

PREFACE (last revised August 2016)

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 any time, 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.)

Unless a proposed change or addition to this *Manual* is necessitated by action of the Board or the Colorado General Assembly, it must be approved by the Faculty Council prior to submission to the Board in accordance with the procedure in Section C.2.2.e of this *Manual*. Proposed changes or additions to *Manual* sections that apply to administrative professionals are subject to the approval of the Administrative Professional Council prior to action by Faculty Council.

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 – August 2016

*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 and 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 Colorado State University Research Foundation
 - 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 CIOsUs
 - B.2.6.3 CIOsU Oversight
 - B.2.6.4 Guidelines for Preparing Proposals for CIOsU Establishment
 - B.2.6.5 Procedures for Periodic Evaluation of CIOsUs
 - 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 professional 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 Colorado State University Research Foundation

The Colorado State University Research Foundation (CSURF) is incorporated separately. The CSURF 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 June 15, 2005)*

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

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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 schools.

meeting, he or she 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 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 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, 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 as 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 his or her 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 proposed 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, 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 CIOSU 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 CIOSU does not imply the approval of the formation of a non-profit corporation.

B.2.7 University Organizational Chart

See the following website:

<https://webcms.colostate.edu/president/media/sites/95/2017/08/executive-org-chart-august-2017.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 Responsibilities and Standing of Academic Faculty
 - f. Committee on Scholarship, Research and Graduate Education
 - g. Committee on Scholastic Standards
 - h. Committee on Strategic and Financial Planning
 - I. Committee on Teaching and Learning
 - j. Committee on University Programs
 - k. University Curriculum Committee
 - C.2.1.9.6 Specialized Standing Committee: Membership and Function
 - a. Committee on Non-Tenure Track Faculty
 - 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:

C21 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 23, 2010)*

Subject to the statutes of the State and regulations and policies of the Board, 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 members 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 2, 2007)

Each academic department and the Libraries shall elect one (1) representative. An additional number of representatives, equal approximately to one-third (1/3) of the number of representatives elected from the 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

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

number of regular, regular part-time, and transitional faculty members in the colleges and Libraries.

All faculty representatives to the Faculty Council shall hold regular full-time, regular part-time or transitional 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 August 8, 2014)

Chairpersons of Faculty Council regular and specialized standing committees, serving as the official representatives of the standing committees to the 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 his or her 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 his or her 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 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 his or her 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 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 his or her lifetime. In the event the elected Faculty Representative is unable to complete his or her 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 regular full-time, regular part-time, senior teaching, special, 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 Regular and Specialized Standing Committees and Advisory Committees of Faculty Council

C.2.1.9.1 Charge to the Standing Committees (last revised August 8, 2014)

There shall be regular and specialized 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 Regular and Specialized Standing Committees Named (last revised August 8, 2014)

The following shall be the regular standing committees of the Faculty Council: Executive Committee; Committee on Faculty Governance; Committee on Intercollegiate Athletics; Committee on Libraries; 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.

The following shall be a specialized standing of the Faculty Council: Committee on Non-Tenure-Track Faculty.

C.2.1.9.3 Membership and Organization (last revised May 3, 2017)

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

committees shall be limited to regular full-time, regular part-time, and transitional 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. 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 he or she may allow the committee member that he or she is replacing to cast a vote for the chairperson in his or her 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* or associate members who are expected to attend committee meetings regularly. 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. All *ex officio* and associate members shall be non-voting, unless otherwise specified.

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.

The Chairperson of Faculty Council shall be an *ex officio*, non-voting member of each standing committee of the Faculty Council.

Unless otherwise specified in the committee's operating procedures, for transacting business at standing committee, 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 his or her 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 May 3, 2017)

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 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

a. Executive Committee (last revised August 12, 2009)

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 his or her 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.

b. Committee on Faculty Governance (last revised May 2, 2007)

The Committee on Faculty Governance shall consist of one (1) faculty member from each college and the Libraries. 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.
6. To make and forward nominations for standing committees of the Faculty Council and faculty members of Benefits Committee (see Section D.2.1), Grievance Panel (see Section K.15.1), Sexual Harassment Panel (see Appendix 1.III.B.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 Intercollegiate Athletics (last revised August 12, 2009)

The Committee on Intercollegiate Athletics shall consist of one (1) faculty member from each college, and the Libraries, 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.

d. Committee on Libraries (last revised October 7, 2016)

The Committee on Libraries shall consist of one (1) faculty member from each college, and the Libraries, 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:
 - a. On strategies and policies for services and collections;
 - b. On the allocation of funds to support Library services; and
 - c. On the needs of its patrons (students, faculty, staff, community at large).

e. Committee on Responsibilities and Standing of Academic Faculty

The Committee on Responsibilities and Standing of Academic Faculty shall consist of one (1) faculty member from each college and the Libraries. 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 members including selection, appointment, evaluation, merit incentives, rank and promotion, tenure, termination of employment, leaves, and academic freedom.
3. Policies and procedures related to faculty members' grievances.

f. Committee on Scholarship, Research and Graduate Education (last revised December 14, 2004)

The Committee on Scholarship, Research and Graduate Education shall consist of one (1) faculty member from each college and the Libraries, one (1) graduate student, and the Vice Provost for Graduate Affairs/Assistant Vice President for Research (*ex officio*). 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.

g. Committee on Scholastic Standards (last revised January 27, 2006)

The Committee on Scholastic Standards will consist of one (1) faculty member from each college and the Libraries 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 decision on:

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

h. Committee on Strategic and Financial Planning (last revised May 3, 2017)

The Committee on Strategic and Financial Planning shall consist of one (1) faculty member from each college and the Libraries, one (1) undergraduate student, one (1) graduate student, 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). 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 members 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.

i. Committee on Teaching and Learning (last revised May 3, 2017)

The Committee on Teaching and Learning shall consist of one (1) faculty member from each college and the Libraries, one (1) graduate student, one (1) undergraduate student, 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 his or her designee (*ex officio*), the Vice President for Student Affairs or his or her designee (*ex officio*), and the Director of The Institute for Learning and Teaching (*ex officio*). 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.

j. Committee on University Programs

The Committee on University Programs shall consist of one (1) faculty member from each college and the Libraries, one (1) graduate student and one (1) undergraduate 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. 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.

k. University Curriculum Committee (last revised June 22, 2006)

The University Curriculum Committee shall consist of one (1) faculty member from each college and the Libraries, one (1) undergraduate student, one (1) graduate student, and the Provost or his or her designee (*ex officio*). 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 operation of the Division of Continuing Education which impact curricula.

C.2.1.9.6 Specialized Standing Committees: Membership and Function

a. Committee on Non-Tenure-Track Faculty (last revised August 8, 2014)

The membership of the Committee on Non-Tenure-Track Faculty shall be comprised as follows:

1. One (1) non-tenure-track faculty member (senior teaching, special, temporary, or multi-year research appointment) shall be selected from each unit among the colleges and the Libraries for which there exists a formal committee representing non-tenure-track faculty members. Each such committee shall provide one (1) or more

nominees for this position to the Committee on Faculty Governance for possible inclusion on the ballot.

2. If fewer than six (6) units from among the colleges and the Libraries have such committees, then additional non-tenure-track faculty members shall be selected to provide a total of six (6) non-tenure-track faculty members. These nominations shall be sought from the University community by the Committee on Faculty Governance.
3. Two (2) regular faculty members shall be selected from two (2) different units from among the colleges and the Libraries. The Committee on Faculty Governance shall provide nominees for these two (2) positions after calling for volunteers.

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

1. Policies defining the general responsibilities of non-tenure-track faculty to the University, college, and department.
2. Policies related to the standing of non-tenure-track faculty.

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, he

or she may provide a substitute from among those in his or her group 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.

C22 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 of 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.

C23 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
Comprising the Departments of Agricultural and Resource Economics; Animal Sciences; Bioagricultural Sciences and Pest Management; 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 October 2, 2015*)
Comprising the Departments of Anthropology; 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 tenure track/tenured faculty member has his or her appointment. The faculty members in a Special Academic Unit must come from more than one (1) department. A Special Academic Unit may hire temporary, special and senior-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 of Continuing Education, 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 of Continuing Education 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 includes 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.

Regular full-time, regular part-time or transitional faculty members above the rank of instructor 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 his or her 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 August 12, 2009)

The college code shall provide for the following:

- a. Designation of the title(s) of its administrative officer(s).
- b. 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 her or his 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 regular full-time, regular part-time, 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 his or her 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 he or she wants representation. The status of such a faculty member shall remain unchanged unless changes in his or her 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 February 5, 2016)

The departmental code shall provide for the following:

- a. Designation of the title of its administrative officer.³
- b. Any administrative organization within the department if desired.
- 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 regular full-time, regular part-time, 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

³ Throughout the University Code the term department head is used and is meant to include department chairs and/or heads of academic departments and the directors of schools.

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 her or his 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 her or his administrative appointment shall not modify or impair the rights otherwise associated with such a faculty 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 August 12, 2009*)

- 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 enunciated 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 his or her 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

C.2.6.1 Deans of the Colleges

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 his or her college.
- j. Contribute to achievement of University diversity and equal opportunity goals.

Recommendations for appointment of department heads are the responsibility of the dean. The dean shall provide for appointment of a departmental committee to advise him or her 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 August 12, 2009)*

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 him or her. 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.

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' 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; and contribution to the achievement of University diversity and equal opportunity goals.

C.2.7 Evaluation of Performance of Officers

- 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. Effectiveness in meeting diversity goals and providing equal opportunity to all persons 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 curricular 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 Directors. 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 tenure track/tenured, temporary, special, and senior teaching faculty members with respect to decisions regarding the governance of the Special Academic Unit.
- h. The code shall specify the time line 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 temporary, special, and senior-teaching 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 temporary special, and senior-teaching 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 Standing Committees of Faculty and Administrative Professionals
 - D.2.1 Benefits Committee
- D.3 Responsibilities of the Faculty and Administrative Professionals
 - D.3.1 Policy
 - D.3.2 Responsibilities as a Professor
 - D.3.3 Responsibilities as a Professional
 - 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
 - D.5.4 Position Titles for Administrative Professionals
 - D.5.5 Evaluation of Performance of Administrative Professionals
 - D.5.6 Formal Procedure for Dismissal of Administrative Professionals on Grounds of Unsatisfactory Performance
- D.6 Oath of Allegiance
- D.7 Conditions of Employment for Faculty and Administrative Professionals
 - D.7.1 Maximum Employment
 - D.7.2 Supplemental Pay Policy
 - D.7.2.1 Permissible Activities for Supplemental Pay
 - D.7.2.2 Non-Permissible Activities for Supplemental Pay
 - D.7.3 Honoraria
 - D.7.4 Off Campus Assignment
 - D.7.5 Off Campus Employment
 - D.7.6 Conflict of Commitment and Consulting Policies
 - D.7.6.1 Conflict of Commitment
 - D.7.6.2 Consulting
 - D.7.7 Conflict of Interest
 - D.7.7.1 Policy
 - D.7.7.2 State Statutes Concerning Fiduciary Duties and Ethical Contact

- D.7.7.3 Disclosure of Conflicts of Interest When Substantial Discretionary Functions are Exercised
- D.7.7.4 General University Rules and Procedures for Disclosing Conflicts of Interest
 - D.7.7.4.1 Elements of Disclosure Statements
 - D.7.7.4.2 Management Oversight
- D.7.7.5 Examples of Apparent and Actual Conflicts of Interest
 - D.7.7.5.1 Apparent Conflicts of Interest
 - D.7.7.5.2 Actual Conflicts of Interest
- D.7.7.6 Procedures for Instituting and Processing Conflict of Interest Charges
- D.7.8 Legislative Testimony
 - D.7.8.1 General Policy
 - D.7.8.2 Colorado Sunshine Act of 1972: Registration of Lobbyists
- D.7.9 Holding Public Office
- D.7.10 Work Hours
- D.7.11 Holidays
- D.7.12 Membership in Professional Societies
- D.7.13 Travel Policies
- D.7.14 Responsibility for Personal Property
- D.7.15 Policy on Classified Research
 - D.7.15.1 The University as a Haven for Free Inquiry
 - D.7.15.2 Restrictions on Classified Research
 - D.7.15.3 Provisions for Exceptional Circumstances
- D.7.16 University Policy on Patentable Inventions or Discoveries
- D.7.17 Resignations
- D.7.18 Retirement
- 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
- D.11 Administrative Professional Council

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 Standing Committees of Faculty and Administrative Professionals

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 members 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.3 Responsibilities of the Faculty and Administrative Professionals

D31 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.

D32 Responsibilities as a Professor

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

D33 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.

D34 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.

D35 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).

D36 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).

D37 Policy Regarding Sexual Harassment

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

D.4 Academic Freedom

See Section E.8 for the definition of Academic Freedom.

D.5 Appointments

D5.1 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

D5.2 Appointments to Faculty

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

D5.3 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,

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.

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.

D.5.3.1 Types of Appointments *(last revised August 8, 2014)*

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 Administrative Professional Benefits and Privileges Handbook.

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 (see 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.

D54 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.

D55 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.

D5.6 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

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. The salary rate used in this determination shall be that of the academic year following the summer.

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 his or her 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 his or her 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 director or 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.7.5 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 his or her appointment period must make a full written disclosure (excepting the amount of compensation) to his or her immediate supervisor, *in advance of the planned activity*. In situations requiring immediate absence, the employee must notify his or her 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, or 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 her or his 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 his or her 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 his or her 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 his or her 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*.

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 his or her 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*

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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 marriages.

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)

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, he or she shall make it clear that he or she 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 his or her 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 his or her 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 his 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 therefrom 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

Faculty members with tenured academic appointments are entitled to employment unless terminated for cause under Section E.15 or retired. See *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* 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,

4

This amendment is not intended to delimit the application of E.16 - Financial Exigency.

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

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/emmerita 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 an 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 5).

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 (see 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.

SECTION E. FACULTY

- E.1 Definition of Faculty
- E.2 Types of Faculty Appointments
 - E.2.1 Basic Types of Faculty Appointments
 - E.2.1.1 Regular Full-Time Appointments
 - E.2.1.2 Regular Part-Time Appointments
 - E.2.1.3 Senior Teaching Appointments
 - E.2.1.4 Special Appointments
 - E.2.1.5 Temporary Appointments
 - E.2.1.6 Transitional Appointments
 - E.2.2 Other Types of Faculty Appointments
 - E.2.2.1 Joint Appointments
 - E.2.2.2 Joint Academic and Administrative Professional Appointments
 - E.2.2.3 Faculty Affiliate Appointments
 - E.2.2.4 Visiting Faculty Appointments
 - E.2.2.5 University Distinguished Professorships
 - E.2.2.5.1 Eligibility for University Distinguished Professor Status and Title
 - E.2.2.5.2 Selection of University Distinguished Professors
 - E.2.2.5.3 Perquisites of University Distinguished Professorships
 - E.2.2.6 University Distinguished Teaching Scholars
 - E.2.2.6.1 Eligibility for University Distinguished Teaching Scholar Status and Title
 - E.2.2.6.2 Selection of University Distinguished Teaching Scholars
 - E.2.2.6.3 Perquisites of University Distinguished Teaching Scholars
- E.3 Retired Faculty
 - E.3.1 Emeritus/Emerita Status
 - E.3.2 Society of Senior Scholars
- E.4 Selection of Faculty
 - E.4.1 Policy (See Section D.5)
 - E.4.2 Selection of Faculty
 - E.4.3 Selection of Department Heads or Chairpersons
 - E.4.4 Selection of Administrators with Academic Appointments
- E.5 Responsibilities of the Faculty
 - E.5.1 Responsibility for Government and Discipline
 - E.5.2 Responsibilities as a Faculty Member
 - E.5.3 Guidelines on Teaching and Advising Responsibility
- E.6 General Policies Relating to Appointment and Employment of Faculty
- E.7 Service of Department Heads
- E.8 Academic Freedom
 - E.8.1 Policy
 - E.8.2 Concepts
- E. 9 Faculty Productivity
 - E.9.1 Individual Faculty Effort Distribution

- E.9.2 Individual Faculty Workload
- E.9.3 Department Effort Distribution
- E.9.4 College Effort Distribution
- E.9.5 University Effort Distribution
- E.10 Faculty Tenure Policy
 - E.10.1 Definition of Tenure
 - E.10.2 Rationale for Tenure
 - E.10.3 Administrative Responsibilities in Relation to Tenure
 - E.10.4 Policies on Conferring Tenure
 - E.10.4.1 Probationary Period for Tenure
 - E.10.4.1.1 Service Credit
 - E.10.4.1.2 Extension of the Probationary Period
 - E.10.5 Procedures for the Granting of Tenure
 - E.10.5.1 Origin and Processing of Tenure Recommendations
 - E.10.5.2 Notification of Presidential Action on Tenure Recommendations
 - E.10.6 Relation of Tenure to Changes in Status and/or Salary
- E.11 Granting of Senior Teaching Appointments
- E.12 Performance Expectations for Tenure, Promotion, and Merit Salary Increases
 - E.12.1 Teaching and Advising
 - E.12.2 Research and Other Creative Activity
 - E.12.3 Service
 - E.12.3.1 University Service
 - E.12.3.2 Professional Service
- E.13 Advancement in Rank (Promotion)
 - E.13.1 Origin and Processing of Recommendations
 - E.13.2 Notification of Presidential Action on Advancement in Rank
- E.14 Performance Reviews
 - E.14.1 Annual Reviews
 - E.14.2 Comprehensive Reviews of Tenure-Track Faculty
 - E.14.3 Periodic Comprehensive Reviews of Tenured Faculty
 - E.14.3.1 Phase I Comprehensive Performance Reviews
 - E.14.3.2 Phase II Comprehensive Performance Reviews
 - E.14.4 Grievance
- E.15 Disciplinary Action for Tenured Faculty
 - E.15.1 Initiating the Process
 - E.15.2 Operational Procedures Prior to Completion of Formal Disciplinary Action
 - E.15.3 Discussions to Achieve a Resolution
 - E.15.4 Hearing Process
 - E.15.4.1 Performance of Professional Duties
 - E.15.4.2 Behavior
 - E.15.4.3 Hearing
 - E.15.5 Procedures Following Completion of the Hearing
 - E.15.6 Recommendations for Disciplinary Action
 - E.15.7 Disposition of the Hearing Committee's Report
 - E.15.8 Administrative Action on the Hearing Committee Recommendations

- E.15.9 Written Records
- E.15.10 Term of Continuation of Faculty Salary and Benefits Following Termination of Appointment
- E.15.11 Time Limit for Action by the Provost
- E.16 Financial Exigency
 - E.16.1 Definition of Financial Exigency and Conditions of Tenured Faculty Terminations
 - E.16.2 Declaration of Financial Exigency
 - E.16.3 Development of a Plan of Action
 - E.16.4 Order of Terminations
 - E.16.5 Responsibility of Committee on Strategic and Financial Planning
 - E.16.6 Right of Access of Individual Faculty Member to the Grievance and Mediation Procedure
- E.17 Discontinuance of a Degree Granting Program or a Department of Instruction not Mandated by Financial Exigency
 - E.17.1 Procedure
 - E.17.2 Appeal Procedure

SECTION E. FACULTY

E.1 Definition of Faculty (last revised May 2, 2007)

The faculty includes all personnel who carry academic rank (professor, associate professor, assistant professor, instructor, and faculty affiliate) and additional personnel as defined by C.R.S. 23-31-104.

