

To Faculty Council Members: Your critical study of these minutes is requested. If you find errors, please contact Rita Knoll at Rita.Knoll@colostate.edu.

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

MINUTES
FACULTY COUNCIL
May 6, 2014

CALL TO ORDER

The Faculty Council meeting was called to order at 4:04 p.m. by Timothy Gallagher, Chair.

Announcements

- A. Next Faculty Council Meeting – September 2, 2014 – Clark Building – Room A201 - 4:00 p.m.

Gallagher announced that the next Faculty Council meeting would be held September 2, 2014 at 4:00 p.m. in Room A201 Clark Building.

- B. Executive Committee Meeting Minutes – March 25, April 8, April 15, April 22, 2014
(<http://facultycouncil.colostate.edu/index.asp?url=links>)

Gallagher noted that the March 25, April 8, 15, and 22, 2014 Executive Committee meeting minutes can be found at the following website: <http://facultycouncil.colostate.edu/index.asp?url=links>

Minutes to be Approved

- A. Faculty Council Meeting Minutes – April 1, 2014

By unanimous consent, the April 1, 2014 Faculty Council meeting minutes were approved.

Unfinished Business

- A. Standing Committee Elections – Committee on Faculty Governance

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

Committee on Faculty Governance:

Merlyn Paulson	Agricultural Sciences	2014-2017
Scott Shuler	Health and Human Sciences	2014-2017

Committee on Intercollegiate Athletics:

Todd Donavan	Business	2014-2017
Sam Laffey	Undergraduate Student rep.	2014-2015

Committee on Libraries:

Kellie Enns	Agricultural Sciences	2014-2017
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Committee on Responsibilities and Standing of Academic Faculty:

Mary Nobe	Health and Human Sciences	2014-2017
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Committee on Scholastic Standards:

Liba Pejchar Goldstein	Natural Resources	2014-2017
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Committee on Non-Tenure Track Faculty:

Steven Schaeffer	Engineering	2014-2017
David Greene	Health and Human Sciences	2014-2017

Committee on Strategic and Financial Planning:

Dustin Pendell	Agricultural Sciences	2014-2017
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Sam Laffey Undergraduate Student rep. 2014-2015

Committee on Teaching and Learning:

Dan Turk Business 2014-2017

University Curriculum Committee:

Bradley Goetz Agricultural Sciences 2014-2017

Mike Hogan Liberal Arts 2014-2017

Gallagher asked if there were any other nominations for the Faculty Council Standing Committees. Hearing no further nominations, the nominations were closed.

The nominated faculty members were elected to a three-year term beginning on July 1, 2014 through June 30, 2017 on their respective standing committee.

B. University Committee Elections – Committee on Faculty Governance

Diane Lunde, Vice Chair Committee on Faculty Governance, nominated, on behalf of the Committee on Faculty Governance, Dr. Yongli Zhou to serve on the University Benefits Committee for a three-year term (2014-2017).

Gallagher asked for nominations from the floor.

Hearing no further nominations, the nominations from the floor were closed.

Yongli Zhou was elected to serve a three-year term (July 1, 2014 through June 30, 2017 on the University Benefits Committee.

Reports to be Received

Provost/Executive Vice President - Rick Miranda

Miranda reported the following:

- A. Miranda reported that the Budget has been reviewed by the State Legislature and there have been no changes so far.

Roger Culver, College of Natural Sciences at-large, asked about the change from RamCT Blackboard to a new platform.

Miranda reported that CSU will switch to a new platform called Canvas over the next two years. Canvas has many advantages over Blackboard related to performance and cost. CSU will join a consortia of other Universities to utilize a number of software products, which include Canvas. Miranda noted that Canvas will be offered next academic year as a pilot program,

Mark Zabel, College of Veterinary Medicine and Biomedical Sciences, asked about the contract length with Canvas, and Mary Van Buren, Department of Anthropology, spoke in regards to faculty frustration with changing teaching platforms every few years. She added that faculty needs a teaching platform that will be around for long time.

