

# Faculty Employment Handbook

*Effective January 25, 2021*

## TABLE OF CONTENTS

	<u>Page</u>
<b>I. RANK OF FACULTY UPON APPOINTMENT &amp; FACULTY CATEGORIES .....</b>	<b>1</b>
A. Categories.....	1
B. Specific Guidelines for Rank Upon Appointment of Faculty .....	1
C. Contract Term .....	1
<b>II. CATEGORY I FACULTY – POLICIES &amp; PROCEDURES.....</b>	<b>2</b>
A. Description of Category I Faculty .....	2
B. Performance Reviews for Category I Faculty .....	2
C. Definitions .....	3
D. Departmental Guidelines .....	9
E. Reviewer Roles and Responsibilities .....	10
F. Review Process Steps .....	13
G. Reappointment of Tenure-Track Faculty .....	13
H. Tenure .....	16
I. Promotion.....	22
J. Post-Tenure Review .....	25
K. Emeritus Status of Faculty.....	27
L. Department Chairs: Roles, Responsibilities, and Area of Performance; Selection and Appointment; and Evaluation .....	28
M. Reassigned Time for Administrators Transitioning Back to Faculty Roles .....	33
<b>III. CATEGORY II FACULTY AND CATEGORY III (AFFILIATE) FACULTY – POLICIES AND PROCEDURES .....</b>	<b>34</b>
A. Employment Contracts and Employment Status .....	34
B. Recommended Full-time Faculty Deployment—of the 60 percent Full-time Faculty .....	37
C. Specific Guidelines for Appointment of Faculty.....	37
D. Evaluation and Reappointment.....	38
<b>IV. UNIVERSITY COMPENSATION PHILOSOPHY .....</b>	<b>41</b>
A. General Policies .....	41
B. Salary Administration Policies .....	42
<b>V. OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST .....</b>	<b>43</b>
A. Outside Employment, Personal Activities and Relationships .....	43
<b>VI. COMPLAINTS .....</b>	<b>45</b>

A.	General Policies .....	45
B.	Complaint Procedure .....	45
<b>VII.</b>	<b>FACULTY LEAVES OF ABSENCE POLICIES AND PROCEDURES .....</b>	<b>47</b>
A.	Sabbatical Leave .....	47
B.	Faculty Administrative Leave .....	52
<b>VIII.</b>	<b>TRANSITIONAL RETIREMENT .....</b>	<b>52</b>
A.	Application.....	52
B.	Renewal of Employment Period.....	52
C.	Duties, Rights, and Responsibilities During Employment Period.....	53
D.	Salary .....	53
E.	Leave and Insurance Benefits.....	53
<b>IX.</b>	<b>TERMINATION OF FACULTY APPOINTMENTS.....</b>	<b>53</b>
A.	Definitions .....	53
B.	Nonrenewal of Non-Tenured/Tenure Track Faculty Contracts .....	54
C.	Dismissal of Faculty for Cause .....	55
D.	Appeal of the Decision of Dismissal for Cause .....	57
E.	Layoff of Faculty Due to Program Reduction or Elimination Not Mandated by Financial Exigency.....	58
F.	Layoff of Faculty Due to Financial Exigency .....	59
G.	Considerations for Layoffs.....	59
H.	Appeal Procedure for Layoffs.....	61
I.	Administrators with Faculty Tenure.....	62
J.	Relationship of Academic Rank and Tenure to Professional Status. ....	63
<b>X.</b>	<b>DISCIPLINARY PROCEDURES AND SANCTIONS .....</b>	<b>63</b>
A.	Coordination with Grievance Procedures .....	63
B.	Levels of Disciplinary Action.....	63
C.	Causes for Disciplinary Action .....	64
D.	Progressive Disciplinary Action and Sanctions .....	64
E.	Procedures.....	65
F.	Appeals/Faculty Right to Respond: Minor Disciplinary Action .....	67
G.	Appeals/Faculty Right to Respond: Major Disciplinary Action, Excluding Termination for Cause .....	68
H.	Reporting .....	72
I.	Appeals/Faculty Right to Respond: Termination for Cause .....	72
J.	Allegations of Misconduct Against Department Chairs .....	72

## I. RANK OF FACULTY UPON APPOINTMENT & FACULTY CATEGORIES

### A. Categories

Faculty members are University employees who have been appointed as faculty and whose primary responsibility is to provide academic services such as teaching, academic advising, and curriculum development to the University's students. There are three broad categories of faculty appointment: Category I; Category II; and Category III (all three categories are more specifically described below). The University President or delegate(s) are authorized to establish specific positions within these categories, subject to financial limitations, as well as legal and accreditation requirements.

### B. Specific Guidelines for Rank Upon Appointment of Faculty

1. A new appointee must possess the minimum degree level and, as specified, years of professional experience, full-time, college or university-level teaching experience, and/or time in rank at a regionally-accredited baccalaureate-granting institution of higher education as provided for the rank conferred upon the appointee at the time of employment.
2. The applicable Department Chair, Dean, and the University's Provost have the responsibility for determining the requirements of the degree field, hours of study beyond the degree, professional experience, and applicable certification and/or licensure for faculty applicants.
3. Exceptions to rank upon appointment must be approved by the Provost and President.
4. Granting rank other than assistant professor upon appointment automatically qualifies the faculty member for an award of tenure. Decisions to grant the rank of associate or full professor must be carefully justified in writing to, and approved by, the Provost. After review of the prior recommendations, the President may recommend to the Board of Trustees that a candidate be appointed with tenure. The Board of Trustees retains the final decision-making authority regarding the conferring of tenure. If tenure is granted by the Board of Trustees, the President may then approve rank upon appointment.
5. Rank and Tenure for Administrators
  - a. Academic rank may be conferred on qualified administrators by the President after consultation with the applicable Department Chair and Dean and the Provost.
  - b. Tenure may be conferred upon eligible administrators in accordance with the procedures contained in the tenure section of this Handbook.

### C. Contract Term

1. MSU Denver defines the academic year as spanning an approximately nine-month period from one week prior to the beginning of classes in the fall semester to one week after the conclusion of final exams in the spring semester, excluding periods during which the University is closed for business. Thus, all Category I and Category II faculty are considered to be on nine-month contracts, unless a specific negotiation has occurred during which the faculty member has agreed to a contract of a different length (e.g., 12 months, one semester, etc.)
2. Faculty on the typical nine-month contract who are preparing and submitting grant applications may request up to three months of additional salary to cover work completed during the summer period.

## II. CATEGORY I FACULTY – POLICIES & PROCEDURES

### A. Description of Category I Faculty

Category I Faculty are tenure-line faculty, which means they are either: 1) tenure-track (or probationary) faculty; or 2) tenured faculty.

1. Tenure-track faculty members are full-time faculty, appointed for a term consisting of one academic year. Tenure-track faculty members are reviewed for retention each year under the applicable criteria, standards, and guidelines of the University, and may be reappointed for up to six terms. Tenure-track contracts are subject to non-renewal upon notice. Faculty members holding tenure track positions are uniquely eligible to be awarded tenure, in the sole discretion of the Board of Trustees.
2. Tenured faculty members are subject to comprehensive performance review every five years under the criteria, standards, and guidelines of the University as provided in this Handbook and established by Colorado Revised Statutes.
3. Tenure is a full-time contract for an indefinite term, which is subject to dismissal and reduction in compensation on grounds and with procedures as provided in this Handbook. Tenured faculty members are also subject to termination and reduction in compensation when a reduction in force is authorized, subject to the procedures provided in this Handbook.
4. Category I faculty members are the core of the faculty. These tenured and tenure-track faculty members are an essential element enabling the University to achieve its mission, goals, and strategic initiatives. As such, Category I should comprise a majority of the faculty.
5. Category I faculty members receive initial salaries based upon market data and are eligible for increases based on promotion and merit, as provided in this Handbook.

### B. Performance Reviews for Category I Faculty

In accordance with AAUP Guidelines, this section II.B. outlines institutional performance expectations for Category I faculty seeking reappointment, tenure, promotion, successful post-tenure review, and/or emeritus status. The review process requires compilation of data from multiple sources to demonstrate the complex and diverse work of faculty. These data are intended to present a holistic picture of individual faculty as each seeks reappointment, tenure, promotion, or post-tenure review.

1. Tenure-track faculty shall be evaluated annually during the tenure-track period for reappointment eligibility. At the end of the tenure-track period, normally six years post hire, a cumulative evaluation will become part of the tenure review process.
  - a. Award of tenure requires:
    - (1) Adherence to all contractual requirements;
    - (2) A record of conduct consistent with professional standards;
    - (3) Faculty holding the appropriate terminal degree for the discipline (the Provost may make an exception after consultation with the affected Department Chair and Dean); and
    - (4) Demonstration of performance that meets the standards defined by departmental guidelines, which:

- (a) Should recognize contributions to teaching as the most significant factors in evaluating faculty for tenure, but acknowledge that outstanding teaching will not be sufficient to justify tenure; and
    - (b) May allow for faculty to demonstrate a holistic performance record, where extraordinary accomplishments in one area might compensate for less robust accomplishments in another.
  - b. Promotion: Submission of a tenure portfolio by a tenure-track faculty member at the rank of Assistant Professor will also constitute an application for promotion to Associate Professor.
2. Tenured Faculty will be evaluated through post tenure review every 5 years.

C. Definitions

1. Portfolio<sup>1</sup>

- a. Constitutes a cumulative record of a faculty member’s performance. These documents are meant to be utilized within the performance review process.
- b. Shall include all of the following:
  - (1) Narrative Statement:
    - (a) Presents a reflective self-assessment, highlights accomplishments, and indicates plans for the future;
    - (b) Shows that the faculty member has read, reflected upon and addressed student comments contained in his or her SRI evaluations; and
    - (c) Is expected to be cumulative and to grow in length from one iteration to the next. Accordingly, length expectations for narratives are as follows:
      - (i) 2nd year: 1-3 pages
      - (ii) 3rd year: 2-5 pages
      - (iii) 6th year: 3-8 pages
      - (iv) For promotion to Professor: 3-8 pages
      - (v) For Post Tenure Review: 1-3 pages
  - (2) Curriculum Vitae:
    - (a) Annual annotated Curriculum Vitae (CV) shall include a comprehensive and detailed listing of faculty work in the Areas of Performance.
    - (b) Annotations should provide brief explanation of scholarly work completed or in progress and of service contributions.
  - (3) Student Ratings of Instruction:

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<sup>1</sup> The Portfolio may also be known as a “dossier”. The term Portfolio is consistently used at MSU Denver.

- (a) All portfolios shall include student ratings of instruction for all classes assigned using the approved “Student Ratings of Instruction” (SRI) form. Exceptions include:
  - (i) Field experiences and internships as determined by the Department; and
  - (ii) Classes with fewer than five students must be evaluated according to Department Guidelines.
- (4) Letters of Review and Faculty Responses:
  - (a) Letters of Review:
    - (i) Are required at each level of review; and
    - (ii) Must:
      - a) Be based on the evidence and the criteria established by departmental evaluation guidelines;
      - b) Contain substantive comments useful to subsequent reviewers and to the faculty candidate;
      - c) Include recommended conditions for subsequent reappointment when relevant;
      - d) Include a rationale noting, if appropriate, commendable performance; and
      - e) Address any changes made to the Portfolio during the review and the reasons for those changes.
    - (iii) As Letters of Review are added to the portfolio, the Committee Chair, Department Chair, or Administrator at each level of review shall promptly provide to the faculty member a copy of the Letter of Review by uploading that letter into the electronic portfolio review system.
    - (iv) Upon receipt of the Letter of Review and a copy of any Provost-approved information added to the Portfolio pursuant to II.C.1.b(7) below, the faculty member has the option of providing a written response within seven (7) calendar days of the deadline for submission of the evaluation letters as specified in the Procedural Calendar<sup>2</sup>. The written response will become part of the Portfolio.
  - (b) Reappointment or tenure/promotion portfolios for faculty in years two through six shall include:
    - (i) All previous Letters of Review for reappointment; and

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<sup>2</sup> The procedural calendar will not require submission of evaluation letters or faculty responses at times that the University is closed or when faculty are on spring, fall, or winter breaks. If the evaluation letter from a given letter of review is submitted past the deadline specified in the Procedural Calendar, the deadline for a faculty response will be seven calendar days from the time the letter is uploaded into Digital Measures.

- (ii) Any responses by the faculty member.
  - (c) Portfolios for Promotion to Professor shall include:
    - (i) All Letters of Review from the previous tenure/promotion review; and
    - (ii) All Letters of Review from post-tenure reviews; and
    - (iii) Any responses to the above from the faculty member.
- (5) Reassigned Time Reports and Evaluations: If faculty has received reassigned time to conduct work beyond normal duties—e.g., to engage in grant-funded activities, to work on projects for the University such as program review or assessment, to administer a program—the faculty member must provide:
  - (a) Reports of their accomplishments; and
  - (b) The evaluations of this work.
- (6) Additional Materials for Review Required:
  - (a) For Years Three and Six:
    - (i) Faculty members can choose to include as many as nine items or as few as four items; and
    - (ii) At least two must be from the Teaching category and one each from the Scholarly Activities and Service categories.
  - (b) For Promotion to Professor:
    - (i) Faculty members can choose to include as many as nine items or as few as four items; and
    - (ii) At least two must be from the Teaching category and one each from the Scholarly Activities and Service categories.
- (7) Supplementary Documentation and Other Official and Relevant Information:
  - (a) Any level of review may request relevant and official information not present in the faculty Portfolio to assist the evaluation process.
  - (b) Only Provost-approved requests constitute official and relevant information.
  - (c) Any additional Provost-approved materials must be addressed in the Letters of Review and supporting documents included as an appendix thereto.
  - (d) The faculty member will be provided copies of the correspondence to and from the Provost and have the opportunity to respond according to section II.C.1.(4)(a)(iv), above.

2. Review Committees for Reappointment, Tenure, Promotion, and Post-Tenure Review

- a. Eligibility for review committee members:
  - (1) Committee members must be tenured.
  - (2) Any person on a full-time administrative contract is not eligible to serve or vote on faculty review committees, regardless of faculty rank and tenure.

- (3) Faculty members serving on review committees and simultaneously being considered for promotion to Professor cannot participate in the discussion and vote on any promotion decisions at any level (Department RTP Committee, College/School RTP Committee or Faculty Senate RTP Committee) for the rank of Professor.
  - (4) Faculty members undergoing Post Tenure Review cannot participate in the discussion and vote on any Post Tenure Review decisions at any level (Department PTR Committee or University Appeals Committee).
  - (5) No faculty member may serve as a voting member of more than one review Committee (Department/Peer Review, College/School, Senate or University Appeals Committee).
- b. Department/Peer Review Committees composition:
- (1) Shall consist of at least a majority of the eligible tenured faculty members in the department.
  - (2) Shall consist of at least three members.
  - (3) If a Department cannot constitute a three-member Department/Peer Review Committee, a Department/Peer Review Committee will be established by the Dean, which may include members from cognate departments.
- c. College/School Review Committees composition:
- (1) Must be representative of the range of disciplines in a College/School. Half of the members of the College/School Committee shall be elected by the College/School faculty and half appointed by the Dean.
  - (2) Size will be determined by the tenured faculty of the College/School and a vote of the tenured faculty will be required to change the number of members of the Committee.
- d. Faculty Senate Committee: Membership of the Faculty Senate Reappointment, Tenure, and Promotion Committee is established by the Senate Bylaws, Article V, Section 17.
- e. University Appeals Committee shall consist of:
- (1) One tenured faculty elected from each College/School; and
  - (2) One at-large tenured faculty elected from the Faculty Senate.
3. Areas of Performance: University faculty are reviewed on their performance in three areas: teaching, scholarly activities, and service.

a. Teaching

Teaching is a complex and reflective human activity that, in the higher education context, is offered in a forum that is advanced, semi-public, and essentially critical in nature. No single definition can possibly suffice to cover the range of talents that go into excellent teaching or that could be found across the board in the varied departments and disciplines of an entire college or university. Effective teachers are scholars, researchers, inventors, scientists, creators, artists, professionals, investigators, practitioners or those with advanced expertise or experience who share knowledge, using appropriate methodologies and who demonstrate and encourage enthusiasm about the subject matter in such a way as to leave the student with a lasting and vivid conviction of having benefited from that interaction.

Effective teachers maintain high academic standards, prepare students for professional work and development, facilitate student achievement, and provide audiences for student work. At the instructional level, the most important responsibilities of a teacher to his/her students include the following:

- (1) Content Expertise - to demonstrate knowledge and/or relevant experience: Effective teachers display knowledge of their subject matters in the relevant learning environment (classroom, on-line, hybrid, field work, etc.), which typically includes the skills, competencies, and knowledge in a specific subject area in which the faculty member has received advanced experience, training, or education.
- (2) Instructional Design - to re-order and re-organize this knowledge/experience for student learning: Effective teachers design course objectives, syllabi, materials, activities, and experiences for in-person and online delivery that are conducive to learning for all students in alignment with accessibility requirements.
- (3) Instructional Delivery - to communicate and “translate” this knowledge/ experience into a format accessible to students: Effective teachers communicate information clearly, create environments conducive to learning, use an appropriate variety of teaching methods, and use university-supported technological tools including the institutional learning management system to facilitate in-person and online learning.
- (4) Instructional Assessment - to evaluate the mastery and other accomplishments of students: Effective teachers design assessment procedures appropriate to course objectives, ensure fairness in student evaluation and grading, and provide constructive feedback on student work.
- (5) Advising in and Beyond the Classroom - to provide guidance for students as they pursue undergraduate and post-baccalaureate education and/or employment: Effective advisors interact with students to provide career guidance and information, degree program guidance and information (e.g., advice on an appropriate schedule to facilitate graduation), and answers to questions relating to a discipline. Normally, Category I faculty are expected to maintain a minimum of five scheduled office hours per week during the academic semester.
- (6) NOTE: Teaching performance will be evaluated based on the teaching done by a faculty member. Faculty who teach less than twelve (12) credit hours each semester will not be penalized for performing other critical duties needed by the Department, College/School, or University. Normally, these responsibilities will be delineated in and accounted for through reassigned time awards and evaluations and documented in Digital Measures.

#### b. Scholarly Activities

Scholarly and creative activities are disciplinary or interdisciplinary expressions or interpretations that develop ideas, frame questions, create new forms of representation, solve problems, or explore enduring puzzles.

Purposes include, but are not limited to, the following: advancing knowledge or culture through original research or creative activities; interpreting knowledge within or across disciplines; synthesizing information across disciplines, across topics, or across time; aiding society or disciplines in addressing problems; or enhancing knowledge of student learning and effective teaching.

Typically, to be considered scholarship, findings should be disseminated to either peer review by disciplinary scholars or professional or governmental organizations; or critical reflection by a wider community, including corporations or nonprofit organizations, for example.

In addition to these scholarly activities, and depending on the specific Department Guidelines, this category may also include activities in which the faculty member shares other knowledge with members of the learned and professional communities; continued education and professional development activities appropriate to professional status or assignments; and other activities specific to the faculty member's discipline or assigned responsibilities.

c. Service

Faculty engage in service when they participate in the shared governance and facilitate the good functioning of the institution. Service to the institution can be at the program, department, school, or college or university level. Beyond the institution, faculty engage in service when they use their disciplinary and/or professional expertise and talents to contribute to the betterment of their multiple environments, such as regional communities, professional and disciplinary associations, non-profit organizations, or government agencies. Examples of service might include (but are not limited to):

- (1) Committee participation
- (2) Committee leadership
- (3) Program or department contributions
- (4) Board participation
- (5) Unpaid public service to community and/or professional organizations
- (6) Contributions to disciplinary associations
- (7) Other

d. Projects and tasks completed or undertaken on reassigned time will be evaluated in accordance with the three areas of performance delineated above as appropriate, e.g., service activities for which the faculty member received reassigned time will be evaluated as Service.

