twelve (12) months immediately preceding the commencement date of the leave (hereinafter referred to as an "Eligible Employee") is eligible for FM Leave under this policy for the purposes set forth below under "Entitlement to Family Medical Leave". The appointment or employment may have been in one (1) or any combination of the covered appointment/employment categories listed above. Faculty members with tenured, tenure-track, contract, or continuing nine (9) month appointments of half-time (0.5) or greater and

administrative professionals with regular or special nine (9) month appointments of half-time (0.5) or greater are deemed to meet the 1040 hour standard, assuming that all other eligibility criteria are met.

As used in this Appendix 8, the following definitions shall apply:

- a. "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriages.
- b. "Child" includes biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's Spouse, domestic partner, or civil union partner, as well as any person for whom either the Eligible Employee or the Eligible Employee's Spouse, domestic partner or civil union partner is standing in loco parentis, provided that the child is under eighteen (18) years of age and/or is incapable of self-care because of a mental or physical disability.
- c. "Domestic partner" has the meaning defined under the University's benefits plan.
- d. "Civil union partner" has the meaning defined in C.R.S. §14-15-103.

Entitlement to Family Medical Leave

An Eligible Employee is entitled to up to twelve (12) work weeks of FM Leave during a rolling twelve (12) month year that begins on the first date the Eligible Employee uses FM Leave. These twelve (12) work weeks of FM Leave do not need to be consecutive. The Eligible Employee is not expected to "make up" the time taken as FM Leave. FM Leave may be taken for any one (1) or a combination of the following reasons:

- a. The birth of a Child to the Eligible Employee or the Eligible Employee's spouse or domestic partner or civil union partner and care for the newborn Child. In this case, the FM Leave must be completed within twelve (12) months of the date of birth.
- b. The placement of a Child for adoption or foster care with the Eligible Employee or the Eligible Employee's spouse or domestic partner or civil union partner and care for the newly placed Child. In this case, the FM Leave must be completed within twelve (12) months of the date of placement.
- c. Care for a spouse, domestic partner, civil union partner, Child, or parent with a serious health condition.
- d. Inability of the Eligible Employee to perform one (1) or more of the essential functions or the Eligible Employee's position because of their serious health condition.

Entitlement to Military Family Leave

An Eligible Employee may take Military Family Leave for a Spouse, domestic partner, civil union partner, Child, or parent on covered active duty or called to active duty status with the Armed Forces due to a “Qualifying Exigency,” which is defined as one (1) of the following situations:

- a. Advance notice of deployment that is one (1) week or less.
- b. Military events or related activities.
- c. Urgent (as opposed to recurring or routine) child-care/school activities necessitated due to military service.
- d. Exigent financial or legal tasks to deal with the family member’s call to active duty.
- e. Counseling for the Eligible Employee or a Child which is provided by someone other than a healthcare provider if the need for counseling arises from the covered active duty of a military family member.
- f. Spending time with the service member on rest and recuperation breaks during deployment.
- g. Post-deployment activities.
- h. Other situations arising from the call to duty, as agreed upon by the Eligible Employee and the Eligible Employee’s supervisor.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member’s child. However, (1) the military member must be parent, spouse, domestic partner, civil union partner, or child of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands *in loco parentis*).

Entitlement to Military Caregiver Leave

An Eligible Employee who is the spouse, domestic partner, civil union partner, Child, parent, or next of kin of a service member in the Armed Forces, is entitled to up to twenty-six (26) work weeks of Military Caregiver Leave during a rolling twelve (12) month year to care for the service member if the service member becomes seriously injured or ill in the line of duty. The service member must be undergoing medical treatment, recuperation, or therapy; be in outpatient care; or be on the temporary disability retired list. In addition to service members, this provision applies to a veteran undergoing medical treatment, recuperation, or therapy for an injury or illness that existed prior to the beginning of the veteran’s active duty, but was aggravated by

service in the Armed Forces. The veteran's discharge must have been other than dishonorable and must have been effective during the five (5) year period immediately preceding the date on which the leave is to begin. The rolling year for Military Caregiver Leave begins on the first date that the Eligible Employee uses the Military Caregiver Leave, and this rolling year is distinct from the rolling year for any other FM Leave. However, the use of Military Caregiver Leave cannot cause the total use of all types of FM Leave to exceed twenty-six (26) work weeks during any twelve (12) month period.

Application for Family Medical Leave

In order to utilize FM Leave, the Eligible Employee must comply with the Eligible Employee's home department's customary procedures for requesting leave. An employee may request FM Leave by contacting the employee's supervisor to fill out the required forms provided by Human Resources. The supervisor will provide the Notice of Eligibility and Rights and Responsibilities to the employee and follow proper procedures to obtain sufficient documentation to determine whether an employee's leave qualifies as FM Leave. Additional information, such as medical documentation, may be requested in accordance with the FMLA in order to make this determination. The supervisor shall review the request for leave and supporting documentation and then, in consultation with Human Resources, a determination will be made as to whether the circumstances warrant the designation of FM Leave. This determination is ultimately the responsibility of Human Resources. The supervisor has five business days (absent extenuating circumstances) to provide a Designation Notice to the employee after the receipt of sufficient information to indicate that FM Leave is warranted.