C.W. Miller, College of Veterinary Medicine and Biomedical Sciences at-large, asked what faculty input was gathered prior to the decision to switch from Blackboard to Canvas. Stephanie Clemons, Chair of the Committee on Teaching and Learning, reported that her committee was involved in the Canvas discussions and provided input on the new learning platform.

Miranda acknowledged that the Canvas selection process was abbreviated compared to the Blackboard selection process, but this could not be helped due to the agreements within the consortia.

David Gilkey, College of Veterinary Medicine and Biomedical Sciences at-large, asked if usability assessments were evaluated in the selection of Canvas. Miranda responded that data from Canvas and Blackboard users show that Canvas performs better than Blackboard on every metric examined, including faculty and student usability.

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Miranda's report was received.

Faculty Council Chair - Timothy Gallagher

A. Gallagher had no report.

Board of Governors Faculty Representative- Alexandra Bernasek

A. Bernasek had no report.

Consent Agenda

A. UCC Minutes (2/14, 2/28; 3/14 and 4/11/14)

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

Makela's motion was adopted.

Action Items

A. Proposed revisions to the *General Catalog*, Section 1.3 – College Board Advanced Placement Program – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the proposed revisions to the *General Catalog*, Section 1.3 – College Board Advanced Placement Program, to be effective upon approval by Faculty Council, as follows:

The University Curriculum Committee moves Faculty Council revise Section 1.3 of the Catalog for the College Board Advanced Placement Program to include lower division credit for the AP Capstone Seminar and/or the Capstone Research Project. The Catalog copy change was approved by UCC, February 28, 2014.

A request to revise Advanced Placement language for the AP Capstone in the *College Board Advanced Placement Program* section 1.3 in the 2014-2015 General Catalog as approved.

New Catalog Copy

The College Board Advanced Placement Program

The Advanced Placement Tests administered by The College Board are used by the University to award credit and advanced placement in any of several fields in which a student may have

participated in high school. Lower division credit (100-200) awarded is treated as transfer credit without a grade but is counted toward graduation and may be used in fulfilling specific lower division curriculum requirements.

The academic department responsible for the course in which test credit is granted will have determined what lower division equivalency will be awarded. Department decisions are considered the final determination of equivalency for the specific examination. Therefore, a request for re-evaluation or an appeal of the will not be considered or accepted.

Lower division (100-200) credit is granted for scores of four (4) or five (5) on the Advanced Placement Tests in government and politics, biology, computer science, English, environmental science, and human geography.

Lower division (100-200) credit is granted for scores of three (3) or higher in art, chemistry, Chinese, economics, French, German, history, Italian, Japanese, Latin, mathematics, music, physics, psychology, Spanish, and statistics. Scores of one and two are not granted credit.

Generic credit (no discipline identified) will be granted for the AP Capstone Seminar and/or the AP Capstone Research Project when a minimum score of four (4) is earned. The AP Capstone Seminar and the AP Capstone Research components may be re-evaluated by the teaching department in which the Seminar and Capstone most closely align for consideration of a direct equivalency of lower division credit. The department's evaluation will be the final determination.

Go to the Registrar's website at registrar.colostate.edu/students/transfer/index.aspx and select "Advanced Placement (AP) Exam Equivalencies" for a complete table indicating the courses for which credit is awarded.

Rationale:

Based on the type of experience and exam of the AP Capstone Seminar and/or the AP Capstone Research Project, these would most likely transfer to CSU as generic elective credits (lower division). The student would need to provide detailed information regarding their study path and curriculum to have these considered for re-evaluation by the teaching department.

Previous 2013-2014 Catalog Copy-

The College Board Advanced Placement Program

The Advanced Placement Tests administered by The College Board are used by the University to award credit and advanced placement in any of several fields in which a student may have participated in high school. Credit awarded is treated as transfer credit without a grade but is counted toward graduation and may be used in fulfilling specific curriculum requirements.