4. Periods of review

- a. Tenure-track years 1 through 5: Portfolios for Category I faculty seeking reappointment in tenure-track years 1 through 5 are cumulative. Each portfolio should document faculty accomplishments from the beginning of the first tenure-track year up to the time at which the portfolio is submitted for review. Faculty who have received years of credit toward eligibility for tenure for previous tenure-track appointments should document their accomplishments in the areas of teaching, scholarship and service during those years.
- b. Tenure: Portfolios for Category I faculty seeking tenure in years 4, 5, or 6 are cumulative. Each portfolio should document faculty accomplishments from the beginning of the first tenure-track year up to the time at which the portfolio is submitted for review. Faculty who have received years of credit toward eligibility for tenure for previous tenure-track appointments should document their accomplishments in the areas of teaching, scholarship and service during those years.

- c. Promotion to full professor: Promotion portfolios will document accomplishments from the date on which the portfolio was submitted for the tenure review up to the date on which the promotion portfolio is submitted. Any accomplishment for which the candidate received credit during the tenure review may not also be counted toward the promotion to full professor evaluation.
- d. Post-tenure review: PTR portfolios will document accomplishments from the date on which the portfolio was submitted for the previous major review (tenure, promotion, or PTR) up to the date on which the current PTR portfolio is submitted.

D. Departmental Guidelines

In accordance with AAUP Guidelines, this section delineates requirements for discipline-specific guidelines that clearly describe performance expectations for tenure-line faculty seeking reappointment, tenure, promotion, a successful post-tenure review, and/or emeritus status.

1. Differences in disciplines and faculty activities among departments will be reflected in the Departmental Guidelines for teaching, scholarly activities, and service.
2. Departmental Guidelines shall include specific criteria, not inconsistent with the definition of each area of performance, for teaching, scholarly activities, and service.
3. All Departmental Guidelines shall establish rigorous performance standards consistent with the goal of academic excellence. Departments should clearly delineate among expectations for successful reviews at each level, including reappointment, tenure, promotion, successful post tenure review, and emeritus status.
4. Departmental Guidelines must include qualitative and, if appropriate, quantitative standards of achievement and examples of activities for achieving each review status.
5. Departmental Guidelines shall also be the basis for the narrative used for tenure and promotion evaluation and Post-Tenure Review.
6. Departments may use guidelines to establish expectations for additional review activities, such as peer observations.
7. Each Department Chair, with the input and advice of departmental faculty, shall write guidelines specific to the needs of the Department pertaining to the performance areas of teaching, scholarly activities, and service, which are consistent with the College/School and University's mission statements.
8. Departmental Guidelines must be approved before they take effect.
  - a. To ensure College/School-level equity in Departmental Guidelines performance standards, the College/School Dean will convene a Committee of all Department Chairs in the fall semester to review all Departmental Guidelines and recommend changes or forward to the Dean and Provost for approval.
  - b. In the event there is disagreement concerning Departmental Guidelines content, the Provost will make the final decision.
  - c. Departmental Guidelines should be reviewed annually, but only updated if deemed necessary. If Departmental Guidelines are changed, the Chair must submit the current Departmental

Guidelines and revised Departmental Guidelines, highlighting and explaining the rationale for any changes, to the College/School Committee of Department Chairs, the College/School Dean, and Provost for approval no later than March 1 of each year. The Provost may make revisions to such Departmental Guidelines.

- (1) The revised Departmental Guidelines will be effective immediately for faculty hired in the next academic year.
- (2) For tenure-track faculty members the revised Departmental Guidelines will be effective upon completion of their tenure review.
- (3) For tenured faculty members the revised Departmental Guidelines will be effective upon completion of their next significant evaluation (i.e., promotion or post-tenure review) or immediately, if the next significant evaluation is more than three years away.
- (4) Under extremely rare circumstances, changes can be made effective immediately (triggered, for example, by discipline-specific accreditation standards) if a majority of tenure-line faculty in an academic department and the relevant College/School Dean agree such changes are needed and reasonable.

#### E. Reviewer Roles and Responsibilities

##### 1. Responsibilities common to each and every level of review:

- a. Must maintain the strictest confidentiality of faculty portfolios:

Except as may be allowed by the open records law (Colorado Revised Statutes (C.R.S.) §24-72-201, et seq.) or if granted permission by the faculty member, access to faculty Portfolios is limited to the candidate, the members of all recommending bodies, the President, the appropriate University staff, the Board of Trustees, and the University Appeals Committee as may be required;

- b. Must show sensitivity when evaluating both the numerical SRIs and the subjective student comments (to the extent that they may be reviewed by individual reviewers) that may be related, explicitly or implicitly, to personal characteristics of faculty members. Any overt or subtle statements or other signs of racism, sexism, ageism, heterosexism, genderism, or xenophobia must be completely ignored. In reviewing numerical SRIs, reviewers must ignore patterns that may emerge regarding scores for 'Faculty Contribution to the Course' which may reflect personal bias. Examples include SRI scores that appear lower (or higher) than other criteria of faculty evaluation might suggest (e.g., peer observations, faculty narrative, or supplemental materials supplied by students such as letters of appreciation). In reviewing subjective student comments, appropriate sensitivity must be maintained when observing even the slightest hint of bias about any personal characteristics of faculty members, as opposed to substantive comments that relate directly to the "Course as a Whole" and "Faculty Contribution to the Course";
- c. May ask for information not presented in the Portfolio by submitting a written request to the Provost with a copy sent to the faculty member at the same time. The faculty member will be provided copies of the correspondence to and from the Provost and have the opportunity to respond according to section II.C.1.(4)(a)(iv) of this Handbook. Such Provost-approved additional information shall become part of the faculty member's Portfolio;
- d. Shall review the Portfolio using departmental guidelines to determine the recommendations to be included in the Letter of Review;

- e. Shall write a Letter of Review as defined in section II.C.1.(4) of this Handbook, and submit the Letter of Review to the candidate's Portfolio no later than the first day of the next review level so that all previous review levels, the Faculty Candidate, and subsequent reviewers have access to it; and
  - f. Shall retain a record of procedures, actions, votes (in the case of review committees), recommendations, and comments until time limits for appeals have expired.
2. Responsibilities common to specific levels of review:
- a. Faculty Candidates for Reappointment, Tenure, Promotion, or Post-Tenure Review
    - (1) Must maintain a Portfolio that contains information sufficient to permit evaluation of their performance for purposes of reappointment, tenure, promotion, or post-tenure review;
    - (2) Must update Portfolios as required by Procedural Calendar deadlines;
    - (3) Shall update and submit the Portfolio to the first level of review, either the department chair or the Department/Peer Review Committee chair, in accordance with deadlines specified in the Procedural Calendar;
    - (4) May respond to any Letter of Review within seven calendar days of the deadline for submission of the evaluation letter as specified in the Procedural Calendar
    - (5) Faculty hired on joint appointments will select one Department at time of hire for retention, tenure, promotion, and post-tenure review.
  - b. Department/Peer Review Committee
    - (1) Shall comply with all responsibilities delineated in section II.E.1. of this Handbook;
    - (2) Shall determine all decisions based on a simple majority vote of Committee Members; and
    - (3) Shall elect a Chair from among members, who will:
      - (a) Record the Committee vote on the Portfolio Review Screen; and
      - (b) Prepare a Letter of Review reflecting the Committee's recommendation (any Committee member may provide additional signed comments).
  - c. Department Chair
    - (1) Must review each faculty member's Portfolio for accuracy and for compliance with the Guidebook for Portfolio Preparation, which is maintained on the Faculty Affairs webpage;
    - (2) Should suggest to the faculty member the addition of missing material and/or request clarification of material before the Portfolio leaves the department (NOTE: Any alterations made at this point to the Portfolio do not require approval by the Provost); and
    - (3) Shall meet annually with tenure-track faculty to review requirements for items included in the Portfolio and answer any questions raised by the candidate's performance review.
  - d. College/School Review Committee
    - (1) Shall comply with all responsibilities delineated in section II.E.1. of this Handbook;
    - (2) Shall determine all decisions based on a simple majority vote of Committee Members;

- (3) Shall elect a Chair from among members, who will:
  - (a) Record the Committee vote on the Portfolio cover sheet; and
  - (b) Prepare a Letter of Review reflecting the Committee’s recommendation; any Committee member may provide additional signed comments.
- e. College/School Dean
  - (1) The College/School Dean has the authority to reappoint tenure-track faculty in years 1, 2, 4, and 5, and to make final decisions on post-tenure review candidates (subject to the appeal mechanisms described below.)
  - (2) Shall comply with all responsibilities delineated in section II.E.1. of this Handbook.
- f. Faculty Senate Retention, Tenure, and Promotion Committee (FSRTPC)
  - (1) Shall comply with all responsibilities delineated in section II.E.1. of this Handbook;
  - (2) Shall determine all decisions based on a simple majority vote of Committee Members; and
  - (3) Shall elect a Chair from among members, who will:
    - (a) Record the Committee vote on the Portfolio cover sheet; and
    - (b) Prepare a Letter of Review reflecting the Committee’s recommendation (any Committee member may provide additional signed comments).
- g. University Appeals Committee
  - (1) Shall hear appeals, if requested by the faculty member, of any Post-Tenure Review cases in which the Dean assigns a rating of “Needs Improvement” in any area of evaluation;
  - (2) Shall hear appeals, if requested by the faculty member, of cases in which the Provost or President decline to recommend a candidate for tenure, as specified in Subsection H.5 below;
  - (3) Shall hear appeals, if requested by the faculty member, of cases in which the Dean or Provost decline to reappoint a faculty member to the next tenure track year, as specified in Subsection G.4 below;
  - (4) Shall comply with all responsibilities delineated in section II.E.1. of this Handbook;
  - (5) Shall determine all decisions based on a simple majority vote of Committee Members; and
  - (6) Shall elect a Chair from among members, who will:
    - (a) Record the committee vote on the Portfolio Review Screen; and
    - (b) Prepare a Letter of Review reflecting the Committee’s recommendation (any Committee member may provide additional signed comments).
- h. Office of the Provost
  - (1) Shall provide written suggestions for the preparation of Portfolios in the Guidebook for Portfolio Preparation;
  - (2) Shall publish procedural timetables for reappointment, promotion, tenure review, post-tenure review, and emeritus status and distribute to faculty and academic administrators;

- (3) Shall publish any forms and documents used in the reappointment, tenure review, promotion, post-tenure review, and emeritus status;
- (4) Shall notify affected faculty of approved changes to Department Guidelines by the last day of classes each spring semester;
- (5) Shall, in the sixth tenure-track year, indicate in writing to eligible faculty that the tenure process should be initiated;
- (6) Shall archive each tenure Portfolio as part of the faculty member's official records (NOTE: Reappointment, promotion, and post-tenure review Portfolios are the property of the faculty member, will not become part of the faculty member's official records, and may be archived for the sole purpose of providing a copy to said faculty member in future years upon request); and
- (7) Shall, in the event of an appeal of any retention, tenure, or post-tenure review decision, make available to relevant parties any relevant Portfolios until the appeal process is completed.

#### F. Review Process Steps

Depending upon whether the review is for reappointment, tenure, promotion, or post-tenure, the review process may involve up to nine steps, which are:

1. Portfolio Submission
2. The Department Review Committee
3. The Department Chair (NOTE: In the case of a Department Chair being a candidate for reappointment, tenure, promotion, and/or post-tenure review, the recommendation of a Peer Review Committee, comprising at least three other Department Chairs appointed by the College/School Dean, will substitute for the recommendation of the Chair. In such cases, the Department Chair will still review the reappointment, tenure, promotion, or post-tenure review portfolios for other candidates within that Department.)
4. The College/School Committee
5. The College/School Dean
6. The Faculty Senate Retention, Tenure, and Promotion Committee (FSRTPC)
7. The Provost
8. The President
9. Board of Trustees

#### G. Reappointment of Tenure-Track Faculty

1. General Policies
  - a. Reappointment policies and procedures are intended to support faculty in meeting the University criteria for tenure.
  - b. Tenure-track faculty will be reviewed annually.

- c. It is the responsibility of the faculty candidate to seek advice and assistance in efforts to achieve reappointment and prepare for the tenure evaluation.
  - d. A Portfolio is required for all reviews.
  - e. Portfolios will be due at a time set by the Procedural Calendar.
  - f. The faculty member must meet the contractual responsibilities defined in this Handbook and adhere to all policies and procedures set forth in this Handbook as a prerequisite to reappointment consideration.
2. Special Cases
- a. Leaves of absence (medical leave or leave without pay):
    - (1) Faculty granted a leave of absence for less than a full semester will submit a Portfolio to evaluate their activity only during that part of the year in which they were fulfilling their responsibilities as a faculty member.
    - (2) Faculty on leave for one or more semesters will have no evaluation conducted during that time.
    - (3) A faculty member on leave for one or more semesters in an academic year can choose whether to have that academic year counted toward eligibility for tenure. Within 30 days of the beginning of the semester following the conclusion of the leave, the faculty member shall submit a written statement to the Department Chair and Dean indicating whether they want that academic year to count toward such eligibility. The Dean shall forward that statement to the Provost or Provost's designee.
    - (4) The Provost may extend (at the Provost's sole discretion) a faculty member's tenure-track period toward tenure for an additional year if there are extenuating circumstances.

### 3. Criteria for Reappointment

Candidates for reappointment will be evaluated in the performance areas of teaching, scholarly activities, and service as outlined in section II.C.3. above, and as further delineated in Departmental Evaluation Guidelines in section II.D. above.

### 4. Procedures for Reappointment

- a. Portfolios for candidates for retention shall automatically progress to next review level; recommendations made at each level are not binding on any subsequent level.
- b. The College/School Dean has the authority to reappoint tenure track faculty in years 1, 2, 4, and 5.
- c. In tenure track years 1, 2, 4, and 5, if the Dean does not reappoint a faculty member to the next tenure track year, the faculty member may appeal that decision to the University Appeals Committee. The recommendations of the University Appeals Committee, along with the candidate's portfolio, will be reviewed by the Provost, who will make the final decision regarding reappointment. In such cases, the Provost's decision is final and is not appealable.
- d. The Provost has the authority to reappoint tenure track faculty in year 3.
- e. In tenure track year 3, if the Provost does not reappoint a faculty member to the next tenure

track year, the faculty member may appeal that decision to the University Appeals Committee. The recommendations of the University Appeals Committee, along with the candidate's portfolio, will be reviewed by the President, who will make the final decision regarding reappointment. In such cases, the President's decision is final and is not appealable.

- f. Review committee members are obliged to vote for or against recommending retention of each application before the committee.
- g. Review procedures for reappointment will differ as stated below.
  - (1) First Year - During the Spring Semester of year one, as defined in the Procedural Calendar:
    - (a) Each tenure-track faculty member will, for review by the Department Chair and College/School Dean for purposes of reappointment, submit:
      - (i) Annotated Curriculum Vitae; and
      - (ii) All Student Ratings of Instruction.
  - (2) Second Year - In the Fall Semester of year two:
    - (a) Each tenure-track faculty member will, for review by the Department Chair and College/School Dean for purposes of reappointment, submit a:
      - (i) Annotated Curriculum Vitae;
      - (ii) All Student Ratings of Instruction;
      - (iii) A Narrative Statement (1-3 pages in length);
      - (iv) Previous review letters by the levels of review from year one and any relevant responses by the faculty member; and
      - (v) All reassigned time evaluations and reports, if relevant.
  - (3) Third Year - In the Fall Semester of year three:
    - (a) Each tenure-track faculty member will submit a Portfolio, consisting of the following materials for review:
      - (i) Annotated Curriculum Vitae;
      - (ii) All Student Ratings of Instruction,
      - (iii) A Narrative Statement, two-to-five pages in length;
      - (iv) All previous review letters by the levels of review for reappointment and any relevant responses by the faculty member;
      - (v) All reassigned time evaluations and reports, if relevant; and
      - (vi) Selected additional materials for review (a minimum of four items and a maximum of nine items).
    - (b) These items will be reviewed by the Department/Peer Review Committee; Department Chair; College/School Review Committee; College/School Dean; the FSRTPC; and the Provost for purposes of reappointment.
  - (4) Fourth Year - In the Fall Semester of year four:

- (a) Each tenure-track faculty member will, for review by the Department Chair and College/School Dean for purposes of reappointment, submit a:
  - (i) Annotated Curriculum Vitae;
  - (ii) All Student Ratings of Instruction;
  - (iii) All previous review letters by the levels of review for reappointment and any relevant responses by the faculty member;
  - (iv) All reassigned time evaluations and reports, if relevant;
  - (v) If the review letters for year three indicate specific areas of concern that may prevent a successful tenure application, relevant documentation addressing progress on such areas should be included in the faculty member's Portfolio for year four.
  
- (5) Fifth Year - In the Fall Semester of year five:
  - (a) Each tenure-track faculty member will, for review by the Department Chair, and College/School Dean, for purposes of reappointment submit:
    - (i) Annotated Curriculum Vitae;
    - (ii) All Student Ratings of Instruction;
    - (iii) All previous review letters by the levels of review for reappointment and any relevant responses by the faculty member;
    - (iv) All reassigned time evaluations and reports, if relevant;
    - (v) If the review letters for year four indicate specific areas of concern that may prevent a successful tenure application, relevant documentation addressing progress on such areas should be included in the faculty member's Portfolio for year five.

## H. Tenure

### 1. General Policies

- a. An award of tenure is not a right, but a privilege, which must be earned on the basis of performance during a tenure-track period, as evaluated by peers, appropriate administrators (as defined herein, e.g., Academic Dean, Provost, etc.), the President and the Board of Trustees.
- b. Tenure is not acquired automatically by length of service.
- c. An award of tenure can only be granted or revoked by the Board of Trustees.
- d. An award of tenure shall begin with the first day of the subsequent academic year contract.
- e. Eligible faculty may submit an application for tenure during their fourth, fifth, or sixth tenure-track year.
- f. Tenure applications submitted during the fourth or fifth tenure-track years shall be considered in accordance with the same Handbook and institutional criteria, policies, procedures, and timetables applicable to other tenure applications submitted during the sixth tenure-track year.

- g. A faculty member on leave for one or more semesters in an academic year can choose whether to have that academic year counted toward eligibility for tenure. Within 30 days of the beginning of the semester following the conclusion of the leave, the faculty member shall submit a written statement to the Department Chair and Dean indicating whether they want that academic year to count toward such eligibility. The Dean shall forward that statement to the Provost or Provost's designee.
  - h. Temporary contracts and contracts for less than a full academic year shall not be counted in determining eligibility for consideration for tenure.
  - i. Faculty who are denied tenure in the sixth tenure-track year will be offered a one-year terminal contract for the following academic year. The President may, at his or her discretion, offer additional one-year contracts to any such faculty member.
  - j. In all cases, it is the faculty member's responsibility to apply for tenure. Failure to apply for tenure by the sixth-year deadline will result in an offer of a terminal seventh year contract for the next academic year, followed by automatic non-renewal at the end of that terminal contract. A faculty member could be hired into a non-tenure/non-tenure track position after the termination of the tenure-track employment contract. However, this would be accomplished with a separate employment agreement.
  - k. An application by an Assistant Professor for tenure also will constitute an application for promotion to the rank of Associate Professor. The Portfolio must be submitted to the Department/Peer Review Committee Chair to begin the review process for promotion.
2. Eligibility for Tenure
- a. Only Category I faculty who hold the rank of Assistant Professor, Associate Professor or Professor, may acquire tenure.
  - b. Candidates applying for tenure in their fourth or fifth tenure-track year may withdraw their applications at any point without prejudice.
  - c. When a faculty member applies for tenure in the fourth or fifth tenure-track year, each level of review must submit a recommendation regarding reappointment as well as tenure. This recommendation shall be included in the tenure evaluation letter submitted by the review level and included in the votes recorded by that review level in the electronic portfolio review system.
  - d. Candidates applying for tenure in their sixth tenure-track year who withdraw their applications for tenure will receive a one-year terminal contract and will not be eligible for tenure review at the conclusion of the terminal year.
  - e. Except as provided herein, administrators, non-instructional personnel, athletic coaches, and faculty on temporary contracts (whether full- or part-time) are not eligible for tenure.
3. Criteria for Tenure
- a. Candidates for tenure will be evaluated in the areas of teaching, scholarly activities, and service as defined above and as may be further delineated by Department Guidelines.
4. Procedures for Tenure
- a. Portfolios for candidates for tenure and promotion to Associate Professor shall automatically progress to the next review level; recommendations made at each level are not binding on any

subsequent level.

