

To Faculty Council Members: Your critical study of these minutes is requested. If you find errors, please call, send a memorandum, or E-mail immediately to Diane L. Maybon, ext 1-5693.

NOTE: Final revisions are noted in the following manner: additions underlined; deletions ~~over scored~~.

***MINUTES
FACULTY COUNCIL
May 5, 2009***

CALL TO ORDER

The Faculty Council meeting was called to order at 4:00 p.m. by Richard Eykholt, Chair.

ANNOUNCEMENTS

- A. Next Faculty Council Meeting - September 1, 2009- A104 Clark Building - 4:00 p.m.

Eykholt announced that the next Faculty Council meeting will be held on Tuesday, September 1, 2009 in Room A104 Clark Building at 4:00 p.m.

- B. Executive Committee Meeting Minutes: March 10, 31, and April 14, 2009

Eykholt announced that the Executive Committee meeting minutes from March 10, 31 and April 14, 2009 can be found on pages 1-13 of the May 5, 2009 Faculty Council agenda materials.

MINUTES TO BE APPROVED

- A. Faculty Council Meeting Minutes - April 7, 2009

The April 7, 2009 Faculty Council meeting minutes were approved by unanimous consent.

REPORTS TO BE RECEIVED

- A. Interim Provost/Executive Vice President

Rick Miranda, Interim Provost/Executive Vice President reported that the draft budget will be presented to the Board of Governors at its May 6, 2009 meeting. He noted that this draft budget is posted on the President's website and encouraged faculty members to review it. In addition, an open forum will be held on Monday, May 11, 2009 at 9:00 a.m. to discuss the draft budget. Miranda urged faculty members to attend this forum.

MIRANDA'S REPORT WAS RECEIVED.

- B. Faculty Council Chair

Eykholt reported to Faculty Council members that the Board of Governors has named Joe Blake as the sole finalist for the Chancellor post. Eykholt noted that an official offer of hire cannot happen until after a 14-day public notice period as stipulated in state statute.

Eykholt also reminded Faculty Council members that the Board of Governors will be meeting with faculty members on Friday, May 8, 2009 in the Grey Rock Room from 10:00 to 10:45 a.m. to solicit information regarding qualities and characteristics desired in a Colorado State University President. Eykholt urged faculty members to attend this important meeting.

EYKHOLT'S REPORT WAS RECEIVED.

- C. CSU-Global - Carole Makela, Chair, University Curriculum Committee and Tony Maciejewski, Chair, Committee on Scholarship, Research and Graduate Education

Eykholt explained that, since CSU-Global is not yet independently accredited its graduate programs are being issued through Colorado State University and its undergraduate programs are being issued through CSU-Pueblo. Eykholt explained that the Colorado Commission on Higher Education requested assurances that the graduate academic standards of CSU-Global and the CSU-Global courses are comparable to those for courses offered through the CSU Division of Continuing Education and the CSU-Global graduate degree programs are of comparable quality to those of the CSU Division of Continuing Education. Eykholt noted that, after meeting with the President, Provost, and Faculty Council officers, it was decided that two Faculty Council standing committees, the Committee on Scholarship, Research and Graduate Education and the University Curriculum Committee should make this determination. Eykholt added that a longer report was presented to the Executive Committee at its April 21, 2009 meeting and those minutes will be posted on the Faculty Council website after their approval on May 12, 2009.

Tony Maciejewski, Chair, Committee on Scholarship, Research and Graduate Education, reported that this committee was charged to review three CSU-Global graduate degree programs. The committee was to determine the graduate academic standards of CSU-Global and if the CSU-Global courses are comparable to the courses offered the CSU Division of Continuing Education. Maciejewski noted that, after several meetings, the following motions were adopted by the Committee on Scholarship, Research, and Graduate Education (CoSRGE):

“CoSRGE finds the CSU-Global courses comparable to CSU’s Division of Continuing Education distance education courses based on the information received from CSU-Global. To ensure continued comparability, an assessment of student knowledge should be done to verify the knowledge levels of both sets of students.”

and

“CoSRGE approves the two education master degree programs in CSU-Global as comparable to the masters programs offered by the CSU Division of Continuing Education, conditional upon two issues. One, that any competition issues with Colorado State University degrees be resolved and two, that the degrees be listed as professional degrees.”

Maciejewski noted that the College of Business worked on a solution to resolve the issues regarding the business master’s degree program offered by CSU-Global. The results are as follows:

1. CSU-Global will continue the Master of Management (M.M.) only for the purposes of completing the commitment made to the existing students. CSU-Global will offer the existing M.M. students the option to switch to a different degree.
2. The M.M. will no longer be offered by CSU-Global and will be removed from the website.
3. Students will no longer be recruited nor encouraged to apply for the M.M.
4. CSU-Global will offer degrees in the on-line distribution channel only.

The following motion was adopted by the Committee on Scholarship, Research, and Graduate Education:

“CoSRGE will approve that the Provost may provide assurance to the Colorado Commission on Higher Education, based on the College of Business recommendations and terms, that instruction offered for credit in the MS in Management program has academic requirements and standards comparable to credit-bearing courses and programs offered at Colorado State University.”

Makela, Chair University Curriculum Committee, reported that the University Curriculum Committee assessed these components of CSU-Global:

- Online Delivery
- Course Content
- Contact Hour Expectations
- Grading
- Graduate Programs

Makela explained that, after consultation with representatives from CSU-Global, the University Curriculum Committee made the following recommendations:

1. Global will drop the Master of Science designations and provide UCC updated programs using the 'Master of professional area' designation and the program learning outcomes and quality controls as soon as possible.
2. Global will recalculate student contact hours to align with CSU-FC methodology (a minimum of 144 for a 3 credit course) and resubmit the course syllabi with the comparable metric.
3. All Global programs will be reviewed to add course sequencing and prerequisites. The latter will be included in the re-submission of the syllabi.
4. Global will modify its grading system to align with the currently approved CSU-FC course grading system. CSU-Global currently does not offer any minus grades.
5. Global will utilize the current CSU-FC course and curricular process from the colleges through CoSRGE to UCC (with the cooperation of the Graduate School)for new degree programs and courses until such time that Global is no longer under extended accreditation from CSU-FC.

Makela reported that, with these conditions, the University Curriculum Committee made the judgment that the credit bearing courses and the graduate programs (degrees) have comparable academic requirements and standards to analogous master's level instruction and programs at CSU-FC.

Eykholt added that, the University Curriculum Committee also recommended that the CSU-FC and CSU-Pueblo Curriculum Committee Chairs and/or their designees be represented on the CSU- Global Academic Council when course and program proposals are under consideration.

MACIEJEWSKI'S AND MAKELA'S REPORT WAS RECEIVED.

UNFINISHED BUSINESS

A. Election - Faculty Council Standing Committee Representatives - Committee on Faculty Governance

Paul Laybourn, Vice Chair, Faculty Council, nominated, on behalf of the Committee on Faculty Governance, the following faculty members to serve on the Faculty Council Standing Committees:

Committee on Responsibilities and Standing of Academic Faculty:
Steve Shulman Liberal Arts

Eykholt asked if there were any other nominations for the Faculty Council Standing Committees. The following nominations were made from the floor:

Andrew Norton nominated Fabiola Ehlers-Zavala for the Committee on Teaching and Learning - College of Liberal Arts.

William Jacobi nominated Paul Ode for the Committee on Scholastic Standards - College of Agricultural Sciences.

Phil Cafaro nominated Ellen Brinks for the Committee on Faculty Governance - College of Liberal Arts.

Hearing no further nominations, the nominations were closed.

All faculty members nominated above were elected to three year terms beginning July 1, 2009 to June 30, 2012 on the above mentioned Faculty Council Standing Committees.

B. Election - Grievance Panel Members - Committee on Faculty Governance

Laybourn, Vice Chair, Faculty Council, nominated, on behalf of the Committee on Faculty Governance, the following faculty members to serve on the University Grievance Panel:

Dimitris Stevis	Liberal Arts
Antonio Pedros-Gascon	Liberal Arts

Eykholt asked for nominations from the floor for the University Grievance Panel. Hearing no nominations, the nominations were closed.

All faculty members nominated were elected to serve a three-year term (August 2009-2012) on the University Grievance Panel.

C. Election - University Discipline Panel Members - Committee on Faculty Governance

Laybourn, Vice Chair, Faculty Council, nominated, on behalf of the Committee on Faculty Governance, the following faculty member to serve on the University Discipline Panel:

Lori Kogan	Veterinary Medicine and Biomedical Sciences
------------	---

Eykholt asked for nominations from the floor for the University Discipline Panel.

The following nomination was made from the floor:

Dan Turk nominated Steve Newman, College of Agricultural Sciences, to serve on the University Discipline Panel.

Hearing no further nominations, the nominations were closed.

All faculty members nominated were elected to serve three-year terms (July 2009 - June 2012) on the University Discipline Panel.

CONSENT AGENDA

A. Changes in Curriculum to be Approved: University Curriculum Committee Minutes: March 6, 13, 27, and April 3, 10, and 17, 2009

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the consent agenda.

MAKELA'S MOTION WAS ADOPTED.

Makela also noted that the deadlines for the 2009-2010 curricular changes have been posted on the Curriculum Committee website. She asked that faculty members please check these dates to avoid missing deadlines.

SPECIAL ACTIONS

A. Election - University Benefits Committee - Faculty Members - Committee on Faculty Governance

Laybourn, Vice Chair, Faculty Council, nominated, on behalf of the Committee on Faculty Governance, the following faculty members to serve on the University Benefits Committee:

Gamze Yasar	Liberal Arts
Kim Staking	Business

Eykholt asked for nominations from the floor for the University Benefits Committee. Hearing no nominations, the nominations were closed.

The faculty members nominated were elected to serve a three-year term (July 2009 - June 2012) on the University Benefits Committee.

B. Recommendations - Continuance/Discontinuance of Centers, Institutes, and Other Special Units (CIOSUs)
- Committee on University Programs

Dennis Lamm, Prior Chair, Committee on University Programs and Faculty Council member, moved that Faculty Council adopt the recommendations from the Committee on University Programs for Continuance or Discontinuance of Centers, Institutes, and Other Special Units as follows:

The following Centers, Institutes, and Other Special Units have been reviewed through the biennial review process and are being recommended for continuance by the Committee on University Programs.

College of Agricultural Sciences

Rocky Mountain Center for Crop Biosecurity
Shortgrass Steppe Long-Term Ecological Research
The Center for Red Meat Safety & Quality
Western Center for Integrated Resource Management

College of Applied Human Sciences

Assistive Technology Resource Center
Avenir Museum of Design and Merchandising (formerly Historic Costume and Textile Collection /Gustafson Gallery)
Center for Community Partnerships
Center for Family and Couple Therapy
Community Organizing to Reach Empowerment (CORE) Center
Consortium for Human Nutrition
Human Animal Bond in Colorado
Human Performance Clinical/Research Lab
Human Service Assessment Project
Institute for the Built Environment
National Center for Vehicle Emissions Control and Safety

College of Business

Everitt Real Estate Center
Institute for Transportation Management

College of Engineering

Center for Earth-Atmosphere Studies
Center for Explosive Research and Testing of Geomaterials
Colorado Climate Center
Composite Materials, Manufacture & Structures
Computer Network Research Laboratory
Computing Hydrology Laboratory
Cooperative Institute for Research in the Atmosphere
CSU Chill National Weather Radar Facility
DOD Center for Geosciences
Engines and Energy Conversion Laboratory
EUV
Graduate GeoEnvironmental Room/Geotechnical Lab
Harold H. Short Civil Infrastructure Systems Laboratory
Hydraulic Research Lab
Industrial Assessment Center
Integrated Decision Support Group
International School of Water Resources
Motorsport Engineering Research Center
Wind Engineering and Fluids Laboratory

College of Liberal Arts

Institute for the Study of Energy and Our Future
Laboratory of Public Archaeology

College of Natural Sciences

Graduate Degree Program in Cell and Molecular Biology
Materials Chemistry Program of Study

College of Veterinary Medicine and Biomedical Sciences

Animal Cancer Center
Argus Institute
Center for Comparative and Integrative Pain Medicine
Mycobacterium Research Laboratories

Office of the Provost/Executive Vice President

Center for Advising and Student Achievement
Society of Senior Scholars

Warner College of Natural Resources

Western Forest Fire Research Center

The following Centers, Institutes, and Other Special Units were recommended for discontinuance by the Committee on University Programs.

