



Recommendations and Major Findings from the Review of MSU Denver Policies and Processes for the Appointments of Department Chairs and the Specific Case of Dr. Adriana Nieto

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This document contains my recommendations and summary of major findings from my review of the policies, processes, and procedures for the appointments of Department Chairs at Metropolitan State University of Denver and the specific case of Dr. Adriana Nieto's removal from her position as Chair of the Department of Chicana & Chicano Studies by College of Letters, Arts, and Sciences Dean John Masserini. While Dean Masserini was authorized to remove Dr. Nieto as Department Chair and did not violate University policy in so doing, my review illuminated professional shortcomings from both parties.

I. Recommendations

Based on my findings, I am putting forward the following recommendations to MSU Denver President Janine Davidson.

1. Reinststate Dr. Adriana Nieto as Department Chair of Chicana & Chicano Studies with the expectations that she will:
 - Drive the strategic planning and implementation process to elevate the department and increase its long-term viability;
 - Participate in all professional/leadership development activities required of Department Chairs; and
 - Be subject to all of the terms, policies, and procedures pertaining to Department Chairs in the *Faculty Employment Handbook*, particularly Section II.L (*Department Chairs: Roles, Responsibilities, and Area of Performance; Selection and Appointment; and Evaluation*).
2. Charge the Office of the Provost with leading the efforts to draft suggested revisions to the *Faculty Employment Handbook* or develop a set of guidelines regarding the appointment processes of Department Chairs, in collaboration with the President of the Council of Chairs & Directors and President of the Faculty Senate. One specific area to address is the removal of Department Chairs before the expiration of their three-year administrative appointments, including expectations with whom Deans should consult before making a final decision and opportunities for Department Chairs to correct or improve their performance, when applicable.

3. Charge the Office of the Provost with developing a structured process to onboard new Deans, which would include the provision of executive coaching services and professional development opportunities to make and execute effective and objective personnel decisions.
4. Charge the Office of the Provost to develop a structured leadership program managed in the Office of Faculty Affairs as part of the onboarding process for new Department Chairs and other academic leaders, which would include expectations for the professionalism of Chairs as well as professional development opportunities to make and execute effective and objective personnel decisions.

II. Review Process

This review process was officially launched on December 14, 2023, by the Office of the Provost at the request of President Davidson and based on input we received during conversations with students, colleagues, and community members following the removal of Dr. Adriana Nieto from her position as Chair of the Department of Chicana & Chicano Studies by CLAS Dean John Masserini. This review covered and analyzed information and documents from a variety of sources, including, but not limited to:

- Information shared during in-person, virtual, and email discussions/meetings with numerous stakeholders: Dr. Adriana Nieto; Dean John Masserini; Dr. Chalane Lechuga, Director of Faculty Diversity Research & Development and now-Interim Department Chair; faculty and staff in the Department of Chicana & Chicano Studies and in other departments; students; Vice President for Diversity & Inclusion Michael Benitez; Associate Vice President (AVP) for Faculty Affairs Catherine Kleier; AVP for Human Resources Stacy Dvergsdal; AVP for Undergraduate Studies Elizabeth Parmelee; CLAS Associate Dean Ibon Izurieta; MSU Denver Faculty Federation President Sheila Rucki; community members; and others.
- Email threads and other documents, particularly those generated between July 10, 2023, and December 5, 2023, including Dean Masserini's annual evaluation of Dr. Nieto's performance as Department Chair dated July 10, 2023, and his warning and removal of Dr. Nieto as Chair document dated December 5, 2023.
- Documents pertaining to the November 8, 2023, incident.
- The recording Dean Masserini made during his December 5, 2023, meeting with Dr. Nieto, with Drs. Izurieta, Kleier, and Rucki in attendance.
- Publicly-available policies and processes pertaining to the appointments, evaluation, and dismissal of Department Chairs at MSU Denver and other and other four-year Colorado colleges and universities.

III. Summary of Major Findings

1. Dean Masserini did not violate University policy in his removal of Dr. Adriana as Department Chair before the expiration of her three-year term as Chair. Dr. Nieto remains employed as a tenured faculty member (Professor in the Department of Chicana & Chicano Studies); her tenured faculty position was not affected by the removal from her Department Chair position.

Upon reviewing MSU Denver's policy regarding the appointment of Department Chairs, while they "...are asked to commit to a three-year term" (*Faculty Employment Handbook* Section II.L.3(c) (xiv)), Department Chairs are considered to be at-will employees with respect to their administrative positions. The [2023-24 Faculty Employment Handbook](#), Section II (*Category I Faculty – Policies and Procedures*) includes the following stipulations.

- Section II.L.3(c)(xv): Chairs will “*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.*”
- Section II.L.4(b)(vii): “*The President has delegated the authority to appoint, reappoint, or dismiss Department Chairs to the Dean overseeing that School/College.*”

In MSU Denver’s policy on [Reassignment and Termination of Administrators and Staff](#):

- Section III.1.B.1 states: “*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.*”
- Section III.1.B.1.c. (*Administrators with Faculty Tenure*) includes the provisions for terminated administrators with faculty tenure to return to the faculty.

2. MSU Denver’s consideration of Department Chairs serving as at-will employees in their administrative capacity as Chair is aligned with other four-year colleges and universities in Colorado (e.g., universities in the University of Colorado System, Colorado Mesa University, Colorado School of Mines, Colorado State University Pueblo, University of Northern Colorado, Adams State University, Fort Lewis College, Western Colorado University). However, some (but not all) of these institutions provide structured procedures on the removal of Department Chairs and faculty in other administrative positions before the expiration of their stated terms (e.g., Adams State University, see [Faculty Handbook](#)); MSU Denver does not currently include such procedures.
3. MSU Denver permits Department Chairs to appeal the annual written evaluations of their performance as Chairs conducted by their Deans under the [2023-24 Faculty Employment Handbook](#), Section II.L.5. (*Department Chair Evaluation*).
4. In Dean Masserini’s written evaluation of Dr. Adriana Nieto’s performance as Department Chair on July 10, 2023, he did not include a timeline for Dr. Nieto to correct the areas in which she needed improvement, a performance improvement plan, nor a written warning that she risked losing her position as Department Chair without corrective action moving into Fall 2023. Indeed, his only reference to a timeline in the written evaluation intimates that she would have the academic year to correct her administrative performance: “*I have provided...a quick outline of some areas that need improvement in performance this coming academic year*”.
5. There are references to the expected professionalism of Department Chairs in MSU Denver’s *Faculty Employment Handbook* under the roles and responsibilities for Department Chairs (Section II.L.3), including that the Chair:
 - “*(a) Serves as the chief representative of the department...*” and
 - “*(c)(xii) Advocates for the Department professionally with peers, Deans, Provost, and others...*”

Dr. Nieto’s statements made during the incident that occurred on November 8, 2023 fell short of these expectations.

6. There are instances where Dean Masserini used subjective as opposed to objective assertions in his December 5, 2023, document in which he warned and removed Dr. Nieto from the Department Chair position.