- b. In the Fall Semester of the academic year, candidates for tenure must submit a Portfolio, consisting of the following materials for review:
  - (1) Annotated Curriculum Vitae;
  - (2) All Student Ratings of Instruction;
  - (3) A Narrative Statement, three-to-eight (3-8) pages in length;
  - (4) All previous review letters by the levels of review for reappointment and any relevant responses by the faculty member;
  - (5) All reassigned time evaluations and reports, if relevant; and
  - (6) Selected additional materials for review (a minimum of four items and a maximum of nine items).
- c. These items will be reviewed by the Department/Peer Review Committee; Department Chair; College/School Review Committee; College/School Dean; and Faculty Senate Retention, Tenure, and Promotion Committee. NOTE: In the case of a Department Chair being evaluated for tenure, the recommendation of a Peer Review Committee, comprising at least three other Department Chairs appointed by the College/School Dean, will substitute for the recommendation of the Chair. The Department Chair will still evaluate the portfolios of other members of the Department undergoing retention, tenure, or promotion reviews.
- d. A majority of members eligible to vote at each of the Department/Peer Review, College/School or University Committees must vote in favor of awarding tenure in order for tenure to be recommended at that level. Review Committee members are obliged to vote for or against recommending approval of each application before the Committee. Failure to recommend tenure shall not preclude a faculty member's application for tenure from proceeding to the next level of the review process.
- e. Role of the Provost in the tenure/promotion to Associate Professor review process:
  - (1) Upon review of the recommendations made by prior levels of review, the Provost will decide whether to recommend to the President that the candidate be granted tenure and promotion to Associate Professor.
  - (2) If there is disagreement in the recommendations for tenure at any previous level of review, the Provost shall convene a reconciliation meeting. Participants shall include individual reviewers—e.g., Department Chair and College/School Dean—and the Chairs of the Department, College/School, and FS RTP Committees.
    - (a) This meeting shall take place within seven days after the designated deadline for the candidate to respond to the Faculty Senate RTP Committee.
    - (b) The candidate shall not be a part of this meeting.
    - (c) The purposes of the meeting will be twofold:
      - (i) To understand the reasoning behind the differing evaluations; and
      - (ii) To attempt to resolve differences before the Provost decides whether to

recommend the candidate for tenure and promotion to Associate Professor.

- (3) If the Provost recommends the candidate for tenure and promotion to Associate Professor, the portfolio, along with the Provost's recommendation, will be forwarded to the President;
  - (4) If the Provost does not recommend the candidate for tenure and promotion to Associate Professor, the portfolio will not be forwarded to the President;
  - (5) The Provost's decision to not recommend tenure and promotion to Associate Professor is appealable. Procedures for such appeal are detailed in Subsection 5, below.
- f. Role of the President in the tenure/promotion to Associate Professor review process:
- (1) Of the candidates recommended by the Provost for tenure, the President shall decide whom to recommend to the Board of Trustees for tenure.
  - (2) Only candidates recommended by the President for tenure will be forwarded to the Board of Trustees.
  - (3) The President's decision to not recommend tenure is appealable. Procedures for such appeal are detailed below in Subsection 5.
  - (4) Among candidates granted tenure by the Board of Trustees, the final responsibility for awarding promotion to Associate Professor rests with the President.
- g. Role of the Board of Trustees in granting tenure: The final responsibility for award or denial of tenure rests with the Board of Trustees upon recommendation of the President.
5. Appeal of Tenure Denial
- a. A candidate in the sixth tenure-track year who receives notice that he or she will not be recommended by the Provost to the President and Board of Trustees for an award of tenure may request reconsideration.
- (1) Basis for reconsideration shall be limited to direct evidence of a procedural or substantive error in the review process. The candidate must appeal to the Chair of the University Appeals Committee within 10 working days of receiving notice of the denial.
  - (2) The University Appeals Committee will review the information submitted according to its most current procedures.
  - (3) The candidate will have the opportunity for a hearing in front of the University Appeals Committee should the University Appeals Committee determine it is warranted and other resolution is not reached.
  - (4) The University Appeals Committee must submit a written recommendation and rationale to either uphold or reconsider the Provost's decision to not recommend the faculty member for tenure. The University Appeals Committee recommendation shall be shared with the Provost and the appellant and forwarded along with the Provost's recommendation to the President.
  - (5) The President will make the final decision regarding the appeal. If the President upholds the appeal, the President will recommend the candidate for tenure to the Board of Trustees. Only positive decisions will be forwarded to the Board of Trustees for approval.

- (6) If the President denies the candidate's appeal, the candidate's application for tenure is denied, and the candidate's application will not be presented to the Board of Trustees for consideration. Faculty who are denied tenure in the sixth tenure-track year will be offered a one-year terminal contract for the following academic year. The President may, at his or her discretion, offer additional one-year contracts to any such faculty member.
- b. A candidate in the sixth tenure-track year who, after having been recommended for tenure by the Provost, receives notice that s/he will not be recommended for tenure by the President may request reconsideration.
    - (1) Basis for reconsideration shall be limited to direct evidence of a procedural or substantive error in the review process. The candidate must appeal to the Chair of the University Appeals Committee within 10 working days of receiving notice of the denial.
    - (2) The University Appeals Committee will review the information submitted according to its most current procedures.
    - (3) The candidate will have the opportunity for a hearing in front of the University Appeals Committee should the University Appeals Committee determine it is warranted and other resolution is not reached.
    - (4) The University Appeals Committee must submit a written recommendation and rationale to either uphold or reconsider the President's original decision to not recommend the faculty member for tenure. The University Appeals Committee recommendation shall be shared with the President and the appellant.
    - (5) The President will review the recommendation of the University Appeals Committee, and make a decision regarding whether to alter his/her original decision. If the President decides to reverse his/her original decision, the candidate will be recommended for tenure to the Board of Trustees.
    - (6) If the University Appeals Committee recommends the candidate be considered for tenure yet the President upholds the original decision, the candidate's application for tenure will be presented to the Board of Trustees. The Board of Trustees will review all previous levels of review and make a final decision based on best practices. Faculty who are denied tenure in the sixth tenure-track year will be offered a one-year terminal contract for the following academic year. The President may, at his or her discretion, offer additional one-year contracts to any such faculty member.
  - c. Tenure applications submitted during the fourth or fifth tenure-track years shall be considered in accordance with the same Handbook and institutional criteria, policies, procedures, and timetables applicable to other tenure applications submitted during the sixth tenure-track year. If a candidate is not successful in the fourth or fifth years he or she may still apply for tenure in the subsequent year(s).
  - d. Unsuccessful candidates for tenure during the fourth or fifth tenure-track years may be reappointed according to the normal policies and procedures articulated in this Handbook.
  - e. There is no appeal for the denial of tenure for candidates in the fourth or fifth tenure-track years.
- 6. Granting Year(s) of Credit toward Earning Tenure
    - a. Year(s) of credit toward earning tenure must be offered in writing at the time of initial

appointment toward tenure-track status. The candidate must accept or reject the service credit offer no later than December 15 of the appointment year for a fall appointment or no later than May 15 of the appointment year for a spring appointment.

- b. Years of credit may be awarded for tenure track faculty service at a four-year accredited institution of higher education, or comparable experience (e.g., faculty who served in full-time positions at institutions of higher education which do not offer tenure).
  - c. A year of service for faculty in an academic year position is two consecutive semesters, or the equivalent. A year of service for faculty in a 12-month position is 12 months of full-time employment. A maximum of two years credit may be offered.
7. Tenure Upon Appointment/Immediate Tenure - Tenure may be granted to a faculty member upon appointment subject to the following:
- a. Upon a request of a Chair or a Department Search Committee that a faculty candidate be awarded tenure upon appointment, a majority of the tenured faculty of the affected Department must recommend to support such a request. Any such candidate must meet the following criteria:
    - (1) The appointee was previously tenured at a regionally accredited, baccalaureate-granting institution of higher education; or
    - (2) The appointee has achieved recognized, outstanding distinction in public service or the private sector.
  - b. If the tenured faculty members of the Department recommend that tenure upon appointment be awarded, that recommendation shall be reviewed by the Chair, the Dean, and the Provost, who shall each make a recommendation to the President.
  - c. After review of the prior recommendations, the President may recommend to the Board of Trustees that a candidate be appointed with tenure.
  - d. Per section II.H.4.g. above, the Board of Trustees retains the final decision-making authority regarding the conferring of tenure.
8. Faculty Tenure for Academic Administrators
- a. The President may recommend to the Board of Trustees that an academic administrator be awarded tenure upon appointment as an academic administrator if:
    - (1) The administrator has been previously tenured at a regionally accredited, baccalaureate-granting institution of higher education; and
    - (2) The immediate supervisor of the academic administrator, as well as the chair and tenured faculty in the affected department, are consulted and are provided an opportunity to vote and make a written recommendation.
  - b. Normally, individuals appointed to an academic administrative position should negotiate for tenure rights at the time of hire; the President may make an exception based on consultation with the relevant Department Tenured Faculty and Chair, College/School Dean, and the Provost.
  - c. Rights of an Academic Administrator with Tenure

- (1) An academic administrator awarded tenure will have the rights of a tenured faculty member upon returning to faculty status.
  - (2) Up to one year of service as an interim administrator may count toward seniority as a faculty member.
  - (3) Tenure is a relevant, but not a dispositive, factor if there is a reduction in force within a program.
  - (4) Academic administrators may not use the appeal process available to terminated faculty to appeal termination of their administrative positions.
- d. Tenure for the President will be governed by procedures established by the Board of Trustees.

I. Promotion

- 1. Candidates for promotion will be evaluated in the areas of teaching, scholarly activities, and service as indicated above and as further delineated in Departmental Evaluation Guidelines.
- 2. In addition, candidates for promotion must:
  - a. Meet the performance expectations defined in this Handbook;
  - b. Adhere to all applicable policies set forth in this Handbook as a prerequisite to promotion; and
  - c. Have met the following minimum time-in-rank to be eligible for promotion to a higher rank, regardless of discipline:
    - (1) Instructors—no requirement.
    - (2) Assistant Professor—no requirement.
    - (3) Associate Professor—a minimum of six years total in rank as Assistant Professor at a regionally accredited baccalaureate-granting institution of higher education, two of which must have been at MSU Denver; the six-year minimum may be relaxed for faculty seeking the award of tenure and simultaneous appointment to the rank of Associate Professor during the fourth or fifth tenure-track year.
    - (4) Professor—a minimum of four years in rank as Associate Professor at a regionally accredited baccalaureate-granting institution of higher education, two of which must have been at MSU Denver.
  - d. In determining years in rank, the current year (year in progress) during which application for promotion is made is counted as a year of service toward the requirement for time in rank.
  - e. A faculty member on leave for one or more semesters in an academic year can choose whether to have that academic year counted toward eligibility for promotion. Within 30 days of the beginning of the semester following the conclusion of the leave, the faculty member shall submit a written statement to the Department Chair and Dean indicating whether they want that academic year to count toward such eligibility. The Dean shall forward that statement to the Provost or the Provost's designee.
- 3. For promotion to Professor, there is an expectation for a record of significant accomplishment in all three areas of evaluation.
- 4. Procedures for Promotion

- a. Reviews for promotion to Professor include: The Department RTP Committee, Department Chair, School/College RTP Committee, School/College Dean, FSRTPC, and Provost. NOTE: In the case of a Department Chair being evaluated for promotion, the recommendation of a Peer Review Committee, comprising at least three other Department Chairs appointed by the College/School Dean, will substitute for the recommendation of the Chair. The Department Chair will still evaluate the portfolios of other members of the Department undergoing promotion.
  - b. Portfolios for candidates for promotion to Professor shall automatically progress to the next review level; recommendations made at each level are not binding on any subsequent level.
  - c. If there is disagreement in the recommendations for promotion to Professor at any previous level of review, the Provost shall convene a reconciliation meeting. Participants shall include individual reviewers—e.g., Department Chair and College/School Dean—and the Chairs of the Department, College/School, and FSRTPC Committees.
    - (1) This meeting shall take place within seven days after the designated deadline for the candidate to respond to the Faculty Senate RTP Committee.
    - (2) The candidate shall not be a part of this meeting.
    - (3) The purposes of the meeting will be twofold:
      - (a) To understand the reasoning behind the differing evaluations; and
      - (b) To attempt to resolve differences before the Provost decides whether to award the candidate promotion to Professor.
  - d. The decision by the Provost to not award a candidate promotion to Professor is not appealable.
5. Portfolios for Promotion shall include the following:
- a. Promotion to Associate Professor
    - (1) Faculty seeking the award of tenure may submit the same Portfolio for simultaneous promotion to Associate Professor.
    - (2) Faculty seeking promotion to Associate Professor without application for tenure shall include the same documentation items as delineated below for Portfolios for promotion to Professor.
  - b. Promotion to Professor
    - (1) Narrative Statement: 3-8 pages in length
    - (2) Annotated Curriculum Vitae
    - (3) Student Ratings of Instruction and student comments since the date on which the tenure portfolio was submitted.
    - (4) Letters of review and faculty responses (if any) since the date on which the tenure portfolio was submitted.
    - (5) Reassigned time reports and evaluations, when relevant, since the date on which the tenure portfolio was submitted.
    - (6) Selected additional materials for review—a minimum of four and a maximum of nine.

- (7) Supplementary documentation and other official and relevant information as determined by the Provost.
  - c. There is no appeal for a denial of promotion.
  - d. A faculty member who is denied promotion may apply for promotion in any subsequent year.
  - e. A majority of members voting at each of the Department, College/School or University Committees must vote in favor of awarding promotion in order for a promotion to be recommended at that level. Review committee members are obliged to vote for or against recommending approval of each application before the committee. Failure to recommend promotion shall not preclude a faculty member's application for promotion from proceeding to the next level of the review process.
6. Promotion of faculty serving in administrative positions: Faculty holding the rank of Associate Professor who serve in administrative positions have the right to apply for promotion to Professor upon meeting the eligibility requirements specified in this Handbook, section II.I.

In order for the time spent in the administrative position to count toward the promotion time-in-service criterion, the administrator must:

1. Teach at least three credits per year (fall, spring or summer);
2. Engage in scholarly activities as specified in Department guidelines; and
3. Engage in service activities as required in Department guidelines.

The faculty member should negotiate these arrangements with the appointing authority, in consultation with the Chair of the faculty member's home Department, prior to the administrative appointment. This negotiation shall result in a memorandum that articulates: 1) the teaching expectations for the candidate, with regard to advising obligations, assigned courses, and course scheduling; and 2) the type and quantity of service activities the candidate would need in order to meet Departmental standards.

Faculty serving in administrative positions have responsibilities and time constraints inherent to their administrative duties. These constraints and duties must be given appropriate consideration by all reviewers involved in making decisions on the administrator's promotion portfolio. Department RTP Committees and Department Chairs will, in their review letters, address specifically how the candidate has met Departmental standards within the context of the candidate's administrative responsibilities.

When a faculty member in an administrative position applies for promotion to Professor, reviewers will evaluate the faculty member according to the same Department guidelines as any other faculty member.

Compensation associated with promotion will be determined by Human Resources policies and procedures.

The evaluation process for the promotion of a faculty member in an administrative position will follow the same steps and procedures as those outlined in this Handbook, section II.F. Reviewers will include:

1. The Department RTP Committee from the administrator's home department;

2. The Chair of the administrator's home department;
3. The College/School RTP Committee from the administrator's home college/school;
4. The Dean of the administrator's home college/school (NOTE: In the event that the candidate is a Dean, a peer-committee comprised of at least a majority of the other Deans will conduct the Step 4 review);
5. The Faculty Senate RTP Committee; and
6. The Provost.

J. Post-Tenure Review

1. General Policies

- a. Post-tenure review is a comprehensive evaluation of the performance of tenured faculty, conducted on a five-year cycle.
- b. Where appropriate, faculty may submit a Portfolio for promotion in lieu of a Post-Tenure Review if both reviews occur in the same academic year and if time in rank warrants it.
- c. It is the responsibility of the faculty member to submit a Post-Tenure Review Portfolio according to the appropriate five-year cycle. Failure to submit a Post-tenure review portfolio constitutes a violation of contractual obligations.

2. Post-Tenure Review Policies

- a. Faculty undergoing Post-Tenure Review will be evaluated in the performance areas of teaching, scholarly activities, and service as outlined in section II.C.3 above, and as further delineated in Departmental Evaluation Guidelines defined in section II.D.
- b. No later than the deadline specified in the Procedural Calendar and every fifth year after the last comprehensive evaluation, the tenured faculty member shall prepare and submit a Post-Tenure Review Portfolio (*see* section II.J.2.d. below).
- c. A faculty member on leave for one or more semesters in an academic year can choose whether to have that academic year counted toward eligibility for Post Tenure Review. Within 30 days of the beginning of the semester following the conclusion of the leave, the faculty member shall submit a written statement to the Department Chair and Dean indicating whether they want that academic year to count toward such eligibility. The Dean shall forward that statement to the Provost or the Provost's designee.
- d. Post-Tenure Review Portfolio shall include the following:
  - (1) Portfolio Review Screen
  - (2) Narrative Statement—1-3 pages in length
  - (3) Annotated Curriculum Vitae
  - (4) All Student Ratings of Instruction since the last comprehensive evaluation.
  - (5) All Reassigned Time Evaluations since the last comprehensive evaluation.
  - (6) Letters of Review from the most recent comprehensive evaluation, e.g., tenure, promotion, or post tenure review.

- e. Following faculty submission of a Post-Tenure Review Portfolio, reviews shall be conducted by the following:
    - (1) The Department Review Committee
    - (2) The Department Chair. NOTE: In the case of a Department Chair being evaluated for Post-Tenure Review, the recommendation of a Peer Review Committee, comprising at least three other Department Chairs appointed by the College/School Dean, will substitute for the recommendation of the Chair. The Department Chair will still evaluate the portfolios of other members of the Department undergoing PTR.
    - (3) The College/School Dean. If the College/School Dean determines that the faculty member has successfully met standards for PTR, the review process will be complete, and the faculty member will begin a new five-year cycle starting at the beginning of the next fall semester.
    - (4) The University Appeals Committee: In the event that the Dean determines that a faculty member needs improvement, the faculty member may appeal to the University Appeals Committee. In such cases, the University Appeals Committee will review the Portfolio and submit a written recommendation, along with the candidate's PTR portfolio, to the Provost.
    - (5) The Provost will make the final determination in cases in which the candidate has appealed to the University Appeals Committee.
3. Post-Tenure Performance Improvement Plan: If it is determined that a faculty member needs improvement in any performance area, a post-tenure performance improvement plan (the "Plan") will be designed to raise the faculty member's performance to a satisfactory level using the following process:
- a. The Chair, in consultation with the faculty member and the department review committee, will develop a proposed Plan within 90 days of the final decision by the Dean or Provost (in cases of a review by the University Appeals Committee.).
  - b. The Plan must address the following:
    - (1) Establish specific goals and requirements, based upon post-tenure review criteria and Department Guidelines, designed to assist the faculty member achieve satisfactory performance;
    - (2) Specify that the Plan's goals be met by a specific evaluation date, not to exceed three years from the date the Plan is approved by the Provost with the concurrence of the Dean; and
    - (3) Describe specific actions to be taken by the faculty member that are designed to help the faculty member achieve the goals.
  - c. The Chair will review the proposed Plan with the faculty member and submit it to the Dean with the faculty member's comments.
  - d. The Dean, after consultation with the Chair and the faculty member, will approve the Plan as presented, or modify the Plan and provide copies of the final Plan to the Chair and the faculty member.