College of Applied Human Sciences

Architectural Preservation Institute (Inactive)
Research and Development Center for the Advancement of Student Learning (Inactive)

College of Engineering

Robotics and Autonomous Machines Laboratory (RamLab) (Biennial Report not received)
Rocky Mountain Magnetic Resonance (Inactive)
Rocky Mountain Regional Hazardous Substance Research Center (Inactive)

LAMM'S MOTION WAS ADOPTED.

- C. Request to Change the Minimum Grade Requirement for the Major in Equine Science - University Curriculum Committee

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the proposed Minimum Grade Requirement for the Major in Equine Science (B.S. Degree Program) to be effective Fall semester 2009 as follows:

A minimum grade of "C" (2.0) is required for each of the ANEQ courses which are required to complete the major.

Makela explained that according to the memorandum submitted by the department one of the goals of the Equine Science faculty is to graduate students who are well informed, confident, and worldly. Having a minimum grade of "C" for each of the ANEQ courses which are required to complete the major will help to ensure that all graduating Equine Science students will have a minimum level of competency in all the topics with Equine Science. Having a higher level of competency in the subject matter will allow the students to be more successful in the equine industry after graduation.

MAKELA'S MOTION WAS ADOPTED.

D. Request to Change the Minimum Grade Requirements for the Minor in Applied Statistics - University Curriculum Committee

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the proposed Minimum Grade Requirement for the Minor in Applied Statistics to be effective Fall semester 2009 as follows:

A minimum grade of "C" (2.0) must be achieved in all Statistics courses required for the Minor in Applied Statistics.

Makela explained that, according to the memorandum submitted by the department, the minor was approved last year with this statement inadvertently removed. The rationale for this change is to make the requirements for the applied statistics minor parallel to the statistics minor. This requirement is also included in all concentrations in the Mathematics department, including the statistics concentration.

MAKELA'S MOTION WAS ADOPTED.

E. Request for Minimum Grade Requirement - Environmental Sociology Concentration - University Curriculum Committee

Makela, Chair, University Curriculum Committee moves that Faculty Council adopt the following minimum grade requirement for the Sociology Majors in the Environmental Sociology Concentration (B.A. degree) to be effective Fall semester 2009:

Sociology majors in the Environmental Sociology Concentration must achieve a minimum grade of "C-" (1.67) in each sociology course counted toward the concentration, and in each course that carries the ANTH, NR or POLS prefix if these courses are counted toward the concentration.

Makela explained that, according to the memorandum submitted, the Department of Sociology requires all concentrations under the major in Sociology, including Environmental Sociology, to employ similar language regarding the C- minimum grade statements. In Environmental Sociology concentration, that statement includes Sociology courses and courses that carry the ANTH, NR, and POLS prefixes. The request was reviewed and approved by the University Curriculum Committee on April 17, 2009.

MAKELA'S MOTION WAS ADOPTED.

F. Request to add Plan B Master of Arts in Foreign Languages, Literatures, and Cultures Option I - University Curriculum Committee

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the request to add a Plan B to the Master of Arts in Foreign Languages, Literatures, and Cultures Option I to be effective Fall semester 2009 as follows:

A Plan B be added to the Master of Arts in Foreign Languages, Literatures, and Cultures Option I.

Makela explained that, according to the request submitted by the department, the department proposes to better distinguish the options of its MA and standardize this option with the other two options offered by the Department of Foreign Languages and Literatures. The Plan B is distinguished from Plan A by replacing thesis credits in Plan A (6 credits) with portfolio credits in Plan B (6 hours). This proposal was reviewed and approved by the Committee on Scholarship, Research, and Graduate Education on March 16, 2009 and by the University Curriculum Committee on April 10, 2009.

MAKELA'S MOTION WAS ADOPTED.

- G. Request to add Plan B Master of Science in Design and Merchandising, Interior Design Specialization - University Curriculum Committee

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the request to add a Plan B Master of Science in Design and Merchandising, to be effective Spring semester 2010 as follows:

A Plan B be established in the Master of Science in Design and Merchandising, Interior Design specialization.

Makela explained that, according to the request submitted by the department, the proposed Plan B in the Interior Design specialization in Master of Science degree will meet the career goals of those students interested in applied careers in Interior Design in which independent research is not a part of the job description. The proposed Plan B involves all students in research-related activities in support of the department's focus to apply creative, interdisciplinary research to solve social problems. The proposal was reviewed and approved by the Committee on Scholarship, Research, and Graduate Education on April 9, 2009 and by the University Curriculum Committee on April 17, 2009.

MAKELA'S MOTION WAS ADOPTED.

- H. Proposed Revisions to the *Graduate and Professional Bulletin* - Admissions Requirements and Procedures - Application: International Students - Committee on Scholarship, Research, and Graduate Education

Maciejewski, Chair, Committee on Scholarship, Research, and Graduate Education moved that Faculty Council adopt the proposed revisions to the *Graduate and Professional Bulletin* - Admissions Requirements and Procedures - Application: International Students, to be effective upon Faculty Council adoption as follows:

additions - underlined - deletions - ~~overscored~~

ADMISSIONS REQUIREMENTS AND PROCEDURES (*Graduate and Professional Bulletin* Page 16)

Application: International Students

Application procedures are similar to those for ~~American~~ U.S. citizens or permanent resident students. Refer to ~~American~~ U.S. Citizens or Permanent Residents information for on-line World Wide Web instructions.

.....

Information on application deadlines and application fees is contained in the ~~American~~ U.S. Citizens or Permanent Residents section.

.....

The paragraphs in the preceding section on ~~American~~ U.S. Citizens or Permanent Residents on academic requirements, how students are selected for admission, nondegree study, previous undergraduate work at Colorado State, certification, and the consequences of presenting any materials that are not genuine, also apply to international students.

Maciejewski explained that these revisions are necessary to correct this section's references back to the modified section title from Application: American Citizens to U.S. Citizens or Permanent Residents.

MACIEJEWSKI'S MOTION WAS ADOPTED.

I. Proposed Revisions to the *Graduate and Professional Bulletin* - Admissions Requirements and Procedures - Application: American Citizens - Committee on Scholarship, Research, and Graduate Education

Maciejewski, Chair, Committee on Scholarship, Research, and Graduate Education moved that Faculty Council adopt the proposed revisions to the *Graduate and Professional Bulletin*, Admissions Requirements and Procedures - Application: American Citizens, to be effective upon Faculty Council adoption as follows:

additions - underlined - deletions - ~~overscored~~

ADMISSIONS REQUIREMENTS AND PROCEDURES (*Graduate and Professional Bulletin* Page 15)

Application: American U.S. Citizens or Permanent Residents
.....

4. Regardless of citizenship, applicants may be required to demonstrate proof of English proficiency.

Maciejewski explained that the change from American Citizens to U.S. Citizens or Permanent Residents is intended to clarify which application a student is to use when applying. Also, this change will offer consistent wording with CSU's Undergraduate Admissions instructions and wording in the Catalog.

The addition of item number 4 has been added to ensure all students have a high level of English proficiency. The admissions decision will include a review of the student's personal background and educational circumstances to determine whether the student has strong English language skills. For example, a foreign student may marry a U.S. Citizen and have limited English speaking skills, but would qualify for the U.S. Citizen application. This additional requirement would allow CSU to request proof of English proficiency as noted under the Application: International Students. Maciejewski explained that the term "English proficiency" is parallel to the language found in the *General Catalog* applicable to undergraduate students. Maciejewski said that, in the case of undergraduate students, the policy is enforced on a case by case basis. In the case of graduate students, the Graduate School would determine if an applicant to the graduate school completed all their undergraduate course work at an institution where English was not the required language. In such a case, the student would need to satisfy this requirement by petitioning, taking an English placement exam, or taking the TOEFL exam. He added that departments could evaluate students and rule on the petition.

MACIEJEWSKI'S MOTION WAS ADOPTED.

J. Proposed Revisions to the *Graduate and Professional Bulletin* - Financial Support - Graduate Assistantship - Terms and Conditions of Appointment - Committee on Scholarship, Research, and Graduate Education

Maciejewski, Chair, Committee on Scholarship, Research, and Graduate Education moved that Faculty Council adopt the proposed revisions to the *Graduate and Professional Bulletin*, Financial Support - Graduate Assistantship - Terms and Conditions of Appointment, to be effective upon Faculty Council adoption as follows:

additions - underlined - deletions - ~~overscored~~

FINANCIAL SUPPORT (*Graduate and Professional Bulletin* Page 27)

Graduate Assistantship – Terms and Conditions of Appointment

I. Appointment as a Graduate Assistant is expressly conditioned upon:

F. A routine background check, if applicable, is completed and reviewed in compliance with the Colorado State University Policy Regarding Background Checks.

Maciejewski explained that the addition of item I.F. is to update the *Graduate and Professional Bulletin* to comply with the University policy regarding background checks of employees.

MACIEJEWSKI'S MOTION WAS ADOPTED.

K. Proposed Revisions to Section E.10.7 - Disciplinary Action for Tenured Faculty - Committee on Responsibilities and Standing of Academic Faculty

Steve Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty, Moved that Faculty Council Adopt The Proposed Revisions to the *Manual*, Section E.10.7 (New E.15) Disciplinary Action for Tenured Faculty, to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions – underlined Deletions - ~~strikeouts~~

E.10.715 Disciplinary Action for Tenured Faculty

~~Disciplinary or tenure revocation action shall be initiated as~~ The procedures set forth in this section of the Manual govern disciplinary action for tenured faculty members, including revocation of tenure and termination of appointment. These actions may occur in connection with either behavior or performance of professional duties. Disciplinary action for a tenured faculty member (hereinafter termed the “Tenured Faculty Member”) must follow the procedures outlined in this section of the Manual. These procedures must shall be used in a manner that is consistent with the protection of academic freedom and confidentiality; of all participants in such actions to the extent permitted by law; of all participants in such actions. and These procedures must not be used in an arbitrary, unreasonable, capricious, or discriminatory manner. Participants shall conduct themselves in accordance with the Code of Ethical Behavior (Section D.9).

Any member of the University community who knowingly makes false statements as a part of these proceedings shall be subject to disciplinary action appropriate to his or her position within the University.

The University Grievance Officer (UGO) shall be charged with assuring the integrity of the E.15 processes, including discussions to achieve a mutually agreeable resolution at any stage of the process, coordinating committee appointments and duties, and certifying that appropriate individuals participate in the process. At the discretion of the UGO, any of the time limits in Section E.15 may be extended for reasonable periods. Such extensions shall be reported immediately to all parties concerned.

Either of the following conditions may lead to formal disciplinary action:

- a. Substantial neglect of assigned duties that prevents the Tenured Faculty Member from fulfilling his or her obligation to the University as stated in Section E.5.2 and impacts the department, college, or University; or actions that substantially impair the duties or responsibilities of others.
- b. Behavior of the Tenured Faculty Member that 1) presents significant risk to the safety or security of members of the University community (e.g., violence) and/or 2) represents a serious violation of ethics (see Section D.9) and/or University policy (including, but not limited to, unlawful discrimination, research misconduct, harassment, retaliation, or misappropriation of funds).