The academic department responsible for the course in which test credit is granted determines what equivalency will be awarded. Re-evaluation or appeal of this decision is not applicable as it is the final determination of the department how an equivalency for an exam will apply. Credit is granted for scores of four or five on the Advanced Placement Tests in government and politics, biology, computer science, English, environmental science, and human geography. Credit is granted in art, chemistry, Chinese, economics, French, German, history, Italian, Japanese, Latin, mathematics, music, physics, psychology, Spanish, and statistics for scores of three or higher. Scores of one and two are not granted credit.

Go to the Registrar's website at registrar.colostate.edu/students/transfer/index.aspx and select "Advanced Placement (AP) Exam Equivalencies" for a complete table indicating those courses for which credit is awarded.

There was no discussion.

Makela's motion was adopted.

- B. Proposed Revisions to the *Manual*, Section B.2.6.2 – Procedures for Approval of CIOUSUs; Section B.2.6.5 – Procedures for Periodic Evaluation of CIOUSUs – CUP

Eric Prince, Chair, Committee on University Programs, moved that Faculty Council adopt the proposed revisions to the *Manual*, Sections B.2.6.2 – Procedures for Approval of CIOUSUs, and B.2.6.5 – Procedures for Periodic Evaluation of CIOUSUs, to be effective upon approval by the Board of Governors of the Colorado State University System as follows:

The Committee on University Programs MOVES that Sections B.2.6.2 and B.2.6.5 OF THE ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL BE REVISED AS FOLLOWS:

Please note the language: additions are underlined.

B.2.6 University Centers, Institutes, and Other Special Units (*last revised June 21, 2011*)

Centers, Institutes, and Other Special Units (hereinafter referred to as "CIOUSUs") exist to promote teaching or research, provide academic support services, and/or perform service or outreach functions consistent with the mission of the University. The enhancement of undergraduate and graduate education is an important function of CIOUSUs. However, CIOUSUs do not have faculty positions that exist outside regular academic departments.

B.2.6.1 Definitions

The CIOUSUs are units which extend beyond a single academic department. These units may be labeled "Center," "Institute," "Office," "Facility," "Program," or "Laboratory," but other labels may also be used as appropriate. A unit which is completely contained within a single academic department does not need to apply for CIOUSU status as long as it indicates its departmental affiliation whenever its title is used.

B.2.6.2 Procedures for Approval of CIOUSUs (*last revised June 23, 2010*)

Procedures for approval are intended to facilitate the establishment of appropriate CIOSUs and to avoid the creation of programs that unnecessarily duplicate existing programs. Faculty members shall submit a proposal for the establishment of a CIOSU to their department head(s) and dean(s) for initial review and signature.

Administrative approval for a proposed CIOSU rests with the Overseeing Administrator, who may be the appropriate department head, dean, provost or vice president. It is important that the Overseeing Administrator be clearly identified and recorded as such on the CIOSU application form along with the required signature.

The proposal shall then be forwarded to the Office of Faculty Council, which shall forward a copy of the proposal to the Provost. The Provost shall act as or assign the Responsible Administrator for the proposed CIOSU based on its primary mission. The Responsible Administrator shall then review the proposal. If the Responsible Administrator endorses the proposal, the Office of Faculty Council shall then forward the proposal to the appropriate standing committee(s). If the standing committee(s) approve the proposal, then the Chair of Faculty Council shall forward this approval to the Responsible Administrator. The Faculty Council Executive Committee may act for the standing committee(s) during the summer. The final decision on approval of the CIOSU shall be made by the Responsible Administrator.

B.2.6.5 Procedures for Periodic Evaluation of CIOSUs

a. Biennial Reports

The Administrative Director of each CIOSU shall submit a brief biennial report of its activities and accomplishments to the

Overseeing Administrator and the Responsible Administrator. Copies of all biennial reports shall be deposited in the Office of the VPR, who shall be responsible for maintaining an updated list of all CIOSUs.