- e. A faculty member who is dissatisfied with the Plan as approved or modified by the Dean may appeal to the Provost by submitting written objections to the Plan within seven calendar days of receiving the Dean's decision. The Provost may modify the Plan, after consultation with the Dean and the Chair.
  - f. Any continuous service requirement of the Plan will be adjusted to the extent necessary to accommodate exceptional circumstances that are inconsistent with such a requirement, including cases in which the faculty member qualifies for forms of extended leave such as sick leave, family leave, or disability leave.
  - g. Performance Under the Improvement Plan
    - (1) The Dean, in consultation with the chair of the Department Review Committee, will review the faculty member's performance under the Plan, and the Dean will make a final determination whether the faculty member has satisfied the terms and conditions of the Plan.
    - (2) The faculty member shall begin a new five-year cycle of periodic comprehensive evaluations after achieving a satisfactory evaluation of the Improvement Plan.
    - (3) A faculty member who fails to satisfy the terms and conditions of the Plan with respect to any performance area may be disciplined or placed on a revised plan.
    - (4) A faculty member who is under a Performance Improvement Plan (PIP) remains subject to generally applicable criteria, guidelines, and expectations of performance.
- K. Emeritus Status of Faculty
- 1. Eligibility
    - a. All faculty who have completed ten years or more of full-time service at the University shall be eligible at the time of their retirement for an emeritus title equivalent to their highest professional rank.
    - b. Faculty who participate in the transitional retirement program or who continue to teach full-time at the University after retirement are considered to be members of the faculty and therefore are not yet eligible for emeritus status.
  - 2. Selection
    - a. A department chair or any faculty member of the department may nominate faculty for emeritus status. The nomination should be substantiated in terms of length of service, excellence in teaching, and other contributions to the University.
    - b. The nomination must be endorsed by a majority of the tenured members of the department, by the Department Chair, and by the dean, who then will forward the recommendation to the Provost.
    - c. If the Provost concurs with the nomination, the Provost shall forward the nomination to the President.
    - d. If any level of review (the Department tenured faculty, the Department Chair, the College/School Dean, or the Provost) does not support the nomination, the nomination will not be forwarded to the next level.

- e. If the President concurs with the nomination, the President will transmit it to the Board of Trustees for final determination and approval.
  - f. The final authority to grant emeritus status rests with the Board of Trustees.
  - g. There is no appeal of a decision to not award emeritus status.
3. Benefits. Faculty awarded emeritus status will have the following benefits:
- a. Status as a non-voting member of the department;
  - b. Have an opportunity to teach up to nine credit hours per semester as a part-time faculty member, if requested by the department;
  - c. Be listed in the University Catalog following retirement for life;
  - d. Be recognized at an appropriate campus function;
  - e. Be given support staff materials as available and deemed appropriate by the chair;
  - f. Be entitled to retain a University e-mail account;
  - g. Retain library privileges; and
  - h. Be entitled to all other benefits of retired faculty.
- L. Department Chairs: Roles, Responsibilities, and Area of Performance; Selection and Appointment; and Evaluation
1. Academic Department Chairs play an essential role in the governance and operation of an institution of higher education.
  2. Definitions
    - a. Department Chairs are faculty who receive some reassigned time to serve as Chair; Department Chair and Chair are used interchangeably to refer to Chairs of Academic Departments.
  3. Roles, Responsibilities, and Areas of Performance: The roles, responsibilities, and areas of performance for Department Chairs include, but are not limited to the following:
    - a. Serves as the chief representative of the department.
    - b. Provides leadership in assigning teaching duties within the Department, consistent with the enrollment management needs of the Department and each faculty's assigned teaching responsibilities.
    - c. Department Governance:
      - (1) Establishes and oversees an effective governance structure within the Department, including the creation and use of committees, processes, and procedures where appropriate;
      - (2) Develops and implements the Department's long- and short-term goals and plans;
      - (3) Manages departmental resources—financial, physical, and human—in accordance with allocations and University rules and procedures to meet Department goals, objectives, and needs;

- (4) Oversees custody and authorized use of University property charged to the Department and the assignment of Department space and facilities to authorized activities in accordance with University policy and regulations; and
- (5) Evaluates departmental faculty and staff performance.
- (6) Promotes academic standards relevant to:
  - (a) Faculty, through their oversight of:
  - (b) Faculty performance, recruitment, mentoring, development, evaluation, and retention of faculty in accordance to University policies.
  - (c) Department Chairs are responsible for developing and monitoring Departmental Guidelines for achieving tenure, promotion, and successful post-tenure review, which are consistent with the College/School's and University's mission statements, and
  - (d) Providing recommendations that contain a supporting rationale to the Dean on hiring; retention, tenure, promotion, and post-tenure review; reassigned timework; sabbatical leaves; and other leaves of absence per the Handbook detailed in section VII.
- (7) Students
  - (a) Supervision of student recruitment, advising, learning, development, retention, and timely graduation of students;
  - (b) Response to student concerns and works with students, faculty, staff, and other University offices to resolve concerns, conflicts, and disputes.
  - (c) Application of academic policies and procedures that affect students, as consistent with University, discipline-specific, and Departmental policies and procedures.
- (8) Curriculum, through their leadership of activities related to the development, implementation, and assessment of academic curriculum and programs.
- (9) Teaching and Learning, through their oversight of:
  - (a) Assessment, including Student Learning Outcomes, and Program Review of departmental and General Studies curricula;
  - (b) Accreditation, by supporting and maintaining department, College/School and/or University accreditation requirements, as appropriate; and
  - (c) The delivery of quality and relevant curricula, in alignment with federal and state law.
- (10) Provides effective management and direction to Affiliate and Category II Faculty, graduate students, support staff, and student workers.
- (11) Establishes effective external relations and programs with constituencies such as alumni, advisory committees, and industry, as appropriate.
- (12) Advocates for the Department professionally with peers, Deans, Provost, and others.

- (13) As faculty, Department Chairs retain all the rights and responsibilities associated with their faculty position. Chairs will agree to an apportionment of time devoted to teaching, scholarly activities, and service, in writing, with the Dean. In addition, Chairs will:
  - (a) Teach at least three credits per year (July 1 through June 30); and determine their summer assignments with the Dean.
  - (b) Engage in scholarly and service activities appropriate to their faculty status. These activities are evaluated during faculty performance review, exclusive of the evaluation process stated in Section II.L.5.
  - (c) Have responsibilities and time constraints inherent to the Chair duties. These constraints and duties must be given appropriate consideration by all reviewers involved in making decisions on Chairs' retention, tenure, promotion, and post-tenure review portfolios.
- (14) Are asked to commit to a three-year term (time served as interim Chair will count toward a three-year term if served consecutively); and
- (15) Serve at the will of the President, therefore, can be removed from the position at any time. The President has delegated the authority to appoint, reappoint, or dismiss Department Chairs to the Dean of the appropriate School/College.<sup>3</sup>

#### 4. Appointment and Reappointment of Department Chairs

##### a. Eligibility: Candidates for Chair:

- (1) Will preferably be tenured;<sup>4</sup>
- (2) Must hold a tenure-line rank within the discipline or cognate discipline, e.g., Assistant, Associate, or Professor; and
- (3) For reappointment must have met expectations in the performance of faculty duties.

##### b. Procedures for Appointment/Reappointment

- (1) Candidates may be internal or external to the University.
  - (a) At the completion of a Chair's term, members of the Department will participate in a preference poll to determine whom to recommend;
  - (b) Any Category I faculty member, Category II faculty member, or administrative staff member in the Department may participate in the preference poll. Student employees in the Department may not participate in the preference poll.
  - (c) If a chair is unable or unwilling to complete his or her term, the Dean, in consultation with the faculty, may appoint an Interim Chair;
  - (d) A candidate may be nominated by any tenure-line faculty member within the Department; and

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<sup>3</sup> Per Presidential memo "Delegation of Authority to Appoint Department Chairs", dated February 22, 2018.

<sup>4</sup> It may not be possible, in some departments, for the Chair to have achieved tenure. However, in those circumstances, progress toward that goal may suffice for consideration in the position.

- (e) A candidate must be willing to serve in the position of Chair.
- (2) The President has delegated the authority to appoint, reappoint, or dismiss Department Chairs to the Dean overseeing that School/College. When making an appointment, the Dean may
    - (a) Make the appointment recommended by the faculty;
    - (b) Consider other candidates than the one recommended; and
    - (c) Appoint an Interim Chair for a period not to exceed one year from inside or outside the Department or University.
  - (3) There is no limit on the number of terms a Chair can serve.
  - (4) At any time, a Department's full-time employees, by a two-thirds vote, may conduct a preference poll for a new Chair following the process described above, the results of which shall then be forwarded to the Dean for consideration.
- c. Department Chair reassigned time upon return to faculty-only status: Any faculty member who has served as a Department Chair for a minimum of six consecutive years at MSU Denver, when transitioning out of the role of Department Chair, is eligible to apply for reassigned time up to 50% of the normal teaching load (typically two courses) during their first semester back in their faculty only role.
  - d. Any faculty member who has served as a Department Chair for a minimum of three consecutive years at MSU Denver, when transitioning out of the role of Department Chair, is eligible to apply for reassigned time up to 25% of the normal teaching load (typically one course) during their first semester back in their faculty only role.
  - e. The purpose of the reassigned time is to allow the Department Chair returning to faculty only status to update and develop new course materials and to prepare for scholarship activities.
  - f. Additionally, the faculty member is expected to be available to support and mentor the new Department Chair if needed. Applicants will be required to follow the process for regular reassigned time as well as the procedures detailed below. In order to be eligible for the reassigned time, the applicant must agree 1) to serve for at least one full year at MSU Denver following the semester in which the reassigned time is granted; and 2) refrain from applying for a sabbatical leave for at least one full year following the semester in which the reassigned time is granted.
    - (1) Procedures:
      - (a) When the Chair informs his/her supervisor of his/her intention to leave the position, the Dean will review the service record of the faculty member to determine the duration of the Chair service.
      - (b) If the Dean determines that the Chair meets the minimum time-in-service requirement, the Chair may submit a reassigned time request for up to 25% of the normal teaching load (for a minimum 3 years of service) or up to 50% of the normal teaching load (for a minimum of 6 years of service) during the first semester they return to full-time faculty only status.

- (c) The applicant must submit a written proposal, not exceeding five pages in length, specifying plans for the period. The plans should detail the extent and nature of the work required to prepare the applicant for re-entry to the faculty only role. The applicant should coordinate with the incoming Department Chair to specify the courses for which the applicant should prepare. The applicant should specifically address 1) how the pedagogical strategies and materials being developed will contribute to student success and retention; and 2) how the returning faculty member will support, advise, and/or mentor the incoming Department Chair.
- (d) The reassigned time does not relieve the faculty member of service obligations.
- (e) The proposal will be reviewed by the School/College Dean, the Faculty Senate Professional Leave Committee, and the Provost in accordance with deadlines specified in the Procedural Calendar. Each level of review will give priority to applications that clearly describe how the work carried out during the reassigned time will contribute to student success and retention.
- (f) No more than 30 days after the end of the semester during which the faculty member was granted reassigned time, the faculty member will submit a report to their immediate supervisor detailing their accomplishments during that semester.

#### 5. Department Chair Evaluation

- a. Goals: At the beginning of the Chair's term, the Department Chair and the Dean will develop goals extending to the end of the Chair's term (usually three years), which will address the Chair's duties as specified in sections II.L.3. of this Handbook. The goals may be modified by mutual agreement between the Chair and the Dean at the time of the annual evaluation.
  - (1) If the Chair and Dean cannot agree on the goals, the Provost will make the final decision after consulting both the Dean and the Chair.
- b. Chairs will be evaluated in writing by their Dean annually. This evaluation will assess progress on meeting established goals. Deans and Chairs will review the written evaluation to determine how to modify goals (if necessary) and/or how to continue progress toward meeting mutually agreed-upon goals.
  - (1) If at any time, the Dean identifies serious problems in the Chair's performance, the Dean may refer the issues to the Provost for resolution.
  - (2) Chairs are evaluated as faculty for purposes of Tenure, Promotion, and Post Tenure Review. The "Needs Improvement" rating for a Chair as Chair is to be used exclusively as an aid to the administration in determining whether or not to reappoint a Chair.
- c. In a Chair's "Expiration Year" (usually the third year of a term), the evaluation will include the following:
  - (1) Chair's self-evaluation based on the Expiration Year goals (as modified, if applicable);
  - (2) Other evidence and/or information provided by the Chair and the Dean;
  - (3) A comprehensive feedback survey, to include department faculty and staff, other chairs from the same school or college and the Dean;
  - (4) Consideration of the preference poll for chair of the department; and

- (5) The Expiration Year evaluation will result in a Needs Improvement or Meets Standards rating.
- d. Appeal of Evaluation
- (1) If the Chair and the Dean disagree on the evaluation, the Chair will have 14 days to provide the Dean with a written statement justifying a different evaluation rating.
  - (2) The Dean will review the case presented by the Chair and meet with the Chair within 14 days following the reception of the statement of disagreement to attempt to reach an agreement.
  - (3) If agreement is not reached, the Dean must, within 14 days of the meeting, write a response to the justification presented by the Chair explaining why the rating was not changed.
  - (4) The Chair's justification and the Dean's response, along with the evaluation documentation, shall be forwarded to the Provost. The Provost shall review the documentation and make a determination of a rating within 14 days of receiving said documentation. The decision of the Provost shall be final.

M. Reassigned Time for Administrators Transitioning Back to Faculty Roles

Any faculty member that has served in an administrative position for a minimum of six consecutive years at MSU Denver, when transitioning from the administrative line back to a faculty line, are eligible for up to 12 hours of reassigned time during their first semester back in their faculty line. This policy will apply to administrators who have taught no more than three credit hours per academic year during their time in the administrative role. The purpose of the reassigned time is to allow the returning administrator time to update and develop new course materials and to prepare for scholarship activities. Applicants will be required to follow the process for regular reassigned time as well as the procedures detailed below. In order to be eligible for the reassigned time, the applicant must agree 1) to serve for at least one full year at MSU Denver following the semester in which the reassigned time is granted; and 2) refrain from applying for a sabbatical leave for at least one full year following the semester in which the reassigned time is granted.

1. Procedures

- a. When the employee informs his/her supervisor of his/her intention to return to a faculty role, the immediate supervisor will review the service record of the employee to determine the duration of the administrative service.
- b. If the supervisor determines that the employee meets the minimum time-in-service requirement, the employee may submit a request for up to 12 hours of reassigned time during the first semester they return to full-time faculty status.
- c. The applicant must submit a written proposal, not exceeding four pages in length, specifying plans for the period. The plans should detail the extent and nature of the work required to prepare the applicant for re-entry to the faculty role. The applicant should coordinate with their Department Chair to specify the courses for which the applicant should prepare. The applicant should specifically address how the pedagogical strategies and materials being developed will contribute to student success and retention.
- d. The reassigned time does not relieve the faculty member of service obligations.

- e. The proposal will be reviewed by the Department Chair, the Faculty Senate Professional Leave Committee, and the Provost in accordance with deadlines specified in the Procedural Calendar. Each level of review will give priority to applications that clearly describe how the work carried out during the reassigned time will contribute to student success and retention.
  - f. No more than 30 days after the end of the semester during which the faculty member was granted reassigned time, the faculty member will submit a report to their immediate supervisor detailing their accomplishments during that semester.
2. Definitions
- a. Administrators: Full-time administrators include those serving in the position of Director, Associate or Assistant Dean, Dean, Assistant or Associate Vice President, Assistant or Associate Provost, Vice President, Executive Vice President or Provost.

### III. CATEGORY II FACULTY AND CATEGORY III (AFFILIATE) FACULTY – POLICIES AND PROCEDURES

#### A. Employment Contracts and Employment Status

1. Category II Faculty and Category III Faculty
  - a. Are subject to the norms and expectations of academic freedom befitting an institution of higher education.
  - b. Category II and Category III Faculty may be qualified based on:
    - (1) Academic qualifications;
    - (2) Experience and accomplishments as practitioners, which can appropriately enrich the academic experience of MSU Denver students and provide a link to the communities they represent;
    - (3) Status as recent graduates of, or current students in, doctoral programs seeking experience and opportunity; or
    - (4) Work for a program or grant that spans an academic or a calendar year.
  - c. Are protected from unlawful employment practices; and
    - (1) Have the right to file a formal complaint to EO in cases of suspected discrimination;
    - (2) Have the right to respond to any information that automatically becomes part of their Portfolios where required; and
    - (3) Have the right to lodge a complaint of professional misconduct.
  - d. Must meet contractual obligations and standards of professional conduct.
  - e. Performance expectations are delineated in Department Guidelines unique to Category II and to Category III faculty.
2. Category II Faculty
  - a. Category II faculty members are full-time, non-tenure-line faculty. Types of Category II faculty include:
    - (1) Visiting Faculty

- (a) Temporary appointment for exchange scholars or national or international scholars on leave from their home institution or for recently retired scholars from other institutions of higher education that become available for one semester or one academic year.
  - (b) Rank determined by rank at home institution.
  - (c) Temporary appointment to fill a vacancy in open tenure-line.
  - (d) Duties: Negotiated but, teaching default is 4/4; other assignments as needed may be appropriate.
- (2) Professional in residence, executive in residence, artist in residence, musician in residence or other title created by negotiation and tailored to unique qualifications of candidate. Employment contract is for a one year term, renewable annually upon agreement of the parties.
- (a) Used to recruit and/or retain candidates with exceptional practical experience who may or may not have usual terminal degree qualifications.
  - (b) Renewable yearly based on performance evaluation.
  - (c) Duties: Negotiated but normal 4/4 teaching with service to college or school and community expectations.
  - (d) Criteria:
    - (i) Currency in discipline;
    - (ii) Scholarly Activities expectations and support at chair and dean discretion.
- (3) Lecturer
- (a) Generally for use in departments with high service teaching loads; position primarily devoted to teaching multiple sections of lower-division or introductory courses.
    - (i) Positions depend on available funding.
    - (ii) This type of Category II appointment is intended to increase full-time coverage above the targeted 60 percent Tenured/Tenure-Track coverage target.
  - (b) Duties: 5/5 teaching (or equivalent); recommend no more than three preparations per semester and no expectation of scholarly activities other than that related to maintaining currency in discipline; (see "[Application for Category II Reduced Teaching Load](#)").
- (4) Senior Lecturer
- A Lecturer may be promoted to Senior Lecturer status if:
- (a) Their credentials meet the criteria determined by the hiring Department as articulated in the Hiring Protocols, and

- (b) They have a total of six years of full-time service (at least three of which must have been consecutive and at least one of which must have been within 18 months of the senior lecturer appointment) of performance to MSU Denver.<sup>5</sup>
    - (i) Promotion is contingent upon a recommendation from the Department Chair, the Dean and the Provost; and
    - (ii) If promoted to a Senior Lecturer, the salary will be adjusted to reflect the new title.
  - (c) May be used to fill a potential tenure line especially under tight budget conditions.
    - (i) Positions depend on available funding.
    - (ii) This type of Category II appointment is usually intended to increase full time coverage above the targeted 60 percent tenure-line coverage target.
  - (d) Duties:
    - (i) 5/5 teaching (or equivalent); recommend no more than three preparations per semester and no expectation of scholarly activities other than that related to maintaining currency in discipline;
    - (ii) A reduced teaching load may be offered for other performance expectations and support based on departmental needs and negotiated at Chair and Dean discretion (see "Application for Category II Reduced Teaching Load").
- (5) Faculty Recruitment Incentive Program (FRIP) Lecturers—Category II full-time position created to help encourage the attainment of the two major objectives of the University Affirmative Action Program:
- (a) The fostering of a multicultural campus and the appreciation of diversity; and
  - (b) The improvement of employment opportunities for all under represented faculty.
  - (c) Special Conditions:
    - (i) Before a FRIP appointment can be made, there must be a tenure-track position available and allocated by the Provost/Vice President for Academic Affairs.
    - (ii) The President has delegated authority to offer a FRIP contract to the Provost.
    - (iii) FRIP participants will be a temporary term appointment for one academic year. Subsequent term appointments are subject to the absolute discretion of the University.
    - (iv) A FRIP candidate must have a minimum of a master's degree or the equivalent in the appropriate field of study, and must be able to demonstrate admission to an accredited terminal degree or doctoral program in that field. Strong preference will be given to those applicants who

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<sup>5</sup> NOTE: Category II faculty shall have their years of service since time of initial appointment – as long as it is continuous – count toward the six year and 18 month eligibility requirements.

have achieved candidacy at their doctoral institutions, i.e., those who have passed comprehensive/preliminary examinations and completed all required course work, leaving only dissertation requirements to meet in order to receive the Ph.D.