There are three (3) avenues for discipline:

1. Disciplinary action involving the issuance of a Letter of Reprimand. The Tenured Faculty Member's Academic Supervisor (see Section E.14) may formally sanction the Tenured Faculty Member by placing a Letter of Reprimand (officially labeled as such) in his or her file and providing a copy to the Tenured Faculty Member. This action does not require a Hearing, but it is grievable by the Tenured Faculty Member (see Section K). However, documentation of discussions by the Academic Supervisor with a faculty member regarding perceived problems is not considered a Letter of Reprimand and is not grievable. The Letter of Reprimand shall be reviewed by the appropriate college dean (or by the Provost if the Academic Supervisor is a dean). If the dean or Provost determines that the Letter of Reprimand is not appropriate, he or she shall refer the matter to the appropriate avenue below for action.

2. Acceptance of disciplinary action by the Tenured Faculty Member. The Tenured Faculty Member may agree to accept formal disciplinary action without a Hearing. In this case, there must be a written document stating that disciplinary action is being taken and detailing the disciplinary action and any agreements made. This document must be signed by both the Tenured Faculty Member and the Academic Supervisor to indicate their mutual agreement regarding the disciplinary action. The agreement by the Tenured Faculty Member to accept this action does not imply admission of responsibility for the charge. This action requires the approval of the Provost. If the Provost, after consultation with the UGO, determines that the disciplinary action is not appropriate, he or she shall direct that the matter be referred to a formal Hearing. This document stating the disciplinary action, if rejected, may not be used in the resulting Hearing.
3. Disciplinary Action resulting from a formal Hearing. The University may impose disciplinary action against the Tenured Faculty Member. Possible disciplinary actions resulting from a formal Hearing include, but are not limited to, one or more of the following: letter of reprimand, reassignment of duties, mandatory education or training, monitoring, reduction in pay, suspension with or without pay, revocation of tenure, and termination of employment. Since faculty rank is an academic credential, reduction in rank should not be used as a disciplinary action unless the rank was obtained through fraudulent means. Some disciplinary actions may be for a specified period of time or until some condition is met, and some may be for an indefinite period of time, subject to later review. It is also possible that the Hearing will not result in any disciplinary action.

E.10.7.1 Basis

~~Any action involving possible disciplinary action or the revocation of tenure must rest on the following grounds:~~

- a. ~~A recommendation for disciplinary action or the revocation of tenure requires findings that the individual's level of performance has significantly declined over time and that his or her performance is significantly below the level of performance of those duties and responsibilities that are specified in the *Manual* as they are normally interpreted and applied in his or her department. The findings must include a determination that the unsatisfactory level of performance has been maintained over a substantial period of time. There also must be written evidence that the unsatisfactory performance has been discussed with the faculty member and that no significant improvement in performance has occurred; and/or~~
- b. ~~Substantial and willful neglect of properly assigned duties or personal conduct that substantially impairs the faculty member's fulfillment of properly assigned duties and responsibilities or impairs such duties or responsibilities of others:~~

E.10.7-215.1 Initiating Procedures the Process

~~The procedure with disciplinary process shall be initiated by when a written and signed statement (hereinafter termed the "Statement"), from the person(s) making the original allegation(s) which specifies with reasonable particularity the alleged grounds for the revocation of tenure or disciplinary action. Any submission of this Statement must be made by is filed with the UGO by one or more of the following individuals: a tenured faculty member or group of tenured faculty members(s) of from the Tenured Faculty Member's department, the department head Academic Supervisor, the college dean, or the Provost, and transmitted to the faculty member who is subject to these proceedings (hereinafter termed the "Faculty Member") and his or her immediate supervisor.² Anyone may write the Statement, but one or more of the individuals listed in the previous sentence shall file it with the UGO in order to initiate the disciplinary process. Upon receipt of the Statement, the UGO shall notify the person(s) who filed the Statement that the disciplinary process has been initiated. Also, when the process has been completed, the UGO shall notify the person(s) who filed the Statement of the final outcome. In both cases, the person(s) who filed the Statement shall notify the person(s) who wrote the Statement.~~

E.15.2 Operational Procedures Prior to Completion of Formal Disciplinary Action

The UGO shall review the Statement to ensure that it alleges the existence of one or more of the conditions for disciplinary action listed in Section E.15.a or E.15.b. If the UGO finds that the Statement alleges one or more of these conditions, then, no later than three (3) working days following receipt of the Statement, the UGO shall provide a copy of the Statement to the Tenured Faculty Member and inform the Academic Supervisor and the dean of the college (or the Provost if the Academic Supervisor is a dean) of the commencement of the disciplinary process. The Statement is deemed to have been received when it is delivered personally to the Tenured Faculty Member or when it has been sent to the Tenured Faculty Member by certified mail and receipt has been confirmed.

Pending the outcome of this process, the Provost may assign the Tenured Faculty Member to other duties or take such other action as deemed appropriate, including suspension of duties, only if the Provost determines that the continued presence of the Tenured Faculty Member would threaten the safety or security of the Tenured Faculty Member or other persons or would substantially impair or disrupt the normal functioning of the University or one of its departments or divisions. Salary shall continue during the period of a suspension.

E.10.7.2.115.3 Discussions to Achieve a Resolution

Before formal action is initiated, there shall be discussions between the Faculty Member and the appropriate administrative officers (department head, dean, and/or Provost, to the extent that they have no conflict of interest). The discussions must be completed within five (5) working days³ after the filing of the Statement. If discussions between the administrator/s and the Faculty Member result in a resolution of the matter that is acceptable to both the Faculty Member and the administrator/s and such resolution is confirmed by the University Grievance Officer (hereinafter referred to as "UGO"), no further action shall be taken and a notation of the resolution shall be placed in the Personnel File of the Faculty Member. However, if the five (5) day period for discussion expires without such a resolution, the Statement shall be transmitted to the Preliminary Committee formed under Section E.10.7.2.2.a.² No later than three (3) working days after confirming the adequacy of the Statement and notifying the appropriate parties, the UGO shall direct the Academic Supervisor, the college dean, and/or the Provost to enter into discussions with the Tenured Faculty Member in an effort to come to a resolution as to possible disciplinary action to be taken against the Tenured Faculty Member by mutual agreement.² The agreement by the Tenured Faculty Member to accept such action does not imply admission of responsibility for the charge.

If an agreement is reached, it requires the approval of the Provost. If the Provost determines that the agreement is appropriate, and the agreement does not involve a demotion, reduction in pay, resignation, or other separation from the university, the Provost is authorized to approve the agreement. If the Provost determines that the agreement is appropriate, and the agreement involves a demotion, reduction in pay, resignation, or other separation from the university, the agreement must be approved by the President. If the Provost determines, after consultation with the UGO, that the agreement is not appropriate, he or she shall direct that the matter proceed to a formal Hearing. This agreement that states the disciplinary action, if rejected, may not be used in the resulting Hearing. If no agreement can be reached within five (5) working days of the UGO's directive to enter into discussions, the matter shall proceed to a formal Hearing.

If the decision is made to proceed to a Hearing, the Tenured Faculty Member shall be notified of the decision and given ten (10) working days to submit a written response (hereinafter termed the "Response") to the allegations in the Statement.

E.10.7.2.2 Composition of the Preliminary Committee (last revised June 17, 2003)

- a. The immediate administrative supervisor of the Faculty Member shall convene a preliminary investigative committee (hereinafter termed the "Preliminary Committee") within five (5) working days after the completion of the discussions described in Section E.10.7.2.1. This Preliminary Committee shall be comprised of the tenured faculty members of the Faculty Member's department, or a committee thereof, as specified by the department code. If the department code does not specify the makeup of the Preliminary Committee, then it will consist of six (6) tenured faculty members drawn by lot. In no case may this committee consist of fewer than six (6) voting members. If there are fewer than six (6) members of the department eligible for the committee, additional members will be drawn by lot from a pool consisting of all tenured faculty members of the college having no administrative duties (see Section K.12.a). Neither the Faculty Member nor his or her immediate administrative supervisor may be part of this committee.

Members who believe themselves sufficiently biased or interested that they cannot render an impartial judgment will remove themselves from the case on their own initiative. Challenges for cause shall be conducted according to the procedures described in Section E.10.7.2.2.b. The Faculty Member will have a maximum of two (2) challenges without stated cause.

- b. Challenges for cause may be lodged with the Preliminary Committee by any member of the Preliminary Committee, the person who submitted the Statement, or the Faculty Member. The UGO, with such advice from legal counsel for the University or from the Colorado Department of Law (Office of the Attorney General), as the UGO deems necessary or advisable, shall decide all challenges. The UGO may excuse a member of the Preliminary Committee even though actual cause cannot be proven.
- c. One (1) tenured faculty member from outside the department, having no administrative duties shall also serve on the committee. This person shall be appointed by the dean or, in the case of conflict of interest or in the Libraries, by the Provost and shall be a non-voting chair of the committee.

E.10.7.3 Preliminary Investigation

The Preliminary Committee will meet to discuss the charges in the Statement, evaluate the responses of the Faculty Member and determine whether a basis exists to conduct a hearing. During these proceedings, the Preliminary Committee may request additional statements from the Faculty Member or the person(s) making the original allegations:

The preliminary investigation will be limited to the allegations specified in the Statement. Any additional allegations emerging during the preliminary investigation may be considered only after new Statements regarding such allegations have been submitted to the Committee and the Faculty Member has been given an opportunity to respond.⁵

E.10.7.3.1 — Operational Procedures Prior to Formal Investigations

Pending a decision by the Preliminary Committee, the Provost may assign the Faculty Member to other duties. The Faculty Member may be suspended only if the President determines that continuance of the Faculty Member or other persons would substantially impair or disrupt normal functions of the University. Salary will continue during the period of the suspension.

E.10.7.3.2 — Time Limitation in Conducting a Preliminary Investigation

- a. The Faculty Member has ten (10) working days to respond to the charges specified in the Statement(s).
- b. The Preliminary Committee shall complete its investigation within three (3) working days after the Faculty Member has responded or failed to respond within ten (10) working days to charges specified in the Statement(s).
- c. If this time schedule causes an extreme hardship for either the Preliminary Committee or the Faculty Member, the UGO may, upon request, extend the time limit for a reasonable period.

E.10.7.3.3 — Recommendation and Further Action (last revised June 17, 2003)

- a. Upon the completion of the preliminary investigation, the Preliminary Committee shall retire for private discussion and review. These deliberations shall remain confidential and be followed by a vote. If a majority of the committee members eligible to vote determine that sufficient evidence exists to warrant a hearing, it shall recommend establishment of a hearing committee (hereinafter termed the "Hearing Committee") to the Provost. The Preliminary Committee's decision shall be conveyed immediately to the Faculty Member.

E.15.4 Hearing Process

If the allegations in the Statement are limited to performance of professional duties (Section E.15.a), then the procedures specified in Section E.15.4.1 are to be followed. If the allegations in the Statement are limited to behavior (Section E.15.b), then the procedures specified in Section E.15.4.2 are to be followed. If the Statement contains allegations involving both performance of professional duties and behavior, then a single Hearing shall be conducted with the participation of both Hearing Committees specified in Sections E.15.4.1 and E.15.4.2.

As appropriate, individuals appointed to serve on Hearing Committees assembled under the provisions of Section E.15 may have their effort distributions adjusted, as negotiated with their immediate supervisor, to reflect their involvement in the disciplinary process, or they may receive release time from their academic obligations, or they may receive compensation if participation is required beyond their appointment periods, as determined by the Provost.

E.15.4.1 Performance of Professional Duties

For allegations involving performance of professional duties as described in Section E.15.a, the charges shall be considered in a Phase II Review (see Section E.14.3.2) before they are considered in a formal disciplinary Hearing. The Phase II Review Committee shall determine whether or not a formal Hearing is warranted. The Provost may, for convincing reasons stated in writing, reverse the decision of the Phase II Review Committee.