E.2 Types of Faculty Appointments (last revised June 21, 2011)

E.2.1 Basic Types of Faculty Appointments (last revised August 2, 2013)

Six (6) basic types of appointments exist for members of the faculty. They are regular full-time, regular part-time, senior teaching, special, temporary, and transitional appointments. Only faculty members holding either regular full-time or regular part-time appointments at the time of consideration are eligible to acquire tenure. Full-time is defined as the academic year or a minimum of nine (9) months. Faculty members with either senior teaching or special appointments may be eligible for multi-year contracts. Faculty members who do not have multi-year contracts and are not eligible for tenure are hired “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. See Section E.3 for details of other types of faculty appointments. The major characteristics of the various basic types of appointments are as follows.

E.2.1.1 Regular Full-Time Appointments (last revised June 21, 2011)

The usual type of academic appointment is regular full-time. The conditions which distinguish a regular full-time appointment are:

- a. Regular full-time appointments are limited to the ranks of assistant professor, associate professor, and professor.
- b. There is no specified ending date for a regular full-time appointment with tenure.
- c. An individual with a regular full-time appointment who serves satisfactorily for a specified period is eligible to acquire tenure (see Section E.10).
- d. Faculty with regular full-time appointments have full voting rights at departmental and college faculty meetings and are eligible to serve on departmental and college committees.
- e. For this type of appointment, enrollment in a retirement program

is mandatory. Holders of regular full-time appointments are eligible for other fringe benefits and privileges (see Section G and the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook*), and for sabbatical leave (see Section F.3.4).

E.2.1.2 Regular Part-Time Appointments (last revised June 21, 2011)

Regular part-time appointments may be made for any fraction of time less than one hundred (100) percent, but not less than fifty (50) percent of full-time.

- a. Regular part-time appointments are limited to the ranks of assistant professor, associate professor, and professor.
- b. There is no specified ending date for regular part-time appointments with tenure.
- c. Criteria, procedures, and regulations for promotion, tenure, and salary are subject to the rules governing regular full-time appointments. Responsibilities and salaries are scaled appropriately to the portion of time worked. A person holding a regular part-time appointment may be tenured only for half-time (0.5) service, although additional employment may be arranged each year between the faculty member and the department. The six (6) year time limit for acquisition of tenure applies to this type of appointment as well as to the regular full-time appointment (see Section E.10.4.c).
- d. Faculty with regular part-time appointments have full voting rights at departmental and college faculty meetings and are eligible to serve on departmental and college committees.
- e. Enrollment in the retirement program is mandatory for holders of regular part-time appointments. Holders of regular part-time appointments are eligible for all fringe benefits and for sabbatical leaves.

E.2.1.3 Senior Teaching Appointments (last revised August 2, 2013)

Senior teaching appointments may be either full-time or part-time. Part-time is defined as less than full-time, but at least half-time (0.5). The granting of a senior teaching appointment shall follow the procedures in Section E.11. Faculty on senior teaching appointments have the following distinguishing characteristics:

- a. Senior teaching appointments are “at-will” and are subject to termination by either party at any time unless the faculty member has a multi-year contract, in which case the terms of the contract shall stipulate its ending date. Upon the expiration date of the contract, employment as a senior teaching appointment faculty member reverts to an ‘at-will’ appointment, unless the multi-year contract is renewed by written agreement of both parties.
- b. There is no specified ending date for a senior teaching appointment.
- c. Faculty members on senior teaching appointments shall have effort distributions with at least fifty (50) percent of the effort being in the category of teaching and advising and at least five (5) percent of the effort being in the category of service.
- d. Faculty members on senior teaching appointments shall participate in annual reviews and the annual salary exercise in the same manner as faculty with regular full-time and regular part-time appointments.
- e. Faculty members on senior teaching appointment are not eligible for tenure (see Section E.10.4).
- f. Department and college codes shall specify the voting rights of faculty members with senior teaching appointments and their eligibility to participate on departmental and college committees. The standard expectation is that faculty members on senior teaching appointments shall be fully included, except with regard to personnel matters involving regular faculty members, including the department chair.
- g. If a tenured faculty member changes positions to a senior teaching appointment, he or she 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 he or she relinquishes tenure and retires.
- h. Faculty members on senior teaching appointments are required to enroll in the retirement program and are eligible to participate in other benefits offered by the University as described in the Academic Faculty and Administrative Professional Benefits and Privileges Handbook and in Section F and G of the Manual. They

are not eligible for sabbatical leave.

E.2.1.4 Special Appointments *(last revised May 8, 2015)*

Special appointments may be either full-time or part-time. Part-time is defined as any fraction less than one hundred (100) percent of full-time. The distinguishing features of this type of appointment are:

- a. Special appointments are "at will" and are subject to termination by either party at any time unless the faculty member has a multi-year contract for research or teaching, in which case the terms of the contract shall stipulate its ending date. Upon the expiration date of the contract, the multi-year contract may be renewed by written agreement of both parties. If it is not renewed, one of the following outcomes occurs: 1) For special appointment faculty who were originally at-will and entered into a multi-year contract, employment as a special appointment faculty member reverts to at-will, 2) For special appointment faculty who were originally hired with a multi-year contract, the appointment may be converted to an at-will appointment upon agreement of both parties. Otherwise, employment is terminated upon expiration date of the contract.
- b. A special appointment multi-year contract carries an ending date as specified in the contract. Otherwise, special appointments need not carry specified ending dates, but an ending date indicating the point in the future when the funding and/or appointment is expected to terminate should be included when known. In that situation, the inclusion of a specified ending date on an appointment form or other such documentation does not create a minimum or fixed duration of appointment.
- c. Faculty members on special appointment are not eligible for tenure (see Section E.10.4)
- d. Faculty members on special appointments shall receive a salary and shall participate in annual reviews and the annual salary exercise in the same manner as faculty with senior teaching, regular full-time, and regular part-time appointments.
- e. The effort distributions of faculty members on special appointments shall be specified in the appointment letter. While the effort distribution in the case of special appointments may include all three (3) areas of teaching, research, and service, often

it is focused in one (1) area, such as teaching or research.

- f. Offer letters for special appointment faculty should be written following the format and content provided on the Provost's website.
- g. Multi-year contracts for research may be offered only for research performed for the University. The unit or department must document that the multi-year contract or extension is necessary for the hiring or retaining of the faculty member.
- h. If a tenured faculty member changes positions to a special appointment involving a multi-year contract, he or she 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 he or she relinquishes tenure and retires.
- i. Special appointment faculty are required to enroll in the retirement program and are eligible to participate in other benefits offered by the University as described in the *Academic Faculty and Administrative Professional benefits and Privileges Handbook* and in Section F and G of the *Manual*. They are not eligible for sabbatical leave.

E.2.1.5 Temporary Faculty Appointments (last revised May 6, 2016)

Temporary faculty appointments may be either full-time or part-time and are distinguished from other types of appointments by the expectation that the appointment is for a specified period of time, at the end of which, it is anticipated that employment at the University may not be renewed or that the member will transition to a different appointment type (see d. below). Part-time is defined as any fraction less than one hundred (100) percent of full-time. Conditions applicable to temporary appointments are:

- a. Temporary appointments are "at will" and are subject to termination by either party at any time (the process set forth in Section D.5.6 regarding the termination of "at will" appointments shall apply to temporary faculty appointments). Temporary appointments need not carry specified ending dates, but an ending date indicating the point in the future when the funding and/or appointment is expected to terminate should be included when known. The inclusion of a specified ending date on an appointment form or other such documentation does not create a minimum or fixed duration of appointment.

- b. Temporary appointees are not eligible for tenure.
- c. Temporary appointees are required to enroll in the retirement program and if half-time or greater are eligible to participate in other benefits offered by the University as described in the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* published annually by Human Resources and in Sections F and G of the *Manual*. Eligibility for sick leave is defined in Section F.3.2. Temporary appointees are eligible for faculty privileges described in Sections G.1 – G.3. Temporary appointees are not eligible for sabbatical leave (see Section F.3.4.1).
- d. The University recognizes that the nature of a temporary appointment is incompatible with recurring consecutive appointments over a long period of time with an assignment of 50% or more. Therefore, after the second consecutive semester for a 9-month assignment at 50% or more time (excluding summer session) or after the first year for a 12-month assignment at 50% or more time, the faculty member's appointment shall be required to convert to a special appointment and cannot be renewed as a temporary appointment.

E.2.1.6 Transitional Appointments (last revised June 21, 2011)

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 his or her appointment. Academic 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 regular full-time or part-time appointments who are currently eligible for retirement under the University's definition of retirement (see "Definition of Retirement" under "Benefits" at www.hrs.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 regular 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 regular 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 appointments 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 his or her PERA annuity amount.
- 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 regular 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.

1. 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 regular appointment, proportionate to the extent of the appointment.

E.2.2 Other Types of Faculty Appointments *(last revised June 4, 2008)*

E.2.2.1 Joint Appointments

Joint appointments are available to individuals holding any of the seven (7) 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.2.2.2 Joint Academic and Administrative Professional Appointments *(last revised May 2007)*

A joint academic and administrative professional 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 academic and administrative professional 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 academic component of a joint academic and administrative professional 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 academic and administrative professional 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 academic and administrative professional appointment is terminated, then the academic component shall be terminated as well.
- e. Holders of joint academic and administrative professional 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 academic and administrative professional appointment if the academic duties are mutually agreed to be minimal; otherwise, appropriate budgetary adjustments should be made.

E.2.2.3 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.2.2.4 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.2.2.5 University Distinguished Professorships

E.2.2.5.1 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.2.2.5.2 Selection of University Distinguished Professors

The criterion for selection is outstanding scholarship.

E.2.2.5.3 Perquisites 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.2.2.6 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.2.2.6.1 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.2.2.6.2 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.2.2.6.3 Perquisites 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 provided to each emeritus/emera faculty member who continues to do scholarly work.

E.3.2 Society of Senior Scholars *(new section added June 21, 2011)*

The Society of Senior Scholars is a CIOSU (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.seniorscholars.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 tenure track and tenured 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 temporary, special, and senior-teaching 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 he or she sees it, within his or her 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 his or her 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 and Advising Responsibility (last revised August 3, 2012)

The teaching and advising 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 and learning and advising. 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. Faculty members are expected to make time available for student conferences and advising. Office hours should be convenient to both students and instructors with the opportunity provided for prearranged appointments. Available conference times should be communicated to students.
- g. Faculty members shall have their teaching and advising periodically evaluated as specified by departmental codes.

E.6 General Policies Relating to Appointment and Employment of Faculty (last revised May 8, 2015)

- 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 regular full-time or regular part-time appointments and who have not acquired tenure, shall be appointed for a period not exceeding one (1) year. All faculty members on special or temporary appointments shall be appointed "at will."
- c. Faculty members on multi-year contracts shall be appointed for periods of one (1)

to five (5) years for research and one (1) to three (3) years for teaching.

1. A multi-year contract does not carry any guarantee or implication 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 and E.2.1.4.
 4. If the contract is not renewed and the individual was originally 'at-will' and entered into a multi-year contract, employment as a senior teaching or special appointment faculty reverts to 'at-will' as specified in Sections E.2.1.3 and E.2.1.4.
- d. If the department head does not propose to reappoint a non-tenured faculty member holding a regular full-time or regular part-time appointment, 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.
- e. A non-tenured faculty member holding a regular full-time, regular part-time or multi-year contract may be disciplined or terminated for cause without following the procedures of Section E.15 for tenured faculty. Such actions may be grieved as described in Section K.
- f. 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 he or she 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 his or her 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, he or she 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, he or she should remember that the public may judge the profession and the institution by his or her 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 he or she 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 member. 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 members. Hence, in the evaluation process, reasonable flexibility should be exercised, balancing, as the case requires, heavier responsibilities in one 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 February 14, 2014)

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 can be adjusted include, but are not limited to, course credits, class size, course level, method of course delivery, type of course (lecture, independent study, internship, supervised student research, thesis/dissertation, clinical, practicum), advising load, off-campus assignments, number of preparations, new preparations, teaching assistants, size and activity of research program or other creative activity, and service.

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 June 10, 1998)*

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 of extramural activities, and (2) a sufficient degree of economic security to make the profession of university teaching attractive to men and women 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 him or her 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 faculty member on a regular academic appointment 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 his or her 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. Regular employment 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 regular 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 his or her 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 his or her appointment to an administrative post, or not to reappoint the individual, he or she is entitled to use of the procedures set forth in Section K.

E.10.4.1 Probationary Period for Tenure (*last revised May 2, 2007*)

The probationary period for a regular 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 regular faculty member at this institution.

E.10.4.1.1 Service Credit (last revised June 4, 2008)

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 temporary, special, or multi-year research appointment as an assistant professor, associate professor, or professor at Colorado State University and is subsequently appointed to a regular 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. However, credit will not be given for service in a position equivalent to an instructor.
- c. If a newly appointed faculty member has been awarded tenure at another academic institution with the rank of associate professor or professor, he or she 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 a tenure recommendation prior to two (2) years of continuous employment at Colorado State University 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 3 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, he or she 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

E.10.5.1 Origin and Processing of Tenure Recommendations (last revised June 21, 2011)

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.

All reviews are to be exercised expeditiously at each level. After each review the reviewing administrator shall make a recommendation in writing and send copies to the faculty member, the tenure committee, and all administrators who have previously reviewed the recommendation.

The tenure committee must have at least three (3) members and shall consist of all eligible department faculty members, or, if so specified in the department code, a duly elected committee thereof. 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.12.a) of more than half-time (0.5) 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 he or she will not participate in discussions of the case at higher administrative levels. A faculty member with a conflict of interest is expected to recuse himself or herself. The eligible department faculty members are all other tenured department faculty members. If a committee of at least three (3) 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 three (3) 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.

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 to the faculty member, the tenure committee, and all administrators who have previously reviewed the recommendation. If such a contrary recommendation is issued, the faculty member, the tenure committee, and all administrators who have previously reviewed the recommendation 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 faculty member, the tenure committee, and the administrators shall be forwarded to each successive administrator along with the recommendation and rationale for the contrary recommendation.

In the event of a committee recommendation to deny tenure, or opposition by an administrative officer below the President to a recommendation to grant tenure, the recommendation of the committee and the reasons for any contrary recommendation shall be made available promptly to the faculty member under consideration. If the faculty member believes that the committee's recommendation to deny tenure violated University policy or state or federal law, he or she shall be given seven (7) working days from the date of notification of the recommendation to submit a written statement detailing this violation. This statement shall be forwarded to each successive administrator along with the recommendation from the tenure committee. If the faculty member believes that

an administrator's opposition to a recommendation to grant tenure violated University policy or state or federal law, and the Provost has endorsed the recommendation of the administrator not to grant tenure, then the faculty member may appeal the decision through the grievance procedure. In any grievance proceeding, the department and/or the tenure committee shall be represented by a member of the tenure committee selected by the prevailing side of the committee. Although a grievance may not be filed until the Provost has made his or her recommendation to the President, the grievance shall be against the administrator whose action is being grieved. However, the effective date of notification of the grievant shall be the date of notification of the Provost's recommendation.

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.

The department head, the college dean, or the Provost may elect to postpone consideration of a faculty member for tenure, without prejudice, if the recommendation from the tenure committee for the granting or denial of 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 his or her 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 multi-year research, special, or temporary appointments to extend the probationary period for tenure is not permitted.

E.10.5.2 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.

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 Granting of Senior Teaching Appointments *(new section added June 21, 2011)*

A current Colorado State University employee becomes eligible for consideration for a senior teaching appointment when all of the following conditions have been met:

- a. The person has been employed at Colorado State University other than as a Graduate Assistant at least half-time (0.5) for at least ten (10) semesters (not including summers), and at least fifty (50) percent of his or her assignment was devoted to teaching and advising for each of those ten (10) semesters.
- b. The person has been employed at Colorado State University other than as a Graduate Assistant at least half-time (0.5) for each of the preceding four (4) semesters (not including summers), and at least fifty (50) percent of his or her assignment was devoted to teaching and advising for each of those four (4) semesters.
- c. Any additional criteria specified in the codes of the department and/or college are satisfied.

If the appointment is approved; it shall become effective the following Fall.

The head of the department shall initiate the process leading to a recommendation for the granting or denial of a senior teaching appointment. The department head should consult with the appointment committee before initiating this process. Because this recommendation is primarily a faculty responsibility, the department head shall ask the appointment committee to vote by ballot for or against the appointment of the faculty member being considered. A recommendation for appointment shall be by a majority vote of the appointment committee. The recommendation shall include a vote summary and a statement of reasons representing the majority and minority points of view. The recommendation shall be forwarded successively to the department head, the dean of the college, and the Provost for review and either endorsement or opposition. The Board has delegated the final decision to the President, and the President has further delegated the final decision to the Provost.

The appointment committee must have at least three (3) members. The department head, college dean, Provost, and President are not eligible to serve on the appointment 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.12.a) of more than half time is not eligible to serve on the appointment committee, unless the department code specifies otherwise. If a faculty member holding an administrative appointment does serve on the appointment committee, it is expected that he or she will not participate in discussions of the case at higher administrative levels. Unless the department code specifies otherwise, the appointment committee shall consist of all tenured faculty members who are not ineligible as specified above. However, the department code may specify a different group of

faculty members from within the department to constitute the membership of the appointment committee, as long as none of them are ineligible as specified above. A faculty member with a conflict of interest is expected to recuse himself or herself.

If a committee of at least three (3) eligible faculty members within the department cannot be constituted, then additional tenured faculty members shall be selected from other departments within the college so as to produce a committee of three (3) members. A department may specify in its code a procedure for narrowing the pool of eligible additional members to tenured faculty members in disciplines similar to that of the candidate. In the absence of such a procedure, the pool shall consist of all tenured faculty members from all departments within the college. The department head shall draw the additional members of the appointment committee by lot from the pool of eligible faculty members. Faculty members from other departments may decline to serve on the appointment committee.

After a recommendation is received from the appointment committee, a contrary recommendation shall be issued at a higher administrative level below the Provost only for compelling reasons that shall be stated in writing to the faculty member, the appointment committee, and all administrators who have previously supported or reversed the recommendation. If such a contrary recommendation is issued, the faculty member, the appointment committee, and all administrators who have previously reviewed the 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 faculty member, the appointment committee, and the administrators shall be forwarded to each successive administrator along with the recommendation and rationale for the contrary recommendation.