- (d) Duties: 3/3 teaching load and progress toward degree.
  - (e) Academic Development Awards provide financial support as determined by ASA, over a maximum period of five years to cover reimbursement for tuition and fees, dissertation expenses, and/or other incidental expenses associated with the completion of a participant's terminal degree requirements and/or other academic special conditions as defined in the participant's employment contracts. This award limit will not include the cost of any equipment assigned to the FRIP participant. Other PD support at chair and dean discretion. The amount determined by ASA does not apply to reassigned time; the latter is part of the instructional workload assignment.
- (6) Research Faculty—hired via grant or other “soft” funding (e.g., contracts)
- (a) Duties determined by the grant.
- (7) Clinical Faculty: The title of “Clinical Faculty” is intended to be flexible enough to apply to a variety of disciplines where this type of “field supervision faculty” are the norm—e.g., nursing, teacher education, social work, etc. Thus, clinical faculty titles are designed to comply with criteria defined by accreditation associations, such as the Colorado State Board of Nursing (CSBN).
- (8) Other: Special cases where duties, compensation, and title are mutually determined by contract. Should be rare, determined by departmental needs, and negotiated by Chair and Dean.

### 3. Category III (Affiliate) Faculty

- a. Category III faculty members are part-time faculty hired to teach on a per credit hour basis for specific classes, as needed, usually on a semester-by-semester basis depending on budget and enrollment.
- b. Category III faculty members are normally members of Public Employee Retirement Association unless they previously participated in one of the University's Optional Retirement Programs.
- c. Category III faculty members are not eligible for participation in the University's benefit programs except as required by state or federal law.

### B. Recommended Full-time Faculty Deployment—of the 60 percent Full-time Faculty

- 1. A minimum of 80 percent should be Tenured/Tenure-Track Faculty.
- 2. No more than twenty percent should be Category II Faculty.
- 3. Of the Category II faculty, no more than half should be Lecturers/Senior Lecturers.

### C. Specific Guidelines for Appointment of Faculty

- 1. Rank Upon Appointment

- a. A new appointee must possess the appropriate credentials as delineated in the “Minimum Rank Upon Hiring,” (see “Protocols for Searching/Hiring Faculty”).
  - b. Exceptions to rank upon appointment must be approved by the Provost/Vice President for Academic and Student Affairs.
2. Salary Upon Appointment
- a. The appointing authority shall determine the new appointee’s salary upon appointment.
  - b. In determining a new appointee’s salary, the appointing authority shall consider the education and experience of the new appointee, the University and department’s salary structure, the salaries and ranks of comparable faculty in the particular discipline, market demand, and other pertinent factors.
  - c. Human Resources office will provide data and instructions for initial salaries of new hires annually.

D. Evaluation and Reappointment

Category II and Category III faculty reappointments are determined based on a combination of department needs, faculty member qualifications, and performance. High performance does not guarantee reappointment.

- 1. Evaluation
  - a. Category III Faculty
    - (1) Peer Observations: Departments will specify in the Category III Department Guidelines the protocols to follow for Peer Observations of Category III Faculty. A written record of observations, the format of which will be determined by the Department, should be kept on file in the Department.
    - (2) Student Ratings of Instruction: Student Ratings of Instruction (SRIs) for courses taught by Category III faculty will be administered consistent with the practice for tenure-line faculty.
    - (3) Department Guidelines for Category III Faculty must establish expectations for Category III faculty members that fit their disciplinary or departmental needs.
  - b. Category II Faculty
    - (1) Department Guidelines for Category II Faculty must establish expectations for Category II faculty members that fit their disciplinary or departmental needs.
    - (2) Student Ratings of Instruction: Student Ratings of Instruction (SRIs) for courses taught by Category II faculty will be administered consistent with the practice for tenure-line faculty.
    - (3) Performance measures in addition to SRIs are warranted to ensure that reappointment decisions are based on multiple appropriate sources of reliable data.

- c. Peer Observations:<sup>6</sup>
- (1) Peer Observations requirements are outlined in Department Guidelines.
  - (2) All Category II faculty will be observed, at a minimum, once in the first year of their employment as a Category II faculty member.
  - (3) Beyond this requirement, Departments will delineate in their Department Guidelines for Category II Faculty the number and cycle of Peer Observations required for Category II faculty.
  - (4) Following the first year of employment, subsequent observation(s) may be required if there are indications that they are needed. Such indications may be, but are not limited to, low SRI scores, student comments on SRIs, or student comments or concerns brought to the Chair's attention.
  - (5) A written record of Peer Observations, the format of which will be determined by the Department, should be kept on file in the Department.
  - (6) In those cases where Category II faculty have reduced teaching-load agreements that specify duties in Scholarly Activities and/or Service (see section II.C.3.b.-c. for definitions of Scholarly Activities and Service), evaluations should encompass work in those areas of performance.
  - (7) Any Category II faculty member who wishes to be reappointed at the conclusion of their contract term will undergo a review by submitting a Portfolio to the Department Chair. Portfolios will include the following:
    - (a) Narrative
      - (i) Is a statement of up to two-pages describing how the faculty member has met expectations for assigned duties/responsibilities;
      - (ii) Presents a reflective self-assessment, highlights accomplishments, and indicates plans for the future;
      - (iii) Presents one's best case to disciplinary colleagues and administrative levels of review; and
      - (iv) Indicates in the first paragraph if candidate is seeking promotion to Senior Lecturer or a Multi-Year Contract, as delineated below.
    - (b) Annotated Curriculum Vitae (see section II.C.1.b.(3) for definition of "Annotated Curriculum Vitae")
    - (c) Student Ratings of Instruction per above
    - (d) Peer Observations as delineated above

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<sup>6</sup> Formal peer reviews conducted for Category II and Category III faculty prior to the adoption of the Chapter VI (June 2013) revisions to the *Handbook for Professional Personnel* shall be considered formal peer reviews for the purposes of reappointment, promotion, and the granting of three-year contracts.

(e) Other documents as determined by the Department (course syllabi, exams, assignments, assessments, etc., evidence of scholarly activities or service)

(8) Portfolios will be submitted using the same tool or format as Category I Faculty and in accordance with the Procedural Calendar.

## 2. Reappointment Recommendations

a. The Department Chair will evaluate the Portfolio and write a letter – not to exceed two pages – recommending retention or non-retention to the Dean;

(1) The Dean will evaluate the Portfolio and the Department Chair’s recommendation, and determine if the Category II faculty member should be reappointed.

(a) If either the Department Chair or the Dean recommends non-retention, the Portfolio and recommendations will be submitted to the Provost for a final decision regarding retention. All letters and decisions will become part of the Category II faculty member’s Portfolio and will be submitted in accordance with the Procedural Calendar.

## 3. Multi-year Contracts for Category II Faculty

a. Per Colorado Revised Statutes § 24-19-104(1.5)(d), some Category II faculty are eligible for contracts of up to three years in duration. Departments, in consultation with their Deans, determine which, if any, Category II faculty lines will be filled with faculty on multi-year contracts.

(1) There is no “track” toward a multi-year contract.

(2) Retreat lines<sup>7</sup> are only available for annual contracts. While in a retreat line, a Category II faculty member cannot be provided a multi-year contract; however their years of service would count toward eligibility should they be moved to a different (regular) line.

b. A faculty member must serve a minimum probationary period of three successive one-academic-year contracts before being eligible for a multi-year contract.

c. Category II faculty will be given credit toward eligibility for a multi-year contract if they have previously taught as an Affiliate faculty member.<sup>8</sup>

(1) In such cases, the equivalent of one year credit as a Category II faculty member may be granted for every two years as an affiliate faculty member teaching a maximum allowable load of 18 credit hours per academic year.

(2) Credit for teaching loads of less than the allowable maximum for affiliate faculty will be prorated accordingly.

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<sup>7</sup> A ‘Retreat Line’ is a tenure-line position that is filled temporarily with an Affiliate or a Category II faculty member either to replace a tenure-line faculty member who is on leave (e.g., sabbatical, leave without pay, medical leave) or for an administrator who holds tenure in a department and may return to faculty ranks upon leaving an administrative position.

<sup>8</sup> Category II and Affiliate faculty shall have prior years of service count in the determination of whether they have met the minimum number of years of service to be eligible to be considered for a multi-year contract.

- (3) Category II faculty are eligible to receive up to a maximum of two years of credit toward eligibility through affiliate teaching.
  - d. A tenure-track or tenured faculty member who wishes to convert to a Category II faculty member may be given credit toward the three year eligibility period for a multi-year contract with each year of prior teaching counting as one year of eligibility.
  - e. If a multi-year contract position is available, an eligible Category II faculty member can apply by submitting a Portfolio for review.
  - f. Category II faculty on a multi-year contract will only submit a Portfolio for review during the final year of their contract, and only if they wish to be considered for reappointment.
  - g. There is no right of appeal for Category II faculty who do not receive multi-year contracts or renewal of multi-year contracts
4. Promotion: To qualify for promotion the Lecturer must satisfy the conditions for promotion to Senior Lecturer, as set forth above, and will be considered according to the following process:
- a. The faculty member will make a request for promotion to the Department Chair and submit a Portfolio for review;
  - b. The Department Chair will submit the recommendation for or against promotion to the Dean;
  - c. The Dean will submit a recommendation for or against promotion to the Provost; and
  - d. The Provost will approve or disapprove the recommendation for promotion.

#### **IV. UNIVERSITY COMPENSATION PHILOSOPHY**

##### **A. General Policies**

1. Metropolitan State University of Denver is a teaching and learning community aspiring to national pre-eminence in public urban baccalaureate education. We believe that education is the key to a successful life and career. The University recognizes that to fulfill this mission, requires a diverse group of highly-qualified employees. The University expects superior performance and productivity from these employees. The primary role of the compensation system is to establish a clear relationship between professional performance, job duties, and compensation; to ensure that employees are recognized and rewarded appropriately for their contributions; and to ensure that the University's resources are used efficiently and effectively. The University supports a compensation system that:
  - a. Balances the need to be both externally competitive and internally equitable while working within the availability of institutional and department resources.
  - b. Attracts highly skilled and competent Faculty and staff and retains them by providing opportunities for learning, growth, and career development.
  - c. Provides flexibility in applying the principles of the University's compensation system.
  - d. Recognizes the value of current Faculty and staff by maintaining internal equity with comparable duties and responsibilities.
  - e. Encourages and rewards excellent performance in meeting the mission, goals, and objectives of the University by basing salary increases on merit and performance.

- f. Allocates compensation in a fair, yet flexible, manner in compliance with all applicable legal requirements.
  - g. Uses survey data consistent with peer institutions with similar demographics such as type of institution, size of budget, enrollment, etc.
  - h. Assures communication of system principles, goals, design, procedures and relevant external market information to all departments and employees.
  - i. Remains open to emerging compensation practices to address changes in the workforce and the workplace over time.
2. The general goals of salary administration at the University are:
- a. Primarily, to establish a clear relationship between professional performance and compensation;
  - b. To encourage a high level of professional performance;
  - c. To attract and maintain a high quality faculty and administration; and
  - d. To promote a constructive relationship between exempt personnel's professional activities and the goals and objectives of the Board of Trustees and the University.

**B. Salary Administration Policies**

Increases in the base pay of the University faculty shall be categorized as follows:

- 1. Promotion or Other Awards
- 2. Merit Increases
  - a. Merit increases shall not be awarded any person who receives a composite rating of less than expected or satisfactory performance.
  - b. All persons who perform as expected or higher shall be eligible to receive a merit increase, except when no funds are allocated for salary increases.
  - c. Employees who have been promoted during the current evaluation period must have performance evaluations in both the positions. The combined evaluation rating will be used to determine the amount of the annual merit increase.
- 3. Equity and Parity Increases
  - a. The Board of Trustees, in their sole and exclusive discretion and in response to specific annual budget requests, will determine whether salary increases addressing issues of equity and parity will be awarded and if so, in what amount.
  - b. Equity increases address a declining relationship between salaries of presently employed personnel and newly hired personnel in the same discipline, commonly described as salary compression. "Equity" takes into account performance evaluations and other standards, including, but not limited to, education, experience, and rank.
  - c. Parity increases address the competitiveness of University salaries with the salaries of faculty at similar institutions, taking into account performance evaluations and other standards, including but not limited to education, experience, rank, discipline, and variances among local economic conditions.

- d. Equity and parity issues will be studied periodically by the University.
- 4. Salary Policies Applicable to Faculty
  - a. Sufficient money, if available, will be set aside to fund promotions and other specified awards.
  - b. Equity and/or parity increases, if any, will be awarded to individuals in accordance with a plan approved by the Board of Trustees.
  - c. The administration will consult with a Faculty Senate committee of no more than eight members regarding the percentage of the overall salary increase budget to be distributed in each merit category.
  - d. The Faculty Senate will deliberate in open session concerning its merit pay distribution recommendations. The Faculty Senate will present its written merit pay distribution recommendation(s) to the administration in writing, and the recommendation(s) shall be available to all faculty members.
  - e. The administration will consider recommendations from the Faculty Senate and determine the amount to be distributed in each merit category.
  - f. The chairs will recommend to the deans, and the deans will recommend to the Provost, specific merit salary increases for each faculty member in accordance with the allocation for each merit category. The Provost must approve all increases before they are submitted to the President for final approval.

## **V. OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST**

### **A. Outside Employment, Personal Activities and Relationships**

1. Outside employment or business ownership shall not interfere with the performance of contractual responsibilities.
2. Employees should be aware of their obligations and responsibilities as public employees of the University. An employee is bound to observe, in all official acts, the highest standards of ethics consistent with the code of ethics of the State of Colorado (Colorado Revised Statutes, Part 18, Article 24), the advisory opinions rendered with respect thereto, and University policies.
3. Nothing in this Article is intended to discourage an employee from engaging in personal activity in order to increase the employee's professional reputation, service to the community, or income, subject to the conditions stated herein.
4. Definitions
  - a. "Personal Activity" shall mean any private practice, private consulting, teaching or research for another organization, or other similar services to third parties, whether compensated or uncompensated, which are not part of the employee's assigned duties for which the University has provided no compensation.
  - b. "Personal Relationship" shall mean any close relationship of a personal nature than can be considered to affect the professional objectivity of the employee, such as a family relationship, an amorous relationship, or a business or professional relationship arising from a personal activity.

- c. "Conflict of Interest" shall mean:
  - (1) Any conflict between the personal activities of the employee and the public interests of the University, the Board of Trustees, or the State of Colorado, including conflicts of interest specified under Colorado Statutes;
  - (2) Any conflict between a personal activity and the full and effective performance of the employee's duties and obligations to the University; or
  - (3) Any conflict or appearance of conflict between a personal relationship and the exercise of unbiased professional judgment in performance of the employee's institutional responsibilities or obligations.
  - (4) Conflicts of interest are prohibited. Employees are responsible for disclosing and resolving conflicts of interest, working with their supervisors and other University officials.

5. Written Report of Personal Activities

- a. Any employee who proposes to engage in any compensated personal activity, or any other personal activity which the employee should reasonably conclude may create a conflict of interest, shall report to the employee's supervisor, in writing, the details of such proposed activity prior to engaging therein.
- b. Such personal activities will be reported using the form provided by the Office of Academic Affairs.
- c. A new report shall be submitted for personal activity previously reported at such time as there is a significant change in the outside activity (nature, extent, funding, etc.).
- d. The reporting provisions of this section shall not apply to activities performed wholly during a period in which the employee has no appointment with the University.
- e. Upon receipt of the employee's report, the supervisor shall consult with the appropriate vice president and the University attorney. If the supervisor is a vice president, s/he will consult with the President or the President concludes that a conflict of interest exists, the employee will be directed to cease and desist the personal activity that created the conflict. Appropriate disciplinary action may also be initiated in accordance with University procedures.

6. Use of University Resources

An employee engaging in any personal activity shall not use the facilities, equipment, or services of the University in connection with such outside activity without prior approval of the President or representative. Approval for the use of University facilities, equipment, or services may be conditioned upon reimbursement for the use thereof.

7. No University Affiliation

Any employee engaging in personal activity shall take reasonable precautions to ensure that the outside employer or other recipient of services understands that the employee is engaging in such outside activity as a private citizen and not as an employee, agent, or spokesperson of the University.

## VI. COMPLAINTS

### A. General Policies

1. The most satisfactory procedure for resolving problems is discussion between the persons involved in the matter at the lowest level possible before filing any formal complaint. Such persons, and other affected individuals, should reason together to identify problems, develop understanding, and reconcile differences before they develop into formal complaints.
2. A Complaint Committee is available at any stage (including before a complaint is filed) to provide counsel and assistance to the employee (see below). Use of the Committee is optional on the part of the employee.
3. Complaint Records shall be placed in the employee's personnel file and held as confidential, to the fullest extent permitted by the Colorado Open Records Act. Meetings of the Complaint Committee shall be closed to all except committee members and the affected employee.
4. Other Procedures
  - a. Disciplinary actions; termination of faculty due to cause, reduction in force, or non-renewal; and reassignment and termination of administrative personnel are discussed in this Handbook.
  - b. Any allegations of discrimination shall be reported to the University's Equal Opportunity Office.
5. The University will not retaliate against a complaining individual for making a good-faith complaint under this section. This policy shall not be used to bring frivolous or malicious complaints. Disciplinary actions may be taken against any person bringing a complaint found to have been brought forward in bad faith.