~~b. The~~ If the decision is made to conduct a formal disciplinary Hearing regarding allegations involving performance of professional duties, the Tenured Faculty Member's performance must be judged against the normal expectations within his or her department, taking into account his or her effort distribution (see Section E.9.1) and workload (see Section E.9.2). In this case, a Hearing Committee shall be ~~comprised~~ formed that consists of the tenured faculty members of the Tenured Faculty Member's department, or a committee thereof, as specified by the Department Code. If the Department Code does not specify the makeup of the Preliminary Hearing Committee, then it ~~will~~ shall consist of six (6) tenured faculty members having no administrative duties (see Section K.12.a) drawn by lot by the college dean. In no case may this committee consist of fewer than six (6) ~~voting~~ members. If there are fewer than six (6) faculty members of the department eligible for the committee, additional members ~~will~~ shall be drawn by lot by the college dean from a pool consisting of all tenured faculty members of the college having no administrative duties (see Section K.12.a). Neither the Tenured Faculty Member nor his or her ~~immediate administrative Academic s~~Supervisor may be part a member of this committee. ~~The committee shall be chaired by the person described in Section E.10.7.2.2.c. The members of this Hearing Committee shall then select from their membership a chairperson who shall be a voting chair of the committee. Challenges to members of the committee will be conducted as described in Sections E.10.7.2.2.a. and b.~~

Members of a Hearing Committee who believe themselves sufficiently biased or interested that they cannot render an impartial judgment shall remove themselves from the case on their own initiative. Challenges for cause may be lodged with the UGO by the Tenured Faculty Member, the person(s) who submitted the Statement, or any member of the Hearing Committee. The UGO shall decide all challenges with such advice from legal counsel for the University or from the Colorado Department of Law (Office of the Attorney General) as the UGO deems necessary or advisable. The UGO may excuse a member of the Hearing Committee even though actual cause cannot be proven. The Tenured Faculty Member shall have a maximum of two (2) challenges without stated cause.

~~c. If the Preliminary Committee decides that a hearing is not warranted, the Provost may nevertheless, for convincing reasons stated in writing, direct a Hearing Committee to conduct a hearing of the charges.~~

~~d. Even if the Preliminary Committee decides that a hearing is warranted, the Provost may, for convincing reasons stated in writing, direct the Preliminary Committee to terminate further investigation and may decline to authorize the formation of a Hearing Committee.~~

E.15.4.2 Behavior

If the Statement contains allegations involving behavior as described in Section E.15.b, then the UGO and the Chair of the Faculty Council shall jointly appoint a six (6) person Hearing Committee from the tenured faculty members of the Grievance Panel (see Section K.15). Neither the Tenured Faculty Member nor his or her Academic Supervisor may be part of this committee. The members of this Hearing Committee shall then select from their membership a chairperson who shall be a voting chair of the committee.

This Hearing Committee shall conduct a Preliminary Review in which they discuss the allegations in the Statement, evaluate the Tenured Faculty Member's Response, and determine whether or not a Hearing is warranted. During this process, the Hearing Committee may request additional statements from the Tenured Faculty Member, the person(s) filing the Statement, and/or other persons deemed to have relevant information. The Hearing Committee shall then retire for private discussion, which shall be confidential. These deliberations shall be followed by a vote to determine if sufficient information exists to warrant a Hearing. The decision to conduct a Hearing requires a majority vote. The Hearing Committee shall complete this Preliminary Review within five (5) working days after receiving the Statement and the Response. The Provost may, for convincing reasons stated in writing, reverse this decision by the Hearing Committee.

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

Members of a Hearing Committee who believe themselves sufficiently biased or interested that they cannot render an impartial judgment shall remove themselves from the case on their own initiative. Challenges for cause may be lodged with the UGO by the Tenured Faculty Member, the person(s) who submitted the Statement, or any member of the Hearing Committee. The UGO shall decide all challenges with such advice from legal counsel for the University or from the Colorado Department of Law (Office of the Attorney General) as the UGO deems necessary or advisable. The UGO may excuse a member of the Hearing Committee even though actual cause cannot be proven. The Tenured Faculty Member shall have a maximum of two (2) challenges without stated cause.

E.10.7.415.4.3 Hearing (last revised June 22, 2004)

- a. The Hearing Committee(s) may hold organizational meetings, in executive session, which may include meetings with the Tenured Faculty Member, the Academic Supervisor, the person(s) filing the Statement, or other persons, as needed, to (1) clarify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, (4) formulate a list of potential witnesses, and (5) achieve such other appropriate pre-Hearing objectives as will make the Hearing fair, effective, and expeditious.
- b. ~~The hearing and recommendations for action will be limited to the allegations specified in the Statement. Any additional allegations emerging during the hearing may be considered only after new Statements regarding such allegations have been filed with the Hearing Committee.~~
- eb. Service of notice of the hearing, with specific charges in writing, will be made. The Tenured Faculty Member shall be notified in writing of the Hearing and the specific allegations within five (5) working days following the completion of the preliminary investigation formal decision to proceed with the Hearing. The Hearing shall commence no less than twenty (20) working days following receipt of the notice by the Tenured Faculty Member, unless the Tenured Faculty Member requests an earlier Hearing and the Hearing Committee concurs. A notice is deemed to have been received when it is delivered personally to a recipient or five (5) working days after it is deposited in campus mail for transmission to such person the recipient.

- c. The Hearing and recommendations for action shall be limited to the allegations specified in the Statement. Any additional allegations emerging during the Hearing may be considered only after a new Statement regarding such allegations has been filed with the Hearing Committee(s) and the Tenured Faculty Member has been given an opportunity to submit a new written Response.
- d. Unless a public hearing is requested by the Faculty Member, the Hearing shall be closed, and the proceedings shall remain confidential to the extent permitted by law. During the Hearing, the Tenured Faculty Member and the Hearing Committee(s) will shall each be permitted to have a maximum of two (2) advisors present, consisting of an academic advisors and/or legal counsel present. These advisors and legal counsels may provide advice and assistance, but they may not actively participate in the proceedings, such as making objections and or attempting to argue the case (however, if an advisor is called as a witness, he or she is allowed to participate in this capacity). Counsel Advisors for any participant in such hearing shall be free to advise his or her client the participant fully throughout the proceeding, including assisting the client participant in formulating any required written documentation and helping the client participant prepare for any oral presentations.
- e. A verbatim record of the Hearing or hearings will shall be taken, and a printed copy will shall be made available, without cost, to the Tenured Faculty Member at the Tenured Faculty Member's request. The University will shall bear the cost.
- f. The Tenured Faculty Member and Hearing Committee(s) will shall be afforded an opportunity to obtain the names of all witnesses to be heard in the proceedings and along with the nature of their proposed testimony and documentary or other evidence information. The administration will shall cooperate with the Tenured Faculty Member and the Hearing Committee(s) to the extent possible in securing witnesses and making documentary and other evidence information available. The Hearing Committee(s) may grant adjournments of a Hearing as they deem appropriate (e.g., to enable either the Committee or the Tenured Faculty Member or the Hearing Committee(s) to investigate new information) evidence as to which a valid claim of surprise is made.
- g. The Tenured Faculty Member and the Hearing Committee(s) shall have the right to hear all testimony and question all witnesses. Furthermore, the Tenured Faculty Member must be afforded the opportunity to question the person(s) filing the Statement. If such a any person filing the Statement refuses to appear as a witness, then the Hearing shall conclude immediately, and no disciplinary action shall be taken as a result of this Hearing (although the same allegations may be considered again in a newly initiated Hearing). However, harassment of witnesses by the Tenured Faculty Member, as determined by a concurrence of at least two-thirds (2/3) of the members of the Hearing Committee(s), is prohibited. Also, iff it is deemed appropriate by at least two-thirds (2/3) of the members of the Hearing Committee(s) members, the questioning of one (1) or more witnesses may occur with the parties being in different physical locations, but the questioning must occur in a real-time, spontaneous format (e.g., a video conference or a teleconference), unless at least two-thirds (2/3) of the members of the Hearing Committee concur that this is not feasible.

- h. The person(s) filing the Statement shall not be present during the testimony of others, unless specifically invited ~~to do so~~ by the Hearing Committee(s). Such an invitation must be agreed to by at least two-thirds (2/3) of the members of the Hearing Committee(s) members. Such an invitation does not include the right to question either the Tenured Faculty Member or any other witnesses, unless this right is included stated explicitly in the invitation. If such an invitation is made, the invited person shall be permitted to have a maximum of two advisors present, consisting of an academic advisors and/or legal counsel present. Such These advisors ~~and counsels~~ may provide advice and assistance, but they may not actively participate in the proceedings (however, if an advisor is called as a witness, he or she is allowed to participate in this capacity).
- i. The Hearing Committee is not bound by strict rules of legal evidence. Every possible effort ~~will~~ shall be made to obtain the most reliable evidence information available.
- j. If one or more members of the Hearing Committee cannot complete the Hearing and reporting process, then this process shall continue without them. However, if fewer than five (5) members of the Hearing committee are able to complete this process, then the process shall be terminated, a new Hearing Committee shall be formed, and a new Hearing shall be conducted.

E.10.7.515.5 Procedures Following Completion of the Hearing

After the completion of the Hearing, ~~T~~the Hearing Committee(s) shall retire for private discussion and review. These deliberations shall remain confidential to the extent permitted by law and shall be followed by a vote. If there are two Hearing Committees, they shall have separate deliberations and make separate recommendations.

Each Hearing Committee shall evaluate the information presented to determine if the condition required for disciplinary action exists related to its particular charge (behavior or performance of professional duties). If the Hearing Committee determines that the condition does not exist, then it shall issue a report stating that finding. If the Hearing Committee determines that the condition does exist, then it shall issue a report that makes a recommendation for appropriate disciplinary action. In deciding upon appropriate disciplinary action, the Hearing Committee shall consider the totality of the circumstances, including the egregiousness of the Tenured Faculty Member's actions, the prior actions and history of the Tenured Faculty Member, and whether a pattern exists.

The recommendation written report of the Hearing Committee shall include a comprehensive and detailed ~~report summarizing~~ summary of the relevant facts and the conclusions reached in assessing those facts. If any members of the Hearing Committee disagree with the Committee's recommendation, they shall jointly prepare a minority statement explaining their reasons for disagreement with the majority, and this shall be part of the Hearing Committee's report. The Hearing Committee shall issue its final report no later than ten (10) working days after the conclusion of the Hearing.

E.15.6 Recommendation for Disciplinary Action

~~E.10.7.5.1 Committee Recommendation That Tenure be Retained and No Disciplinary Action be Taken~~

No disciplinary action will be recommended unless at least two-thirds (2/3) of the Hearing Committee concurs:

~~E.10.7.5.2 Committee Recommendation that Tenure be Retained and Disciplinary Action be Taken~~

If at least two-thirds (2/3) of the members of the Hearing Committee fail to recommend revocation of tenure, but two-thirds (2/3) of the Hearing Committee decide that the conduct of a Faculty Member, although not constituting adequate cause for revocation of tenure, is sufficient to justify imposition of a sanction, such as suspension from duties with or without pay for a stated period, reduction in salary, reduction in rank, or a written reprimand, it may so recommend concur that disciplinary action is appropriate, a written report shall be prepared that states this conclusion, recommends specific sanctions, and specifies the reasons for this recommendation. The report must include a review of the information and an explanation of the grounds for the recommendation. The sanction recommended must be reasonably related to the seriousness of the offense and may take into account the record and service of the Faculty Member totality of the circumstances.

A recommendation for revocation of tenure and/or termination of appointment requires the concurrence of at least two-thirds (2/3) of the members of the Hearing Committee.

If less than two-thirds (2/3) of the members of the Hearing Committee concur that disciplinary action is appropriate, a written report shall be prepared that recommends that no disciplinary action be taken.

~~E.10.7.5.3 Committee Recommendation to Revoke Tenure~~

If at least two-thirds (2/3) of the Hearing Committee vote to recommend the revocation of tenure, a written report shall be prepared recommending the revocation of tenure and specifying the reasons for the recommendation. The statement report must include a review of the evidence and an explanation of the grounds for the recommendation:

E.10.7.4.415.7 Disposition of the Hearing Committee's Report and Appeal of the Recommendation

The Hearing Committee's written report, which may include a minority statement, will shall be transmitted to the Tenured Faculty Member and his or her immediate administrative Academic Supervisor and, at successive steps, to the dean, and the Provost.