In the event of a committee recommendation to deny the appointment or opposition by an administrative officer to a recommendation to grant the appointment, the recommendation of the committee and the reasons for any contrary recommendation shall be made available promptly to the faculty member under consideration. If the faculty member believes that the committee's recommendation to deny the appointment violated University policy or state or federal law, he or she shall be given seven (7) working days from the date of notification of the recommendation to submit a written statement detailing this violation. This statement shall be forwarded to each successive administrator along with the recommendation from the appointment committee. If the faculty member believes that an administrator's opposition to a recommendation to grant the appointment violated University policy or state or federal law, and the Provost has endorsed the recommendation of the administrator not to grant the appointment, then the faculty member may appeal the decision through the grievance procedure. In any grievance proceeding, the department and/or the appointment committee shall be represented by a member of the appointment committee selected by the prevailing side of the committee. Although a grievance may not be filed until the Provost has made his or her final decision, the grievance shall be against the administrator whose action is being grieved. However, the effective date of notification of the grievant shall be the date of notification of the Provost's decision.

When the Provost has ruled on a recommendation relating to the granting of a senior teaching appointment, the faculty member shall be notified promptly in writing of the action taken.

E.12 Performance Expectations for Tenure, Promotion, and Merit Salary Increases (last revised June 21, 2011)

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, and the faculty member's individual effort distribution in teaching and advising, research and other creative activity, and service. Outreach/engagement efforts may be integrated into the faculty member's teaching, research, and/or service responsibilities.

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. All regular faculty members shall provide evidence of teaching and advising competence, sustained research and other creative activity, and service consistent with their stated effort distribution (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.

E.12.1 Teaching and Advising (last revised December 1, 2017)

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

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

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

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

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

Effective advising of students, at both the undergraduate and graduate levels, is a vital part of the teaching/learning process. Advising activities include, but are not limited to, meeting with students to explain graduation requirements; giving academic advice; giving career advice or referring the student to the appropriate person for that advice; and supervision of or assistance with graduate student theses/dissertations/projects. It [advising] is characterized by being available to students, keeping appointments, providing accurate and appropriate advice, and providing knowledgeable guidance. Evaluation of advising effectiveness can be based upon signed evaluations from current and/or former

students, faculty members, and professional peers. The faculty in each academic unit shall develop specific criteria and standards for evaluation and methods for evaluating teaching and advising effectiveness and shall evaluate advising as part of annual and periodic comprehensive reviews. These criteria, standards, and methods shall be incorporated into departmental codes.

E.12.2 Research and Other Creative Activity (last revised August 12, 2009)

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; exhibitions, presentations or performances; copyrighted, patented, or licensed works and inventions; supervision of or assistance with graduate student theses/dissertations and undergraduate research; and the award of funding to support research and other creative activities. Scholarly activities that advance the effectiveness of teaching and education could also be considered research.

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. 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 artistic performance by recognized experts, prizes and other awards for significant professional accomplishment, grants obtained in open competition, 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

Service advances the interests of the institution, the community, and the professions.

E.12.3.1 University Service

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 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.

University service is evaluated through timely and effective participation in such activities related to academic matters. Senior faculty members should undertake greater service roles based upon their experience, but junior faculty members should be encouraged to participate in these activities to contribute new perspectives, develop expertise, and further the mission of the University.

E.12.3.2 Professional Service (last revised August 12, 2009)

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; 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 which contribute to the long-term improvement of teaching, scholarship, and the profession.

E.13 Advancement in Rank (Promotion) (last revised June 21, 2011)

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

Normally, after five (5) years in rank as an associate professor, faculty are eligible to be considered for promotion from associate professor to professor. If the promotion is approved, it shall become effective the following July 1. Advancement from associate professor to professor 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 to professor 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 June 21, 2011)

The head of the department shall initiate the process leading to a recommendation for the

granting or denial of promotion. The department head should consult with the promotion 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 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. The recommendation shall include a vote summary and a statement of reasons representing the majority and minority points of view. 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.

The promotion committee must have at least three members and shall consist of all eligible department members, or, if so specified in the department code, a duly elected committee thereof. 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 the 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 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 he or she will not participate in discussions of the case at higher administrative levels. A faculty member with a conflict of interest is expected to recuse himself or herself. The eligible department faculty members are all other tenured department faculty members of higher rank than the faculty member under consideration. If a committee of at least three (3) tenured faculty members of higher rank within the department cannot be constituted, then additional tenured faculty members of higher rank shall be selected from other departments within the University so as to produce a committee of three (3) 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 from other colleges. In the absence of such a procedure, the pool shall consist of all tenured faculty members of higher rank 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 faculty members. Faculty members from other departments may decline to serve on the promotion committee.

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 to the faculty member, the promotion committee, and all administrators who have previously supported or reversed the recommendation. If such a contrary recommendation is issued, the faculty member, the promotion committee, and all administrators who have previously reviewed the

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 faculty member, the promotion committee, and the administrators shall be forwarded to each successive administrator along with the recommendation and rationale for the contrary recommendation.

In the event of a committee recommendation to deny promotion or opposition by an administrative officer below the President to a recommendation to grant promotion, the recommendation of the committee and the reasons for any contrary recommendation shall be made available promptly to the faculty member under consideration. If the faculty member believes that the committee's recommendation to deny promotion violated University policy or state or federal law, he or she shall be given seven (7) working days from the date of notification of the recommendation to submit a written statement detailing this violation. This statement shall be forwarded to each successive administrator along with the recommendation from the promotion committee. If the faculty member believes that an administrator's opposition to a recommendation to grant promotion violated University policy or state or federal law, and the Provost has endorsed the recommendation of the administrator not to grant promotion, then the faculty member may appeal the decision through the grievance procedure. In any grievance proceeding, the department and/or the promotion committee shall be represented by a member of the promotion committee selected by the prevailing side of the committee. Although a grievance may not be filed until the Provost has made his or her recommendation to the President, the grievance shall be against the administrator whose action is being grieved. However, the effective date of notification of the grievant shall be the date of notification of the Provost's recommendation.

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.13.2 Notification of Presidential Action on Advancement in Rank (last revised June 15, 2005)

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.

E.14 Performance Reviews (last revised August 2, 2013)

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 his or her 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. Furthermore, effort distributions should be established so as to best utilize the individual talents of all 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 he or she shall then have ten (10) working days to prepare a written response to this report if she or he 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 his or her 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 3 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.12.a) 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 he or she 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 June 22, 2006*)

E.14.3.1 Phase I Comprehensive Performance Reviews (*last revised June 22, 2006*)

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, 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 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 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 him or her achieve these goals.

E.14.3.2 Phase II Comprehensive Performance Reviews (last revised June 21, 2011)

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 three 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 three (3) 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 three (3) 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 three (3).

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 his or her 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 August 12, 2009)

The procedures set forth in this section of the Manual govern disciplinary action 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 for a tenured 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 and confidentiality of all participants in such actions to the extent permitted by law. These procedures must not be used in an arbitrary, unreasonable, capricious, or discriminatory manner. Participants shall conduct themselves in accordance with the Code of Ethical Behavior (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 his or her 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.

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 his or her supervisors.

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 his or her 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, retaliation, or misappropriation of funds).

There are three (3) avenues for discipline:

- a. Disciplinary action involving the issuance of a Letter of Reprimand. The Tenured Faculty Member's Academic Supervisor (see Section E.14) may formally sanction the Tenured Faculty Member by placing a Letter of Reprimand (officially labeled as such) in his or her file and providing a copy to the Tenured Faculty Member. This action does not require a Hearing, but it is grievable by the Tenured Faculty Member (see Section K). However, documentation of discussions by the Academic Supervisor with a faculty member regarding perceived problems is not considered a Letter of Reprimand and is not grievable. The Letter of Reprimand shall be reviewed by the appropriate college dean (or by the Provost if the Academic Supervisor is a dean). If the dean or Provost determines that the Letter of Reprimand is not appropriate, he or she shall refer the matter to the appropriate avenue below for action.
- b. Acceptance of disciplinary action by the Tenured Faculty Member. The Tenured 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, he or she shall direct that the matter be referred to a formal Hearing. This document stating the disciplinary action, if rejected, may not be used in the resulting Hearing.
- c. 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 should 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 when it has been sent to the Tenured Faculty Member by certified mail and receipt has been confirmed.

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.

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 a 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 a 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, he or she shall direct that the matter proceed to a formal Hearing. 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 a formal Hearing.

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, then a single Hearing shall be conducted with the participation of both 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 their academic obligations, or they may receive compensation if participation is required beyond their appointment periods, as determined by the Provost.

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

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

E.14.3.2) before they are considered in a formal disciplinary Hearing. The Phase II Review Committee shall determine whether or not a formal Hearing is warranted. The Provost may, for convincing reasons stated in writing, reverse the decision of the Phase II Review Committee. 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 his or her department, taking into account his or her effort distribution (see Section E.9.1) and workload (see Section E.9.2). In this case, a Hearing Committee shall be formed that consists of the tenured faculty members of the Tenured Faculty Member's department, or a committee thereof, as specified by the Department Code. If the Department Code does not specify the makeup of the Hearing Committee, then it shall consist of six (6) tenured faculty members having no administrative duties (see Section K.12.a) 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, additional members shall be drawn by lot by the college dean from a pool consisting of all tenured faculty members of the college having no administrative duties (see Section K.12.a). Neither the Tenured Faculty Member nor his or her Academic Supervisor may be a member 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.

Members of a Hearing Committee who believe themselves sufficiently biased or interested that they cannot render an impartial judgment shall remove themselves from the case on their own initiative. Challenges for cause may be lodged with the UGO by the Tenured Faculty Member, the person(s) who submitted 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 excuse 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.

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 Grievance Panel (see Section K.15). Neither the Tenured Faculty Member nor his or her 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.

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 Hearing Committee shall complete this Preliminary Review within five (5) working days after receiving the Statement and the Response. The Provost may, for convincing reasons stated in writing, reverse this decision by the Hearing Committee.

If the Statement involves allegations of sexual harassment, discrimination, retaliation, or research misconduct, the procedures appropriate to those allegations shall be followed before conducting a Hearing as described in Section E.15.4.3 (see Appendices 1, 4, and 5).

Members of a Hearing Committee who believe themselves sufficiently biased or interested that they cannot render an impartial judgment shall remove themselves from the case on their own initiative. Challenges for cause may be lodged with the UGO by the Tenured Faculty Member, the person(s) who submitted 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 excuse 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.

E.15.4.3 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.
- b. The Tenured Faculty Member shall be notified in writing of the Hearing and the specific allegations within five (5) working days following the formal decision to proceed with the Hearing. The Hearing shall commence no less 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 a recipient or five (5) working days after it is deposited in campus mail for transmission to the

recipient.

- 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 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, he or she 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. A verbatim record of the Hearing shall be taken, and a printed copy shall be made available, without cost, to the Tenured Faculty Member at the Tenured Faculty Member's request. The University shall bear the cost.
- f. The Tenured Faculty Member and Hearing Committee(s) shall be afforded an opportunity to obtain the names of all witnesses to be heard in the proceedings along with the nature of their proposed testimony and documentary or other information. The administration shall cooperate with the Tenured Faculty Member and the Hearing Committee(s) to the extent possible in securing witnesses and making documentary and other information available. The Hearing Committee(s) may grant adjournments of a Hearing as they deem appropriate (e.g., to enable either the Tenured Faculty Member or the Hearing Committee(s) to investigate new information).
- g. The Tenured Faculty Member and the Hearing Committee(s) shall have the right to 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, he or she 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. These deliberations shall remain confidential to the extent permitted by law. If there are two 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 stating that finding. If the Hearing Committee determines that the condition does exist, then it shall issue a report that 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 any members of the Hearing Committee disagree with the Hearing Committee's recommendation, they shall jointly prepare a minority statement explaining their reasons for disagreement with the majority, and this shall be part of the Hearing Committee's report. 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 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, which may include a minority statement, shall be transmitted to the Tenured Faculty Member and his or her Academic Supervisor 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 and the dean shall each review the Hearing Committee's report and recommendation and make his or her own recommendation to the next administrative level. 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 five (5) working days, 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 a demotion, reduction in pay, resignation, or other separation from the University. If the decision of the Provost involves a 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.

An alternate recommendation or final decision that is either more or less severe than the recommendation received 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, 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, 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 combine two separate recommendations, his or her combined recommendation shall be communicated in writing to the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee, and all previous administrators in the administrative chain, and it may be objected to the President in the same manner. 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

All written records of E.15 documents and proceedings, including the Statement and Response; the verbatim record of the Hearing; supporting documents; committee reports and recommendations, including any minority statement(s); 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 the duration of the employment of the Tenured Faculty Member, and these shall be

considered to be part of the Tenured Faculty Member's 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 Financial Exigency

E.16.1 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.16.2 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 a faculty member 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.16.3 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.16.4 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.16.5 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.16.6 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.17 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.17.1 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.17.2 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.

SECTION F. LEAVE POLICIES

F.1 Absences from Campus

F.2 Leave Records

F.3 Types of Leaves

F.3.1 Annual Leave

F.3.1.1 Annual Leave Accrual

F.3.1.2 Accrual Limitations

F.3.1.3 Scheduling and Usage

F.3.1.4 Payment for Accrued Annual Leave Upon Separation from Employment

F.3.1.5 Transfer of Earned Annual Leave with Transfer of Employee Between Departments

F.3.1.6 Leave Policy in Conversion of Faculty Members and Administrative Professionals from Twelve (12) Month to Nine (9) Month Status

F.3.2 Sick Leave

F.3.2.1 Sick Leave Accrual

F.3.2.2 Use of Sick Leave

F.3.2.3 Payment for Accrued Sick Leave Upon Retirement

F.3.2.4 Transfer of Earned Sick Leave with Transfer of Employee Between Departments

F.3.3 Family Medical Leave

F.3.4 Sabbatical Leave

F.3.4.1 Conditions and Procedures for Granting Sabbatical Leave

F.3.4.2 College Criteria for Granting Sabbatical Leaves

F.3.4.3 Sabbatical Leave as a Legitimate Expectation

F.3.4.4 Sabbatical Report

F.3.4.5 Sabbatical Records

F.3.5 Graduate Study Leave

F.3.6 Military Leave

F.3.6.1 Annual Military Leave

F.3.6.2 Extended Active Duty

F.3.6.3 Application for Military Leave

F.3.6.4 Reemployment after Military Service and Eligibility for Reinstatement or Reemployment

F.3.6.5 Accrued Status and Benefits

F.3.7 Administrative Leave

F.3.8 Leave for Civilian Employment

F.3.9 Leave for Government Assignment

F.3.10 Leave for Jury Duty

F.3.11 Leave as Expert Witness

F.3.12 Injury Leave

F.3.13 Leave Without Pay

F.3.14 Special Leave

F.3.15 University Closure

F.3.16 Parental Leave

F.3.17 Catastrophic Circumstances Leave

- F.4 Appeals of Interpretations of Annual and Sick Leave Regulations
- F.5 Leave Policy for Overseas Project Personnel
- F.6 Authorized Absences Due to Death of Relatives

SECTION F. LEAVE POLICIES

F.1 Absences from Campus

A long-standing Board regulation forbids unauthorized absence of employees from the campus. It is the responsibility of the department head to authorize absences of faculty members and administrative professionals for legitimate purposes and to have available at their offices at all times information on the whereabouts of absent employees that they may be reached in event of administrative necessity or family emergency. Each individual is responsible for notifying his or her administrative superior of any absence.

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 him or her to accept 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 regular, special, or senior teaching 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 he or she 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 his or her accrued annual leave and the ability to use this annual leave for a period of one (1) year, provided he or she 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 his or her 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, he or she shall be paid for his or her 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 his or her accrued sick leave and the ability to use this sick leave for a period of one (1) year, provided he or she 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 his or her 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 he or she 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 his or her 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 his or her accrued sick leave for the following purposes:

- a. Illness or medical treatment of his or her spouse, domestic partner, civil union partner, parent, or child (as those terms are defined in Appendix 3) 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:

$(\text{Monthly Salary Rate}/173 \text{ Hours}) \times 8 \text{ Hours} = \text{Daily Salary Rate}$

Daily Salary Rate X [the lesser of fifteen (15) days or 0.25 X unused days of sick leave] = 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 3.

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 regular 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 his or her 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 members on twelve (12) month appointments.
- d. A faculty member may elect to take his or her sabbatical leave in two (2) or more different time periods, instead of all at once, providing that he or she is able to show that this is a more beneficial arrangement for his or her professional development and for the needs of his or her department. The total of such time periods with full pay shall not exceed one-half (0.5) of the term of his or her 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) his or her 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 he or she will return to his or her 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, he or she will refund to the Board in full the salary and such other fringe benefits the University has paid in the individual's behalf during his or her leave as a prior condition of his or her 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 regular 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 his or her 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 Service, Colorado State Forest Service, and personnel holding dual appointments in the Extension Service 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 his or her public office or employment without loss of pay, seniority, status, efficiency rating, vacation, sick leave, or other benefits for all the time when he or she 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 he or she 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

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 he or she entered 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 his or her 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, he or she 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, he or she 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, he or she 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 he or she 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, his or her salary upon his or her 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 his or her 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 he or she may elect to extend his or her 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 member 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 his or her own time and therefore is permitted to retain personally all fees received, whether paid him or her by the court or by the person, firm, or organization as whose witness he or she 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 his or her 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

Full-time faculty members and administrative professionals on a regular or special nine (9) month or twelve (12) month appointments are 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 August 8, 2014)*

A faculty member on a regular, special appointment or senior teaching 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 *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* 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 his or her 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 his or her 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 his or her 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 3 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.hrs.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 3) 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 him or her 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 and 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 he or she 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, he or she shall cease to be an employee of the University at the close of his or her last working day, plus minimum travel time to return to his or her point of origin in the United States by the most expeditious mode of transportation. If the individual is to be employed by the University, he or she will not go back on the payroll until after the leave period for which he or she 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 he or she may carry with him or her a final leave status report as of the day of his or her 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 his or her 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
- G.3 Recreational Facilities
- G.4 Tuition Scholarship Program for Spouses, Domestic Partners, Civil Union Partners and
Dependent Children
- 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 .50 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 his or her 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 his or her 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.

