



## Board of Trustees

Policy Statement  
University Policy Library

Operational Area:	University President
Responsible Executive:	Chair, Board of Trustees
Responsible Office:	President's Office
Effective:	April 1, 2019

# Appointment and Conditions of Employment of the University President

## University President

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### I. Introduction

- A. **Authority:** C.R.S. § 23-54-102, *et seq.* (2019) authorizes the Trustees of Metropolitan State University of Denver (MSU Denver) to establish rules and regulations to govern and operate the University and its programs. The Trustees retain authority to approve, interpret, and administer policies pertaining to University governance. The Trustees authorize the President of MSU Denver to approve, administer, and interpret policies pertaining to University operations.
- B. **Purpose:** This policy states the terms of appointment and conditions of employment of the University President
- C. **Scope:** This policy applies to the University President.

### II. Roles and Responsibilities

- A. **Responsible Executive:** Chair, Board of Trustees
- B. **Responsible Administrator:** President
- C. **Responsible Office:** President's Office
- D. **Policy Contact:** President's Office, 303-615-0060



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### III. Policy Statement

#### A. Terms of Appointment

University Presidents are defined as administrative personnel. Under article 19 of title 24 of the Colorado Revised Statutes, administrative personnel employed by the Board of Trustees are employees-at-will and may be terminated at any time, without cause or advance notice of termination.

#### B. Rank and Tenure

Rank and tenure may be awarded at the time an appointment is made, in the Board's sole discretion. If the President has earned academic rank in a previous position, the Board, after consultation with the affected department, may award rank and tenure in the appropriate discipline, in the Board's sole discretion. If, however, the President comes from a background where it was not possible to earn academic rank, the Board may, in its sole discretion, grant rank and tenure in the discipline which matches the President's education and experience.

#### C. Involuntary Termination of Presidential Appointment

The University President serves at the will and pleasure of the Trustees and may be terminated at any time with or without cause. Following the Board's adoption of a resolution of termination, the Chair of the Board shall give written notice thereof to the President. The notice shall be hand-delivered or sent certified mail, return receipt requested (and shall be deemed to be given on the date of hand-delivery or mailing), shall specify the effective date of termination, and shall contain a copy of the Board's termination resolution.



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A President who has been notified of termination shall receive his or her salary through the effective date of termination and shall be entitled to pay for up to 30 days of unused vacation time accruing through the date of termination. However, the Board in its discretion may require the President to use some or all of such unused vacation time prior to the date of termination. The President may also be awarded severance pay in accordance with subsection C.2 of this section, in the Board's sole discretion.

A President who has been terminated shall have no right to any compensation in addition to salary through the effective date of termination and vacation pay.

Payment of any post-employment compensation, as defined in C.R.S. § 24-19-102(5)(a), (b), is strictly prohibited by state law.

Calculation of Vacation and Severance Pay: Vacation pay and severance pay (if any) shall be based solely on the salary payable to the President under the agreement in effect on the date of termination. Trustee-paid fringe benefits (including, without limitation, unused sick leave, insurance premiums, and PERA or other pension plan contributions; housing, utilities, telephone and housing maintenance allowances (including the cash value of any state-owned housing provided under paragraph f of this section); automobile and auto mileage, insurance and maintenance allowances (including the cash value of any state-owned automobile provided under paragraph F of this section); expense reimbursements and all other compensation or benefits directly or indirectly received by the President, whether from the Board or third parties, shall be excluded from salary for the purpose of calculating vacation and severance pay.

1. *Vacation Pay:* Vacation pay shall be calculated using the following formula:  
(annual salary)(1/260) = 1 day of vacation pay.



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2. *Severance Pay*: Notwithstanding the prohibition against paying unearned postemployment compensation to terminated administrators, C.R.S. § 24-19-103(2) authorizes the Trustees, at their option and in their sole discretion, to award severance pay consisting of (i) payment of up to a maximum of three months of salary; and (ii) the provision of up to a maximum of three months of employee benefits. Such severance pay, if any, must be approved at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle President to severance pay or any other form of post-employment compensation shall be valid or enforceable against the State of Colorado, the Trustees, the University or any of the University's officers or employees. Any severance pay expressed as a function of days, months or other units of time shall be calculated using the following formula:  $(\text{annual salary}) \div (365) = 1 \text{ day of severance pay}$ .

### D. Resignation

A President who chooses to resign is not entitled to compensation beyond the effective date of resignation approved by the Trustees other than payment for up to 30 days of unused vacation time accruing through the date of resignation. However, the Board in its discretion may require the President to use some or all of such accrued unused vacation time prior to the date of his or her resignation.

### E. Exercise of Tenure

Upon leaving office through termination or resignation, a President who has been awarded tenure by the Board may choose to remain at the University as a professor with a tenured appointment. The initial salary shall be no less than the



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salary of the highest paid full professor in the affected department. The President will forfeit this tenured status unless he or she begins full-time teaching at the University within one calendar year after leaving office. A President who has not been awarded tenure by the Board will not receive tenure upon termination. Other Benefits In addition to salary fixed annually, the University President is provided with the following:

1. *Vacation and Leave:* The President shall accrue vacation, shall receive sick leave and other leave and shall participate in the insurance and retirement programs in accordance with the Handbook.
2. *Automobile:* There is to be available to the University President either a state-owned or leased car, a fixed rate automobile allowance, or a mileage reimbursement on a private car for state-related business. For a state-owned or leased car, attendant automobile expenses such as insurance and maintenance are to be provided. Expenses for state-related business shall also be provided on a per diem basis as provided by the fiscal rules of the state.
3. *Official Functions:* Official functions will be underwritten within the limit of institutional resources and in keeping with University fiscal rules.
4. *Outside Compensation:* Limited professional and consulting assignments may be accepted by the University President provided such assignments do not interfere with the operation of the University.

### IV. Policy History

- A. **Effective:** April 1, 2019
- B. **Revised:** This policy supersedes section 7.3 of the *MSCD Trustees Manual, 2007*.
- C. **Review:** This policy will be reviewed every five years or as deemed necessary by University leadership.



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# Appointment and Conditions of Employment of the University President

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## V. Policy Approval

A handwritten signature in black ink, appearing to read "Janine Davidson".

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**Janine Davidson, Ph.D.**  
*President, Metropolitan State University of Denver*

A handwritten signature in black ink, appearing to read "John Paul Pogge".

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**John Paul Pogge, Esq.**  
*Chair, Board of Trustees, Metropolitan State University of Denver*