The Tenured Faculty Member and the person(s) filing the Statement, shall have the right to appeal object in writing to the an adverse recommendation of the Hearing Committee to his or her immediate administrative supervisor. This appeal Such an objection shall be submitted in writing, not limited to exceed five (5) typed pages with normal font size, and it must be submitted to the Faculty Member's Academic Supervisor, no later than five (5) working days after receipt of the Hearing Committee's report. That supervisor shall respond to the Faculty Member in writing within five (5) working days. Upon further appeals, the appeal and the response Any objections shall be considered attached to the recommendation of the Hearing Committee and considered together with this recommendation at each succeeding successive level in the administrative chain.

E.10.7.5.515.8 Reversal or Modification of Administrative Action on the Hearing Committee Recommendations *(last revised January 27, 2006)*

The Faculty Member's immediate supervisor, the dean or the Provost may, for significantly convincing reasons, recommend action more or less severe than that recommended by the Hearing Committee. The convincing reasons for such a reversal of a recommendation at any administrative level must be stated in writing and be transmitted

to the Faculty Member, the members of the Hearing Committee, and to the next person in the administrative chain (dean, Provost, or President). Upon reversal or modification of the recommendation, the Hearing Committee and/or Faculty Member may appeal the decision to the next level in the administrative chain (dean, Provost, or President). This appeal shall be submitted in writing, not to exceed five (5) working days after the reversal or modification of the recommendation. The appeal shall be considered at each succeeding level in the administrative chain. If the Hearing Committee or Faculty Member does not file an appeal within five (5) working days after the reversal, the recommendation shall be forwarded to the next level in the administrative chain. The Provost shall make a report of the case to the President with a recommendation of the action to be taken. The decision of the president is final. After a recommendation is received from the Hearing Committee, the Academic Supervisor and the dean shall each review the Hearing Committee's report and recommendation and make his or her own recommendation to the next administrative level. If two separate Hearing Committees have made two separate recommendations, each recommendation is considered separately until the two recommendations reach the Provost. The Provost shall then combine the two separate recommendations and make a single recommendation to the President. If someone in the administrative chain fails to issue a recommendation within five (5) working days, the matter shall be forwarded to the next administrative level for review.

If the Provost must combine two separate recommendations into a single recommendation to the President, then the decision of the President is final. Otherwise, the decision of the Provost is final, unless the decision involves a demotion, reduction in pay, resignation, or other separation from the university. If the decision of the Provost involves a demotion, reduction in pay, resignation, or other separation from the university, then that decision shall be forwarded to the President as a recommendation, and the decision of the President is final.

An alternate recommendation or final decision that is either more or less severe than the recommendation received shall be issued at a higher administrative level only for compelling reasons that shall be stated in writing to the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee, and all previous administrators in the administrative chain. In the case of an alternate recommendation, the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee, and the previous administrators in the administrative chain shall be given five (5) working days from the date of notification of the alternate recommendation to object in writing to the administrator's reasons for making the alternate recommendation, and the alternate recommendation could be reversed at an even higher administrative level. If the Provost must combine two separate recommendations, his or her combined recommendation shall be communicated in writing to the Tenured Faculty Member, the person(s) filing the Statement, the Hearing Committee, and all previous administrators in the administrative chain, and it may be objected to the President in the same manner. Objections shall each be limited to five (5) typed pages with normal font size and shall be forwarded to each successive administrator along with the alternate recommendation and the rationale for it.

E.10.7.5.615.9 Written Records *(new section added June 17, 2003)*

All written records of E.10.7.15 documents and proceedings, including the Statement and Response; the verbatim record of the Hearing(s); supporting documents; committee reports and recommendations; including any minority statement(s); administrative reviews of committee recommendations; appeals and results of appeals alternate recommendations; objections to any recommendations; and final actions decisions, shall be kept on file in the archives of the UGO for the duration of the employment of the Tenured Faculty Member, and these shall be considered to be part of the Tenured Faculty Member's official Personnel File.

E.10.7-615.10 Term of Continuation of Faculty Salary and Benefits Following Revocation of Tenure Termination of Appointment

Employment, together with salary and benefits, shall terminate upon a final decision to ~~revoke tenure~~ terminate an appointment. However, ~~tenure and~~ employment may continue for a period not to exceed one (1) year if the President independently determines or concurs ~~in with~~ a recommendation ~~of the Hearing Committee~~ that ~~the tenure contract employment~~ be continued for that specified period to enable the Tenured Faculty Member to complete essential responsibilities.

The Provost may assign the Faculty Member to other duties during an investigation or review. The Faculty Member may be suspended only if the President determines that continuance of the Faculty Member in his or her regular position would threaten the safety or well being of the Faculty Member or other persons or would substantially impair or disrupt normal functions of the University. Salary will continue during the period of the suspension.

E.10.7-715.11 Time Limit for Action by the Provost *(last revised January 27, 2006)*

~~Pursuant to the recommendations of the Hearing Committee~~ The Provost must act on revocation of tenure or the final decision regarding disciplinary action recommendations within ten (10) working days of receiving the approval of the President the reporting of that decision.

E.10.816 Financial Exigency

E.10.816.1 Definition of Financial Exigency and Conditions of Tenured Faculty Terminations

no change

E.10.816.2 Declaration of Financial Exigency

no change

E.10.816.3 Development of a Plan of Action

no change

E.10.816.4 Order of Terminations

no change

E.10.816.5 Responsibility of Committee on Strategic and Financial Planning

no change

E.10.816.6 Right of Access of Individual Faculty Member to the Grievance and Mediation Procedure

no change

E.10.917 Discontinuance of a Degree Granting Program or a Department of Instruction not Mandated by Financial Exigency

no change

E.10.917.1 Procedure

no change

E.10.917.2 Appeal Procedure

Affected faculty members shall have the right to appeal of the actions defined in Sections ~~E.10.917~~ and ~~E.10.917.1~~, as outlined in Section ~~K.39~~, Forms of Grievable Actions.

~~² Anyone can initiate an action by writing the statement, but the statement has to be submitted by the individual(s) listed in this paragraph.~~

~~³ At the discretion of the University Grievance Officer, any of the time limits in Section E.10.7 may be extended for reasonable periods. this extension shall be immediately reported to all persons concerned.~~

~~⁴ These discussions are intended as avenues of resolution that would be acceptable to both the Tenured Faculty Member and the administrator(s).~~

~~⁵ Any new allegations arising during the preliminary investigation which are not a part of the Statement will have to be filed separately and considered as separate actions.~~

Newman explained that these changes emphasize that there are many levels of discipline short of revocation of tenure and/or termination of appointment. They explicitly address discipline for behavior, in addition to performance of professional duties. They shorten the timeline for disciplinary action, they prevent the harassment of witnesses, and they recognize that Phase II Reviews already serve the purpose of a Preliminary Investigation.

NEWMAN'S MOTION WAS ADOPTED.

L. Proposed Revisions to Section E.6 - General Policies Relating to Appointment and Employment of Academic Faculty - Committee on Responsibilities and Standing of Academic Faculty

Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Section E.6 - General Policies Relating to Appointment and Employment of Academic Faculty, to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions - underlined Deletions - ~~strikeouts~~

E.6 General Policies Relating to Appointment and Employment of Academic Faculty *(last revised June 4, 2008)*

- a. The conditions and expectations of every appointment shall be confirmed in writing. Any subsequent modifications of the appointment shall also be confirmed in writing after the faculty member and the administrator have mutually determined the new conditions. The faculty member shall receive a copy of these documents.
- b. All academic faculty members who are on regular full-time or regular part-time appointments and who have not acquired tenure, shall be appointed for a period not exceeding one (1) year. All academic faculty members on special or temporary appointments shall be appointed "at will."
- c. Academic faculty members on a multi-year research appointment shall be appointed for periods of one (1) to five (5) years.
 1. A multi-year research appointment does not carry any guarantee or implication that the appointment will be renewed, even though the duties of the appointee may have been discharged satisfactorily.
 2. Renewal of a multi-year research appointment does not entitle the individual to further renewals, a tenure-track appointment, or to a decision concerning tenure.
 3. Renewal or extension of multi-year research appointments may be made at any time during or after the appointment and shall meet the same conditions required for initial appointment as specified in Section E.2.3.

- d. If the department head does not propose to reappoint a non-tenured faculty member holding a regular full-time or regular part-time appointment, the faculty member shall be informed in writing that the appointment will not be renewed. This must be done by March 1 during the first year of employment, by December 15 during the second year, and at least twelve (12) months before the expiration of the appointment in succeeding years.
- e. A non-tenured faculty member holding a regular full-time, regular part-time, or multi-year research appointment may be disciplined or terminated for cause without following the procedures of Section E.15 for tenured faculty. Such actions may be grieved as described in Section K.
- ef. If a decision made at a higher administrative level will have the effect of altering or reversing a decision made at a departmental level regarding conditions of employment, including reappointment, tenure, promotion, and salary, then, before this change can take effect, the department head must be notified in writing of both the proposed change and the reasons for this change, and he or she must be given the opportunity to submit a written reply.

Newman explained that this addition clarifies the employment status of faculty on tenure-track and multi-year research appointments.

NEWMAN'S MOTION WAS ADOPTED.

- M. Proposed Revisions to Section E.14 - Performance Reviews - Committee on Responsibilities and Standing of Academic Faculty

Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Section E.14 - Performance Reviews, to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions – underlined Deletions - ~~strikeouts~~

E.14 Performance Reviews (~~last revised June 22, 2006~~)

All faculty members, including department heads and deans, are subject to performance reviews. These reviews include annual reviews, comprehensive reviews of tenure-track faculty members, and comprehensive reviews of tenured faculty members. Annual reviews and comprehensive reviews of tenured faculty members shall be conducted by the academic supervisor for the faculty member's academic unit. For a faculty member who is not a department head, a dean, an associate dean or an assistant dean, the academic unit is his or her home department, and the academic supervisor is the department head. For a department head, an associate dean, or an assistant dean, the academic unit is the college, and the academic supervisor is the dean of that college. For a dean, the academic unit is the University, and the academic supervisor is the Provost.

Nothing contained in this section shall be construed to affect the at-will status of administrative appointments. The evaluation of an individual's performance as an administrator is separate from the review processes described in this section.

Performance reviews are intended to assist faculty in achieving tenure or promotion, to facilitate continued professional development, to refocus professional efforts when appropriate, and to assure that faculty members are meeting their obligations to the University. These reviews must be conducted in such a way that they are consistent with the tenure system, academic freedom, due process, and other protected rights. It is also appropriate for performance reviews to document problems with behavior (see Section D.9 and also Section E.15).

A performance review must take into account the individual faculty member's effort distribution (see Section E.9.1) and the individual faculty member's workload (see Section E.9.2), and it must consider each area of responsibility. Furthermore, effort distributions should be established so as to best utilize the individual talents of all tenured faculty members, because having similar assignments for all faculty members in a department often is not the most effective use of resources. Tenured faculty members should have the opportunity to work with the department head

to adjust their professional responsibilities throughout their careers in a way that permits them to meet both institutional and individual goals.

For each performance review, the faculty member shall be assigned a numerical performance rating by the Provost. In addition, a written report shall be prepared, and this report shall identify strengths and any deficiencies in the faculty member's performance. The faculty member shall be given a copy of this report, and he or she shall then have ten (10) working days to prepare a written response to this report if he or she desires to do so. Both the report and the faculty member's response shall be maintained in the faculty member's official Personnel File.