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, his or her 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 his or her 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 Employees” shall mean and refer to all:
 1. faculty members with regular, special, senior teaching 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. THIS SECTION HAS BEEN INTENTIONALLY LEFT BLANK
(DELETED FROM THE MANUAL JUNE 21, 2011)**

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 Letters of Recommendation
- I.5 Academic Integrity Policy and Academic Misconduct Procedures
 - I.5.1 Instructor Responsibilities Regarding the Academic Integrity Policy
 - I.5.2 Student Appeals
 - I.5.3 Transcript Notation for Academic Misconduct
 - I.5.4 Records and Further Action
- I.6 Course Examination Policies
 - I.6.1 Final Examinations
 - I.6.2 Evening or Saturday Examinations
- I.7 Student Appeals of Grading Decisions
- I.8 Student Course Survey
- I.9 Grades of Incomplete
- I.10 Student Appeals of Disciplinary Decisions Made by University Hearing Officers
 - I.10.1 Appeals Process
 - I.10.2 University Discipline Panel
- I.11 Students Called to Active Duty
- I.12 Degrees Awarded Posthumously
- I.13 Attendance at Graduation Ceremonies
- I.14 Classroom Policies
 - I.14.1 Policy on Who May Attend Classes
 - I.14.2 Policy on Classroom Use
 - I.14.3 Policy on Disruptive or Obstructive Classroom Behavior
 - I.14.4 Class Attendance Regulations
 - I.14.5 Policy on Off-Campus Graduate Instruction
- I.15 Responsibilities of Being a Student Group Advisor
- I.16 Field Trips and Other Similar Sanctioned Off-Campus Activities
- 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:

<http://www.csusystem.edu/board-of-governors/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 <http://www.colostate.edu/Depts/Registrar> 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 <http://registrar.colostate.edu/students/records/ferpa.aspx>

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 <http://www.colorado.gov/dpa/doit/archives/open/00openmeet.htm>

I.4 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 his or her right to view the written information. (Full text of the current Colorado Employer's Liability Act is available at the site <http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp.>)

I.5 Academic Integrity Policy and Academic Misconduct Procedures (*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 his or her 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 his or her 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:

HONOR PLEDGE: I have not given, received, or used any unauthorized assistance.

HONOR PLEDGE: I will not give, receive, or use any unauthorized

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 assistants.

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 follow the following procedures when they feel academic misconduct has occurred:

If a course instructor has evidence that a student has engaged in an act of academic misconduct in his or her 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 his or her 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 preponderance of evidence supports the allegation of academic misconduct, the course instructor may then assign an academic penalty. The course instructor may refer the case to the Office of Conflict Resolution and Student Conduct Services 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 the Office of Conflict Resolution and 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/Delete 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 evidence before final course grades are assigned, he or she 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 his or her 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 the Office of Conflict Resolution and Student Conduct Services.

If the course instructor so desires, he or she may request that the Office of Conflict Resolution and Student Conduct Services conduct a Hearing to determine whether additional disciplinary action should be taken by the University, or if the offense warrants the addition of the “AM” (Academic Misconduct) notation to the student’s transcript.

I.5.2 Student Appeals

If a student disputes a decision of a course instructor regarding alleged academic misconduct, he or she may request a Hearing with the Office of Conflict Resolution and Student Conduct Services. The request must be submitted (or postmarked, if mailed) no later than thirty (30) calendar days after the first day of classes of the next regular semester following the date 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.

If a Hearing is conducted by the Office of Conflict Resolution and Student Conduct Services, it shall determine whether or not a preponderance of evidence exists in support of the allegations of academic misconduct and whether additional disciplinary action should be taken by the University.

If the Hearing results in a finding of insufficient evidence to support the allegation of academic misconduct or clears the student of the charge, the course instructor shall determine a grade based on the student's academic performance and without any consideration of the charge of academic misconduct and change any previously assigned grade accordingly. If the Hearing results in a finding of academic misconduct, 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 or removal of the Repeat/Delete option. The Hearing Officer shall make the final determination regarding disciplinary sanctions.

I.5.3 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/Delete option.

I.5.4 Records and Further Action

Information regarding incidents of academic misconduct is kept on file in the Office of Conflict Resolution and 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 May 9, 2014)*

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 him or her 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 his or her 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 and the decision of the appeal committee and the reasons for this decision shall be sent to the student and the course instructor(s) within thirty (30) calendar days of the appointment of the committee and 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 December 1, 2017)

The Student Course Survey is designed to provide feedback to course instructors for course improvement. In addition, it is designed to provide information for students to make informed

choices about courses. If used for teaching mentoring or as part of the evaluation of teaching, the student course surveys must be used **ONLY** in conjunction with other sources of evidence (see Section E.12.1). Thus, these surveys may not be used, in whole or in part, as the primary source of evidence for an instructor's teaching effectiveness and must be treated as one element of limited weight alongside a range of evaluative tools (as mentioned in E.12.1). The use of course feedback as a stand-alone tool is not a credible means of evaluating the quality of teaching.

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

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

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 he or she 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, he or she 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 his or her grade records and provide copies to the student and the department head or his or her 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 Student Appeals of Disciplinary Decisions Made by University Hearing Officers *(new section added June 22, 2006)*

1.10.1 Appeals Process (new section added June 22, 2006)

Students are required to adhere to the policies in the Student Conduct Code. If a student is accused of violating this Code, a University Hearing Officer may either conduct a Hearing and render a disciplinary decision or refer the matter to another appropriate body. If a Hearing is conducted, then either the Accused Student(s) or the Complainant(s) may submit a written request for an appeal of the disciplinary decision if one (1) or more of the following six (6) grounds exist:

- a. The Hearing was not conducted fairly in light of the charges and information presented, and/or it was not conducted in conformity with the prescribed procedures. In particular, both the accused and the accusing parties must have been given the opportunity to prepare and present relevant information to be considered in the determination of the outcome. Minor deviations from designated procedures will not be a basis for granting an appeal, unless it is believed that significant prejudice resulted.
- b. The disciplinary decision was not based on substantial information. In order for disciplinary action to be taken, information must have been presented in the case that, if believed by the University Hearing Officer, was sufficient to establish that a violation of the Student Conduct Code had occurred.
- c. The sanction(s) imposed were not appropriate for the violation(s) of the Student Conduct Code that the student(s) were found to have committed.
- d. The sanction(s) imposed included separation from the University (e.g., disciplinary suspension or expulsion).
- e. New information that is sufficient to alter the disciplinary decision has become available that was not considered in the original Hearing because it was not known to the appellant(s) at the time of the Hearing.
- f. An Accused Student believes that the terms of a disciplinary suspension have been completed satisfactorily, but the University Hearing Officer does not agree, and the Accused Student requests eligibility for readmission to the University and/or removal of the notation of disciplinary suspension from his or her transcript.

The written request for an appeal must be delivered to the Office of Conflict Resolution and Student Conduct Services within seven (7) business days of the date the appellant is notified of the decision rendered by the University Hearing Officer. If no request for an

appeal is submitted within this time frame, the decision of the University Hearing Officer will become final and conclusive.

The written request for an appeal must be specific and clearly state the grounds for the appeal. The Chair of the University Discipline Panel shall review the written request for an appeal to determine if sufficient grounds exist for the appeal. This review may include, but is not limited to, a review of the record of the Hearing, meeting with the parties involved, and/or meeting with the University Hearing Officer. After conducting the review, the Chair of the University Discipline Panel shall take one (1) of the following four (4) actions:

- a. Deny the appeal.
- b. Return the case to the University Hearing Officer for further consideration.
- c. Convene an Appeal Committee to review the record of the original case.
- d. Grant a hearing with an Appeal Committee to consider new information.

If an appeal is granted, it will be limited to a review of the record of the original Hearing and supporting documents, except as necessary to hear and consider new information. The Appeal Committee shall take one (1) of the following four (4) actions:

- a. Affirm the disciplinary decision of the University Hearing Officer.
- b. Reverse a decision that a preponderance of evidence exists in support of the charges and exonerate the Accused Student(s).
- c. Reverse a decision that a preponderance of evidence in support of the charges does not exist and return the case to the University Hearing Officer or the Director of Conflict Resolution and Student Conduct Services for the imposition of appropriate sanctions.
- d. Return the case to the University Hearing Officer or the Director of Conflict Resolution and Student Conduct Services for further consideration with a recommendation that the penalty be either increased or decreased or that additional issues should be taken into consideration.

While the decision of the Appeal Committee is pending, or while the case is being reconsidered by either the University Hearing Officer or the Director of Conflict Resolution and Student Conduct Services, the Accused Student(s) must comply with all conditions of the disciplinary decision related to University owned or operated housing,

no-contact orders, restrictions regarding the use of particular facilities, interim suspensions, and any other conditions deemed necessary for the safety and/or orderly functioning of the campus as determined by the Director of Conflict Resolution and Student Conduct Services.

The Appeal Committee shall communicate its decision in writing in a timely manner to all parties involved, and its decision shall be final and binding upon all involved.

I.10.2 University Discipline Panel (new section added June 22, 2006)

The members of the University Discipline Panel shall constitute a pool from which Appeal Committees shall be selected. The University Discipline Panel shall consist of the Chair, ten (10) regular full-time faculty members, and ten (10) full-time students. The Chair shall be a regular full-time faculty member who is selected jointly by the Provost and the Vice President for Student Affairs and approved by Faculty Council. The Chair shall serve a three (3) year term beginning July 1 following his or her approval by Faculty Council. There is no limit on the number of terms that the Chair may serve. When questions of law arise, the Chair may consult with the Office of the General Counsel.

The ten (10) faculty members shall be nominated by the Faculty Council Committee on Faculty Governance, which shall solicit names in February of each year. The members shall be elected by Faculty Council, with elections conducted in April. Faculty members 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. All full-time regular faculty members above the rank of instructor are eligible for membership on the University Discipline Panel, unless they have administrative appointments of more than half-time (0.5). A faculty member who has served two (2) consecutive terms shall be ineligible for reelection for a period of two (2) years. Vacancies shall be filled in the same manner as the initial selection of the resigning member.

The ten (10) student members shall be nominated by the President of the Associated Students of Colorado State University (hereinafter referred to as "ASCSU") and approved by ASCSU in May of each year for the following academic year. Student members serve a one (1) year academic term. Any vacancies shall be filled as quickly as possible using the same process of nomination by the President of ASCSU and approval by ASCSU. The ASCSU officers or their designees may serve temporarily on the University Discipline Panel as needed during breaks if the elected student members are not available. All full-time, fee-paying students in good standing with the University are eligible for membership on the University Discipline Panel.

When an appeal is granted, the Accused Student(s) and the Complainant(s) shall be provided with a list of the members of the University Discipline Panel. Any of these

parties or the University Hearing Officer may request that the Chair of the University Discipline Panel exclude one (1) or more members of the Panel from service on the Appeal Committee for cause. Members of the Panel with conflicts of interest shall recuse themselves from service on the Appeal Committee.

The Chair of the University Discipline Panel shall either chair the Appeal Committee or select a chair from among the remaining faculty members of the University Discipline Panel. The Chair of the University Discipline Panel shall also select two (2) additional faculty members and two (2) student members from among the remaining members, following a rotation schedule.

I.11 Students Called to Active Duty (last revised February 3, 2017)

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, and the Adult Learner and Veterans Services (ALVS) shall execute it.

Any student called to active military duty should visit ALVS for consultation. The ALVS advisors will counsel with the student or his or her designate and the student's instructors to select the option (either withdrawal from the University, cancellation of courses, or taking of an incomplete) that is most appropriate to that student's situation. (Note: The ALVS cannot disclose personally identifiable educational information with a third party, even a spouse or other designee, without a signed Family Educational Rights and Privacy Act (FERPA) Release Form. The FERPA Release Form authorizes ALVS to disclose the student's educational information to his or her designee. (See Section I.2.) Additional details are provided in the General Catalog section on University Withdrawal for Call to Active Duty (<http://catalog.colostate.edu/general-catalog/academic-standards/registration/#university-withdrawal>).

If the student chooses to withdraw from the University as a result of an undetermined amount of time required away from his or her studies during military service, the tuition paid for the semester will be refunded. If the student opts for an incomplete for the course, tuition will not be refunded. The grade of incomplete shall remain on the student's record for a period not to exceed one (1) year following the end of the semester in which the student re-enrolls at Colorado State University. By this date, the grade will be changed by the instructor or department head of record or it will convert to a grade of F. It will be the responsibility of ALVS personnel to track these students and to keep the Office of the Registrar notified of the status of these students, since the time period for which the grade of Incomplete may remain on the record may vary from the normal University time limits for resolution of grades of Incomplete.

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 his or her 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 (see Section H.13).

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 himself or herself and then ask the person to leave. If the person refuses to leave, the faculty member should tell the person that he or she 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 similar activity, or makes threats thereof, the faculty member should warn the person that such 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 his or her 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/cocurricular 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 he or she holds academic appointment. Under special or exceptional circumstances, a faculty member (assistant professor or higher) 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 he or she or his or her 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 his duties and within the scope of his 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 himself 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*.

SECTION J. RIGHTS AND RESPONSIBILITIES RELATED TO CREATIVE WORKS

- J.1 General Policy
- J.2 Definitions
- J.3 Ownership and Rights
 - J.3.1 Works Supported by the University
 - J.3.2 Works Financed by the Member
- J.4 Notification of Works
- J.5 Classification and Disposition of Works Supported by University Resources
- J.6 Administration of Marketable Works
- J.7 Special Circumstances
 - J.7.1 Works Created by Members While Consulting
 - J.7.2 Works Involving More Than One Member
 - J.7.3 Works Financed Wholly or in Part by Outside Agencies
 - J.7.4 Works Created or Marketed Under Special Conditions
- J.8 Distribution of Proceeds
 - J.8.1 Marketing of Works
 - J.8.2 Royalty Distributions
- J.9 Works Published by the University
- J.10 Member's Right of Review
- J.11 Member's Right of Appeal
- J.12 Academic Materials
 - J.12.1 Ownership and Licensing of Academic Materials Not Specifically Commissioned by the University or Developed Using University Resources
 - J.12.2 Ownership and Licensing of Academic Materials Commissioned by the University
 - J.12.3 Right to Revise or Limit Period of Use of Works Expressly Commissioned or Supported by University Resources

SECTION J. RIGHTS AND RESPONSIBILITIES RELATED TO CREATIVE WORKS *(last revised June 14, 2000)*

J.1 General Policy

Inventions, Academic Materials, Publications, and other creations, hereafter referred to as Works, are the natural outgrowth of activity in teaching, research, and service. University faculty members, administrative professionals, state classified staff, student employees, and anyone affiliated in a professional capacity with the University and using University Resources, who are inventors and creators (hereafter referred to collectively as “Members”), shall provide notification of their creation of Works to the appropriate administrator(s) and indicate their association with the University in all professional Publications.

In the interest of encouraging the development of new and useful scholarly material and the publication of such works, the University will continue the tradition of not claiming ownership or a share of the proceeds from scholarly works such as Academic Materials, textbooks or their equivalent not supported through the use of University Resources as defined below or expressly commissioned by the University or popular or scholarly nonfiction, novels, poems, sculpture, musical compositions, or other artistic works. A faculty member's general responsibility to produce scholarly and creative works does not constitute an express commission of Works. Subject to the use of such courses for continuing or distance education purposes, (see Section J.12.3) members are sole copyright holders in their own lectures and any publication, recording, or broadcasting of lectures must be authorized by the Members concerned.

J.2 Definitions

Academic Materials

Materials used for pedagogical 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; 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. Academic Materials may be copyrighted, patented, and/or trademarked.

Contributing Unit

An organizational entity, other than the Member's home department, that provides University Resources directly in the creation or production of Works.

Department

The home department, either an academic department or other University entity, of the Member's appointment or contract.

Information Support Technologies

Includes technologies or processes used to support the electronic capture, storage, retrieval, transformation, and presentation of digital data and information or to interface between digital forms and other communications and information media, but excludes the content presented and stored in word processors, databases, or other capture, storage, retrieval, transformation, or presentation programs.

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 copyrighted, patented, and/or trademarked.

Inventors and Creators

Members responsible for the conception, ideas, and content of Inventions and other Works. Support staff such as research assistants, photographers, artists, producers, computer programmers, printers, and others contribute to the Works but are not considered Inventors or Creators unless they substantially influence the original and novel aspects of the Works.

Other Creations

Creative and artistic endeavors and performances and all other Works.

Publications

Textbooks, bulletins, circulars, pamphlets, reports, information releases, exhibits, demonstrations, and other scholarly or popular writings regardless of medium.

Publications may be copyrighted and may include any of the items described above in Academic Materials.

University Resources

Funds, supplies, equipment, physical facilities, support personnel, and/or other services or property of the University, including Information Support Technologies. In consideration of the benefit that accrues to the University from individual scholarly activity, the University has concluded that University Resources shall not include the Member's time, use of the library, or use of personal office including any office computer or data processor located therein.

Works For Hire

Expressly-commissioned Works for instructional, public service, or administrative use, by the University are deemed to be “works for hire” and property of the University. (See also Section J.12.2.)

J.3 Ownership and Rights

Ownership and rights to Works having potential monetary or commercial value depend on the origin, type, and amount of resources used in the creation of Works. The Vice President for Research (hereinafter referred to as “VPR”) is responsible for making ownership and licensing decisions for works pursuant to Section J. Decisions by the VPR concerning software will consider whether such software is Academic Material. When software is Academic Material, and not developed using University Resources, the Member retains ownership (see also Sections J.3.1, J.7, and J.12.2). The following provisions shall govern the ownership of Works.

J.3.1 Works Supported by the University

With the exception of Academic Materials not supported through the use of University Resources, Works developed using University Resources or reduced to practice¹ in the course of a Member's University responsibilities and those expressly commissioned by the University shall be the property of the University and the Members who created them. Members shall execute written assignments and such other documents as may be necessary to transfer to the University or its designee their rights, title, and interest in such Works that are determined by the VPR to have potential monetary or commercial value, unless otherwise specified in written agreements under Section J.7.4. Associated with such transfer, the Member retains the following non-reassignable rights to use Academic Materials

1

Black's Law Dictionary generally defines “reduced to practice” as “accomplished when an inventor's conception is embodied in such form as to render it capable of practical and successful use.”

other than those which are or may be patented (“Non-patentable Academic Materials”) without obtaining permission from the University, unless waived in writing:

- a. The right to use or reproduce such Non-patentable Academic Materials in other scholarly endeavors;
- b. The right to update or revise the content of such Non-patentable Academic Materials except that the University shall not be obligated to provide further resources unless the revisions are requested by the University or agreed to jointly by the University and the Member;
- c. The right to be identified as the creator of such Non-patentable Academic Materials if desired;
- d. The right to make derivations of such Non-patentable Academic Materials; and
- e. The right to use such Non-patentable Academic Materials in other scholarly endeavors with a new employer.

Notwithstanding the foregoing, if any such Non-patentable Academic Materials are the subject of an exclusive license to a third party, the Member shall be deemed to have waived the foregoing rights in consideration of the potential for royalty distribution as set forth in Section J without execution of a written waiver.

J.3.2 Works Financed by the Member

Works created by Members without University Resources are the property of the Members, and the University will not administer, finance, or provide other support as to these Works. Members have the use of their offices, including any office computer or data processor located therein, and the Library without charge; all other University Resources may be used only with the prior written permission of the department head and dean or director and/or the payment of the appropriate fees to cover the associated costs. The University requires Members not to engage in outside activities or use University Resources that interfere with the Member's University duties and/or University operations.

J.4 Notification of Works *(last revised February 6, 2001)*

Members must provide notification of the creation of Works to their appropriate administrator(s) and indicate their association with the University in all professional Publications. The VPR, in making ownership decisions, shall determine whether works have been created with or without University Resources (see Section J.3.2). In this determination, the VPR shall consider three factors:

- a. The extent to which the Member was the initial creator of the Work;
- b. The extent to which the University controlled the content or authority over the Work; and
- c. Whether the University provided support for the Work other than the library, the Member's office and any personal computer or data processor located therein.