These reports shall include each of the following:

1. A list of current CIOSU faculty members and other personnel;
2. A brief description of the activities, services, or research performed, as related to the function/mission of the CIOSU in the past twenty-four (24) months;
3. A budget summary for the previous twenty-four (24) months;
4. A brief list of accomplishments and contributions, such as grants and contracts, refereed and non-refereed publications, and effects on teaching and outreach in the past twenty-four (24) months;
5. Plans for the next twenty-four (24) months.

b. After receiving the report, the Overseeing Administrator shall recommend one (1) of three (3) possible courses of action to the Committee on University Programs:

1. Continue the CIOSU with a recommendation either to reappoint the Administrative Director or to appoint a new Administrative Director, and with suggested changes (if any) in the mission, goals, objectives, and/or organization of the CIOSU.
2. Consolidate with existing CIOSUs with similar missions and goals. This recommendation shall require submission and approval of a new proposal for the consolidated unit.
3. Terminate the CIOSU. If there is loss of funding or key faculty members, or the CIOSU is otherwise deemed to be no longer appropriate, the recommendation may be made to eliminate the CIOSU.

c. If the Committee on University Programs finds the biennial report of a CIOSU under review incomplete or deficient in any significant way (as to the criteria listed under B.2.6.5 a.) or without the requisite recommendation and signature of its Overseeing Administrator it may further recommend that the CIOSU in question be discontinued as a university listed CIOSU. In this event the chair of the committee on university programs, in

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consultation with the Responsible Administrator, shall communicate the outcome in writing to the CIOSU director/s and the Overseeing Administrator, and invite a resubmission of the report or acceptance of its recommendation, with reference to the policies and procedures for CIOSUs oversight and review (B.2.6.3).

The Committee on University Programs shall report its recommendation to Faculty Council. After action by Faculty Council, the final recommendation for action shall be reported to the Responsible Administrator, who shall then decide what action to take.

RATIONALE FOR THE REVISIONS:

These revisions were approved by the Committee on University Programs as a response to the recommendations of the CSU System internal Audit of “Centers, Institutes, and Other Special Units” conducted from 2013-14. The scope of the audit was to:

- 1 Determine if controls for identifying CIOSUs are adequate
- 2 Determine if controls for overseeing CIOSUs are adequate
- 3 Determine if CIOSUs are in compliance with university policies and procedures.

The Committee on University Programs believes these revisions effectively address the audit recommendations

Prince explained that the revisions were made to improve efficiencies in CIOSUs processes.

There was no discussion.

Prince’s motion was adopted.

C. Request to add Undergraduate Certificates policy and include it in Section 2.1 of the *General Catalog* – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the new policy on Undergraduate Certificates for placement as Section 2.1 of the *General Catalog*, to be effective upon approval by Faculty Council, as follows:

The University Curriculum Committee moves Faculty Council approve the Undergraduate Certificates policy and include it in Section 2.1 of the General Catalog. The policy was approved by UCC, March 28, 2014.

A request to add Undergraduate Certificates to section 2.1 in the 2014-2015 General Catalog as approved.

New Catalog Copy

Undergraduate Certificates

Undergraduate Certificates are optional and are offered by certain departments. An undergraduate certificate consists of a minimum of 9 specified credits, and not more than 15 credits. A minimum of 9 credits must be course work at the upper-division level (300-400). A student must earn a cumulative GPA of 2.000 or better in the courses required in the Undergraduate Certificate.

An Undergraduate Certificate may include courses from one or more departments. For certificates involving courses from two or more departments, the coordinating department is indicated in the List of Undergraduate Certificates.

Students must apply for and complete the certificate requirements while enrolled in their baccalaureate degree. Undergraduate certificates by title are noted on the student’s academic record (transcript) at the time of degree conferral. The certificate title is not noted on the diploma.

Rationale:

A certificate is a directed academic qualification used to identify the successful completion of a focused area of study deemed important to a student’s career objectives. The transcribed Undergraduate Certificate focuses on a specific group of courses that enhance the student experience which are not available in the student’s major, concentration, minor or interdisciplinary minor.

The certificate credential consists of a minimum 9 credits and a maximum of 15 credits. At least 9 credits

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must be upper-division courses and students must earn a cumulative GPA of 2.000 or better in the courses required in the Undergraduate Certificate to receive the credential.