E.14.1 Annual Reviews (new section added June 22, 2006)

no change

E.14.2 Comprehensive Reviews of Tenure-Track Faculty (last revised June 22, 2006)

no change

E.14.3 Periodic Comprehensive Reviews of Tenured Faculty (last revised June 22, 2006)

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

no change

E.14.3.2 Phase II Comprehensive Performance Reviews (~~last revised June 22, 2006~~)

A Phase II Comprehensive Performance Review is initiated when the academic supervisor decides that a tenured faculty member's performance in a Phase I Review was not satisfactory, or it may be initiated as described in Section E.15.4.1. The initiation of a Phase II Review is not grievable by the faculty member. A Phase II Review Committee of at least three (3) tenured peers at the same or higher rank as the faculty member shall be selected to conduct a comprehensive performance review according to procedures specified in the code of the academic unit. These peers shall be selected from the same academic unit as the faculty member, unless that academic unit is a department that is too small, in which case, some of the peers may be from other departments within the same college. The academic supervisor shall not be a member of the Review Committee, nor shall any other administrator at the same administrative level as the academic supervisor or higher. The procedure for the selection of these peers shall be specified in the code of the academic unit. If the selection procedures are not specified in the code of the academic unit, then a committee of three (3) tenured peers shall be drawn by lot from the eligible faculty members in the same academic unit as the faculty member. If the academic unit is a small department with fewer than three (3) eligible faculty members, then additional tenured peers shall be drawn by lot from the eligible faculty members in the same college so as to increase the total number of committee members to three (3).

The code of each academic unit shall specify:

- a. The procedure for the selection of a Phase II Review Committee;
- b. Procedures for assuring impartiality and lack of bias among members of the Phase II Review Committee;
- c. The criteria to be used by the Phase II Review Committee, including standards for evaluation which reflect the overall mission of the academic unit, and which permit sufficient flexibility to accommodate faculty members with differing responsibilities, effort distributions, and workloads;
- d. The types of information to be submitted by the faculty member being reviewed; and

- e. Any additional information to be used in evaluations, such as peer evaluations and student opinions of teaching.

As a result of a Phase II Comprehensive Performance Review, one (1) of the following ~~four (4)~~ three (3) outcomes ~~must~~ shall be selected by a majority of the Phase II Review Committee:

- a. The faculty member has met the reasonable expectations for faculty performance, as identified by his or her academic unit;
- b. ~~The~~ There are deficiencies, but they are not judged to be substantial and chronic or recurrent; or
- c. There are deficiencies that are substantial and chronic or recurrent, deficiencies that must be remedied; or
- d. ~~Disciplinary action is recommended (see Section E.10.7).~~

~~For either of the first two (2) outcomes, no further action is necessary. For either of the last two (2) outcomes, further action is required. Regardless of the outcome, the Review Committee shall prepare a written report and provide the faculty member with a copy. If the second outcome is selected, the written report may recommend that the academic supervisor design a specific professional development plan to assist the faculty member in meeting expectations. If either of the last two (2) the third outcomes has been is selected, then the written report shall explain what deficiencies led to that selection. The faculty member shall then have ten (10) working days to prepare a written response to this report. For informational purposes, both the report and the faculty member's response shall be forwarded to the academic supervisor, and, at successive steps, to each higher supervisor, ending with the Provost.~~

For either of the first two (2) outcomes, no further action is necessary. For the third outcome, taking into account the faculty member's actions, prior actions and history, and whether a pattern exists, the committee's written report shall recommend whether or not disciplinary action should be pursued as described in Section E.15.

The faculty member shall then have ten (10) working days to prepare a written response to this report. For informational purposes, both the report and the faculty member's response shall be forwarded to the academic supervisor, and, at successive steps, to each higher supervisor, ending with the Provost.

If the Review Committee selects the third outcome and identifies ~~decides that~~ deficiencies ~~must that need~~ to be remedied, the academic supervisor shall design a specific professional development plan indicating how these deficiencies are to be remedied and setting time-lines for accomplishing each element of the plan. The faculty member shall be given the opportunity to work with the academic supervisor on the design of this plan. This development plan shall be submitted to the next higher administrative level for approval, and the faculty member shall be given a copy of the approved plan.

E.14.4 Grievance *(last revised June 22, 2006)*

A faculty member shall have recourse according to the provisions in Section K, except where otherwise prohibited (e.g., see Section E.~~10.7~~15), once an adverse recommendation is made by an administrator in any performance review. The recommendations made by a Phase II Review Committee, whose membership are faculty, are not grievable, but aAny adverse recommendation or decision made by an administrator as a result of a Phase II Comprehensive Performance Review may be the basis for complaint under Section K. ~~A professional development plan is not grievable by the faculty member. Neither constructive recommendations for improvement nor a professional development plan is grievable by the faculty member.~~

Newman explained that, since disciplinary action can be taken for behavior, as well as for performance of professional duties, performance reviews should address problems in this area as well. The next set of changes recognize that Phase II Reviews may serve the purpose of a Preliminary Review in the disciplinary process for professional performance of duties for tenured faculty, as specified in Section E.15. The final set of changes specifies that recommendations that are constructive, rather than punitive, should not be subject to grievances.

NEWMAN'S MOTION WAS ADOPTED.

N. Proposed Revisions to the *Manual*, Appendix 2: Consensual Relationships - Committee on Responsibilities and Standing of Academic Faculty

Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Appendix 2 – Consensual Relationships to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions – Underlined Deletions - ~~Strikeouts~~

APPENDIX 2: CONSENSUAL RELATIONSHIPS

~~The University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, consensual romantic or sexual relationships in which one party retains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships shall assure that decisions and evaluations concerning the person of lesser authority are conducted by another person.~~

~~There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for a charge of a violation of applicable parts of Section D.9; Code of Ethical Behavior, or sexual harassment based upon subsequent unwelcome conduct.~~

The University is committed to the principle of protecting the integrity and objectivity of its personnel in the performance of their University duties. It is therefore fundamental to the overall mission of the University that the professional responsibilities of its employees are carried out in an atmosphere that is free of conflicts of interest that compromise these principles.

A romantic, intimate, or sexual relationship in which there is a difference in the level of authority between the individuals can create conflicts of interest and perceptions of undue advantage. There are inherent risks in any romantic, intimate, or sexual relationship between individuals in unequal positions (such as supervisor and employee, teacher and student, or advisor and student). Such relationships may undermine the real or perceived integrity of the supervision and evaluation provided and may harm or injure others in the academic or work environment by creating the appearance of undue access or advantage to the person involved in the relationship. Moreover, these relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic, intimate, or sexual relationship, this past consent does not remove grounds for a charge of sexual harassment or violation of applicable parts of Section D.9, Code of Ethical Behavior, based upon subsequent unwelcome conduct.

Definitions:

For the purposes of this Appendix, the following definitions shall apply:

“Consensual Relationship” shall mean and refer to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented. This includes marriage.

“Employee” shall mean and refer to any person currently employed by Colorado State University, either full-time or part-time, in any location and in any capacity. “Employee” shall include, but is not limited to, faculty, administrative professional staff, state classified employees, graduate assistants, student hourly employees, non-student hourly employees, and student work-study employees.

“Student” shall mean and refer to any person currently enrolled, either full-time or part-time, in any academic program associated with Colorado State University.

“Exercise(s) Authority” shall mean and refer to participating in decisions and/or evaluations that may reward or penalize a subordinate Employee or Student.

Prohibitions:

No Employee shall Exercise Authority over any Student with whom he or she currently has or has previously had a Consensual Relationship. Additionally, no Employee shall make recommendations for awards, scholarships, or employment on behalf of any Student with whom the Employee currently has or has previously had a Consensual Relationship.

No Employee shall Exercise Authority over any other Employee with whom he or she currently has or has previously had a Consensual Relationship. This prohibition shall include, but is not limited to, participation in or other influencing of decisions regarding salary, promotion, tenure, or continuation of employment.

Requirements:

Any Employee shall report immediately to his or her supervisor, or to an official in a superior position, any Consensual Relationship(s), either past or present, with any Student or any subordinate Employee over whom he or she Exercises Authority.

Circumstances may arise in which an Employee is or may potentially be placed in a position whereby he or she may be required to Exercise Authority over a Student, a current Employee, or a prospective Employee with whom he or she currently has or has previously had a Consensual Relationship. In such a circumstance, the Employee who is or might be placed in a position to Exercise Authority shall immediately report to his or her supervisor, or to an official in a superior position, the actual or potential conflict of interest that has arisen or may arise due to the Consensual Relationship.

All Employees shall cooperate with actions taken to eliminate any actual or potential conflicts of interest due to the existence of current and/or previous consensual Relationship(s) and to mitigate adverse effects on third parties.

The official or supervisor who receives a report of a Consensual Relationship shall treat this information as confidential to the extent allowable by law and shall promptly:

1. Consult with the next higher level of administration, and
2. In cooperation with the above administrator, eliminate conflicts of interest and mitigate adverse effects on third parties by taking one or more of the following actions and documenting the steps taken:
 - a. Transferring one of the individuals to another position;
 - b. Transferring supervisory, decision-making, evaluative, academic, and/or advisory responsibilities;
 - c. Providing an additional layer of oversight to the supervisory role; and/or

- d. Taking any other action reasonably necessary to eliminate the actual or potential conflict of interest and/or mitigate adverse effects on third parties.

Violations of this policy:

A violation of this policy may lead to disciplinary action, as permitted by University policy and law, up to and including termination of employment.

Newman explained that the previous policy was too vague.

Phil Cafaro moved to amend the main motion as follows:

The University does not interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. The University is, however, committed to the principle of protecting the integrity and objectivity of its personnel in the performance of their University duties.

Steve Robinson expressed concern regarding the entire policy and noted that this should have been brought forward as a discussion item to avoid amendments on the floor of Faculty Council.

Robinson moved to refer this back to the Committee on Responsibilities and Standing of Academic Faculty with the recommendation to bring this forward at the September Faculty Council meeting as a discussion item.

Robinson's motion was adopted.

The following recommendations were suggested for review by the Committee on Responsibilities and Standing of Academic Faculty:

Under Requirements: objections were made to the first paragraph statement regarding reporting past or present consensual relationships to supervisors.

Under Requirements: objections were made to the statement that requires the supervisor to consult with the next higher level of administration.

Under Definitions: clarify that administrators (President, Vice Presidents, etc.) are "administrative professionals" and are included in this policy.

Dale Grit moved to cease discussion on this issue.

Grit's motion was adopted.

It was clarified by Lola Fehr, Parliamentarian, that, when this comes back as an action item to Faculty Council, the amendment currently left on the floor must accompany the motion.

- O. Proposed Revisions to the *Manual*, Section E.2.6 - Transitional Appointments - Committee on Responsibilities and Standing of Academic Faculty

Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the Manual, Section E.2.6 - Transitional Appointments to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions – Underlined Deletions - ~~Overscored~~

E.2.6 Transitional Appointments (*last revised February 4, 2004*)

The University provides the opportunity ~~of~~ for transitional appointment to its ~~full-time~~ tenured faculty members who have retired and terminated employment in consideration of a subsequent reappointment on a part-time tenured basis for a limited period of time. The transitional appointment requires that the faculty member participate in the teaching, advising, service, and research activities of the department, subject to the part-time provisions of his or her appointment. Academic administrators who also hold a tenured faculty appointment are eligible to request a

transitional appointment within the context of their academic faculty roles. Administrative professionals and non-tenured academic faculty members are not eligible for transitional appointments due to the legal conflict between the statutory "at will" status of such appointments and the appointment term guarantees embodied in a transitional appointment.

Faculty members covered under the federal retirement system are not eligible for transitional appointment due to prohibitive provisions of that retirement system. However, post-retirement employment in a position other than the one requiring a federal appointment is not prohibited. Interested faculty members and/or departments should contact the Director of Human Resource Services for further information.