Unless it is not reasonably practical, an application for FM Leave must be submitted at least thirty (30) days prior to the start of the leave, and FM Leave for planned medical treatment must be scheduled so as to minimize disruption to University activities.

Intermittent or Reduced Family Medical Leave

FM Leave time may be taken on an intermittent or "reduced leave" basis if this is approved by the department or unit head. A request for intermittent or reduced FM Leave that is due to the Eligible Employee's own serious illness or to allow the Eligible Employee to care for a spouse, domestic partner, civil union partner, Child, or parent who is ill must be approved when this is determined to be medically necessary.

Paid/Unpaid Leave

FM Leave is unpaid leave, but pay may be provided by using accrued sick leave, accrued annual leave, short-term disability coverage, long-term disability coverage, and/or Worker's Compensation benefits concurrently with the FM Leave. The Eligible Employee must use sick or annual leave concurrently with FM Leave if such leaves are applicable and have not been exhausted (subject to the limits on the use of sick leave in Section F.3.2.2).

Eligible Employees may use accrued sick leave to provide care for and/or bond with a Child

who is newly born to or newly placed for adoption or foster care with either the Eligible Employee or the Eligible Employee's spouse or domestic partner or civil union partner. The child need not be ill for the use of sick leave under these circumstances. Employees may also use sick leave to care for a spouse, domestic partner, civil union partner, child or parent who needs medical care. See Section F.3.2.2 for more details regarding the use of sick leave.

Colorado State University's short-term disability plan provides a continuation of income for enrolled Eligible Employees who exhaust all of their accrued sick and annual leave in the event of illness, injury, surgery, or pregnancy. These benefits begin only after a completed application has been received and approved by Human Resource Services. The maximum benefit period for short-term disability is sixty (60) days, and this period runs concurrently with the use of FM Leave, sick leave, and/or annual leave. Contact the Benefits Unit in Human Resources for more details regarding the use of short-term disability.

Use of Leave Without Pay

Once FM Leave has been exhausted, the employee may request additional time off using other types of leave (see Section F.3). The granting of such additional leave is at the discretion of University administrators.

Required Use of Family Medical Leave *(last revised August 8, 2014)*

Whenever an employee takes any type of leave that is covered under the FMLA as Family Medical Leave, the employee's home department is responsible for correctly entering the leave as FM Leave in the HR information system. FM Leave runs concurrently with all other types of leave taken (including Parental Leave, which may be taken anytime within the first twelve months from the Child's date of birth or placement for adoption).

Continuation of Benefits

Eligible Employees who are receiving a University contribution to their benefits at the time that a period of FM Leave begins shall continue to receive those contributions and benefits during periods of FM Leave, regardless of whether or not other types of leave are being used concurrently to provide pay.

Return from Family Medical Leave

An Eligible Employees granted FM Leave under this policy shall be returned to the Employee's same position, or a position of comparable pay and status, upon completion of the FM Leave with the following exceptions:

- a. An Eligible Employee whose employment is conditional upon having student status (e.g., a graduate assistant, a veterinary resident, or a student hourly employee) shall be returned to their former position or to position of comparable pay and status upon completion of the FM Leave only if the Eligible Employee's

student status at the time of return qualifies them for their former employment status.

- b. An Eligible Employee whose appointment has a specified ending date which is earlier than the completion of the FM Leave or whose appointment would otherwise have terminated during the period of FM Leave may not be entitled to reinstatement, in accordance with the provisions of the Family Medical Leave Act. Departments and units must refer questions regarding the status of returning employees with the Benefits Unit in Human Resources.
- c. Medical documentation of the fitness to return to work may be required by the supervisor in consultation with Human Resources.
- d. Any other reason which would have resulted in the proper and lawful termination of the employment during the period of FM Leave, other than the reason(s) for which FM Leave was taken. Examples include (but are not limited to): termination as a final result of a disciplinary action; termination for lack of a necessary credential or license; or inability to perform one or more essential functions of the job.

Effect of Family Medical Leave on the Tenure Process

If a tenure-track faculty member takes FM Leave, and the accumulated amount of FM Leave taken is at least eight (8) weeks, then the end of the tenure-track faculty member's probationary period shall be pushed back by one (1) year. If this occurs before the Comprehensive (Midpoint) Review (see Section E.14.2), then this Review shall also be pushed back by one year. The expectations for tenure shall not be increased due to this extension of the probationary period. If the faculty member chooses not to make use of this one (1) year extension, this shall not cause the faculty member's application for tenure to be treated as an early application.

Additional use of FM Leave will generally not lead to an additional one (1) year extension of the probationary period, since the accumulated amount of FM Leave taken will generally be far less than one year. However, in exceptional circumstances, the faculty member may request a second one (1) year extension by following the procedure in Section E.10.4.1.2.

¹ C.R.S. 8-13.1-203, the Colorado Family Care Act (FCT), provides that, in addition to the leave that an employee may be entitled to under the Family and Medical Leave Act, an eligible University employee is entitled to up to 12 weeks of unpaid leave in a 12-month period to care for a person with a serious health condition if that person is the employee's civil union partner as defined in C.R.S. §14-15-103(5) or is the employee's domestic partner who has satisfied the University's criteria using the required affidavit. However, the statute states that such leave does not increase the total amount of FM Leave available to the employee; it runs concurrently with FM Leave.