In order to prevent transcript inflation, the proposing unit will need to indicate what majors, concentrations, minors and interdisciplinary minors may not be eligible to apply for the certificate. Students must apply for and complete the certificate requirements while enrolled in their baccalaureate degree. The certificate is awarded at the time of degree conferral

Discussion: Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, asked for clarification regarding the original State mandate to not offer undergraduate certificates.

Makela explained that previously, there was an opinion that 4-year institutions could not offer undergraduate certificates. Further research and inquiry resulted in a State decision that allows CSU to offer undergraduate certificates as long as the students were pursuing an undergraduate degree.

Makela's motion was adopted.

D. New SAU – The School of Global Environmental Sustainability (SoGES) – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the School of Global Environmental Sustainability (SoGES) as a new Special Academic Unit, to be effective upon approval by the Board of Governors of the Colorado State University System.

There was no discussion.

Makela's motion was adopted.

E. New SAU – The Leadership, Entrepreneurship, Arts Advocacy and the Public (LEAP) Institute for the Arts – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the Leadership, Entrepreneurship, Arts Advocacy and the Public (LEAP) Institute as a new Special Academic Unit, to be effective upon approval by the Board of Governors of the Colorado State University System.

There was no discussion.

Makela's motion was adopted.

F. Proposed Revisions to the *Manual*, Section C.2.1 – Faculty Council – CoFG

Lunde, Vice Chair, Committee on Faculty Governance, moved that Faculty Council adopt the proposed revisions to the *Manual*, Section C.2.1 – Faculty Council, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

The Committee on Faculty Governance MOVES, THAT Section C.2.1. OF THE *ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL* BE REVISED AS FOLLOWS:

Please note the language: additions underlined, deletions ~~over-scored~~.

C.2.1.3 Membership on the Faculty Council

The Faculty Council shall consist of members elected from academic departments, the Libraries, and the colleges, the Chairperson of the Faculty Council, the Vice Chairperson of Faculty Council, the Faculty Council representative to the Board, and *ex officio* members.

C.2.1.3.1 Elected Members (last revised May 2, 2007)

Each academic department and the Libraries shall elect one (1) representative. An additional number of

representatives, equal approximately to one-third (1/3) of the number of representatives elected from the departments and the Libraries, shall be elected at large by and from the colleges and the Libraries as required to achieve, as nearly as practical, membership proportional to the number of regular, regular part-time, and transitional faculty members in the colleges and Libraries.

All faculty representatives to the Faculty Council shall hold regular full-time, regular part-time, or transitional appointments and shall not hold an administrative appointment of more than half-time (0.5) at the level of assistant/associate dean or above. A faculty representative to the Faculty Council who becomes ineligible shall cease to hold this position.

C.2.1.3.2 Ex Officio Members (last revised February 14, 2014)

Chairpersons of Faculty Council regular and specialized standing committees serving as the official representatives of the standing committees to Faculty Council shall be *ex officio* voting members of Faculty Council. ~~Persons who are not members of Faculty Council, but are chairpersons of its advisory committees, shall be *ex officio* non-voting members of Faculty Council.~~

The immediate past Chairperson of Faculty Council shall be an *ex officio* non-voting member of the Faculty Council for one (1) year immediately following the expiration of his or her term as Chairperson of the Faculty Council.

The President of the University, the Provost, the Vice Presidents, the Vice Provosts, the Deans of the Colleges and the Libraries, and the Chair of the Administrative Professional Council shall be seated on the Faculty Council as *ex officio* non-voting members.

C.2.1.3.3 Officers (last revised June 21, 2011)

a. Chairperson (last revised June 21, 2011)

The Chairperson of the Faculty Council shall be elected at the regularly scheduled March meeting. Each candidate for election to Chairperson shall be a current or former elected member of the Faculty Council and shall meet the eligibility requirements for elected membership on Faculty Council. A Chairperson who ceases to meet the eligibility requirements for elected membership on Faculty Council shall cease to be Chairperson. The Chairperson shall serve a one (1) year term beginning in July and shall relinquish representation of a department or college (if serving in that capacity) to become a representative and member of the Council. The Chairperson shall be eligible to serve three (3) consecutive years, and then would be ineligible to serve as Chairperson or Vice Chairperson of Faculty Council for three (3) subsequent years. The Chairperson shall preside at meetings of the Faculty Council, serve as Chairperson of the Executive Committee and as Faculty Council representative to the Colorado Faculty Advisory Committee, and discharge the usual duties of the office. In the event that the elected Chairperson is unable to complete his or her term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in Section C.2.1.3.3.d.