Conditions regarding transitional appointments are as follows:

- a. Only tenured academic faculty members on regular full-time or part-time appointments who are currently eligible for retirement under the ~~provisions of their~~ University's definition of retirement plan (see "Definition of Retirement" under "Benefits" at www.hrs.colostate.edu) have the opportunity of requesting transitional appointments. Note that the University's definition of retirement may differ from those of the retirement plans. For more (for further information, or to confirm eligibility for retirement, contact Human Resource Services) the University Benefits Office.
- b. Ordinarily, a request for a transitional appointment should be submitted in writing to the department head one (1) full academic year before the requested commencement of the transitional appointment. A time period of less than one (1) year may be accepted in those cases where such appointments with lesser notice are considered to be in the interest of the University. Such an exception requires the approval of the department head, the dean, and the Provost. A transitional appointment ~~will~~ shall be evaluated on the basis of both the needs of the department and college and the desires of the faculty member.
- c. A transitional appointment is for a specified term of at least one (1) year and not more than four (4) years, and it concludes with the termination of ~~the~~ this part-time tenured appointment. However, this does not preclude subsequent full-time or part-time employment in a non-tenured position subject to the needs and resources of the department and the interests and desires of the faculty member. During the transitional period, a transitional appointment may not be modified to a regular appointment. A faculty member may elect to terminate the part-time transitional appointment prior to the end of the ~~transitional contract~~ specified term.
- d. A transitional appointment shall begin no earlier than the first business day after the effective date of termination of ~~full-time~~ employment as a regular faculty member.
- e. A faculty member ~~with a tenured appointment at the termination of full-time employment~~ shall be tenured on a part-time basis as a condition of the transitional appointment.
- f. ~~The percentage of salary and the percentage of effort during the transitional appointment are subject to negotiation between the department and the faculty member and shall be spelled out in the transitional appointment contract. Such changes in salary and/or effort will not affect the percentage level of the appointment (e.g., part-time versus full-time) specified in the transitional appointment contract. The terms under which the appointment are undertaken or subsequently modified shall be negotiated to be mutually beneficial to both the faculty member and the University, and the terms of the contract shall be specified in writing, subject to the review and approval of the dean and the Provost. Final approval authority resides with the President.~~
- gf. Any uncompensated leave balances at the time of retirement ~~will~~ shall be reinstated and available for use during the transitional appointment. However, at the end of the transitional appointment, there ~~will~~ shall be no compensation for unused leave balances.

- hg. ~~The salary and workload~~ for a transitional appointment shall normally be for fifty (50) percent of ~~the faculty member's normal appointment time and fifty (50) percent of a full workload what they were at the time of retirement.~~ However, when it is to the benefit of both the University and the faculty member, variations from this fifty (50) percent standard, including brief periods of full-time employment, may be proposed by the department head and the dean for review and approval by the Provost.
- h. The percentage of salary and the percentage of effort during the transitional appointment are subject to negotiation between the department and the faculty member and shall be spelled out in the transitional appointment agreement. Such changes in salary and/or effort shall not affect the percentage level of the appointment (e.g., part-time versus full-time) specified in the transitional appointment agreement. The terms under which the appointment is undertaken or subsequently modified shall be negotiated to be mutually beneficial to both the faculty member and the University, and the terms of the agreement shall be specified in writing, subject to the review and approval of the dean and the Provost. Final approval authority resides with the President.
- i. A faculty member on a transitional appointment who is a PERA annuitant may be subject to that retirement system's annuity penalty for "post retirement" work for PERA affiliated employers, including the University, in excess of one hundred and ten (110) days in any calendar year or for work during the first month of retirement. A faculty member who is receiving a PERA annuity should check with PERA directly to determine what effects, if any, a transitional appointment may have on ~~their~~ his or her annuity amounts.
- j. A faculty member on a transitional appointment participates in the University's Defined Contribution Plan for Retirement ("DCP"); ~~and is eligible for all the same benefits, and receives the University's cafeteria benefits contribution (faculty benefits pay) on the same basis as a faculty member with a regular appointment within the DCP. See the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* regarding special procedures for benefit payments for a faculty member on a transitional appointment.~~ Leave policies, as described in Section F of the *Manual*, shall be in effect, except that a faculty member on a transitional appointment is not eligible for a sabbatical leave nor for payment for unused sick leave and/or annual leave at the conclusion of the transitional appointment.
- k. A faculty member on a transitional appointment is considered for any pay and benefit increases on the same basis as a faculty member holding a regular appointment, proportionate to the extent of the appointment.

Newman explained that this change extends the opportunity for transitional appointments to part-time regular tenured faculty members. Also, different retirement plans have different definitions of retirement, and these do not agree with the University's definition of retirement. The change to paragraph a. clarifies that it is the University's definition of retirement that must be met in order to qualify for transitional appointment. Finally, paragraph f has been placed after paragraph h, and paragraph j has been reworded to take into account the change in the benefits system.

NEWMAN'S MOTION WAS ADOPTED.

- P. Proposed Revisions to Section E.9 - Faculty Productivity; E.11 - Performance Expectations for Tenure, Promotion, and Merit Salary Increases; and E.12 - Definitions and Indicators for Performance Expectations for Tenure, Promotion and Merit Salary Increase - Committee on Responsibilities and Standing of Academic Faculty

Newman, Chair, Committee on Responsibilities and Standing of Academic Faculty moved that Faculty Council adopt the proposed revisions to the *Manual*, Sections E.9 - Faculty Productivity; E.11 - Performance Expectations for Tenure, Promotion, and Merit Salary Increases; and E.12 - Definitions and Indicators for Performance Expectations for Tenure, Promotion and Merit Salary Increases to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

Additions – underlined Deletions - ~~strikeouts~~

E. 9 Faculty Productivity *(last revised December 15, 2005)*

Decisions concerning tenure, promotion, and merit salary increases are linked to the faculty member's productivity in teaching and advising, research and other creative activity, and University and professional service ~~and/or outreach~~. Each academic unit must establish expected levels of productivity for the unit in each of these areas. Productivity is assessed by relating the effort expended to the outcome, in terms of ~~both effectiveness, and impact, and documentation~~ of the activity. Effort distribution is the allocation of effort into particular areas of responsibilities. Workload describes the professional responsibilities of the faculty. The responsibilities of faculty members for each of these activities will vary, depending upon the mission and needs of the academic unit and the expertise and interests of the faculty. The University recognizes that a faculty member's activities may change over a career and is committed to the use of differentiated responsibilities for individual faculty. Hence, in the evaluation process, reasonable flexibility should be exercised, balancing, as the case requires, heavier responsibilities in one (1) area against lighter responsibilities in another.

Decisions regarding tenure, promotion, and merit salary increases must be consistent with, and based upon, the effort distribution established for each faculty member. The department code shall define the general expectations of effort distribution regarding teaching and advising, research and other creative activity, ~~and service and/or outreach~~ responsibilities in terms of the academic mission of the department. Where appropriate and consistent with the academic mission of the department, the department code should define outreach/engagement expectations and how those expectations are addressed in the faculty member's teaching, research, and/or service effort distribution.

E.9.1 Individual Faculty Effort Distribution

A faculty member's effort distribution shall be negotiated between the faculty member and the department head subject to the provisions of Section C.2.6.2.e. The effort distribution for the next year shall be stated clearly in writing as part of the annual evaluation and used as a framework for annual and periodic comprehensive reviews as well as tenure and promotion decisions. The effort distribution of each faculty member shall be subject to adjustment from time to time according to the principles articulated in Section E.9 above. Responsibilities within a department should be distributed to achieve the most effective and efficient use of human resources while considering the talents and interests of the individual faculty members. For those faculty members whose appointments include outreach/engagement, such as Extension specialists, responsibilities and metrics for performance evaluations are to be negotiated as part of the annual evaluation. Various criteria for outreach/engagement for faculty members with Extension appointments are found in the Statewide and Regional Specialist Roles and Responsibilities document found in the Colorado State University Extension Handbook.

Responsibilities for all tenure-track faculty members must be established so as to provide sufficient opportunities to demonstrate that they meet the performance expectations for tenure, promotion, and merit salary increases specified in Section E.11.

According to their effort distribution negotiated with the department head, faculty members teach as well as advise undergraduate ~~and/or~~ graduate students, maintain an active research ~~and/or~~ other creative activity agenda ~~appropriate to their discipline and department~~, and perform service ~~and/or outreach~~ appropriate to their appointment, discipline, and department (see Section E.12).

The scholarship-based model of outreach/engagement stimulates interaction with the community, which produces discipline generated, evidence based practices. Outreach/engagement activities may be integrated into the faculty member's teaching, research, and/or service effort distribution. Outreach/engagement activities are not a mandated component of every faculty member's effort distribution, but are to be included where appropriate to the mission of the faculty member, department, and college. For the activity to be scholarly, it must draw upon the academic and professional expertise of the faculty member while contributing to the public good, addressing or responding to real-world problems. The standards for assessing the scholarship of outreach/engagement activities will vary among disciplines and should be specified by each academic unit and incorporated into departmental codes.

E.9.2 Individual Faculty Workload *(last revised December 15, 2005)*

Individual workloads for each area of responsibility may vary over time in accordance with the needs and missions of the different academic departments. ~~The overall workload of faculty members is intended to be consistent with the full-time (or part-time) nine (9) or twelve (12) month nature of employment at the university. Recognizing the limited number of hours in the work week and the diversity of faculty responsibilities and department mission, workload adjustments may be necessary.~~ Factors ~~on for~~ which workload can ~~shall~~ be adjusted include, but are not limited to course credits, class size, course level, method of course delivery, type of course (lecture, independent study, internship, supervised student research, thesis/dissertation, clinical, practicum), advising load, off-campus assignments, number of preparations, new preparations, teaching assistants, size and activity of research program or other creative activity, and service ~~and outreach responsibilities, including Cooperative Extension appointments.~~

E.9.3 Department Effort Distribution *(last revised December 15, 2005)*

Departments provide distinctive contributions to the overall college and University missions, and department effort distributions should reflect these contributions, including departmental commitments to outreach/engagement as well as Cooperative Extension. It is the responsibility of the department head to coordinate the aggregate ~~individual~~ members' member's efforts, effort distribution, and workload assignments appropriate to the mission of the department.

E.9.4 College Effort Distribution

No change

E.9.5 University Effort Distribution

The University's mission is to provide excellence in undergraduate and graduate/professional education, research and other creative activities, and service ~~and outreach~~ consistent with the tradition of land grant universities. The University recognizes that individual faculty members, departments, and colleges contribute a variety of interests, strengths, and areas of expertise to accomplish this mission, and as a result of these differences, the University is committed to differentiated effort distributions among individuals and units. It is the responsibility of the Provost to coordinate and evaluate each college's efforts appropriate to the mission of the University.

E.10 Academic Tenure Policy *(last revised June 10, 1998)*

No change

E.11 Performance Expectations for Tenure, Promotion, and Merit Salary Increases ~~(last revised January 27, 2006)~~

All faculty members being considered for tenure and/or promotion must demonstrate a level of excellence appropriate to the rank under consideration and consistent with the standards of their discipline, their unit's institutional mission, and the faculty member's individual effort distribution in teaching and advising, research and other creative activity, and service ~~and/or outreach~~. Outreach/engagement efforts may be integrated into the faculty member's teaching, research, and/or service responsibilities.

Annual and periodic comprehensive reviews of a faculty member's performance are addressed in Sections C.2.5, E.12, and E.14, and the expectations articulated in this section are applicable to those reviews. The basis for annual and periodic comprehensive reviews ~~will shall~~ be the set of criteria in place at the beginning of the review period. All faculty ~~will shall~~ provide evidence of teaching and advising competence, sustained research and other creative activity, and service ~~and/or outreach~~ consistent with their stated effort distribution (see Section E.9.1) for annual and periodic comprehensive reviews, as well as for tenure and promotion. The department code shall establish clearly articulated criteria and standards for evaluation in these areas.

E.12 Definitions and Indicators for Performance Expectations for Tenure, Promotion and Merit Salary Increase

E.12.1 Teaching and Advising ~~(last revised December 15, 2005)~~

Teaching involves the systematic transmission of knowledge and skills and the creation of opportunities for learning; advising facilitates student academic and professional development. As part of its mission, the University is dedicated to undergraduate, graduate, professional, and continuing education locally, nationally, and internationally.