When the Member declares in such notification that a disclosed Work is not the property of the University, the VPR will announce a decision as to the University's position on ownership within sixty (60) calendar days from receipt of notification of Works by Members. Works having potential monetary or commercial value and created using University Resources must be reported in writing through the Member's department head and dean or director to the VPR. Notification must be timely to protect the rights of the Member(s) and the University in compliance with this policy and the strict requirements of the United States and foreign patent, trademark, and copyright laws.

J.5 Classification and Disposition of Works Supported by University Resources

The VPR, on the advice of counsel if desired, shall classify any works created with University Resources into one or more of the following categories and report such action to the Member, the Member's department, and/or any contributing unit.

- a. The Work is subject to terms of a sponsor's contract and handled accordingly (see Section J.7.3).
- b. The Work is subject to terms of a special agreement and handled accordingly (see Sections J.7.1 through J.7.4 and J.12.2).
- c. The Work is in the public domain and/or serves the public interest and is to be released to the general public.
- d. The Work is the property of the University and is to be protected by patent, copyright, or trademark.

- e. The Work is the property of the University and is to be managed and/or marketed as an item of commercial value through an internal or external agent.
- f. The University has no interest in managing and/or marketing the Works and waives the right to receive an assignment of the Member's interest. However, notwithstanding such waivers, the University retains the right to use said Works in teaching and research. If the University or its marketing agent (see Section J.6) does not file for appropriate intellectual property protection or make continued efforts at marketing or fails to make such effort within six (6) months of notification of Works, the University's rights to a Work, excepting the use described above, shall be released to the Member. This time line can be extended by mutual agreement of the Inventor/Creator and the University.
- g. The Work has not sufficiently developed beyond the concept phase to allow the University to make a determination of its interests in which case the original position between the Member and the University is resumed with regard to this policy.

J.6 Administration of Marketable Works *(last revised February 2003)*

The VPR is responsible for the administration of Works having potential monetary or commercial value created with University Resources and for the selection of internal or external marketing agents that meet the best interests of the Inventors or Creators and University. The primary marketing agent for the University is the Colorado State University Research Foundation (hereinafter referred to as "CSURF"). For Academic Materials, CSURF works with the Division of Continuing Education (hereinafter referred to as "DCE") as well as the VPR. However, the VPR has the discretion to select an alternative marketing agent whenever he or she determines that it would be in the best interests of the Member(s) or the University. All arrangements with internal or external agents must be covered by written agreements approved by the VPR and the agent. Generally, it will be necessary for the University to assign its ownership interests in Works to such agents to facilitate the marketing and development of such Works.

J.7 Special Circumstances

The following provisions shall govern the designation of rights and administration and handling of Works under specified circumstances.

J.7.1 Works Created by Members While Consulting

Rights to Works resulting when a Member acts as a consultant with

non-University entities must be specified in the agreement under which the Member acts (see Section D.7.6, Consulting Policy). Members must be cognizant that Works may represent the culmination of endeavor in a specialized field, often conducted with University Resources. Therefore, prior to providing rights to sponsors or entering into agreements that contemplate such assignments of rights, Members must contact their appropriate administrator(s) and the VPR for advice and counsel to protect their own and the University's interests (see Section D.7.7, Conflict of Interest). Consulting by Members shall not give rights to University-owned Works to non-University entities without a written agreement among the University, its marketing agents, and the non-University entity.

J.7.2 Works Involving More Than One Member

When Works result from the joint efforts of Members, a written agreement among the parties must specify ownership, allocations, and other rights. The VPR is responsible for determining the provision of rights when disagreements occur among parties (see Section J.11, Member's Right of Appeal).

J.7.3 Works Financed Wholly or in Part by Outside Agencies

Rights to Works 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 VPR will exercise every effort to assure that contracts and agreements secure commercial value and patent, trademark, or copyright rights favorable to the Members and the University.

J.7.4 Works Created or Marketed Under Special Conditions

Works created or marketed under special conditions affecting ownership and/or rights must be covered by written agreements. A written agreement requires the approval of the Member(s), his or her department head(s), dean(s) and/or director(s), any contributing unit(s), and the VPR.

J.8 Distribution of Proceeds

J.8.1 Marketing of Works

Royalties, whether derived from options, fees or similar payments, resulting from licensing of Works to non-University entities, will be distributed as provided in such agreements prepared pursuant to Sections J.5 and J.7.1 through J.7.4.

The primary marketing agent for Colorado State University is CSURF (see

Section J.6), which shall work with the DCE as well as the VPR in marketing of Academic Materials. The CSURF shall be responsible for collecting and distributing royalty income from licensed University Works which it administers. For any royalties derived by CSURF from such licenses, CSURF will be reimbursed for its direct costs attributable to marketing, patenting, and licensing incurred in connection with each license agreement ("direct costs"). The DCE also will be reimbursed for its direct costs attributable to equipment and materials used in the production of Academic Materials. After reimbursement of those direct costs, CSURF shall retain twenty (20) percent of net royalties for marketing Academic Materials. The remaining eighty (80) percent net royalties will be distributed as follows:

- 35 percent inventor(s)/Creator(s)
- 10 percent inventor(s)/Creator(s) Department/College
- 20 percent DCE
- 15 percent Provost

The CSURF shall retain forty (40) percent of the net royalties for all other Works. The remaining sixty (60) percent net royalties will be distributed as follows:

- 35 percent Inventor(s)/Creator(s)
- 10 percent Inventor(s)/Creator's (s') Department/College
- 15 percent VPR

The department/college, DCE, Provost, and VPR share in these royalties which shall be used to promote and support research, scholarship, and instructional activities.

J.8.2 Royalty Distributions

Any proceeds accruing to Members in Section J.8.1 constitute royalties, not salaries, and will be paid as royalties to Members through 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 the 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 disposition, as provided by law.

J.9 Works Published by the University

Members who author or are responsible for official University Publications, not including scholarly works, must clear the material through their respective department heads,

deans, and/or directors.

J.10 Member's Right of Review

Any Member who deems that continued use or marketing of Non-patentable Academic Materials is detrimental to the University or the Member's personal or professional reputation may call for a review by the department and/or college using procedures described in department and/or college codes. If department or college codes contain no applicable procedures or if disagreements are not resolved at that level, they shall be referred to the Provost for decision (see Section J.11). Notwithstanding the foregoing, if any such Non-patentable Academic Materials are the subject of an exclusive license to a third party, the Member shall be deemed to have waived the foregoing right of review in consideration of the potential for royalty distributions as set forth herein.

J.11 Member's Right of Appeal

Decisions on Works by the VPR may be appealed to the Provost who may overrule the VPR's decision. Any Member who feels aggrieved by decisions of the Provost has access to the University's mediation and grievance processes (see Section K).

J.12 Academic Materials

Members are sole copyright holders of the content of their own lectures (Section J.1), whether prepared for traditional classroom delivery or by any other means. Members may use their class materials, including lecture notes, in the preparation of textbooks or other Works. Members are encouraged to use appropriate instructional techniques and technologies that will best serve the educational objectives of students. Recordings, videotapes, or other technologies prepared in the ordinary course of teaching to meet the reasonable needs of currently enrolled students, including distance or disabled students, and not involving University Resources, shall belong to the Member. When Academic Materials are created with University Resources, the interests in those Academic Materials are shared by the Member and the University and are covered in Section J.3.1.

The Member is not authorized to utilize recordings, videotapes, or other technologies prepared using University Resources for purposes of personal economic gain, commercial advertising, or other unacceptable uses described in University policy. A University web site may not be used for economic gain, commercial advertising, or other unacceptable uses as described in University policy. Members are responsible for obtaining all permissions necessary to avoid copyright infringement or invasions of privacy, whether specifically commissioned or not.

J.12.1 Ownership and Licensing of Academic Materials not Specifically Commissioned by the University or Developed Using University Resources

Academic Materials created by Members on their own initiative in the ordinary course of teaching to meet the reasonable needs of currently enrolled students, including distance or disabled students, and not involving University Resources, belong to the Member. The Member has sole control over the content and use of the Academic Materials, is authorized to place supplemental classroom materials on a University Web site, may set access permissions to that site, and may assert exclusive copyright in their works. The University shall not exploit the Academic Materials nor authorize other employees to use the Academic Materials or derivatives of those Academic Materials in their classes without permission of the Member.

The ownership of student works created in the course of academic requirements shall be with the student and the University may retain the work as needed for its instructional or record-keeping purposes. The University and the Members may not use the work in any other manner without the written consent of the student.

Ownership of Works created in the course of sponsored research or other agreements are subject to the provisions described in Section J.7.

J.12.2 Ownership and Licensing of Academic Materials Commissioned by the University

The University shall have an exclusive license to use and market Academic Materials provided they are expressly commissioned as agreed to in writing by the University and the Member. A Member's general responsibility to teach specific courses of instruction shall not constitute an express commission of course materials, and this general responsibility is not bound by the "Works for Hire" provision of Section 101 of the Copyright Law of 1976. (See also Section J.1.)

J.12.2.1 Use of Commissioned Academic Materials in University Outreach Programs

Commissioned correspondence courses, videos, computer programs, on-line courses, instructional CD ROMS, and other forms of technology-assisted or mediated instruction produced by a Member for registered distance students shall be delivered through the DCE. The University shall provide resources, including technical support personnel and quality production facilities, necessary for the development of education outreach course.

Courses offered for academic credit through the Colorado State University DCE must be approved for that purpose by the Faculty Council. The Member, with the concurrence of his or her department head and the DCE, may set the maximum enrollment allowed for each outreach course in

which they may participate, taking into consideration the extra efforts that may be associated with some types of outreach courses, the financial viability of the course, and any necessary minimum enrollment.

In the interests of encouraging the development of Academic Materials, the University may commission such development. A written agreement must be negotiated between the University and the Member which includes specifics as to remuneration, changes in effort distribution, time limits for use of Academic Materials, marketing and distribution rights, revisions, licensing, etc. (see following sections). In return for remuneration and/or other considerations, the Member shall assign to the University an exclusive license to use the Academic Material for a period negotiated between the University and the Member, with the Member retaining those rights specified in Section J.3.1.a-e. The termination date shall be specified in writing and shall be based upon a joint determination of the Member and the DCE ("the parties") on the likely viability of the Academic Materials for future instruction. The parties may agree at a future date to extend the termination date based upon the continuing viability of the Academic Materials or the availability of revisions and updates.

No derivative of Academic Materials shall be prepared or licensed without the written approval of the Member (see also Section J.12.3) nor shall any other Member have the right to use the Academic Materials without such written approval. The Member who created the Academic Material retains the right to correct errors and provide updated information.

The Member may use and enter into agreements concerning personally-prepared derivative works of University-commissioned Academic Materials when they are no longer in the employ of the University, so long as those derivatives, excluding textbooks and scholarly/artistic works, do not significantly conflict with the economic rights of the University. Notwithstanding any use of University Resources, express commission of works, or licensing agreements, the Member retains ownership of textbooks, artistic works and manuscripts prepared for publication in scholarly works, and any revenue derived from these works shall belong to the Member.

J.12.2.2 Licensing of Academic Materials to Third Parties

Pursuant to the commission, the University, through the DCE and CSURF, may license or lease to third parties the marketing and distribution rights

to the Academic Materials. The details of agreements with third parties shall be available for public inspection and shall incorporate provisions of Sections J.3.1.a-e and J.12.3 that are designed to protect the professional standing and reputation of the Member. Expenses and proceeds from such licensing shall be dealt with in accordance with the provisions in Section J.8.1.

J.12.3 Right to Revise or Limit Period of Use of Works Expressly Commissioned or Supported by University Resources

The Member retains those rights specified in Section J.3.1, notwithstanding any assignment of rights to Academic Materials by the Member to the University, unless waived in writing by the Member. Conditions for revision of University commissioned Academic Materials (if different from the following paragraph in this section) shall be contained in the written agreement between the University and the Member. However, revisions initiated by the Member, without using University Resources, may be made at any time, subject to approval by the Member's department head and the DCE.

If the Academic Material has been used without revision for a period of two (2) years, the University shall request the Member to review the Academic Materials for possible revision or for termination of use. As long as the Member is in the employ of the University, that Member shall have the first right to revise or supervise revisions of Academic Materials as described in Section J.3.1.b. If either the University or the Member finds that the Academic Material has become outdated, inadequate to the educational needs, or contains errors and the Member does not wish to prepare revisions, or if the Member cannot produce the revisions in an agreed upon period of time, the University may assign another Member to prepare these revisions. If the cost of revision is found excessive by the University, the University may decline to make the revisions (see Section J.3.1.b). If the Member has left the employ of the University, the University in its sole discretion may contract with the former Member to prepare appropriate revisions, retain the former Member as a consultant for revisions, or assign the task of revision to a Member with appropriate expertise. The University shall renegotiate appropriate payments for the continued use of any revised Academic Materials when such revisions were not prepared by the Member or former Member.

SECTION K. RESOLUTION OF DISPUTES

- K.1 General Information
- K.2 Expectations for Members of the University Community
- K.3 Grievable Actions
- K.4 The Right to Grieve
 - K.4.1 Persons Entitled to Grieve
 - K.4.2 Due Process
- K.5 Initiation of the Section K Process
- K.6 Documentation
- K.7 Right to Clerical Assistance
- K.8 Mediation Process
- K.9 Initiating the Grievance Process
- K.10 Grievance Procedure
 - K.10.1 Hearing Committee
 - K.10.2 Conduct of Grievance Hearings
 - K.10.3 Order of Proceedings for Grievance Hearings
 - K.10.4 Rules Regarding Witness Testimony and Submitted Material
 - K.10.5 Recommendation of the Hearing Committee
 - K.10.6 Appeals and Administrative Reviews
 - K.10.6.1 Appeal of the Recommendation From the Hearing Committee
 - K.10.6.2 Review by the Provost
 - K.10.6.3 Appeals of the Recommendation From the Provost
 - K.10.6.4 Review by the President
 - K.10.6.5 Review by the Board
- K.11 Grievance Panel and Hearing Committees
 - K.11.1 Grievance Panel
 - K.11.1.1 Duties
 - K.11.1.2 Chair
 - K.11.2 Administrative Duties
 - K.11.3 Election of Grievance Panel Members
 - K.11.4 Formation of Hearing Committees
- K.12 University Grievance Officer
 - K.12.1 Selection, Qualifications, and Term of the University Grievance Officer
 - K.12.2 Oversight of the University Grievance Officer
 - K.12.3 Service of the University Grievance Officer
 - K.12.4 Duties of the University Grievance Officer
 - K.12.5 Legal Advice
 - K.12.6 Temporary Special University Grievance Officer
- K.13 University Mediators
 - K.13.1 Qualifications of University Mediators
 - K.13.1.1 Qualifications of University Mediators for Faculty
 - K.13.1.2 Qualifications of University Mediators for Administrative Professionals
 - K.13.2 Selection, Terms, and Evaluation of University Mediators for Faculty
 - K.13.3 Selection, Terms, and Evaluation of University Mediators for Administrative Professionals

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

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

K.1 General Information

Colorado State is committed to the timely and fair resolution of disputes. This section describes procedures for a faculty member or administrative professional to challenge a decision, recommendation or action by a supervisor that has or will have an adverse academic and/or professional impact on the faculty member or administrative professional and that is unfair, unreasonable, arbitrary, capricious, or discriminatory. If a decision, recommendation or action by a supervisor is retaliatory, it may serve as the basis for a grievance if it has or will have an adverse academic and/or professional impact on the faculty or administrative professional and is unfair, unreasonable, arbitrary, capricious, or discriminatory. The University Grievance Program generally provides three avenues for resolution of such claims: a) informal conciliation, b) mediation, and c) a formal grievance hearing process.

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

K.1.1 Participants in the Grievance Process and Definition of Terms

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

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

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 responsible for review and approving recommendations from a Hearing Committee, namely the Provost and President. These senior officials are also responsible for supporting, respecting, enforcing the process and providing required financial resources.

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

University Grievance Officer (UGO) – The university official responsible for administering the grievance process advising Grievants and Supervisors, and coordinating

involvement by others.

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

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

K.2 Expectations for Members of the University Community

- a. Cooperation and participation by the members of the University community in the resolution of a complaint under these procedures is necessary.
- b. All witnesses shall be truthful in their testimony. Failure to comply with this expectation may result in the imposition of University sanctions.
- c. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant in the Section K process. Failure to comply with this expectation may result in the imposition of University sanctions.

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

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

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

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

K.3.1 A Grievable Action does not include:

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

- b. Actions specified in the *Academic Faculty and Administrative Professional Manual* as “final” and thus not subject to redress through the grievance process. Any action deemed “final” constitutes exhaustion of internal grievance procedures.
- c. An act by any person who is not the Grievant’s Supervisor or responsible administrator.
- d. Terms agreed to by the Grievant under a Section K mediation agreement.
- e. Acts in response to possible violations of law or endangerment of public safety
- f. A subsequent complaint for the same action by the same supervisor once a Grievance regarding the original complaint has concluded.
- g. Termination of “at-will” employees. For information about the university’s policy regarding at-will employees and the recommended steps and considerations for termination of at-will employees, employees should refer to the university policy for Administrative Professionals and Non-tenured Academic Faculty (“At Will” Employment) found in the CSU Policy Library (see also 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

K.3.2.1 (“Class A”) In a Grievance that involves a complaint about the following specific actions, the burden of proof falls upon the Supervisor:

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

K.3.2.2 (“Class B”) In a Grievance that involves complaints about a term or condition of employment other than those specific cases that are identified above in K.3.2.1, the burden of proof falls upon the Grievant. Examples of such Grievances include:

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

- or
- e. denial of sabbatical leave.

K.3.3 Determination of the Validity of a Grievance

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

- b. If the Grievant disagrees with the UGO's determination, he or she may appeal this decision. Such an appeal must be made in writing to the Chair of the Grievance Panel (see Section K.11.1) within ten (10) working days of receiving written notification via email of the determination by the UGO. If such an appeal is submitted, the Chair of the Grievance Panel shall form an Appeal Committee consisting of three (3) members from the Grievance Panel, including the Chair of the Grievance Panel, for the purpose of reviewing whether the UGO's determination should be reversed or affirmed. The Chair of the Grievance Panel shall chair the Appeal Committee and recruit members following the same procedure as for the formation of a Hearing Committee (see Section K.11.4). The Appeal Committee shall consider the appeal, the written Complaint of the Grievant and any supporting materials provided by the Grievant, as well as the response of the Supervisor and any supporting materials that are included. Within five (5) working days of the submission of the appeal, the Appeal Committee, with legal advice if appropriate, shall make a determination solely regarding the validity of the Grievant's appeal, specifically whether the Grievance sets forth a Grievable Action. The Appeal Committee's determination shall be made by a majority vote. The Appeal Committee's determination shall be final. The Appeal Committee shall include a written report to the UGO and the Grievant notifying them of its decision. If the Appeal Committee reverses the determination of the UGO, the members of this Appeal Committee shall not serve on a Hearing Committee for this Grievance.

