

Operational Area:	Employment
Responsible Executive:	Chief Operations Officer
Responsible Office:	Human Resources Office
Effective:	July 1, 2019

Reassignment and Termination of Administrators and Staff

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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 outlines conditions when University administrators and staff may be reassigned to another exempt position within the University or terminated from employment with the University.
- C. **Scope:** This policy applies to University administrators and staff exempted from the State of Colorado personnel system in accordance with C.R.S. § 24-50-135.

II. Roles and Responsibilities

- A. **Responsible Executive:** Chief Operations Officer
- B. **Responsible Administrator:** Chief Human Resources Officer
- C. **Responsible Office:** Human Resources Office
- D. **Policy Contact:** Chief Human Resources Officer, 303-615-0999

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III. Policy Statement

A. Reassignment of Administrative Personnel

1. Administrators and administrative/regular personnel serve in administrative positions at the will and pleasure of the President. The Trustees delegate the authority to reassign administrators and administrative/regular personnel to any other exempt position within the University to the President. Administrators and administrative/regular personnel may be reassigned to other exempt positions in the President's discretion without cause or advance notice of reassignment. The authority to reassign administrative and administrative/regular personnel may not be sub-delegated to subordinate officers or employees of the University. Reassignments may not be grieved.

B. Termination of Administrative Personnel

1. At-Will Employment Under Article 19 of Title 24 of the Colorado Revised Statutes, administrative personnel employed by the University are employees-at-will and may be terminated at any time, without cause or advance notice of termination. No pre-termination promise, contract or other agreement purporting to employ administrators for fixed terms shall be valid or enforceable against the State of Colorado, the Trustees, the University or any of their officers or employees, nor shall any compensation, whether as a buy-out of the remaining term of any contract, as liquidated damages, or as any other form of remuneration, be owed or paid to administrators upon or after termination except for compensation that was earned prior to the date of termination prorated to such date.

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- a. Notice. Advance notice of termination or reassignment may be given as a courtesy to administrators. However, in no event shall failure to give such notice entitled administrators to reinstatement, back pay, damages or any form of post-employment compensation.
- b. Severance Pay. Notwithstanding the prohibition against paying unearned post-employment compensation to terminated administrators, the Trustees, at their option and in their sole discretion, may 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 to terminated administrators who have been employed by the University for fewer than five years. Such severance pay must be approved at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle administrators 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 their officers or employees. Severance pay shall not be granted to any employee unless such employee executes a release of the University and its trustees, employees and agents from all claims arising out of or relating to the employee's employment with the University.

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- c. 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.
- i. 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, but shall be issued administrative contracts. Probationary faculty who transfer to full-time administrative positions have the right to return to faculty status subject to the availability of a position and to assurance that they are qualified to teach in their academic disciplines. As more fully set forth above, 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. 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. 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

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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.

- ii. 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.
- iii. 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.
- iv. 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

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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.

- v. 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

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appointees must be given probationary contracts and begin de novo the accrual of probationary service time.

2. Relationship of Academic Rank and Tenure to Professional Status. The classification of professional personnel as faculty or administrator is independent 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 therefore if they have been awarded rank and tenure the Trustees. However, the procedure applicable in the case of termination is to be determined solely by professional status and not by rank and tenure.
 3. Source of Authority. The Trustees delegate the President the authority to terminate and, at his or her option and in his or her discretion, award severance pay to administrative personnel under his or her supervision. The authority to terminate administrative personnel and award them severance pay may not be sub-delegated to subordinate officers or employees of the University.
 4. Review of Termination of Administrators. Administrators who are terminated in accordance with this section may request informal conferences with the President. Terminations may not be grieved.
- C. Termination of Administrative/Regular Personnel. "Administrative/regular personnel" are defined as non-faculty professional personnel who were formerly defined as faculty in this Handbook in accord with C.R.S. §23-10-102(4); namely, counselors, librarians, and student services personnel.
1. Grounds for Termination. Administrative/regular personnel may be terminated for cause or due to a reduction in force.

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- a. For Cause. Administrative/regular personnel may be terminated for cause in accordance with this policy. If grounds for suspension exist, administrative regular personnel may be suspended in accordance with this policy.
- b. Reduction in Force. Administrative/regular personnel may be terminated due to a reduction in force.
- c. Unprofessional conduct, as described in the University's disciplinary policies, if the nature, gravity and/or frequency of the unprofessional conduct justifies dismissal.

IV. Related Information

- A. Disciplinary Procedures and Sanctions Policy
- B. Reductions in Force Policy

V. Policy History

- A. **Effective:** July 1, 2019
- B. **Revised:** This policy supersedes Chapter XVI of MSU Denver's *Handbook for Professional Personnel*, July 1, 2017.
- C. **Enacted:** February 2, 2005
- D. **Review:** This policy will be reviewed every three years or as deemed necessary by University leadership.

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VI. Policy Approval



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

N/A

Chair, Board of Trustees, Metropolitan State University of Denver