### B. Complaint Procedure

1. Definitions and Policies Applicable to the Complaint Procedure
  - a. "Complaint" means a report by an affected professional employee of improper, unfair, or arbitrary treatment and is not a matter for which an alternative method of review is prescribed. This complaint procedure is intended to address complaints by professional personnel concerning treatment by supervisors acting in an official capacity. It is not intended to address disputes of any kind between professional personnel. However, assistance and guidance in resolving such disputes may be provided by the appropriate Complaint Committee.
  - b. "Improper" means inconsistent with an established fact, or with a rule that is not a University policy.
  - c. "Unfair" means unjustifiably biased or prejudiced.
  - d. "Arbitrary" means without any rational basis.
  - e. Matters of academic judgment relative to reappointment, tenure or promotion, post-tenure review, proposals, awards, grants, honors, and recognition, etc., are not subject to review under this provision.
  - f. "Respondent" means the party who is alleged to have treated the complainant in an arbitrary, unfair or improper manner.
  - g. Failure by an employee to give written notice of appeal to the next step within the specified time

limits shall terminate the process and the case will be deemed closed.

- h. A complaint may be withdrawn at any time by the employee by filing a written withdrawal with the individual responsible for the step of the process that is active at the time.
  - i. During any part of this complaint process, an employee may represent him/herself with or without an advisor. However, the advisor's role is not to speak on behalf of the employee but rather as an observer to provide the employee with advice or counsel.
  - j. Prior to September 1 each year, the Office of Equal Opportunity shall prepare a report of the dispositions of all complaints initiated during the prior academic year. This report shall be prepared without names of the concerned parties and shall be submitted to the Faculty Senate, the Deans, the Council of Administrators, the University Vice Presidents, and the President.
2. Filing a Complaint
- a. Step 1
    - (1) A professional employee has 30 calendar days from the time the employee knew, or reasonably should have known, of the occurrence that gave rise to the complaint, to notify the respondent and initiate an informal discussion for the purpose of resolving the complaint.
    - (2) If the employee is dissatisfied with the results of the informal discussion, the complainant must file a written Notice of Complaint. The complainant is required to file the Notice of Complaint with the respondent's supervisor (the Step 1 reviewer) and send a copy to the University's Office of Equal Opportunity. Such Notice shall be filed no later than 60 calendar days from the date of the occurrence that gave rise to the complaint. The Step 1 Reviewer shall investigate the complaint and respond in writing to the complainant and the respondent within 30 calendar days after receipt of the Notice of Complaint.
    - (3) In the Notice of Complaint, the employee (the Complainant) shall include a comprehensive and detailed statement of the facts and circumstances that form the basis of the complaint, and shall include a statement of the remedies requested.
  - b. Additional Steps
    - (1) In the event that the complainant is unsatisfied with the Step 1 reviewer's response, the complainant may submit a written Notice of Appeal to the immediate supervisor of the Step 1 reviewer. In the Notice of Appeal, the complainant shall include a detailed statement of the errors and other deficiencies in the Step 1 reviewer's response.
    - (2) The Notice of Appeal must be submitted no more than five working days after receipt of the Step 1 reviewer's response to the complaint.
    - (3) The response to an appeal (Step 2) will be issued no more than five working days after receipt of the Notice of Appeal.
    - (4) No appeal is allowed beyond Step 2.
3. Complaint Committee
- a. Composition of Complaint Committee
    - (1) Faculty Committee

- (a) The Faculty Complaint Committee will be a standing subcommittee of the Faculty Welfare Committee of the Faculty Senate and will deal with faculty complaints. It shall be composed of eight members as follows:
  - (i) Two faculty members from the College of Business shall be elected for two-year terms by the College of Business probationary/tenured faculty.
  - (ii) Two faculty members from the College of Professional Studies shall be elected for two-year terms by the College of Professional Studies probationary/tenured faculty.
  - (iii) Three faculty members from the College of Letters Arts and Sciences shall be elected for two-year terms by the College of Letters, Arts, and Sciences probationary/tenured faculty.
  - (iv) One senator from the Faculty Welfare Committee shall be elected for a one-year term by the Faculty Welfare Committee.
- (b) Elections to this Committee shall be conducted prior to the end of Spring Semester.
- (c) Terms of office shall commence Fall Semester of each year.
- (d) The Chair will be chosen by the Complaint Committee at its first regular meeting.

## **VII. FACULTY LEAVES OF ABSENCE POLICIES AND PROCEDURES**

### **A. Sabbatical Leave**

#### **1. Eligibility**

- a. Full-time faculty members, except temporary personnel, are eligible for a paid sabbatical leave when they have completed seven academic years of continuous service to the University. A maximum of one academic year per fiscal year may be accrued toward sabbatical leave eligibility. Credit toward eligibility may not be earned by service during summer sessions or mini-terms except when such service is the result of redistributed load.
- b. Service accrued toward eligibility for a sabbatical leave shall be lost by interruption of employment with the University, but accrued service shall not be lost because of a leave without pay or non-employment during summer sessions. Similarly, a faculty member terminated due to a reduction in force and subsequently rehired shall be reinstated without a break in service and without loss of service accrued toward sabbatical leave eligibility. (However, the time that such faculty member is not employed by the University shall not count as service accrued toward sabbatical leave eligibility.)
- c. No faculty member shall be eligible for or granted more than one sabbatical leave every seven academic years. A faculty member who has been granted a sabbatical shall not be eligible to take a second or subsequent sabbatical until the beginning of the sixth academic year following the academic year in which the faculty member returned from his or her last sabbatical.
- d. Eligibility for a sabbatical leave does not guarantee that a leave will be granted at the end of the seven academic year period or at any time thereafter.

#### **2. Accountability**

Every participant in the procedures for applying for, approving and granting sabbatical leaves under subsection 7. of this section is responsible for ensuring that each sabbatical leave complies with Sabbatical Assignments for University Professors must comply with C.R.S. § 23-5-123, and University policies. All leaves are coordinated through the Provost's office. Participants in the program are responsible for complying with the rules articulated in the sabbatical agreement. Any sabbatical granted but not authorized properly by the Provost's office is considered an unauthorized leave. Anyone granting unauthorized sabbatical assignments may be held personally liable for all salary, benefits or other compensation paid to the recipient by the University.

### 3. General Provisions

- a. Funding and FTE. The Provost shall set the FTE and approximate dollar budget for the support of sabbatical leaves for each year.
- b. Application Deadlines. Sabbatical application deadlines will be identified in the Procedural Calendar.
- c. Purpose of Sabbatical Leaves
  - (1) Sabbatical leave is granted to promote professional renewal and advancement for faculty who have demonstrated a commitment to the University.
  - (2) Sabbatical leaves are intended to provide the recipients an opportunity to engage in activities that develop and enhance their expertise, thereby supporting academic excellence. As such, sabbaticals are granted judiciously by the Board of Trustees, for the purposes of benefiting the individual faculty member, the department, the University, and the students, and promoting excellence at the University.
- d. Examples of Sabbatical Leaves include, but are not limited to, the following (not in rank order):
  - (1) Scholarly research;
  - (2) Additional training retraining, or study of value to the University;
  - (3) Writing a book or other document based on the applicant's research or special talents;
  - (4) Writing a textbook for use in the classroom;
  - (5) Developing a process or procedure of educational benefit to the University or the community;
  - (6) Creating an educational activity of service to the University or the community;
  - (7) Teaching and/or conducting research or program development at another educational institution in the U.S. or abroad;
  - (8) Professional or artistic development or creative work;
  - (9) Technology development or training and application to courses;
  - (10) Visiting other institutions, presenting programs, and analyzing their curricula;
  - (11) Innovative projects related to academic advising;
  - (12) Innovative projects, such as joint endeavors with community colleges or other academic institutions; and

(13) Research projects with application to instruction.

4. Criteria for Evaluating Sabbatical Leave Proposals

- a. Submission of all information required by subsection 6., below, “Components of a Proposal for Sabbatical Leave”;
- b. The quality of a faculty member’s proposed activities while on sabbatical, including but not limited to:
  - (1) Feasibility and overall value of proposed goals and timeline;
  - (2) Availability of resources necessary to complete the proposed activities; and
  - (3) Probability that the applicant will complete the proposed activities, based upon the background, previous experience, and accomplishments demonstrated by the vitae of the applicant and others who will be involved in the proposed activities;
    - (a) University and/or external individuals who will be involved with the faculty member in support of the proposed activities; and
    - (b) The benefits to be received from such activities by the faculty member, the University, the department, and ultimately the students.

5. Faculty Senate Professional Leave Committee

- a. The Professional Leave Committee will be a permanent unit of the Faculty Senate.
- b. Membership of the Faculty Senate Professional Leave Unit is established by the Senate by-laws.
- c. The chair will be chosen by the Faculty Senate Professional Leave Unit at its first regular meeting.
- d. Department chairpersons are not eligible to serve on the committee.
- e. The committee may aid applicants by, and only by, an announced workshop, but in no case shall members be advocates for their College/School’s applicants.

6. Components of a Proposal for Sabbatical Leave

- a. A proposal for sabbatical leave must contain:
  - (1) Applicant’s current vitae;
  - (2) A written, detailed explanation of the proposed sabbatical including:
    - (a) A statement of goals and a detailed description of the activities planned to achieve the goals;
    - (b) A description of the purpose, objectives and expected outcome of the activities;
    - (c) The location(s) where the activities will occur;
    - (d) The timeline for the completion of each activity and the accomplishment of each objective (proposals for full academic year sabbaticals will include timelines for the completion of activities and the accomplishment of objectives in each semester of the academic year);
    - (e) Names of other people or organizations involved in the activities, including appropriate documentation, such as letters of support;

- (f) A statement describing how the proposed activities will result in the faculty member's professional growth, how the sabbatical will enhance the institution's reputation and the students' educational experience at the University, and how it will increase the overall level of knowledge in the faculty member's area of expertise;
- (g) A description of the proposed budget and budgetary support, such as grants, scholarships, and outside employment. Any financial arrangements must be approved by the President;
- (h) Evidence that support arrangements have been made or will be made such as travel and logistical arrangements; and
- (i) The final report(s) from previously awarded sabbaticals.

## 7. Application Procedure

- a. Review by the Chair. The proposal for sabbatical leave shall be submitted to the chair of the applicant's department.
  - (1) If the department chair recommends approval of the proposal, it shall be forwarded to the dean;
  - (2) If the chair does not recommend approval of the proposal, the chair must notify the faculty member in writing of non-approval within three working days, and the faculty member may, by written request to the chair, have the proposal forwarded to the dean;
  - (3) Included with any forwarded proposal shall be evaluative comments and any additional information the chair may deem appropriate to aid the dean, the Provost, and the Professional Leave Committee in their review and evaluation of the proposal; and
  - (4) It is the responsibility of the department chair, working with the dean, to assure that the professional responsibilities of the faculty on leave can be fulfilled by either part-time support, temporary replacement, personnel exchanges, or other means.
- b. Review by the Dean
  - (1) If the dean recommends approval of the proposal, it shall be forwarded to the Provost;
  - (2) If the dean does not recommend approval of the proposal, the dean must notify the faculty member in writing of non-approval within three working days, and the faculty member may, by written request to the dean, have the proposal forwarded to the Provost; and
  - (3) Included with any forwarded proposal shall be the evaluative comments and additional information provided by the chair and any evaluative comments and additional information that the dean deems appropriate to aid the Provost in his or her review and evaluation of the proposal.
- c. Review by the Faculty Senate Professional Leave Unit.
  - (1) The Provost shall provide copies of the proposals and other documentation to the members of the Faculty Senate Professional Leave Unit;

- (2) The committee members will individually review and evaluate the proposals according to the criteria;
- (3) Committee members will discuss the proposals only within the committee;
- (4) On the basis of each committee member's evaluation, the committee will prepare a composite evaluation for each proposal; and
- (5) The committee will list the proposals in a recommended order of priority, based on the committee evaluations. The chair will sign the proposals, and submit the proposals, the composite evaluation for each proposal and the priority list to the Provost.

d. Review by the Provost

- (1) The Provost will review the employment records of faculty applicants for sabbatical leave to verify eligibility;
- (2) The Provost will review all of the information submitted by the candidate and the recommendations from each level of review.
- (3) The Provost shall recommend to the President which proposals shall be funded and the extent of that funding.

e. Review by the President

- (1) The President shall review the proposals recommended by the Provost and may either deny or approve the proposed sabbatical;
- (2) Only proposals approved by the President shall be recommended to the Board of Trustees for final action. The President will notify the committee and applicant which proposals he or she intends to recommend to the Board of Trustees; and
- (3) The Board of Trustees have the final authority to approve or deny sabbatical leaves.

8. Post-Sabbatical Reports

- a. A written report shall be provided to the Provost and Dean within 30 days after completion of the sabbatical. The report shall include a summary of:
  - (1) The faculty member's activities while on sabbatical;
  - (2) The benefits the faculty member derived from the leave, in sufficient detail to permit a determination whether the faculty member achieved the goals specified in the sabbatical plan; and
  - (3) Completion of objectives and activities as stated in the approved timeline as required by the sabbatical.

9. Sabbatical Evaluation

- a. The Provost will evaluate the sabbatical and provide this rating to the faculty member's chair in a timely manner.
- b. The evaluation rating will follow the rating scale in effect at the time of the Sabbatical Leave.
- c. For a spring semester sabbatical, the faculty member will remain responsible for timely submission of the Sabbatical Evaluation.

- d. For a spring semester sabbatical, the faculty member in a post-tenure review year will remain responsible for timely submission of the post-tenure review dossier.
- e. For a full year sabbatical, if applicable, the faculty member will submit a post-tenure dossier within 30 calendar days after the last scheduled day for spring final exams unless a later date and merit pay implementation was agreed in writing when the leave was approved.

B. Faculty Administrative Leave

1. The President may authorize administrative leave with full or partial pay that, in the judgment of the supervisor, is beneficial to the University or essential to the welfare of the individual.

## VIII. TRANSITIONAL RETIREMENT

A. Application

1. Faculty who wish to apply for transitional retirement should submit the appropriate application form to the immediate supervisor by the deadline specified in the Procedural Calendar in order to discuss arrangements and work assignments.
2. Approval of applications for participation in the Transitional Retirement program is made by the Provost.<sup>9</sup>
3. The period of Transitional Employment shall be mutually agreed to by the Faculty member and the Dean. The total period of Transitional Employment may not exceed three fiscal years and shall end no later than three calendar years from the date of the Faculty member's agreement to retire. Tenure is concluded at the end of the Transitional Employment period. A faculty member could be hired, post retirement from a tenured position, into an at-will position. PERA or ORP must approve the individual's application for benefits before he or she begins work and/or becomes entitled to any compensation under a transitional retirement contract.
4. An application for transitional retirement shall not be approved unless the Faculty member executes a release of the University and its Board of Trustees, employees and agents from all claims in any way arising out of or relating to the Faculty member's employment with the University.

B. Renewal of Employment Period

1. Nothing in this section shall or shall be construed to create a contractual or other legal right to renewal of a transitional employment for any additional period(s).
2. Although renewal of the initial transitional employment period for one or more additional period(s) is committed to the Provost's sole discretion, the Provost will give good faith consideration to requests for renewals. Factors to be considered by the President will include, but not be limited to:
  - a. The Trustees' annual resident instruction allocation to the University and the University's budgetary priorities;
  - b. The best interest of the affected program;
  - c. Recommendations of appropriate University officials (including for faculty, the Department

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<sup>9</sup> Per Presidential memo "Delegation of Authority to Approve Transitional Retirement of Faculty", dated March 9, 2018.

Chair, and Dean);

- d. The University's need for the transitional employee's continued service; and
- e. The transitional employee's annual performance review(s) for preceding transitional employment periods.

C. Duties, Rights, and Responsibilities During Employment Period

1. Transitional retirees shall not retain their tenure or other rights to continued employment or reemployment by the University. They shall, however, retain their academic rank, if any.
2. During their periods of transitional employment, transitional retirees shall remain subject to those provisions of this Handbook, which are not inconsistent with this section or with the terms of their transitional retirement contracts.
3. Transitional retirees shall perform the duties and undertake the responsibilities as specified in the transitional retirement employment contract.
4. Transitional retirees may serve on committees at the discretion of the dean or department chair.

D. Salary

1. The salary for transitional retirees will be the percentage of the retiree's regular base salary for the year preceding retirement which corresponds to the contract FTE plus the corresponding percentage of any salary improvement given as part of the University's salary administration plan.
2. Salary improvement for additional transitional retirement contracts will be based on an annual review of performance of teaching and other duties agreed on the transitional contract consistent with the University evaluation procedures and annual salary administrative plan.

E. Leave and Insurance Benefits

1. Sick leave time accruals will be prorated according to the contract FTE.
2. Transitional retirees on contracts for 0.50 FTE or more during any fiscal year are eligible to participate in the University's group life, health and dental insurance plans on the same terms and conditions that apply to non-retired employees.
3. Transitional retirees on contracts for less than 0.50 FTE during any fiscal year are eligible to participate in the University's retiree life, health and dental insurance plan, if available on the terms and conditions applicable to other retirees.

## **IX. TERMINATION OF FACULTY APPOINTMENTS**

The University may terminate the employment of a faculty member either through nonrenewal or through dismissal for cause or by layoff due to program reduction or elimination or financial exigency. The Handbook sets forth the definitions, standards and procedures that govern termination of faculty.

A. Definitions

1. Faculty Types:
  - a. Category I Faculty hold a tenure line. There are two types of Category I Faculty:

- (1) Probationary faculty members who have not yet been tenured and hold a contract for a one-year term.
    - (2) Tenured faculty members who hold a contract of continuing employment.
  - b. Category II Faculty are full-time and non-tenured and hold one of the titles, classification or rank defined in section III.A.2.
  - c. Category III Faculty are Affiliate part-time faculty hired to teach part-time on a per credit hour basis for specific classes.
- 2. Termination of faculty appointments:
  - a. Nonrenewal: Nonrenewal means not offering an additional contract to a faculty member who has been hired on a yearly or semester-by-semester basis at the expiration of the existing contract.
    - (1) Probationary Category I faculty members may be non-renewed according to procedures specified in section B, below.
    - (2) Category II and Category III faculty may be non-renewed for any legitimate reason or no reason and have no right of appeal except as provided in other University policies and procedures.
  - b. Dismissal:
    - (1) Dismissal means severing the employment contract, including a tenure contract, at any time for cause.
    - (2) All Categories of faculty members may be dismissed for adequate cause.
  - c. Layoff: Layoff means terminating a tenured faculty member due to a program reduction or elimination or the declaration of financial exigency and the faculty member maintains certain rights of return.
  - d. Program Reduction and Elimination: Reducing the number of faculty in a program or eliminating the program in its entirety.
  - e. Financial Exigency: A financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means. It involves the reduction of the number of tenured faculty members in the employment of the University.
- 3. Computation of Time: All references to “days” mean calendar days. The number of days specified for an act or process shall be extended during campus holidays or closures. The number of days specified for an act or process may be modified upon agreement of the faculty member and administration for good cause.

**B. Nonrenewal of Non-Tenured/Tenure Track Faculty Contracts**

- 1. Grounds Unspecified for Nonrenewal of Non-Tenured Faculty:
  - a. Part-time and temporary faculty may not appeal a decision of nonrenewal. No reason need be given for the nonrenewal of the contract of a non-tenured faculty member in the final notification.
  - b. A faculty member who has been notified of a tenure denial is subject to the procedures specified

in section II.H.5. of this Handbook.

2. Notice of Nonrenewal of Probationary Faculty:

a. Time of Notice:

- (1) First Probationary Contract. In the case of a probationary faculty member's first contract with the institution, notice of nonrenewal shall be given no later than March 15th of the academic year in which the contract is to expire.
- (2) Additional Probationary Contracts. In the case of a probationary faculty member's second through fifth year contract with the institution, under normal circumstances, notice of nonrenewal shall be given no later than the end of the Fall semester of the academic year in which the contract is to expire.
- (3) Tenure Denial. In the case of a probationary faculty member who is not awarded tenure, notice of a terminal one year contract shall be given no later than the end of the academic year in which the tenure decision was made in accordance with the procedures in section II.H.4. of this Handbook.

b. Form of Notice: Notice shall be given in writing and shall be either delivered in person or by electronic transmission and by certified mail to the home address shown on personnel records of the institution.

c. Source of Notice. The President has the responsibility for giving notice of nonrenewal.

d. Content of the Notice. Notice shall inform the faculty member of the nonrenewal and of his/her right to a hearing and review, if any, pursuant to this Handbook.