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 Responsibility to Respond

- a. The Supervisor whose decision, recommendation or action was the basis for the Grievance shall be responsible for responding to the Grievant and the UGO within five (5) working days from the day the Grievance is submitted to the UGO and the Supervisor.
- b. If the Supervisor whose Action is being challenged no longer is employed by the university or no longer holds the relevant supervisory position, then the responsible administrator(s) for the unit, at his or her discretion, shall decide who should represent the unit in the Section K process. The unavailability of the original Supervisor does not affect the right of a Grievant to seek resolution. If no person in authority responds to the Grievance, the UGO shall continue with the Section K Process.
- c. When a faculty member has been denied promotion or tenure (see Section E.10.5.1, paragraph 6, E.13.1 paragraphs 4 and 5) in the case of a negative recommendation by the department chair, the complaint shall be directed to the department chair, who shall be responsible to respond. In the case of a negative recommendation at the college level, the complaint shall be filed against the dean, who shall be responsible to respond. In the case of a negative recommendation at the provost level, the complaint shall be filed against the provost who shall be responsible to respond.

K.4.4 Section K Process

In the spirit of reaching an expeditious resolution of disputes, an aggrieved party shall follow all applicable parts of the Section K process before initiating legal action with external agents or agencies. However, the Grievant has the right to seek legal advice from outside counsel at any point during the Grievance process. Nothing in this section

supersedes the Grievant's rights under federal and/or state laws.

K.5 Initiation of the Section K Process

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

Within five (5) working days after receiving the written claim of a Grievable Action, the UGO shall assign a UM from the pool to mediate the dispute. The Mediation participants shall have five (5) working days from the date of the assignment of the UM to object to such an assignment. An objection may be raised only based on the UMs prior or current relationship with the Mediation participants and/or the UMs knowledge of previous related disputes. The UGO shall make the final decision on the assignment of a UM.

K.6 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.7 Right to Clerical Assistance

Any person initiating the Section K process has the right to clerical support from University personnel for preparation of documents for use in this process. Because maintenance of confidentiality is an important element of the Section K process, the clerical support should come from a unit at the next higher level than the one in which the Covered Member is housed (e.g., from the dean, for a faculty member, or from a vice president, for a dean).

K.8 Mediation Process

- a. Within ten (10) working days of being assigned by the UGO, the UM meet with the Mediation participants, 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 Mediation participants and the UM shall enter into a Mediation Period of up to twenty (20) working day to attempt to resolve the dispute. If

the Mediation Period reaches its twenty (20) working day limit without producing a resolution of the dispute, the Mediation participants may mutually agree to extend the Mediation Period by an additional ten (10) working days if they believe that this is likely to produce a resolution of the dispute. However, after the initial twenty (20) working days, either party may choose to terminate the Mediation Process and refuse any extensions of it.

- c. If the UM decides that Mediation efforts are not productive, then the UM may choose to terminate the Mediation Period at any time.
- d. If the Mediation Period expires or is terminated by any party as described above, the UM shall immediately notify the UGO and all Mediation participants of this situation. The Covered Member shall then have five (5) working days after the date the UM provides such notice to initiate the formal Grievance process regarding any Grievable Action.
- e. The UM may continue to work with the Mediation participants even after a formal Grievance is initiated. However, the UM's Mediation efforts must cease before the beginning of a Grievance Hearing.
- f. If the formal Grievance process is not initiated within the five (5) working day limit described in Section K.8.c, or if a claim of a Grievable Action is not referred to the UGO within the twenty (20) working day limit described in Section K.5, then the Grievable Action is not eligible to be heard by a Hearing Committee under the Grievance Procedure of Section K.10.
- g. Documentation and other communication created specifically in connection with the resolution of a dispute shall be considered to be part of the Covered Member's personnel file.¹ Under the Dispute Resolution Act, C.R.S. 13-22-301 et seq., documents and communications that resulted solely from the Mediation process are confidential and shall not be disclosed and may not be used as evidence during a Grievance Hearing, except by agreement of the Mediation participants or as may be required by law. When a resolution is reached, documentation and other communication created during the Mediation process shall be forwarded to the UGO, who shall retain the materials. Records created by a Covered Member or a Responsible Administrator prior to a Covered Member's initiation of the Mediation process are not considered confidential communications and may be used in a Grievance Hearing. Information and documents that are otherwise relevant do not become confidential merely because they are presented, discussed, or otherwise used during the course of mediation.

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 his or her supervisors.

K.9 Initiating the Grievance Process

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

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

K.10 Grievance Procedure

K.10.1 Hearing Committee

As described in Section K.11.4, a Hearing Committee shall be formed which consists of five (5) members, one of whom serves as the Chair of the Hearing Committee. The UGO shall forward the Complaint and the Response to the Hearing Committee.

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

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

The UGO has the right to question and determine the applicability, reasonableness, and relevance of any material to the Section K process. This right may include the refusal by the UGO to forward the Complaint, the Response, and/or any supporting document(s) to

the Hearing Committee until the UGO judges that the documents are in compliance with the requirements of Section K (see Section K.10.4). Failure by either party to bring documents into compliance with Section K requirements by a deadline set by the UGO shall, at the discretion of the UGO, result in either forfeiture by that party of the right to pursue the matter through Section K or the forwarding by the UGO of redacted documents to the Hearing Committee.

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

Since the burden of proof for a Class B Grievance is on the Grievant, the Hearing Committee may decide a Class B Grievance without a Hearing if the Hearing Committee determines that the Complaint lacks substantive merit under the criteria specified in Section K.3. The Grievant shall have the right to appeal to the Provost a decision rendered by the Hearing Committee without a Hearing.

K.10.2 Conduct of Grievance Hearings

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

- a. The Hearings of a Grievance shall begin no later than ten (10) working days following the receipt of the Complaint from the Grievant. However, each party has the right to request a delay of no more than ten (10) working days upon showing a necessity to allow the proper development of the evidence and arguments, and the UGO shall have the authority to delay Hearings in order to facilitate the joining of Complaints as provided for in Section K.4.1. Grievance Hearings are 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, he or she is allowed to participate in this capacity). The only persons who have standing to speak at the Hearing are the members of the Hearing Committee, the UGO, the parties to the Grievance, and any witnesses

called. Each party shall identify his or her 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. Once initiated, the Hearings shall continue on a daily or nightly basis, depending on the convenience of the parties and in all cases, the Hearing shall be concluded within ten (10) working days of its opening.
- d. 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.
- e. 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) days before the Hearing.
- f. Parties to Grievances and advisors for such parties are responsible for abiding by the procedures herein established. Those parties failing to adhere to the procedures, or failing to assure that their advisors adhere to the procedures, may be excluded from participation in the Hearing by a majority vote of the Hearing Committee, and judgment shall be rendered without the presence of those parties.
- g. The Chair of the Hearing Committee (see Section K.11.4) shall open the Hearing by determining that all parties are present and by identifying the advisors chosen by each party.
- h. The Chair of the Hearing Committee shall provide each member of the Hearing Committee the opportunity to excuse himself or herself from service prior to the Hearing because of having an involvement with one or both of the parties and/or with the Action being challenged that renders him or her incapable of rendering an impartial judgment concerning the Grievance.
- i. The Chair of the Hearing Committee shall provide each party the opportunity to challenge for cause members of the Hearing Committee.
 - 1. A challenge for cause must be based on a claim that the challenged

member of the Hearing Committee, through involvement with one or both of the parties and/or with the Action being challenged, may be incapable of rendering an impartial judgment regarding the Grievance.

2. The UGO, with appropriate legal advice (see Section K.12.5), shall decide all such challenges. Members successfully challenged shall be excused from the Hearing Committee and replaced as described in Section K.11.4. The UGO may excuse a member of the Hearing Committee even though actual cause cannot be proven.
- j. The entirety of the Hearing shall be recorded. Upon request, either party shall be provided with a copy of this record, as well as any written material submitted during the Hearing. The Office of the Provost shall bear the cost of producing these copies.

K.10.3 Order of Proceedings for Grievance Hearings

Subject to the restrictions of Section K.10.2.e, 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 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 the First Party as a witness. The First Party shall have the right to challenge the relevancy and/or authenticity of witness testimony and submitted materials and to question each witness called by the Second Party after that witness has been questioned by the Second Party. Challenges shall be decided as described in the previous paragraph. The members of the Hearing Committee shall also have the right to question each witness called by the Second Party after that witness has been questioned by the First Party.
- e. If either party claims to have been denied access to relevant University records and/or documents, the Hearing Committee may consider this claim in making its final recommendation (see Section K.10.5).
- f. Members of the Hearing Committee shall have the right to direct questions to witnesses called or to the parties during these proceedings.
- g. Summary arguments by the First Party.
- h. Summary arguments by the Second Party.
- i. 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, and such a decision shall be announced by the Chair of the Hearing Committee to both parties. Both parties shall also be informed of any points that the Hearing Committee feels require further clarification and the names of any additional witnesses to be called by the Hearing Committee.

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

- 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 Action of the Responsible Administrator which is the basis for the Grievance solely to determine whether this Action is unfair, unreasonable, arbitrary, capricious, or discriminatory, but not to substitute its judgment regarding the substantive merits of the decision which is the basis for the Grievance. If the Hearing Committee concludes that there was a procedural deficiency which materially inhibited the review process, it may specify the nature of this deficiency and refer the matter back to the appropriate administrator for correction and subsequent return to the Hearing Committee.
- b. When the Hearing Committee has agreed on a recommendation (hereinafter referred to as the "Recommendation") by a majority vote, a written statement of the Recommendation shall be prepared that summarizes the relevant information and explains the reasoning that supports the Recommendation. It also shall state specifically any action necessitated by the Recommendation and identify any

proposed relief to be provided. Normally, the Chair of the Hearing Committee shall oversee the preparation of this written statement of the Recommendation. However, if the Chair of the Hearing Committee opposes the majority vote, the members of the majority shall choose from among themselves a person to oversee the preparation of the written statement of the Recommendation. This person shall also represent the Hearing Committee, if necessary, during reviews and appeals.

- c. If the Recommendation from the Hearing Committee is not unanimous, the dissenting minority shall prepare a written statement reflecting the minority opinion.
- d. The written Recommendation from the Hearing Committee, together with any minority report, shall be submitted to the UGO by the Chair of the Hearing Committee within ten (10) working days of the completion of the Hearing.
- e. Within two (2) working days after receiving the Recommendation from the Hearing Committee, the UGO shall announce this Recommendation to both parties and provide written copies of the Recommendation, together with any minority report, to both parties. Within this same time frame, the UGO shall provide written copies of the Recommendation, any minority report, the Complaint, the Response, the record of the Hearing, and any written material submitted during the Hearing (hereinafter referred to collectively as the "Hearing Record") to both the Provost and the President, unless the President is a party to the Grievance, in which case, the UGO shall instead send these copies to the Board.

K.10.6 Appeals and Administrative Reviews

Decisions of a Recommendation from the Hearing Committee that no action be taken as a result of the Grievance 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.

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, and it must provide reasons for the appeal. Failure of the Grievant to file an appeal within this

time frame shall constitute his or her acceptance of the Recommendation from the Hearing Committee. This appeal shall be submitted to the Provost, unless the Provost 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.

K.10.6.2 Review by the Provost

If neither the Provost nor the President is a party to the Grievance, the Provost shall review the Hearing Record and any appeal from the Grievant (hereinafter referred to collectively as the "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 Appeal Record. No party may introduce new substantive issues. The Provost shall modify the Recommendation from the Hearing Committee only if he or she finds that this Recommendation is unfair, unreasonable, arbitrary, capricious, or discriminatory.

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, the Provost shall respond by providing to all parties to the Grievance and to the UGO a written statement of his or her recommendation, which shall include a summary of the relevant information and the reasoning that supports this recommendation. A copy of this recommendation shall also be provided to the President, along with a copy of any appeal to the Provost from the Grievant.

K.10.6.3 Appeal of the Recommendation From the Provost

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

K.10.6.4 Review by the President

If the President is not a party to the Grievance, he or she shall review the Recommendation from the Hearing Committee, together with any minority report, the recommendation from the Provost (unless the Provost was a party to the Grievance), and any appeals from the Grievant. This review shall be based only on the Appeal Record, the Provost's recommendation and any appeal by the

Grievant. No party may introduce new substantive issues. Regardless of the recommendation from the Provost, the President shall modify the Recommendation from the Hearing Committee only if he or she finds that this Recommendation is unfair, unreasonable, arbitrary, capricious, or discriminatory.

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 President shall respond by providing to all parties to the Grievance, the UGO, and the Provost a written statement of his or her decision, which shall include a summary of the relevant information and the reasoning that supports this decision. The decision of the President is final.

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

K.10.6.5 Review by the Board

If the President was a party to the Grievance, the Board shall review the Recommendation from the Hearing Committee, together with any minority report and any appeal from the Grievant, 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. The decision of the Board is final. If the decision of the Board includes taking action as a result of the Grievance, this may involve special Board action and/or instruction regarding action to be taken by administrators.

K.11 Grievance Panel and Hearing Committees

K.11.1 Grievance Panel (last revised August 2, 2013)

The Grievance Panel shall be a pool of eligible Hearing Committee members consisting of twenty-one (21) tenured faculty members, with at least one (1) from each college and the University Libraries, and twenty-one (21) administrative professionals, representing at least four (4) administrative areas. Administrative professionals shall have had at least five (5) years employment at half-time (0.5) or greater at Colorado State University. No person having administrative duties, as described in Section K.11.2, shall be qualified to serve on the Grievance Panel.

K.11.1.1 Duties (new section added August 2, 2013)

As specified elsewhere in this section, 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 Chair (*new section added August 2, 2013*)

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

As specified elsewhere in the Section, the chair's duties are:

- a. To meet with the UGO at least quarterly or as needed to review activities of the UGO,
- b. To review challenges to the qualification and classification of grievances by the UGO (Section K.10.1),
- c. To appoint a subcommittee to seek nominations and interview prospective UGO candidates (Section K.12.1),
- d. To confer with the Provost on the appointment of a Temporary Special University Grievance Officer, as needed (Section K.12.6),
- e. To advise the UGO on policy and procedural matters covered in this Section,
- 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.h),
- h. To assist the Faculty Council and the Administrative Professional Council in their annual evaluation of the UGO by receiving and reporting on questionnaires to parties inquiring about or involved in mediation or the grievance process. These questionnaires will be distributed by the UGO (Section K.12.4.1),
- i. 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. The term shall cover persons having the title “Assistant Dean” or “Associate Dean”. However, service by persons as chairs of committees, or as Principal Investigators on contracts and grants shall not be considered to be administrative duties.

K.11.3 Election of Grievance Panel Members

Faculty members shall be nominated by the Faculty Council Committee on Faculty Governance, who shall provide a full slate of nominees for election by the Faculty Council. Administrative professionals shall be elected by the Administrative Professional Council. Nominations for candidates shall be opened on February 15, annually, and election shall be held in April. Election shall be for a three (3) year term starting on the first (1st) day of Fall semester, with the terms staggered so that approximately one-third (1/3) of the faculty members and one-third (1/3) of the administrative professionals have their terms expire each year. Grievance Panel members who have served two (2) consecutive terms shall be ineligible for re-election for a period of two (2) years.

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

K.11.4 Formation of Hearing Committees

The UGO shall establish a rotation schedule for the members of the Grievance Panel to serve on Hearing Committees. Hearing Committees shall consist of five (5) members having the same appointment classification (faculty member or administrative professional) as the Grievant. Each Hearing Committee scheduled to hear a Grievance shall select from its membership a Chair, who shall be a voting member of the Hearing Committee, preside over the Hearing, maintain orderly procedures, and supervise the preparation of the written Recommendation regarding the Grievance.

If a member of the Hearing Committee excuses himself or herself as described in Section K.10.2.g or is excused by the UGO due to a challenge for cause, he or she shall be replaced on the Hearing Committee by the next person of the same appointment classification in the rotation order. If the Chair of the Hearing Committee is replaced in this manner the new members of the Hearing Committee shall select a new Chair from among themselves. In the event that it is impossible to establish a full Hearing Committee

from the membership of the Grievance Panel, each of the parties in the Grievance shall nominate two (2) persons for each vacant position, and the UGO shall name the replacements from among those nominees, subject to further challenge for cause as provided in Section K.10.2.h.

K.12 University Grievance Officer

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

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

The UGO shall be a tenured, full-time member of the faculty with at least the rank of associate professor and shall have no administrative duties (see Section K.11.2) throughout the term of service. The term of office shall be three (3) consecutive one (1) year appointments. There is no limit to the number of terms a UGO may serve. The UGO shall be evaluated annually. In February, the Executive Committee of Faculty Council and the Executive Committee of the Administrative Professional Council shall each send a written performance evaluation to the Provost. The Provost shall prepare the official evaluation of the UGO and submit it to the President preceding each 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 2, 2013)*

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

K.12.3 Service of the University Grievance Officer

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

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

The UGO shall be responsible for:

- a. Maintaining a record of actions taken as part of the processes in Section K and Section E.15.
- b. Coordinating and facilitating the activities of the Grievance Panel by maintaining the records of the Panel, scheduling all meetings of the Panel for informational and organizational purposes, scheduling meetings of its Hearing Committees, calling individuals to appear before the Hearing Committees, and establishing the rotation order for service by the members of the Panel on Hearing Committees.
- c. Overseeing the processes of Section K and Section E.15 and preparing reports to the Grievance Panel, including recommendations for improving these processes.
- d. Assuring that faculty members and administrative professionals are familiar with the provisions, components, purposes, and procedures of the processes of Section K and Section E.15.
- e. Consulting with at-will employees and the Office of General Counsel about disciplinary action or termination of at-will employees, as discussed in Section K.3.1.g.
- f. Making recommendations to Hearing Committees regarding guidelines for the operation of these committees pursuant to Section K and Section E.15.
- g. Advising potential and active parties to a Grievance of their prospects for sustaining a Grievance, including their responsibilities for following the procedural rules of Section K.10.
- h. Facilitating the conduct of Hearings decision pursuant to Section K and Section E.15.

- i. Preparing an annual report, in consultation with the Chair of the Grievance Panel each June for the Faculty Council and Administrative Professional Council, which summarizes activities and recommendations during the previous year.
- j. Maintaining and updating the list of 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 Administrative Professional Council in their annual evaluations of the UGO by distributing questionnaires to parties inquiring about or involved in mediation or the grievance process, and assigning numerical identifiers to each questionnaire, thus maintaining participants' anonymity.

K.12.5 Legal Advice

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

K.12.6 Temporary Special University Grievance Officer

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

K.13 University Mediators

K.13.1 Qualifications of University Mediators

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

K.13.1.1 Qualifications of University Mediators for Faculty

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

K.13.1.2 Qualifications of University Mediators for Administrative Professionals

Each UM for administrative professionals shall be employed at least half-time (0.5) as an administrative professional at Colorado State University or, if retired, shall have been employed by the University at least half-time (0.5) as an administrative professional.