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

Excellent teachers are characterized by their command of subject matter; logical organization material and presentation of course material; forming interrelationship among fields of knowledge; energy and enthusiasm; availability to help students outside of class; arousing curiosity, creativity, and critical thought; engaging students in the learning process; providing clear grading criteria; responding respectfully to student questions and ideas.

Evaluation of teaching effectiveness should be designed to highlight strengths, identify deficiencies, and improve teaching. Evaluation of teaching effectiveness shall involve multiple sources of information such as course syllabi; signed peer evaluations; examples of course improvements; development of new courses and teaching techniques; integration of service learning, appropriate surveys of teaching effectiveness, letters, electronic mail messages, and/or other forms of written comments from current and/or former students; and assessments from conference/workshop attendees. ~~Various additional criteria for teaching effectiveness for faculty with Cooperative Extension appointments are found in the Statewide and Regional Specialist Roles and Responsibilities document found in the Colorado State University Cooperative Extension Employee Handbook.~~ Advising

activities include, but are not limited to, meeting with students to explain graduation requirements; giving academic advice; giving career advice or referring the student to the appropriate person for that advice; and supervision of or assistance with graduate student theses/dissertations/projects.

Effective advising of students, at both the undergraduate and graduate levels, is a vital part of the ~~teaching-learning~~ teaching/learning process. It is characterized by being available to students, keeping appointments, providing accurate and appropriate advice, and providing knowledgeable guidance.

Evaluation of advising effectiveness can be based upon signed evaluations from current and/or former students, faculty members, and professional peers.

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

E.12.2 Research and Other Creative Activity

Research is the discovery and development of knowledge; other creative activity is original or imaginative accomplishment. Research and other creative activity include but are not limited to publications; exhibitions, presentations or performances; copyrighted, patented, or and licensed works and inventions; supervision of or assistance with graduate student theses/dissertations and undergraduate research; and the award of funding to support research and other creative activities. Scholarly activities that advance the effectiveness of teaching and education could also be considered research.

The criteria for evaluating the original or imaginative nature of research and other creative activities should be the generally accepted standards prevailing in the applicable discipline or professional area. Standards for determining quality will vary among disciplines and should be specified by each academic unit. However, evaluations should be based primarily upon the quality of the product as judged by peers. Some measures of quality are the prestige of the journals in which publications appear, reviews of publications in the critical literature, reviews of artistic performance by recognized experts, prizes and other awards for significant professional accomplishment, ~~and~~ grants obtained in open competition, and impact and outcome assessments as indicated by adoption of results by clientele. When work is a collaborative effort, every attempt should be made to assess the value of the contribution of the faculty member. Some categories of publication or other accomplishments, such as Extension publications, more properly are regarded as vehicles for teaching or outreach/engagement; however, these may be considered evidence of other creative activity to the extent that new ideas and research are incorporated.

E.12.3 Service ~~and/or Outreach~~ (last Revised December 15, 2005)

Service advances the interests of the institution, the community, and the professions. ~~Outreach advances the capabilities of constituents outside the University and offers knowledge, skills, and advice to the local, state, national, and international community.~~

E.12.3.1 University Service

In academic institutions the faculty members share in the formulation of University policies and in making and carrying out decisions affecting the educational and scholarly life of the University. University service includes but is not limited to contributions to the governance and leadership of the University through participation in the formulation and implementation of department/college/university policies via membership on committees, councils, and advisory groups and participation in administrative activities. University service also includes advising student organizations.

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

E.12.3.2 Professional Service

Service in local, state, national, or international professional organizations enhances the University's scholarly and academic reputations. Service in professional organizations includes but is not limited to editorial activities for professional publications; service as an officer or committee member of a professional society; participating in or organizing research conferences, workshops or professional meetings; reviewing grant proposals; and service on academic review or accreditation boards. Service rendered in one's professional capacity as a citizen of the community is commendable and may be evaluated as an appropriate faculty activity.

Professional service is evaluated through the amount and quality of participation which contribute to the long-term improvement of teaching, scholarship, and the profession.

E.12.3.3 Outreach (last Revised December 15, 2005)

~~Outreach is public service essential to fulfilling the academic mission of the University to the external community. It involves education and information transfer activities for constituencies typically not traditional students. Outreach includes but is not limited to presentations, workshops or training sessions; professional consultation; service on local, state, national, or international commissions, advisory boards, corporate boards, or agencies; assisting in program development in grades K-12; participation in a professional capacity in programs sponsored by student, faculty, or community groups; participation in distance and continuing education instructional activities including those in an organizational or advisory capacity for University programs; technology transfer and non credit lectures to groups; and public relations activities that serve the University's interests such as appearances as a University representative before government bodies or citizen groups, and responding to inquiries from citizens. Service rendered in one's professional capacity as a citizen of the community is commendable and can be evaluated as an appropriate faculty activity.~~

~~Outreach is evaluated through the amount, quality, and effectiveness of service to the external community. Various additional criteria for outreach for faculty members with Cooperative Extension appointments are found in the Statewide and Regional Specialist Roles and Responsibilities document found in the *Colorado State University Cooperative Extension Handbook*.~~

Newman explained that outreach/engagement involves education and information transfer activities for constituencies that do not include degree seeking students. These activities require a background of significant scholarship, diagnostic skills, use or development of creative and focused methodologies, information organization and media skills, and written and oral skills in interpreting as well as presenting information. Outreach/engagement includes a partnership of university knowledge and resources with those of the public and private sectors to enrich scholarship, research, and creative activity; enhance curriculum, teaching and learning; prepare educated, engaged citizens; strengthen democratic values and civic responsibility; address critical societal issues; and contribute to the public good.

Newman explained that, by state statute, Colorado State University is a land grant university. These universities value learning, discovery, and engagement. Outreach and engagement are essential to fulfilling the academic mission of the University. Outreach/engagement advances the capabilities of constituents outside the University and offers knowledge, skills, and advice to the local, state, national, and international community. These proposed changes establish criteria and metrics for recognizing outreach and engagement as a scholarly activity, which can be incorporated into the faculty member's teaching and research effort distribution.

NEWMAN'S MOTION WAS ADOPTED.

The Faculty Council meeting adjourned at 5:30 p.m.

Richard Eykholt, Chair
Paul Laybourn, Vice Chair
Diane L. Maybon, Executive Assistant/Recording Secretary

ATTENDANCE
BOLD INDICATES PRESENT AT MEETING
UNDERLINE INDICATES ABSENT AT MEETING

Agricultural Sciences

Stephen Koontz

TBD

William Jacobi

Bill Bauerle (Replace Harrison Hughes Spring 2009)

Craig Butters

Dennis Lamm

Louis Bjostad

Applied Human Sciences

Molly Eckman

Kathy Kennedy for Robert Gotshall

David Sampson

Thao Le

Mary Nobe

Matthew Malcolm

Carole Makela

Kim Bundy-Fazioli, Excused

Business

Bill Rankin

Daniel Turk

Patricia Ryan

James McCambridge for Jackie Hartman

Joe Cannon

Engineering

Chris Kummerow

David Dandy

TBA

Steve Reising

Hiroshi Sakurai

Xianghong Qian

TBA

Liberal Arts

Christopher Fisher

Catherine Dicesare

Kirsten Broadfoot

Elissa Braunstein

Ellen Brinks

Ernesto Sagas

Frederique Grim

Thaddeus Sunseri

Cindy Christen

Joel Bacon

Michael McCulloch

Bradley MacDonald

Ken Berry

Fabiola Ehlers-Zavala

Eric Aoki

Phil Cafaro

Agricultural and Resource Economics

Animal Sciences

Bioagricultural Sciences & Pest Management

Horticulture & Landscape Architecture

Soil and Crop Sciences

College-at-Large

College-at-Large

Design and Merchandising

Health and Exercise Science

Food Science and Human Nutrition

Human Development and Family Studies

Construction Management

Occupational Therapy

School of Education

School of Social Work

Accounting

Computer Information Systems

Finance and Real Estate

Management

Marketing

Atmospheric Science

Chemical and Biological Engineering

Civil and Environmental Engineering

Electrical and Computer Engineering

Mechanical Engineering

College-at-Large

College-at-Large

Anthropology

Art

Communication Studies

Economics

English

Ethnic Studies

Foreign Languages and Literatures

History

Journalism and Technical Communication

Music, Theater, and Dance

Philosophy

Political Science

Sociology

College-at-Large

College-at-Large

College-at-Large

Natural Resources

Barry Noon
Mark Paschke
John Ridley
Alan Bright

Natural Sciences

Eric Ross
David Steingraeber
George Barisas
Dale Grit
Ken Klopfenstein
Raymond Robinson
Patricia Aloise-Young
Philip Chapman
Steve Stack
Zinta Byrne
TBA

Veterinary Medicine & Biomedical Sciences

James Madl
Juliet Gionfriddo
Howard Ramsdell
Ramesh Akkina
Hana VanCampen
Gerry Callahan
C. W. Miller
Julia Inamine
Paul Morley
Jeffrey Wilusz

University Libraries

Dawn Bastian Paschal
Louise Feldmann

Officers

Richard Eykholt, Chair
Paul Laybourn, Vice Chair
Tim Gallagher, Faculty Representative
Diane Maybon, Executive Assistant/Secretary
Lola Fehr, Parliamentarian

Ex Officio Voting Members

Don Estep, Chair
Susan LaRue, Chair, Excused
Oren Anderson, Chair
Steven Newman, Chair

Tony Maciejewski, Chair

Dan Turk, Chair*
David Dandy, Chair*
Andrew Norton, Chair
Dennis Lamm for Frank Peairs, Chair
Carole Makela, Chair*

(*Indicates Elected Member of Faculty Council)

Fish, Wildlife, and Conservation Biology
Forest, Rangeland, and Watershed Stewardship
Geosciences
Human Dimensions of Natural Resources

Biochemistry and Molecular Biology

Biology
Chemistry
Computer Science
Mathematics
Physics
Psychology
Statistics
College-at-Large
College-at-Large
College-at-Large

Biomedical Sciences

Clinical Sciences
Environmental & Radiological Health Sciences
Microbiology, Immunology and Pathology
College-at-Large
College-at-Large
College-at-Large
College-at-Large
College-at-Large
College-at-Large

Libraries

At-Large

Faculty Council
Faculty Council
Board of Governors
Faculty Council
Faculty Council

Committee on Faculty Governance
Committee on Intercollegiate Athletics
Committee on Libraries
Committee on Responsibilities & Standing of Academic Faculty
Committee on Scholarship Research and Graduate Education
Committee on Scholastic Standards and Awards
Committee on Strategic and Financial Planning
Committee on Teaching and Learning
Committee on University Programs
University Curriculum Committee

Ex-Officio Non-Elected Non-Voting Members

Anthony Frank

Rick Miranda

Bill Farland

Robin Brown

Blanche M. Hughes

Peter Dorhout

Lou Swanson

Alan Lamborn

Lee Sommers

April Mason

Ajay Menon

Sandra Woods

Ann Gill

Jan Nerger

Pat Burns

Lance Perryman

Joseph O'Leary

James Zakely for Courtney Butler

Interim President

Interim Provost/Executive Vice President

Senior Vice President for Research and Engagement

Vice President for Enrollment and Access

Vice President for Student Affairs

Vice Provost for Graduate Affairs

Vice Provost for Outreach and Strategic Partnerships

Vice Provost for Undergraduate Affairs

Interim Dean, College of Agricultural Sciences

Dean, College of Applied Human Sciences

Dean, College of Business

Dean, College of Engineering

Dean, College of Liberal Arts

Interim Dean, College of Natural Sciences

Interim Dean, University Libraries

Executive Dean and Dean, College of Veterinary

Medicine and Biomedical Sciences

Dean, Warner College of Natural Resources

Chair, Administrative Professional Council