C. Dismissal of Faculty for Cause

After the expiration of a probationary period, faculty members who attain tenure have permanent and continuous employment with the University and their service should be terminated only for adequate cause. Untenured faculty members with term appointments are subject to the same standard of adequate cause if the University seeks to dismiss them during such appointment period. "Adequate cause" is an appropriate standard under which to terminate faculty so long as the justification for dismissal involves behavior related directly and substantially to the fitness of the faculty member in his or her professional capacity as a teacher or researcher. Adequate cause refers especially to certain substantive grounds for dismissal, including but not limited to: demonstrated incompetence or dishonesty in teaching or research; substantial and manifest neglect of duty; personal conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or incapacity. The following list of substantive grounds is not an exhaustive list, but is instead intended to assist decision makers in determining whether the contemplated dismissal is supported by adequate cause.

1. Grounds for dismissal constituting adequate cause include:

- a. Academic fraud or dishonesty (e.g., misrepresentation of academic credentials or professional contributions, falsification of research data or results, plagiarism or similar unethical behavior.)
- b. A mental or physical disability, which even with reasonable accommodation, substantially interferes with the person's ability to perform the essential functions of the job. Dismissal under these grounds shall be in compliance with Federal law, which prohibits discrimination against disabled persons.

- c. Neglect of duty (the willful and repeated nonperformance of duties or responsibilities reasonably required of faculty or willful and repeated noncompliance with reasonable directives of another that is within the authority of that person).
- d. Unlawful conduct, conviction of a felony or acceptance of a guilty plea or a plea of nolo contendere to a felony that renders the faculty member unable or unfit to perform his or her duties.
- e. Failure to meet material standards of performance included in this Handbook, written job descriptions, post-tenure performance improvement plans or other specific performance improvement plans or warnings instituted under this Handbook.
- f. Unprofessional conduct as described in section XI of this Handbook if the nature, gravity, and/or frequency of the unprofessional conduct justifies dismissal.
- g. Violation of University policies which apply to all employees if the nature, gravity and/or frequency of the violation justifies dismissal.

2. Professional Conduct, Ethics and Responsibilities of Faculty:

Faculty shall be guided by a common sense interpretation and application of the general standards of professional conduct summarized in this section relating to academic responsibilities and responsibilities to students, colleagues, staff and the University, as well as responsibilities as citizens. The University hereby adopts and incorporates by reference the AAUP's 1987 Statement on Professional Ethics as the standard against which faculty conduct will be measured.

3. Notice of Dismissal of Faculty for Cause:

- a. Form of Notice. Notice shall be given in writing and shall be either delivered in person or by electronic transmission and by certified mail to the address shown on the personnel records of the institution.
- b. Source of Notice. The Provost<sup>10</sup> has responsibility for giving notice of dismissal.
- c. Contents of Notice. The notice shall set out each ground claimed as justification for the dismissal with reasonable particularity. In addition, the notice shall inform the faculty member of the effective date of the dismissal and of his or her right to a hearing and review pursuant to this Handbook.

4. Effective Date of Dismissal for Faculty:

- a. Salary and benefits remain until the effective date of dismissal.
- b. The effective date of a dismissal for cause is one of the following:
  - (1) If no timely request for a hearing is made, the day following the day on which the time for requesting a hearing expires, or any subsequent day designated in the notice; or
  - (2) If the faculty member withdraws a timely request for a hearing, the day after the withdrawal.

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<sup>10</sup> Per Presidential memo "Delegation of Presidential Authority to Manage Disciplinary Procedures and Sanctions Involving Faculty", dated May 2, 2019.

- (3) If a timely request for a hearing is made, the day on which the hearing officer makes an initial decision upholding the dismissal; or
- (4) If a timely request for a hearing is made and the hearing officer makes an initial decision reversing the dismissal, the date on which the Board of Trustees upholds the dismissal.
- (5) If the Board of Trustees reverses the dismissal and a hearing officer's decision upholding the dismissal, the faculty member's salary and benefits shall be restored retroactively.

#### D. Appeal of the Decision of Dismissal for Cause

A faculty member who has been notified of a dismissal for cause may appeal the decision using the process described below.

##### 1. Formal Review of Dismissal Decisions:

###### a. Hearing Officer Review

- (1) The affected faculty member is entitled, upon timely and complete application, to a full and fair hearing before a hearing officer in accordance with this section D.1.a.
- (2) An application for hearing before a hearing officer is timely if it is delivered in writing to the office of the Provost within fourteen calendar days after the faculty member receives the notice of dismissal. The application must include the notice, a written reply thereto by the faculty member, and a written request for a hearing in accordance with this section. The written reply may be in the form of a letter or memorandum. A timely application for a hearing shall be deemed a request for all documents considered by the University Provost to be relevant to dismissal of the faculty member. Within fourteen days after the receipt of a timely application for hearing, the Provost shall make available to the faculty member all requested documents, subject to restrictions pertaining to the confidentiality of personnel records of other employees. The hearing officer shall be empowered to rule on all issues pertaining to the production of records.
- (3) Upon receipt of a timely application for hearing before a hearing officer, the faculty member and Provost shall select a hearing officer from a panel of individuals provided by a neutral external source (e.g., American Arbitration Association, Judicial Arbitrator Group, or the Colorado Office of Administrative Courts.) Three names from the panel will be chosen by lot, and the faculty member and the Provost shall each strike one name from the list and the remaining person will serve as hearing officer. The selection shall be made no more than fourteen days after the receipt of the list from the external source.
- (4) Costs for the hearing officer procedure, including the recording of the hearing, shall be borne by the University, except that the faculty member and the University shall each be responsible for expenses incurred at their individual requests during the grievance process, such as the expenses for transcripts, witnesses, and attorneys.
- (5) The hearing is governed by the provisions of this subsection. The faculty member is entitled to the active participation of legal counsel of his or her own choosing and at his or her own expense. The Provost is entitled to legal counsel by the University's General Counsel's office. The hearing officer shall give notice of a hearing to be held within fourteen days after the hearing officer's initial appointment or at such other time as is agreed to by the faculty member and the administration. The notice of dismissal and the

reply of the faculty member shall be deemed to be the pleadings for purposes of the hearing, except that the faculty member may amend his or her reply at any time at or before the commencement of the hearing. The Provost, or his/her representative, shall bear the burden to go forward with evidence and the burden of persuasion, with respect to the grounds for dismissal stated in the notice. The burden of going forward with the evidence and the burden of persuasion rest upon the faculty member as to any affirmative assertion or allegation contained in the reply as amended, other than a denial of any ground or reason stated in the notice. No evidence may be admitted at the hearing which is not relevant either to a ground stated in the notice or to an assertion contained in the reply.

- (6) Upon conclusion of the hearing, the hearing officer shall have 35 days to make findings of fact and conclusions, and issue an initial decision.

b. Board of Trustees' Review

- (1) The hearing officer shall promptly transmit the initial decision, along with the record and the findings of fact and conclusions, to the President of the University for review by the Board of Trustees.
- (2) The Board of Trustees shall review and take action on the decision of the hearing officer at its next regularly scheduled meeting or as soon as practicable.
- (3) The decision of the Board of Trustees is the final decision by MSU Denver.

E. Layoff of Faculty Due to Program Reduction or Elimination Not Mandated by Financial Exigency

1. Layoff of faculty with an appointment of continuous tenure, or of a probationary appointment before the end of the specified term, may occur as a result of bona fide formal reduction or discontinuance of a program or department of instruction.
2. The decision to reduce or discontinue formally a program or department of instruction will be based upon educational considerations as determined primarily by the faculty as a whole. Educational considerations do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by discontinuance.
3. In recognition of the importance of the faculty's expertise in academic decision making, and consistent with the recommendations of the AAUP, the Provost shall present all proposals to eliminate or reduce programs or departments for essentially educational reasons to a body elected by the faculty, currently the Faculty Senate. That elected body shall review the matter and shall report to both the President and the Board of Trustees.
4. If the Board of Trustees determines that faculty positions should be eliminated due to the reduction or elimination of an educational program, faculty members, including tenured faculty, may be laid off in accordance with the "Considerations for Layoff" stated forth below. The Board of Trustees shall require that program changes that entail layoff of faculty be planned and justified sufficiently in advance to permit compliance with the Handbook's requirements on notice of layoff.
5. This section is subject to the provisions of the "Notice of Layoff of Faculty" below. If no position is available within the institution, with or without retraining, the faculty member's appointment may then be terminated, but only with provision for notice and/or severance detailed below. If placement

in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered.

F. Layoff of Faculty Due to Financial Exigency

Faculty may be laid off due to a financial exigency as defined in this Handbook. This policy defines the rights and privileges to be accorded to tenured faculty when programs are reduced, reorganized, or terminated due to a financial exigency.

1. **Definition:** A financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated, in the judgment of the Board of Trustees, by less drastic means. Examples of these events include, but are not limited to significant declining student enrollments, reductions in state appropriations, loss of other income, or some serious event or events requiring unanticipated major expenditure reductions.
2. **Declaration of Financial Exigency:** A financial exigency can be declared by the Board of Trustees after consideration of a recommendation by the President or on its own motion after considering the positions of the President and Faculty Senate as described below. In seeking a declaration of financial exigency the President shall make a presentation to the Board of Trustees concerning the reasons that the President believes a financial exigency exists. The President shall also describe the steps taken to evaluate and alleviate the financial condition of the University. The presentation shall include a review of all reasonable alternatives to declaration of a financial exigency.
3. **Response to a Financial Exigency:** The President shall develop a plan to respond to the exigency, considering the criteria below as appropriate in his or her judgment, and present it to the Faculty Senate for its review, comment, and recommendations, which shall also be presented to the Board of Trustees along with the President's plan. The President has the final responsibility for the development of the administration's plan presented to the Board of Trustees. The Faculty Senate may make a presentation to the Board of Trustees, giving the board an opportunity to hear the range of opinions and recommendations considered.
  - a. Educating students is the University's reason for existence and its highest priority. Consequently the response plan shall place priority on preserving and supporting academic programs. The President should consider taking any of the approaches listed below, without limitation, prior to recommending layoff off of tenured faculty:
    - (1) Offering cash funded courses and other options;
    - (2) Offering early retirement and/or temporary leave programs;
    - (3) Reductions in compensation; and
    - (4) Program reduction or elimination.
4. **Implementation of the Response Plan:** For a response to be put into effect the Board of Trustees must approve the plan.

G. Considerations for Layoffs

1. In cases where faculty members are to be terminated due to program reduction or elimination or financial exigency, the following priority process shall be used:
  - a. First, any part-time faculty;

- b. Second, any temporary faculty;
  - c. Third, any probationary faculty; and
  - d. Finally, and as a last resort, tenured faculty.
2. Tenured Faculty:
- a. In reducing the number of tenured faculty, the department chairs and deans shall strive to maintain the viability of academic programs. Decisions regarding reduction of the tenured faculty within a program shall be based on the following information: length of service at the University, experience, department needs, affirmative action considerations, documented evidence of past performance, and other information appropriate to the decision. Recommendations regarding layoff of tenured faculty will be made to the Provost for review and recommendation and thereafter to the President for final decision. When a recommendation is made primarily on criteria other than seniority, the dean and the department chair must present a statement supporting the recommendation to the Provost.
  - b. Before layoff of a tenured faculty member, the institution, with faculty participation, will make every effort to place the faculty member in another suitable position within the institution.
  - c. In all cases of layoff of tenured faculty, the place of the faculty member affected will not be filled by a replacement within a period of three years, unless the affected faculty member has been offered reinstatement and a reasonable time in which to accept or decline it or the faculty member has notified the University that the faculty member has retired and will not return.
3. Notice of Layoff of Faculty:
- a. Time of Notice:
    - (1) Tenured Faculty.
      - (a) In the case of tenured faculty laid off because of program reduction or elimination not due to financial exigency, notice of layoff shall be given no later than one academic year prior to the layoff.
      - (b) In cases of layoff due to financial exigency, tenured faculty shall be given notice as soon as practicable and severance shall be considered if institutional resources permit to give the faculty member a combination of notice and severance equal to one academic year.
    - (2) Non-tenured Faculty. Notice shall be given as soon as practicable.
  - b. Form of Notice: Notice shall be given in writing and shall be either delivered in person or by electronic transmission and by certified mail to the address shown on the personnel records of the institution.
  - c. Source of Notice: The President has the responsibility for giving notice of layoff.
  - d. Content of the Notice: Notice shall inform the faculty member of the effective date of the layoff and of his/her right to a hearing and review, if any, pursuant to this Handbook. The notice shall set out each ground claimed as justification for the layoff.

#### H. Appeal Procedure for Layoffs

1. Appeal Process: Any tenured faculty member who has been notified of his or her layoff may appeal the decision using a hearing officer as described below. Failure to appeal as provided herein shall be deemed the faculty member's acceptance of the layoff decision and a waiver of his or her right to a hearing. This policy shall not prevent the faculty member from filing complaints to State and Federal agencies responsible for enforcing the civil rights laws.
  - a. Stage One: Within twenty-one calendar days after receiving a notice of layoff the affected faculty member may initiate an appeal of the decision by filing a notice of appeal. To be effective, the notice of appeal does not require detail and may be a simple notification of the appeal, without specific grounds stated. The notice of appeal must be received at the office of the President within this twenty-one day period, except that the President may, at his or her sole discretion and for demonstrated good reason, accept a late notice. A timely notice of appeal shall be deemed a denial of each and every ground for layoff. A timely notice of appeal shall be deemed a request for all documents considered by the President to be relevant to the selection of the individual faculty member for layoff.
  - b. Stage Two:
    - (1) The President shall notify the appealing faculty member of receipt of the appeal notice within seven days. Within fourteen days after receipt of the appeal notice, the President shall make available to the faculty member all requested documents, subject to restrictions pertaining to confidentiality of personnel records of other employees.
    - (2) The hearing officer shall be empowered to rule on all issues pertaining to the production of records.
  - c. Stage Three: Twenty-one calendar days after the receipt of the requested records, the faculty member must submit a comprehensive appeal statement. This document shall outline the reason(s) for the appeal and shall fully set out his or her rebuttal.
  - d. Hearing Officer Review: Upon the President's receipt of a timely stage three comprehensive appeal statement, the faculty member and President shall select a hearing officer and a hearing shall be conducted and a decision rendered in accordance with section IX.D.
    - (1) If more than one appeal arises from the layoff, the hearing officer may consider consolidating the hearings so long as consolidation is consistent with all parties' rights of due process of law and taking into account similarities among the comprehensive appeal statements.
    - (2) The notice of layoff, the notice of appeal and the comprehensive appeal statement shall be deemed to be the pleadings for purposes of the hearing.
    - (3) The Board's financial exigency declaration shall be affirmed by the hearing officer unless s/he finds that the decision was not based on substantial evidence.
    - (4) The hearing officer shall determine in the initial decision whether the University has violated the policies and procedures concerning layoff.
  - e. Board of Trustees' Review: The transmittal of the initial decision of the hearing officer and the Board of Trustees' review shall take place in accordance with section IX.D.

## I. Administrators with Faculty Tenure

Terminated administrators who possess faculty tenure and, under certain circumstances, terminated administrators who held probationary faculty positions before transferring to the administration, may return to the faculty in accordance with the following provisions.

1. **Transfer from Faculty Status to Administrative Status.** Probationary and tenured faculty who transfer to full-time administrative positions retain the seniority earned as faculty members and, if tenured, retain their tenure as faculty members. The administrative appointment is agreed upon in a separate contract, apart from the faculty employment agreement. Probationary faculty who transfer to full-time administrative positions have the right to return to faculty status subject to the availability of a position. Any academic year during which probationary faculty members are employed as administrators for one or more semesters shall not be included in their probationary periods.
2. Tenured faculty members who transfer to full-time administrative positions have the right to return to the University department, program area or other similar academic unit in which they acquired tenure upon termination or resignation from the administrative appointment. Should a faculty member's right to return to the faculty under this section conflict with another faculty member's retention rights under this Handbook, the faculty member with retention rights shall be appointed to the position if both faculty members are either probationary or tenured. However, if one faculty member is tenured and the other is probationary, the tenured faculty member shall be appointed to the position. Administrators at the executive level (Provost, Vice Presidents, Deans) may return to their tenured faculty position upon conclusion of the administrative appointment.
3. For individuals returning to faculty that served in interim or reassigned administrative roles, the annual salary upon return to faculty shall be calculated based on the faculty rank at time of administrative appointment and at a base salary resulting from the projected salary as a result of any increases which occurred during the administrative appointment and with the average of "n" number of evaluations.
4. Executives (Provost, Vice-Presidents, Deans) upon leaving office through termination or resignation who have been awarded tenure by the board may choose to remain at the University as a Professor with a tenured appointment. The salary shall be no less than the salary of the highest paid full professor in the affected department.
5. **Transfer from Administrative Status to Faculty Status.** Professional employees initially hired in administrative positions who were neither appointed with nor subsequently granted academic rank and tenure do not have a right to faculty status or positions. This policy does not preclude administrators from being appointed to part-or full-time faculty positions, but faculty seniority and other faculty rights must be earned through service as a faculty member.

Administrators who, prior to September 18, 1981, and prior to assuming administrative positions, were given faculty status shall retain a right to return to faculty status subject to the availability of a position and to assurance that they are qualified to teach in their assigned academic disciplines. Such eligible individuals are to be identified and their names reported to the Board.

Chief academic officers and senior academic deans who were appointed with or granted rank and tenure on or after March 10, 1989, have the right to transfer to the University department, program area or other similar academic unit in which they were tenured. This right shall be subject to the

limitations applicable to tenured faculty members returning to the faculty from administrative positions.

6. Transfer from a Temporary Appointment to Either a Faculty or an Administrative Appointment. Professional personnel serving in a temporary capacity may be appointed to probationary faculty positions or to administrative positions if they are selected following the normal selection procedures of the University for such positions. However, time spent on temporary contracts, whether full-time or part-time, does not count as service time for seniority or, in the case of faculty appointments, probation, and such faculty appointees must be given probationary contracts and begin de novo the accrual of probationary service time.

J. Relationship of Academic Rank and Tenure to Professional Status.

The classification of professional personnel as faculty or administrator is independent of faculty rank and tenure. Thus, certain administrators may hold faculty rank and tenure if they are qualified and if they have been awarded rank and tenure the Board of Trustees. However, the procedure applicable in the case of termination is to be determined solely by professional status and not by rank and tenure.

**X. DISCIPLINARY PROCEDURES AND SANCTIONS**

A. Coordination with Grievance Procedures

1. Grievance procedures have been adopted by the University to review allegations that professional personnel violated institutional rules prohibiting unlawful discrimination (including sexual harassment).
2. In order to avoid duplicative proceedings and the risk of inconsistent decisions, affirmative action grievance proceedings that satisfy constitutional due process requirements shall constitute the investigative steps in this procedure.
3. If a faculty member is found responsible for violation of University anti-discrimination policies through the affirmative action grievance proceedings, the supervisor may initiate sanctions consistent with the procedures described below. Should the affirmative action grievance proceeding result in a recommendation of termination for cause, the President may commence a termination proceeding in accordance with the articles of this Handbook.