K.13.2 Selection, Terms, and Evaluation of University Mediators for Faculty

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

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

The term of office for a 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. Mediators who have mediated one or more cases shall be evaluated in that calendar year 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 preceding each reappointment. If the need arises to appoint an additional UM during the academic year, the Chair of Faculty Council and the Provost shall recommend jointly an interim appointment to the President to serve until a new UM is selected and takes office the next July 1.

K.13.3 Selection, Terms, and Evaluation of University Mediators for Administrative Professionals

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

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

The term of office 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. Administrative professional University Mediators who have mediated one or more cases shall be evaluated in that calendar year by the Executive Committee of the Administrative Professional Council who shall send a written performance evaluation to the Vice President for University Operations. The Vice President for University Operations shall then prepare the official evaluation of the UM and submit it to the President preceding each reappointment. If the need arises to appoint an additional UM during the academic year, the Chair of the Administrative Professional Council and the Vice President for University Operations shall jointly recommend an interim appointment to the President to serve until a new UM is selected and takes office the next July 1.

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

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

APPENDICES

APPENDIX 1: DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, AND RETALIATION

Purpose

Application of Policy

Exemptions

Definitions

Statement of Policy Principles

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students
2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non-Students who are Covered Persons
3. Employment-Related Discrimination, Harassment, and Other Violations
4. First Amendment
5. Affirmative Action
6. Retaliation
7. Required Training
8. Procedure for Complaints

Filing with External Agencies

Expectations for Members of the University Community

References

Helpful Resources

APPENDIX 2: CONSENSUAL RELATIONSHIPS

APPENDIX 3: FAMILY MEDICAL LEAVE POLICY

Introduction

Covered Appointment/Employee Types

Eligibility

Entitlement to Family Medical Leave

Entitlement to Military Family Leave

Entitlement to Military Caregiver Leave

Application for Family Medical Leave

Intermittent or Reduced Family Medical Leave

Paid/Unpaid Leave

Use of Leave Without Pay

Required Use of Family Medical Leave

Continuation of Benefits

Return from Family Medical Leave

Effect of Family Medical Leave on Tenure Process

APPENDIX 4: PROCEDURE FOR RESOLUTION OF DISCRIMINATION COMPLAINTS (OTHER THAN SEXUAL HARASSMENT)

I. Policy

II. Applicability of Policy

III. Definitions

IV. Form of the Complaint

V. Time Restriction and Conditions for Filing Either an Informal or Formal Complaint

- VI. Resolution of Informal Complaints
- VII. Resolution of Formal Complaints
- VIII. Appeals and Administrative Review
- IX. Expectations for Members of the University Community

APPENDIX 5: RESEARCH MISCONDUCT

APPENDIX 6: FAMILIAL RELATIONSHIPS

APPENDIX 1: Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation (last revised February 3, 2017)

Purpose of Policy

Colorado State University is committed to providing an environment that respects the dignity and worth of every member of its community. The University strives to create and maintain a work and study environment that is fair, 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. The purpose of this policy is to define the types of conduct that are prohibited by the University as a means of achieving these goals and to prevent harm arising from discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation.

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 connection among all people at our University. Acts of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities. This Policy supersedes all prior University Policies on discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation.

Application of Policy

This policy applies to all members of the University community who are subject to the jurisdiction and authority of the University with respect to matters of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation. This includes, without limitation, students, faculty, employees, affiliates, visitors, and (where provided by law or contract) agents, contractors, subcontractors, and grantees of the University. All University business units, wherever located, are covered by this policy.

Exemptions

None.

Definitions

As used in this policy, the following terms are to be understood and applied as follows, unless clearly stated otherwise:

- a. **Action or conduct**, as used in this policy, also includes inaction or omission where there is a responsibility to act. Action or conduct that occurs off-campus can be subject to this policy if it involves one or more Covered Persons and (a) causes an impact to any person(s) on campus, (b) reasonably relates to the health, safety and security of the campus or any person(s) on campus, or (c) reasonably relates to the Responding Party's fitness or capacity to act in accordance with his or her obligations and/or the policies of the University (e.g., the Student Conduct Code or any policy or code relating to the conduct of an employee).
- b. **Consent** to sexual activity is consent that is informed, knowing and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.
- c. **Covered Persons** are all Colorado State University students, employees (including faculty), visitors, volunteers, affiliates, and (where provided by law or contract) agents, contractors, subcontractors, and grantees.
- d. **Dating violence** means violence committed by a person:
 1. who is or has been in a social relationship of a romantic or intimate nature with the impacted party; and
 2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship;
 - ii. the type of relationship;
 - iii. the frequency of interaction between the persons involved in the relationship.
 3. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic

violence.

- e. **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, or because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant, and 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 these factors. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

- f. **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 under the domestic or family violence laws of the State of Colorado or other jurisdiction in which this policy applies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- g. **Harassment** covered under this policy is conduct that demonstrates hostility towards a person (or a group of persons) based upon that person's race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, pregnancy, or because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant and has the purpose or effect of:
 - 1. Creating an intimidating or hostile environment in which to work, learn, or participate in a University activity, or unreasonably interfering with or affecting any such activities; or
 - 2. Unreasonably affecting a person's educational or work opportunities. Harassment may take various forms, including name-calling, verbal, graphic or written statements (including the use of electronic means), or other conduct that a reasonable person would find physically threatening, harmful, or humiliating. Harassment does not have to involve the intent to cause harm, be directed at a specific target, or involve repeated incidents in order to be prohibited. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine

v. male/masculine or a failure to conform to those gender stereotypes.

- h. Impacted Party/Complainant:** The person who reports, or is reported by another person, as having been subject to acts constituting discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation by another.
- i. Responding Party:** The person reported to have been engaging in acts that may constitute a violation of this policy, including discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation in violation of this policy.
- j. Retaliation** is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment, against any person or group for exercising rights under this policy, including opposing any practices forbidden under this policy, filing a complaint, testifying, assisting, or participating in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation. 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.
- k. Sexual harassment** is harassment that is of an implicitly or overtly sexual nature, or is based on a person's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex, and includes 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 has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University activity.
- l. Sexual misconduct** is any conduct that constitutes sexual assault, sexual exploitation, or sexual violence, as follows:

1. Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:
 - i. Involvement in any sexual contact when the victim is unable to consent.
 - ii. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
 - iii. Sexual intercourse without consent, including acts commonly referred to as rape, such as 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.
 - iv. Fondling, including the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.
 - v. Incest, including sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
 - vi. Statutory rape, including sexual intercourse with a person who is under the statutory age of consent.

2. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses defined herein. Examples of behavior that could rise to the level of sexual exploitation include:
 - i. Prostituting another person;
 - ii. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - iii. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - iv. Going beyond the bounds of consent (such as letting others hide in the closet to watch you having consensual sex);

- v. Engaging in non-consensual voyeurism;
 - vi. Knowingly transmitting a sexually transmitted disease, such as HIV, to another without disclosing your STD status;
 - vii. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
 - viii. Possessing, distributing, viewing or forcing others to view illegal pornography.
3. Sexual violence is a severe form of sexual harassment, and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law.

m. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress. For the purposes of this definition:

- i. 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.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- iii. 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 behaviors by a person stalking another are:

1. Follow you and show up wherever you are.
2. Send unwanted gifts, letters, cards, or e-mails.
3. Damage your home, car, or other property.
4. Monitor your phone calls or computer use.

5. Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
6. Drive by or hang out at your home, school, or work.
7. Threaten to hurt you, your family, friends, or pets.
8. Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
9. Posting information or spreading rumors about you on the Internet, through social media, in a public place, or by word of mouth.
10. Other actions that control, track, or frighten you.

Statement of Policy Principles

It is the policy of Colorado State University to maintain an academic and work environment free of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation for students, faculty, and employees. Such conduct is contrary to the standards of the University community and common decency. It diminishes individual dignity, impedes equal employment and educational opportunities and equal access to freedom of academic inquiry, and creates barriers to fulfilling the University's scholarly, research, educational, and service missions. Such conduct will not be tolerated at the University.

Discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation also are illegal; they are prohibited in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972, and, in both employment and education contexts, by Colorado's anti-discrimination laws, including, but not limited to, C.R.S. §24-34-401, et seq. Such conduct also can violate federal and state criminal laws.

Colorado State University does not discriminate on the basis of 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. The University complies with the Civil Rights Act of 1964, as amended, 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 Pregnancy Discrimination Act of 1978, Americans with Disabilities Act 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.

To comply with federal requirements regarding non-discrimination in admissions and operations, the University's approved non-discrimination statement must appear in major University publications such as the General Catalog. A brief required non-discrimination statement also must appear in written advertisements and University publications, including those used to inform prospective students of University programs. The required non-discrimination statements, as well as further information regarding these requirements, are available at the Office of Equal Opportunity.

The University prohibits any act of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking by a Covered Person, and any retaliation related to reports of such acts. The University takes all allegations of such misconduct seriously. When allegations of such acts are reported, and a Covered Person is found to have violated this policy, consequences will result, up to and including dismissal from CSU. 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.

All members of the CSU community are expected to not infringe upon the rights of others. This Policy has been adopted to reaffirm this principle and to provide support and recourse to those who are impacted by discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, or retaliation perpetrated by a member of the University community. When the Responding Party is determined not to be a Covered Person at the time of the report, he or she may nevertheless be subject to this policy in the event that he or she becomes a Covered Person in the future, as well as being subject to other laws and policies.

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students

CSU has appointed a Title IX Coordinator and a Deputy Title IX Coordinator 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. The Title IX Coordinator is the Executive Director of the Office of Equal Opportunity. The Deputy Title IX Coordinator is the Director of the Office of Support and Safety Assessment.

All CSU employees and volunteers, including faculty, staff and students acting in their

employment or volunteer roles, are mandatory reporters of any violations or alleged violations of Title IX. In order to comply with this law and enable the University to proactively respond effectively and stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students at the University, all University employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, sexual misconduct, and retaliation involving students to the Deputy Title IX Coordinator in the Office of Support and Safety Assessment (SSA) or the Office of Equal Opportunity (OEO). Mandatory reporting means that information indicating that a person has allegedly committed or been the target of alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students may not be withheld, even if confidentiality is requested by the reporting party.

Being a mandatory reporter is consistent with having concern for and supporting those involved in violations or alleged violations. It signifies that campus safety is at the forefront of the community's concern. When a Covered Person discloses information, it is best for the employee or volunteer to mention they are a mandated reporter and will have to share the information with the University, but that the Covered Person will still always have the choice whether or not to share their story with others at the University whose responsibility it is to investigate. Examples of mandatory reporters include, but are not limited to:

- a. Faculty member to whom a student reveals an incident of sexual harassment or sexual misconduct involving the student or other Covered Persons protected under this policy.
- b. A Resident Assistant who receives information from one of their residents that they were assaulted by another student at an off campus party.
- c. A person who is acting as a volunteer at a CSU-hosted activity who observes another person engaging in sexual contact with a child in the program.

Remember, these are just examples. Sex-based discrimination, harassment, misconduct and retaliation must be reported no matter what the circumstances if they involve students. Employees exempt from these mandatory reporting requirements are only those employees who are statutorily prohibited from reporting such information, for example, licensed healthcare professionals acting within the scope of the professional-patient relationship, and Sexual Assault Victim Assistance Team members. If you are unsure whether or not you are exempt, you must contact OEO to determine whether or not an exemption applies. Teachers are not exempt from reporting incidents involving students unless one of these special statutory exemptions applies.

Reports of any violation or suspected violation of the protections of Title IX involving a student may be made to the Deputy Title IX Coordinator, whose name and contact information is always available online at <http://www.supportandsafety.colostate.edu/sexual-harassment> or by calling 970-491-7407.

Upon receiving a report of alleged or possible sex-based discrimination, harassment, sexual harassment, sexual misconduct, sexual assault, or retaliation, the Deputy Title IX Coordinator will evaluate the information received and determine what further actions should be taken. Further action may include contacting the CSU Police Department. If, after such evaluation, it reasonably appears that a violation of this policy by a student or an employee has occurred, SSA will follow the appropriate procedures referenced below.

When the Responding Party is a student, the Deputy Title IX Coordinator will determine what further actions shall be taken, which may include investigation of the report and referral to the Office of Conflict Resolution and Student Conduct Services for possible disciplinary action and imposition of sanctions as set forth under the Student Conduct Code.

2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non-Students who are Covered Persons

The Office of Support and Safety Assessment also handles complaints of sexual misconduct, domestic violence, dating violence, stalking, and related retaliation, involving non-students who are Covered Persons under this policy, and may refer such matters (or receive referrals from the CSU Police Department or other law enforcement agencies). Reports of such incidents should be made to SSA or CSUPD.

3. Employment-Related Discrimination, Harassment, and Other Violations

The Office of Equal Opportunity handles reports of discrimination and harassment in employment or educational opportunity, including sexual harassment complaints involving both students and non-student Covered Persons. (Note: student-to-student discrimination and harassment may be reported directly to the Office of Conflict Resolution and Student Conduct Services (CRSCC) at 491-7165).

There are two conditions under which the OEO will take steps, either directly with the Impacted Party or through a reporting employee, to provide information about the University's procedures for filing a complaint:

- a. when the Impacted Party is a student and the Responding Party consists of either faculty, employees, affiliates, or visitors;

- b. when the Impacted Party and the Responding Party are non-students.

The OEO will maintain, publish and follow procedures for the review and resolution of complaints where the Responding Party is not a student.

When the person alleged to have committed the violation is an agent or contractor of the University who is not subject to any disciplinary procedures of 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. This may include, as appropriate, any or all of the following:

- a. The Director of Contracting Services, for action that may be taken under the terms of a university contract, such as contract suspension or termination, demanding a change of personnel working under a contract, or initiation of contractor debarment;
- b. The CSU Police Department, for initiation of a criminal investigation and/or complaint;
- c. An outside law enforcement or governmental agency with actual or apparent jurisdiction over the alleged perpetrator.

4. First Amendment

The protections of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities of public institutions, and First Amendment rights apply to the speech of students and teachers. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protections of academic freedom and constitute prohibited harassment or sexual harassment if it meets the definition of harassment or sexual harassment as contained in this policy and (1) is reasonably regarded as non-professional speech (i.e., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course) or (2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

5. Affirmative Action

The University takes affirmative action to employ qualified women, minorities, veterans, and individuals with disabilities. For information on this Affirmative Action commitment and program, contact the OEO at oeo@colostate.edu or 970-491-5836.

6. Retaliation

Retaliation against members of the University community for making good faith reports of non-compliance with laws, regulations, or University policies is strictly prohibited, and is subject to disciplinary action up to and including termination or dismissal from employment or enrollment at the University. It is prohibited to discharge, demote, suspend, threaten, harass, intimidate or otherwise retaliate against an individual in the terms or conditions of employment or educational opportunity based on the individual's good faith report of potential non-compliance, or based on the individual's cooperation with an investigation or hearing regarding a report of potential non-compliance. Retaliation includes violation of no contact orders as well as contact with the impacted party/complainant through third parties, such as private investigators. Such retaliation is prohibited regardless of whether the matter reported is substantiated.

Colorado State University protects all participants in the complaint and grievance processes from retaliation. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the imposition of University sanctions up to and including termination or dismissal.

Acts or threats of retaliation constitute a serious violation of University policy, and the University encourages prompt reporting of any retaliatory action. Students should report retaliation to OEO, SSA or Conflict Resolution & Student Conduct Services (CRSCS). Employees should normally report retaliation to their supervisor, but, if the supervisor is involved in the matter, or for any reason an individual is uncomfortable speaking with his or her supervisor, the report may be made to the responsible department head, the Office of Equal Opportunity, or by using the CSU System's Compliance Reporting Hotline which may be accessed online (<http://reportinghotline.colostate.edu/>) or by calling, toll-free, 1-855-263-1884. The Hotline allows anonymous reporting if desired.

7. Required Training

Federal law requires that all newly hired CSU employees (including faculty) and incoming students participate in primary prevention and awareness programs, and that students and faculty engage in prevention and awareness programs on an ongoing basis. These programs may be offered by OEO, SSA, the President's Commission on Women and Gender Equity (PCWGE), CRSCS, and other University programs. Sexual Harassment Awareness Training is offered by OEO and may be retaken anytime as a refresher by contacting OEO at oeo@colostate.edu or by calling 970-491-5836.

8. Procedures for Complaints

The University provides fair, understandable, and legally sound procedures for handling all complaints of discrimination, harassment, sexual harassment and sexual misconduct, domestic violence, dating violence, stalking and retaliation. These procedures can vary depending on the nature of the complaint and the status of the persons involved (i.e., student, faculty, employee, or

non-employed party). The responsible departments are required to maintain, publish, and follow appropriate procedures.

Filing with External Agencies

Persons who believe that they have been subjected to discrimination, harassment, sexual harassment, sexual misconduct, or stalking may be able to file a complaint with the Colorado Civil Rights Division, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Equal Opportunity.

Expectations for 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. All University community members asked to participate should do so. If an Impacted Party/Complainant does not participate, the University may continue the investigation, invoke necessary interim and permanent remedies, or conclude the complaint. If a Respondent does not participate, the University will move forward with the complaint with the information it is able to collect and ascertain.

The Impacted Party/Complainant(s), Respondent(s), and all witnesses shall be truthful in their testimony. This includes statements made verbally and in writing. Failure to comply with this expectation may result in the implementation of University sanctions.

References

- Colorado State University Student Conduct Code
- US Department of Education, Office of Civil Rights – Pamphlet on Sexual Harassment
- Office of Equal Opportunity—<http://OEO.colostate.edu>

Helpful Resources

An Impacted Party may report confidentially to the following campus resources that provide support and guidance:

1. Sexual Assault Victim Assistance Team (970) 492-4242
2. Women and Gender Advocacy Center (970) 491-6384
3. Women's Clinic at CSU Health Network (970) 491-1754
4. Counseling Services (970) 491-6053

The following are other campus resources. These resources do not provide complete confidentiality.

1. Deputy Title IX Coordinator/Director of Support and Safety Assessment (970) 491-7407

2. Colorado State University Police Department (970) 491-6425
3. Director of Student Case Management & Referral Coordination (970) 491-8051

APPENDIX 2: 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 his or her 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 he or she is involved.

Within fifteen (15) working days of receiving a report of a Consensual Relationship, the Supervisor shall consult with his or her 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 3: 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 3 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 regular, special, or

senior teaching 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 3, 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 his or her position because of his or her 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 his or her 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 he or she 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 his or her home department's customary procedures for requesting leave. An employee may request FM Leave by contacting his or her 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. Both males and females may use sick leave under either of these circumstances. 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 his or her 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 his or her former position or to position of comparable pay and status upon completion of the FM Leave only if his or her student status at the time of return qualifies him or her for his or her 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 his or her 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 his or her 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.