B. Levels of Disciplinary Action

1. Disciplinary actions can be categorized as either “minor” or “major”.
  - a. Minor disciplinary action includes, but is not limited to, written warnings, written reprimands, or temporary loss of Departmental privileges (for example, loss of access to discretionary resources for one semester.)
  - b. Major disciplinary action includes, but is not limited to, mandated training/counseling, removal from certain types of service roles at School/College or University levels, reassignment, demotion in academic rank, reduction in salary, suspension, or termination.
  - c. Faculty will have the right to appeal the imposition of any disciplinary action other than a written warning.

C. Causes for Disciplinary Action

1. Any attempt to list all possible potential causes for disciplinary action will necessarily be incomplete. However, the Faculty Employment Handbook identifies certain types of behaviors as problematic and subject to sanction. These types of behaviors can vary in severity and frequency, and as such, should be subject to disciplinary sanctions that also differ in severity. These types of behaviors include, but are not limited to:
  - a. Academic fraud or dishonesty.
  - b. Misuse of University property.
  - c. Gross neglect of duty, including significant failure to fulfill obligations associated with teaching, advising, scholarship and service.
  - d. Unlawful conduct, commission of a crime or conviction of a felony or acceptance of a guilty plea or a plea of nolo contendere to a felony (while employed at MSU Denver) that renders the faculty member unable or unfit to perform his or her duties.
  - e. Failure to meet material standards of performance included in the Handbook, written job descriptions, post-tenure performance improvement plans or other specific performance improvement plans or warnings instituted under the Handbook.
  - f. Failure to adhere to ethical and professional standards inherent in the faculty member's discipline or, more generally, inherent in the role of a faculty member as described in the AAUP Code of Ethics.
  - g. Violation of Department, School/College, and/or University policies that apply to that employee.
2. When evaluating causes of action, all reviewing bodies and supervisory levels shall independently consider the impact of investigation and sanctions on the academic freedom inherent in the role of all members of the faculty, as defined by the AAUP's 1940 Statement of Principles of Academic Freedom and Tenure. Anybody or individual beyond the complainant recommending investigation or imposing sanctions shall explicitly note their analysis of the academic freedom impact in their recommendations or in their justification of the imposition of sanctions.

D. Progressive Disciplinary Action and Sanctions

1. Disciplinary sanctions should be progressive in nature. Repeated incidents of the same or similar forms of misconduct should be referred to a higher supervisory level, and may result in increasingly severe sanctions.
2. Different types of sanctions are available to different supervisory levels – i.e., the University President will have a greater range of sanctions at her/his disposal than will a Department Chair.
3. For disciplinary actions involving a faculty member not serving as a Department Chair, the supervisory chain of command will include: Department Chair, School/College Dean (or his/her designee), Provost (or his/her designee), President (or his/her designee), and Board of Trustees. For disciplinary actions involving a Department Chair, the supervisory chain of command will include: School/College Dean (or his/her designee), Provost (or his/her designee), President (or his/her designee), and Board of Trustees.

## E. Procedures

1. Nothing contained in this document precludes a voluntary attempt by the relevant parties to resolve potential disciplinary actions informally. Information regarding resources and strategies for achieving informal resolution of conflicts can be found through the University Ombuds Office (<https://msudenver.edu/ombuds/>). In cases of a first instance of minor misconduct, the supervisor should make every effort to resolve the issue informally.
2. In any instance in which a supervisor considers the imposition of a disciplinary sanction, the respondent's rights of due process and appeal must be protected.
3. Professional misconduct complaints should be submitted to the supervisory level closest to the employee against whom the complaint was made. In cases involving faculty, this would normally be the Department Chair. For cases involving Department Chairs, this would normally be the School/College Dean.
  - a. Minor Misconduct
    - (1) Upon becoming aware of an allegation of misconduct against a faculty member, the Department Chair will conduct an initial assessment of the severity of the alleged misconduct. If the alleged misconduct is relatively minor the Department Chair should address the issue directly with the faculty member. This may result in no sanction, or the imposition of a minor disciplinary sanction. In cases of minor misconduct, a written warning is a required first step. The Department Chair should only proceed to sanctions if there are repeated occurrences of the same or similar minor misconduct.
    - (2) Written warning: A written statement from the supervisor to the faculty member identifying the precise nature of the faculty member's misconduct and notifying the faculty member that subsequent misconduct may result in official sanction. The warning will be shared with the faculty member and the next level supervisor, but will not be placed in the faculty member's personnel file, nor will it be included in the portfolio for the purposes of faculty evaluation. The faculty member will have the right to submit a response to the Department Chair and School/College Dean.
    - (3) In cases of repeated occurrences of the same or similar minor misconduct, the Department Chair may impose an additional minor sanction, or may refer this issue to the School/College Dean. The School/College Dean should assess the severity of the misconduct and, if appropriate, assign a sanction.
  - b. Major Misconduct
    - (1) In cases of ongoing minor misconduct (e.g., repeated failure to maintain office hours), or in cases of serious misconduct (e.g., intentional refusal to adhere to University policy regarding accommodations for students with disabilities), the Department Chair receiving the complaint will inform the respondent, in writing, that a complaint has been received, the name of the complainant, the specific allegations included in the complaint, and that the complaint will be reviewed to determine whether or not a formal investigation is warranted.
    - (2) The Department Chair will consult with the School/College Dean to determine jurisdiction. Depending on the nature and/or severity of the complaint, this consultation may also

include other relevant parties such as the Provost, the University General Counsel, the Equal Opportunity Office, and/or the Director of Human Resources. This initial consultation will determine:

- (a) Whether there is sufficient basis for investigating the complaint; and if there is sufficient basis for investigation,
  - (b) The appropriate level (Department Chair, Dean, Provost, or President) to manage the complaint.
- (3) The determination of the appropriate level to manage a complaint will be based on factors such as:
- (a) The severity of the alleged professional misconduct; and
  - (b) The respondent's prior history of professional misconduct.
- (4) If the initial consultation concludes that there is insufficient basis for investigation, the Department Chair receiving the complaint will dismiss the complaint without further action. The Department Chair will inform the complainant and the respondent, in writing, that the complaint has been dismissed.
- (5) If the initial consultation concludes that there is sufficient basis for investigation, once jurisdiction is determined, the responsible supervisor (as identified in XI.E.3.b.(2)(b), above) will conduct the investigation, or will appoint an investigatory committee or individual to conduct the investigation. The investigator or investigatory committee must have no conflicts of interest in the case and must conduct a fair and objective investigation. The nature and extent of the investigation will differ depending on the nature and severity of the alleged misconduct. All interviews conducted as part of the investigative process shall be recorded by the institution and those recordings will be retained for the duration of the investigation. In those cases where disciplinary sanctions are imposed, the recording will be retained for the duration of the sanction. Interview subjects shall also have the option of making personal recordings and being accompanied to any interview by an observer of their choosing. They may consult with their observer during the interview. The subject of the interview is responsible for arranging for this observer. If an observer is going to be present, the subject of the interview shall notify the interviewer of the identity and role of that observer no less than 24 hours in advance.
- (6) Within 5 days of the determination that an investigation will be undertaken, the responsible supervisor will inform the respondent and complainant, in writing, that an investigation will be conducted.
- (7) Regardless of the structure of the investigation, any investigation of alleged misconduct must include an opportunity for the faculty member to respond to the allegations. Such responses, whether they be oral or written, will become part of the investigative record, and will be subject to the retention guidelines specified above in subsection (5).
- (8) The responsible supervisor will review the findings of the investigation and either will dismiss the allegations without further action or will meet with the respondent to review the findings of the investigation.
- c. For either minor or major misconduct, if the allegations are substantiated, the responsible

supervisor will determine sanctions. Identified sanctions include, but are not limited to:

(1) Minor Disciplinary Action

(a) Sanctions available to the Department Chair, Dean, Provost, and President:

- (i) Written reprimand: A written statement from the supervisor to the faculty member identifying the precise nature of the faculty member's misconduct and notifying the faculty member that subsequent misconduct may result in more severe sanction. The written reprimand is to be placed in the faculty member's official personnel file in the Office of Human Resources. A written reprimand can be appealed per the procedures described in section F below.
- (ii) Temporary loss of privilege, such as access to discretionary funds. This sanction can be appealed per the procedures described in section F below.

(b) Sanctions available to the Dean, Provost, and President

- (i) Required counseling, participation in a rehabilitation program, remedial instruction, or other training to be paid for by the University. These sanctions can be appealed per the procedures described in section F below.
- (ii) Removal from and/or ineligibility to serve on Department, College/School, and/or University committees or other shared governance bodies for a period not to exceed 3 academic years. (If this sanction is imposed, the supervisor imposing the sanction is required to develop a plan, in consultation with the faculty member and Department Chair, to ensure that the faculty member will have other opportunities to meet his/her service requirements, as defined in the faculty member's Department Evaluation Guidelines.) These sanctions can be appealed per the procedures described in section F below.

(2) Major Disciplinary Action

(a) Sanctions available to the Provost and President:

- (i) Reassignment to other professional positions or different job duties, with or without a reduction in pay.
- (ii) Reduction in salary or a reduction or denial of a salary increase.
- (iii) Reduction in rank or denial of promotion.
- (iv) Suspension with or without pay not to exceed one academic year.

(b) Sanctions available only to the President:

- (i) Termination for cause in accordance with the Handbook, as applicable, if the nature, gravity, and/or frequency of the unprofessional conduct justifies termination.

F. Appeals/Faculty Right to Respond: Minor Disciplinary Action

1. In cases in which a written warning is issued, the Department Chair will provide copies of the warning to the faculty member and to the School/College Dean. The faculty member will have the right to

submit a response to the written warning to the Department Chair and School/College Dean. No further action is necessary.

2. The faculty member may appeal any sanction.
3. A memorandum specifying any sanction will be written by the responsible supervisor imposing the sanction, and will be placed in the faculty member's personnel file, along with relevant supporting documentation (e.g., copies of complaints, investigation reports, etc.):
  - a. The faculty member shall be provided with a copy of the memorandum and all other documentation at least 10 working days prior to the possible placement of such materials in the faculty member's personnel file;
  - b. The faculty member may appeal the sanction by requesting, no later than 5 working days after receipt of the memorandum and materials, a conference with the next level supervisor to discuss the reasons for the sanction. Such a request shall not be unreasonably denied.
  - c. The next level supervisor, after meeting with the faculty member and consulting with the supervisor imposing the sanction, may dismiss the proposed sanction, impose an alternative sanction, or uphold the proposed sanction.
  - d. In the event that a sanction is imposed, the faculty member shall have the right to attach a rebuttal to the memorandum and/or materials, or to request correction of the record. Such rebuttal and/or correction will also be placed in the employee's personnel file.
  - e. Three years from its effective date, the faculty member may submit a request to the Associate Vice President of Human Resources to remove documentation of the sanction, and any rebuttal submitted by the faculty member in response to that sanction, from the employee's personnel file. Such a request shall not be unreasonably denied. If approved, a statement verifying the permanent removal of the materials shall be provided to the faculty member. Neither the request for such a removal nor the statement verifying the removal shall be placed in the official personnel file. This provision shall not be implemented under the following conditions:
    - (1) a notice of disciplinary action has been served on the faculty member and documentation of the prior sanction is related to the pending disciplinary action; or
    - (2) a subsequent sanction(s) of a similar nature has been placed in the personnel file within the 3 year period. If, after three years from its effective date, the faculty member requests the removal of the subsequent sanction, then the faculty member may also request the removal of the prior sanction(s) of a similar nature.
  - f. A memorandum describing a disciplinary sanction in the faculty member's personnel file at the time of retention, tenure, promotion, or post-tenure review may be considered as part of the faculty member's portfolio, as will any response submitted by the faculty member. If included in the portfolio, it is incumbent upon the Department Chair or Dean to specify how the sanction relates to the areas of Teaching, Service or Scholarship.

G. Appeals/Faculty Right to Respond: Major Disciplinary Action, Excluding Termination for Cause

1. Procedures for Appeal
  - a. No less than 10 working days prior to the imposition of any major disciplinary sanction, the supervisor imposing the sanction (i.e., Provost, President) will provide the employee with written

notice of the pending sanction. The written notice will include:

- (1) The cause(s) for disciplinary action;
  - (2) The pending sanction;
  - (3) The proposed effective date of the pending sanction; and
  - (4) The right of the faculty to appeal the pending disciplinary action and to have the matter heard.
- b. Within 5 working days of the receipt of the notice of a pending major disciplinary sanction, the faculty member may, if they so choose, submit a written notice of his/her intent to appeal the sanction.
- (1) The appeal may challenge the manner in which the investigation was conducted, the interpretation of the findings of the investigation, or the severity of the pending sanction;
  - (2) The faculty member should submit the notice of intent to appeal to the supervisor proposing the sanction (i.e., Provost, President), the next level supervisor (i.e., President, Board of Trustees), and the Faculty Senate Vice President, who serves as convener of the Disciplinary Appeals Committee (DAC);
  - (3) The supervisor proposing the sanction will not impose any disciplinary sanctions while the appeal is being adjudicated.
- c. Within 10 working days after submitting a notice of intent to appeal, the faculty member may, if they so choose, notify the supervisor proposing the sanction, the next level supervisor, and the Faculty Senate Vice President of their intent to invite legal counsel, or other advocate to, and/or their interest in having an audio recording made of, the hearing (Sec. X.G.1.f).
- d. No more than 10 working days after receiving a notice of intent to appeal, the Faculty Senate Vice President must submit a list of eligible members of the DAC to the faculty member and the next-level supervisor. The faculty member and the supervisor proposing the sanction will take turns removing names until three remain (if four remain after the faculty member and the supervisor proposing the sanction have removed the same number of names, the Faculty Senate Vice President will remove the final name). If either party fails to participate in this step within five working days, the Faculty Senate Vice President will remove names on their behalf. The three remaining will comprise the Hearing Panel for the appeal. These three will select a chair for the Hearing Panel.
- e. No more than 20 working days after submitting the notice of intent to appeal, the faculty member will submit the appeal materials to the supervisor proposing the sanction (i.e., Provost, President) and the Faculty Senate Vice President, who must provide the materials to the Chair of the Hearing Panel. The materials should include detailed documentation of the disputed facts and defenses to the allegation of misconduct. The Hearing Panel may, at their discretion, request additional materials. Such additional materials may be delivered later than 20 working days after submitting the notice of intent to appeal. However, non-delivery of such additional materials requested by the Hearing Panel shall not cause the date of the hearing to extend beyond the deadline (Sec. X.G.1.)
- f. No more than 10 working days after receiving the appeal materials, the Hearing Panel will meet to hear the appeal. The conduct of the hearing will adhere to the policies and procedures

regulating the functioning of the Hearing Panel. After hearing the appeal, the Hearing Panel will have 5 working days to submit a written report detailing its findings and recommendations. The Hearing Panel may:

- (1) Recommend that the case be dismissed and no sanctions imposed;
  - (2) Support the finding of culpability, but recommend a less severe sanction;
  - (3) Support both the finding of culpability and the proposed sanction.
- g. The report of the Hearing Panel will be distributed to the appealing faculty member, the supervisor proposing the sanction (i.e., Provost, President), and the next level supervisor (i.e., President, Board of Trustees).
- h. The next level supervisor (i.e., President, Board of Trustees) will review the recommendations of the Hearing Panel, along with information derived from the original investigation, and will make a final determination.
- i. Should the reviewing supervisor decide to ignore the recommendations of the Hearing Panel by imposing a more severe penalty than that advised by the Hearing Panel, the supervisor must state reasons for their decisions in writing, and allow the faculty member and Hearing Panel to respond before imposing any penalty, thereby allowing for a reconsideration. This written discussion shall become part of the employee's personnel file should the supervisor uphold their finding of culpability.
- j. If the supervisor hearing the appeal upholds the finding of culpability, a memorandum specifying the sanction will be placed in the faculty member's personnel file, along with relevant supporting documentation (e.g., copies of complaints, investigation reports, reports from the Hearing Panel, etc.):
- (1) The faculty member shall have the right to attach a rebuttal to the memorandum and/or materials, or to request correction of the record. Such rebuttal and/or correction will also be placed in the employee's personnel file.
  - (2) Three years from its effective date, the faculty member may submit a request to the Associate Vice President of Human Resources to remove records of the sanction, and any rebuttal submitted by the faculty member in response to that sanction, from the employee's personnel file. Such a request shall not be unreasonably denied. If approved, a statement verifying the permanent removal of the materials shall be provided to the faculty member. Neither the request for such a removal nor the statement verifying the removal shall be placed in the official personnel file. This provision shall not be implemented under the following conditions:
    - (a) a notice of disciplinary action has been served on the faculty member and documentation of the prior sanction is related to the pending disciplinary action; or
    - (b) a subsequent sanction(s) of a similar nature has been placed in the personnel file within the three year period. If, after three years from its effective date, the faculty member requests the removal of the subsequent sanction, then the faculty member may also request the removal of the prior sanction(s) of a similar nature.
  - (3) A memorandum describing a disciplinary sanction in the faculty member's personnel file at the time of retention, tenure, promotion, or post-tenure review may be considered as

part of the faculty member's portfolio, as will any response/rebuttal submitted by the faculty member.

2. The Disciplinary Appeals Committee (DAC)

a. Composition: The DAC shall consist of:

(a) The Faculty Senate Vice President, who serves as convener with full membership on the committee.

(b) Up to two tenured faculty members elected from each School/College

(2) Terms: Two years. For the initial election of the DAC for Fall 2020, Schools and Colleges will offer one seat with a one-year term and one seat with a two-year term. Schools and Colleges should seek to fill vacated seats by the beginning of each fall semester.

(3) Training: Hearing Panels may at their sole discretion request training from the University.

(4) Hearing Panels

(a) Eligibility: for the purpose of selecting a Hearing Panel, eligible members of the DAC are those who

(i) Do not have a direct relationship to the investigation,

(ii) and have not voluntarily recused themselves for the case to be heard.

(b) Composition: Hearing Panels consist of eligible full members of the DAC selected according to the procedures in Sec. X.G.I.

(c) Responsibilities:

(i) Select a Hearing Panel chair.

(ii) Review materials pertaining to the appeal for which the Hearing Panel was formed.

(iii) Unless prohibited by law, distribute to the faculty member any investigation and appeals materials not provided by the faculty member, including any audio recordings of the hearing.

(iv) Conduct an appeals hearing. The time and date should be coordinated with the appealing faculty member in accordance with the timeline presented in Sec. X.G.1.

(v) Treat as confidential all discussions and materials related to the appeal.

(d) Functioning of meetings and hearings:

(i) Audio recordings may be made at the direction of the Hearing Panel in the case the appealing faculty member has requested such recordings in Sec. X.G.1.c. No personal audio or video recordings may be made.

(ii) Witnesses, including eyewitnesses and expert witnesses, may be called.

(iii) The appealing faculty member must be permitted to attend the hearing.

#### H. Reporting

Each academic year, the Associate Vice President for Faculty Affairs will gather reports from Department Chairs, Deans, and Provost regarding any disciplinary sanctions imposed against any faculty member. These reports, including demographic data on faculty members against whom sanctions were imposed, will be provided to the Director of Equal Opportunity (EO). The Director of EO will provide a summative report of disciplinary actions, with a particular examination of any disproportionalities associated with any demographic characteristic, to the Faculty Senate Diversity Committee and the Faculty Senate Faculty Welfare Committee. This report shall be submitted in accordance with the deadlines specified in the Procedural Calendar.

#### I. Appeals/Faculty Right to Respond: Termination for Cause

Termination of a faculty member for cause will be managed in accordance with the procedures identified in section IX. of this Faculty Employment Handbook.

#### J. Allegations of Misconduct Against Department Chairs

1. All policies and procedures described in this section will apply in cases of alleged misconduct involving a Department Chair.
2. In cases of alleged misconduct involving a Department Chair, the School/College Dean will initially review the allegations. The Provost will serve as the next-level supervisor.