**APPENDIX 4: 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 his or her administrative unit a written statement claiming that the Director has a conflict of interest. If the vice president agrees, then he or she 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, he or she thereby requests the Associate Director to review and conciliate the matter with the Respondent(s) in the alleged discrimination. The Complainant may change his or her 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, he or she 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 him or her 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 Files 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 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 he or she intends 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 his or her 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, he or she 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 he or she 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 his or her 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, he or she 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 his or her 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 him or her 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 5: 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://web.research.colostate.edu/ricro/mis/policies.aspx>

APPENDIX 6: 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 3).
- 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 his or her 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 his or her 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.

**ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL
OF COLORADO STATE UNIVERSITY - 2015-2016 (last revised August 7, 2015)**

TABLE OF CONTENTS

Outline of Content by Section and Subsection Headings

PREFACE

TABLE OF CONTENTS

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 B. ORGANIZATION OF THE UNIVERSITY

- B.1 The Governing Board: The 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 Colorado State University Research Foundation
 - 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 Corporations
 - B.2.7 University Organizational Chart

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 Regular and Specialized 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 The 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 Responsibilities and Standing of Academic Faculty
 - f. Committee on Scholarship, Research and Graduate Education
 - g. Committee on Scholastic Standards
 - h. Committee on Strategic and Financial Planning
 - i. Committee on Teaching and Learning
 - j. Committee on University Programs
 - k. University Curriculum Committee
 - C.2.1.9.6 Specialized Standing Committee: Membership and Function
 - a. Committee on Non-Tenure Track Faculty
 - 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 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 Standing Committees of Faculty and Administrative Professionals
 - D.2.1 Benefits Committee
- D.3 Responsibilities of the Faculty and Administrative Professionals
 - D.3.1 Policy
 - D.3.2 Responsibilities as a Professor
 - D.3.3 Responsibilities as a Professional
 - 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
- D.5.4 Position Titles for Administrative Professionals
- D.5.5 Evaluation of Performance of Administrative Professionals
- D.5.6 Formal Procedure for Dismissal of Administrative Professionals on the Grounds of Unsatisfactory Performance
- D.6 Oath of Allegiance
- D.7 Conditions of Employment for Faculty and Administrative Professionals
 - D.7.1 Maximum Employment
 - D.7.2 Supplemental Pay Policy
 - D.7.2.1 Permissible Activities for Supplemental Pay
 - D.7.2.2 Non-Permissible Activities for Supplemental Pay
 - D.7.3 Honoraria
 - D.7.4 Off Campus Assignment
 - D.7.5 Off Campus Employment
 - D.7.6 Conflict of Commitment and Consulting Policy
 - D.7.6.1 Conflict of Commitment
 - D.7.6.2 Consulting
 - D.7.7 Conflict of Interest
 - D.7.7.1 Policy
 - D.7.7.2 State Statutes Concerning Fiduciary Duties and Ethical Contact
 - D.7.7.3 Disclosure of Conflicts of Interest When Substantial Discretionary Functions are Exercised
 - D.7.7.4 General University Rules and Procedures for Disclosing Conflicts of Interest
 - D.7.7.4.1 Elements of Disclosure Statements
 - D.7.7.4.2 Management Oversight
 - D.7.7.5 Examples of Apparent and Actual Conflicts of Interest
 - D.7.7.5.1 Apparent Conflicts of Interest
 - D.7.7.5.2 Actual Conflicts of Interest
 - D.7.7.6 Procedures for Instituting and Processing Conflict of Interest Charges
 - D.7.8 Legislative Testimony
 - D.7.8.1 General Policy
 - D.7.8.2 Colorado Sunshine Act of 1972: Registration of Lobbyists
 - D.7.9 Holding Public Office
 - D.7.10 Work Hours
 - D.7.11 Holidays
 - D.7.12 Membership in Professional Societies

- D.7.13 Travel Policies
- D.7.14 Responsibility for Personal Property
- D.7.15 Policy on Classified Research
 - D.7.15.1 The University as a Haven for Free Inquiry
 - D.7.15.2 Restrictions on Classified Research
 - D.7.15.3 Provisions for Exceptional Circumstances
- D.7.16 University Policy on Patentable Inventions or Discoveries
- D.7.17 Resignations
- D.7.18 Retirement
- D.7.19 Prohibition Against Accepting Kickbacks or Improper Gifts or Fees
- D.8 Distinguished Service Awards
- D.9 Code of Ethical Behavior
- D.10 Mandatory Performance Evaluation of State Classified Employees
- D.11 Administrative Professional Council

SECTION E. FACULTY

- E.1 Definition of Faculty
- E.2 Types of Faculty Appointments
 - E.2.1 Basic Types of Faculty Appointments
 - E.2.1.1 Regular Full-Time Appointments
 - E.2.1.2 Regular Part-Time Appointments
 - E.2.1.3 Senior Teaching Appointments
 - E.2.1.4 Special Appointments
 - E.2.1.5 Temporary Appointments
 - E.2.1.6 Transitional Appointments
 - E.2.2 Other Types of Faculty Appointments
 - E.2.2.1 Joint Appointments
 - E.2.2.2 Joint Academic and Administrative Professional Appointments
 - E.2.2.3 Faculty Affiliate Appointments
 - E.2.2.4 Visiting Faculty Appointments
 - E.2.2.5 University Distinguished Professorships
 - E.2.2.5.1 Eligibility for University Distinguished Professor Status and Title
 - E.2.2.5.2 Selection of University Distinguished Professors
 - E.2.2.5.3 Perquisites of University Distinguished Professorships
 - E.2.2.6 University Distinguished Teaching Scholars
 - E.2.2.6.1 Eligibility for University Distinguished Teaching Scholar Status and Title
 - E.2.2.6.2 Selection of University Distinguished Teaching Scholars
 - E.2.2.6.3 Perquisites of University Distinguished Teaching Scholars

- E.3 Retired Faculty
 - E.3.1 Emeritus/Emerita Appointments
 - E.3.2 Society of Senior Scholars
- E.4 Selection of Faculty
 - E.4.1 Policy (See Section D.5)
 - E.4.2 Selection of Faculty
 - E.4.3 Selection of Department Heads or Chairpersons
 - E.4.4 Selection of Administrators with Academic Appointments
- E.5 Responsibilities of the Faculty
 - E.5.1 Responsibility for Government and Discipline
 - E.5.2 Responsibilities as a Faculty Member
 - E.5.3 Guidelines on Teaching and Advising Responsibility
- E.6 General Policies Relating to Appointment and Employment of Faculty
- E.7 Service of Department Heads
- E.8 Academic Freedom
 - E.8.1 Policy
 - E.8.2 Concepts
- E.9 Faculty Productivity
 - E.9.1 Individual Faculty Effort Distribution
 - E.9.2 Individual Faculty Workload
 - E.9.3 Department Effort Distribution
 - E.9.4 College Effort Distribution
 - E.9.5 University Effort Distribution
- E.10 Faculty Tenure Policy
 - E.10.1 Definition of Tenure
 - E.10.2 Rationale for Tenure
 - E.10.3 Administrative Responsibilities in Relation to Tenure
 - E.10.4 Policies on Conferring Tenure
 - E.10.4.1 Probationary Period for Tenure
 - E.10.4.1.1 Service Credit
 - E.10.4.1.2 Extension of the Probationary Period
 - E.10.5 Procedures for the Granting of Tenure
 - E.10.5.1 Origin and Processing of Tenure Recommendations
 - E.10.5.2 Notification of Presidential Action on Tenure Recommendations
 - E.10.6 Relation of Tenure to Changes in Status and/or Salary
- E.11 Granting of Senior Teaching Appointments
- E.12 Performance Expectations for Tenure, Promotion and Merit Salary Increases
 - E.12.1 Teaching and Advising
 - E.12.2 Research and Other Creative Activity
 - E.12.3 Service
 - E.12.3.1 University Service
 - E.12.3.2 Professional Service
- E.13 Advancement in Rank (Promotion)
 - E.13.1 Origin and Processing of Recommendations

- E.13.2 Notification of Presidential Action on Advancement in Rank
- E.14 Performance Reviews
 - E.14.1 Annual Reviews
 - E.14.2 Comprehensive Reviews of Tenure-Track Faculty
 - E.14.3 Periodic Comprehensive Reviews of Tenured Faculty
 - E.14.3.1 Phase I Comprehensive Performance Reviews
 - E.14.3.2 Phase II Comprehensive Performance Reviews
 - E.14.4 Grievance
- E.15 Disciplinary Action for Tenured Faculty
 - E.15.1 Initiating the Process
 - E.15.2 Operational Procedures Prior to Completion of Formal Disciplinary Action
 - E.15.3 Discussions to Achieve a Resolution
 - E.15.4 Hearing Process
 - E.15.4.1 Performance of Professional Duties
 - E.15.4.2 Behavior
 - E.15.4.3 Hearing
 - E.15.5 Procedures Following Completion of the Hearing
 - E.15.6 Recommendation for Disciplinary Action
 - E.15.7 Disposition of the Hearing Committee's Report
 - E.15.8 Administrative Action on the Hearing Committee Recommendations
 - E.15.9 Written Records
 - E.15.10 Term of Continuation of Faculty Salary and Benefits Following Termination of Appointment
 - E.15.11 Time Limit for Action by the Provost
- E.16 Financial Exigency
 - E.16.1 Definition of Financial Exigency and Conditions of Tenured Faculty Terminations
 - E.16.2 Declaration of Financial Exigency
 - E.16.3 Development of a Plan of Action
 - E.16.4 Order of Terminations
 - E.16.5 Responsibility of Committee on Strategic and Financial Planning
 - E.16.6 Right of Access of Individual Faculty Member to the Grievance and Mediation Procedure
- E.17 Discontinuance of a Degree Granting Program or a Department of Instruction not Mandated by Financial Exigency
 - E.17.1 Procedure
 - E.17.2 Appeal Procedure

SECTION F. LEAVE POLICIES

- F.1 Absences from Campus
- F.2 Leave Records
- F.3 Types of Leaves
 - F.3.1 Annual Leave
 - F.3.1.1 Annual Leave Accrual

- F.3.1.2 Accrual Limitations
- F.3.1.3 Scheduling and Usage
- F.3.1.4 Payment for Accrued Annual Leave Upon Separation from Employment
- F.3.1.5 Transfer of Earned Annual Leave with Transfer of Employee Between Departments
- F.3.1.6 Leave Policy in Conversion of Faculty Members and Administrative Professionals from Twelve (12) Month to Nine (9) Month Status
- F.3.2 Sick Leave
 - F.3.2.1 Sick Leave Accrual
 - F.3.2.2 Use of Sick Leave
 - F.3.2.3 Payment for Accrued Sick Leave Upon Retirement
 - F.3.2.4 Transfer of Earned Sick Leave with Transfer of Employee Between Departments
- F.3.3 Family Medical Leave
- F.3.4 Sabbatical Leave
 - F.3.4.1 Conditions and Procedures for Granting Sabbatical Leave
 - F.3.4.2 College Criteria for Granting Sabbatical Leaves
 - F.3.4.3 Sabbatical Leave as a Legitimate Expectation
 - F.3.4.4 Sabbatical Report
 - F.3.4.5 Sabbatical Records
- F.3.5 Graduate Study Leave
- F.3.6 Military Leave
 - F.3.6.1 Annual Military Leave
 - F.3.6.2 Extended Active Duty
 - F.3.6.3 Application for Military Leave
 - F.3.6.4 Reemployment After Military Service and Eligibility for Reinstatement or Reemployment
 - F.3.6.5 Accrued Status and Benefits
- F.3.7 Administrative Leave
- F.3.8 Leave for Civilian Employment
- F.3.9 Leave for Government Assignment
- F.3.10 Leave for Jury Duty
- F.3.11 Leave as Expert Witness
- F.3.12 Injury Leave
- F.3.13 Leave Without Pay
- F.3.14 Special Leave
- F.3.15 University Closure
- F.3.16 Parental Leave
- F.3.17 Catastrophic Circumstances Leave
- F.4 Appeals of Interpretations of Annual and Sick Leave Regulations
- F.5 Leave Policy for Overseas Project Personnel
- F.6 Authorized Absences Due to Death of Relatives

SECTION G. FACULTY AND ADMINISTRATIVE PROFESSIONAL PRIVILEGES AND BENEFITS

- G.1 Study Privileges
- G.2 Athletic Tickets at Reduced Cost
- G.3 Recreational Facilities
- G.4 Tuition Scholarship Program for Spouses, Domestic Partners, Civil Union Partners and Dependent Children
- G.5 Benefits

SECTION H. THIS SECTION HAS BEEN INTENTIONALLY LEFT BLANK (DELETED FROM THE MANUAL JUNE 21, 2011)

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 Letters of Recommendation
- I.5 Academic Integrity Policy and Academic Misconduct Procedures
 - I.5.1 Instructor Responsibilities Regarding the Academic Integrity Policy
 - I.5.2 Student Appeals
 - I.5.3 Transcript Notation for Academic Misconduct
 - I.5.4 Records and Further Action
- I.6 Course Examination Policies
 - I.6.1 Final Examinations
 - I.6.2 Evening or Saturday Examinations
- I.7 Student Appeals of Grading Decisions
- I.8 Student Course Survey
- I.9 Grades of Incomplete
- I.10 Student Appeals of Disciplinary Decisions Made by University Hearing Officers
 - I.10.1 Appeals Process
 - I.10.2 University Discipline Panel
- I.11 Students Called to Active Duty
- I.12 Degrees Awarded Posthumously
- I.13 Attendance at Graduation Ceremonies
- I.14 Classroom Policies
 - I.14.1 Policy on Who May Attend Classes
 - I.14.2 Policy on Classroom Use
 - I.14.3 Policy on Disruptive or Obstructive Classroom Behavior
 - I.14.4 Class Attendance Regulations
 - I.14.5 Policy on Off-Campus Graduate Instruction
- I.15 Responsibilities of Being a Student Group Advisor
- I.16 Field Trips and Other Similar Sanctioned Off-Campus Activities

- 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 J. RIGHTS AND RESPONSIBILITIES RELATED TO CREATIVE WORKS

- J.1 General Policy
- J.2 Definitions
- J.3 Ownership and Rights
 - J.3.1 Works supported by the University
 - J.3.2 Works Financed by the Member
- J.4 Notification of Works
- J.5 Classification and Disposition of Works Supported by University Resources.
- J.6 Administration of Marketable Works
- J.7 Special Circumstances
 - J.7.1 Works Created by Members While Consulting
 - J.7.2 Works Involving More Than One Member
 - J.7.3 Works Financed Wholly or in Part by Outside Agencies
 - J.7.4 Works Created or Marketed Under Special Conditions
- J.8 Distribution of Proceeds
 - J.8.1 Marketing of Works
 - J.8.2 Royalty Distributions
- J.9 Works Published by the University
- J.10 Member's Right of Review
- J.11 Member's Right of Appeal
- J.12 Academic Materials
 - J.12.1 Ownership and Licensing of Academic Materials Not Specifically Commissioned by the University or Developed Using University Resources
 - J.12.2 Ownership and Licensing of Academic Materials Commission by the University
 - J.12.2.1 Use of Commissioned Academic Materials in University Outreach Programs
 - J.12.2.2 Licensing of Academic Materials to Third Parties
 - J.12.3 Right to Revise or Limit Period of Use of Works Expressly Commissioned or Supported by University Resources

SECTION K. RESOLUTION OF DISPUTES

- K.1 General Information
- K.2 Expectations for Members of the University Community
- K.3 Grievable Actions
- K.4 The Right to Grieve
 - K.4.1 Persons Entitled to Grieve
 - K.4.2 Due Process
- K.5 Initiation of the Section K Process
- K.6 Documentation
- K.7 Right to Clerical Assistance
- K.8 Mediation Process
- K.9 Initiating the Grievance Process
- K.10 Grievance Procedure
 - K.10.1 Hearing Committee
 - K.10.2 Conduct of Grievance Hearings
 - K.10.3 Order of Proceedings for Grievance Hearings
 - K.10.4 Rules Regarding Witness Testimony and Submitted Material
 - K.10.5 Recommendation of the Hearing Committee
 - K.10.6 Appeals and Administrative Reviews
 - K.10.6.1 Appeal of the Recommendation From the Hearing Committee
 - K.10.6.2 Review by the Provost
 - K.10.6.3 Appeals of the Recommendation From the Provost
 - K.10.6.4 Review by the President
 - K.10.6.5 Review by the Board
- K.11 Grievance Panel and Hearing Committees
 - K.11.1 Grievance Panel
 - K.11.1.1 Duties
 - K.11.1.2 Chair
 - K.11.2 Administrative Duties
 - K.11.3 Election of Grievance Panel Members
 - K.11.4 Formation of Hearing Committees
- K.12 University Grievance Officer
 - K.12.1 Selection, Qualifications, and Term of the University Grievance Officer
 - K.12.2 Oversight of the University Grievance Officer
 - K.12.3 Service of the University Grievance Officer
 - K.12.4 Duties of the University Grievance Officer
 - K.12.5 Legal Advice
 - K.12.6 Temporary Special University Grievance Officer

K.13 University Mediators

K.13.1 Qualifications of University Mediators

K.13.1.1 Qualifications of University Mediators for Faculty

K.13.1.2 Qualifications of University Mediators for Administrative Professionals

K.13.2 Selection, and Terms of University Mediators for Faculty

K.13.3 Selection and Terms of University Mediators for Administrative Professionals

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

APPENDICES

**APPENDIX 1: DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT,
SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING
VIOLENCE, STALKING AND RETALIATION**

Policy

Application of Policy

Exemptions

Definitions

Statement of Policy Principles

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students
2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non –Students who are Covered Persons
3. Employment-Related Discrimination, Harassment, and Other Violations
4. First Amendment
5. Affirmative Action
6. Retaliation
7. Required Training
8. Procedure for Complaints

Filing with External Agencies

Expectations for Members of the University Community

References

Helpful Resources

APPENDIX 2: CONSENSUAL RELATIONSHIPS

APPENDIX 3: FAMILY/MEDICAL LEAVE POLICY

Introduction

Covered Appointment/Employee Types

Eligibility

Entitlement to Family Medical Leave

Entitlement to Military Family Leave

Entitlement to Military Caregiver Leave

Application for Family Medical Leave

Intermittent or Reduced Family Medical Leave

Paid/Unpaid Leave

Use of Leave Without Pay

Required Use of Family Medical Leave

Continuation of Benefits

Return from Family Medical Leave

Effect of Family Medical Leave on Tenure Process

**APPENDIX 4: PROCEDURE FOR RESOLUTION OF DISCRIMINATION
COMPLAINTS (OTHER THAN SEXUAL HARASSMENT)**

I. Policy

- II. Applicability of Policy
- III. Definitions
- IV. The Form of the Complaint
- V. Time Restriction and Conditions for Filing Either an Informal or Formal Complaint
- VI. Resolution of Informal Complaints
- VII. Resolution of Formal Complaints
- VIII. Appeals and Administrative Review
- IX. Expectations for Members of the University Community

APPENDIX 5: RESEARCH MISCONDUCT

APPENDIX 6: FAMILIAL RELATIONSHIPS