b. Vice Chairperson (last revised June 21, 2011)

The Vice Chairperson of the Faculty Council shall be elected at the regularly scheduled March meeting. Each candidate for election to Vice Chairperson shall be a current or former elected member of the Faculty Council and shall meet the eligibility requirements for elected membership on Faculty Council. A Vice Chairperson who ceases to meet the eligibility requirement for elected membership on Faculty Council shall cease to be Vice Chairperson. The Vice Chairperson shall serve a one (1) year term beginning in July and shall relinquish representation of a department or college (if serving in that capacity) to become a representative and member of the Faculty Council. The Vice Chairperson shall be eligible to serve additional terms. In the absence of or at the request of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson. In the event that the elected Vice Chairperson is unable to complete his or her term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in Section C.2.1.3.3.d.

c. Faculty Council Representative to the Board (last revised June 21, 2011)

The Faculty Council shall elect a faculty member to serve as a non-voting member of the Board and as an officer of the Faculty Council. The election for this Faculty Council Representative to the Board shall occur at the regularly scheduled March meeting. Each candidate for election to this Faculty Representative position shall be a current or former elected member of the Faculty Council, shall be an associate professor or professor, and shall meet the eligibility requirements for elected membership on Faculty Council. A Faculty Representative who ceases to meet the eligibility requirements for elected membership on Faculty Council or who ceases to be an associate professor or professor shall cease to be the Faculty Representative. The Faculty Representative shall serve a one (1) year term beginning in July and shall relinquish representation of a department or college to become a representative and member of the Faculty Council. No person shall serve more than two (2) terms as Faculty Representative during his or her lifetime. In the event the elected Faculty

Representative is unable to complete his or her term of office, new elections will commence at the next Faculty Council meeting, or as soon as possible thereafter, to fill the unexpired term according to the procedures outlined in Section C.2.1.3.3.d.

d. Voting Procedures (last revised June 21, 2011)

The Committee on Faculty Governance shall present one (1) or more nominees, and additional nominations may be made from the floor. Voting will be by written ballot unless otherwise specified. If only one (1) candidate is nominated, voting can be by voice vote. The candidate receiving a majority of votes cast shall be elected. In the event that no candidate receives a majority, a second (2nd) ballot will consist of the two (2) candidates receiving the highest number of votes. On the second ballot, the candidate receiving the highest number of votes shall be elected.

C.2.1.3.4 Appointed Positions (last revised June 21, 2011)

These positions shall be non-voting, and the persons serving in them shall not be elected members of the Faculty Council.

a. Secretary

The secretary of the Faculty Council shall be appointed by the Chairperson, subject to confirmation by the Faculty Council at the first meeting each Fall semester. The secretary shall perform the usual duties of the office.

b. Parliamentarian

The parliamentarian of the Faculty Council shall be appointed by the Chairperson, subject to confirmation by the Faculty Council at the first meeting each Fall semester. The parliamentarian shall perform the usual duties of the office.

C.2.1.4 Electorate for Faculty Council and Election Procedures (last revised May 2, 2007)

The electorate eligible to vote for Faculty Council representatives from departments, colleges, and the Libraries shall consist of all regular full-time, regular part-time, and transitional members of the faculty. The Committee on Faculty Governance shall be responsible for annually apportioning the college representatives. The Committee on Faculty Governance shall establish uniform election and replacement practices throughout the University and shall supervise elections in departments, colleges, and the Libraries to ensure a secret ballot and impartial electoral procedures. Departmental and the Libraries representatives normally shall be elected in the first (1st) week of April. However, when departments are merged or when a new department comes into operation, it shall on or after the effective date of its establishment elect its departmental representative to serve immediately on the Faculty Council. Also, as

soon as a department is abolished, its departmental representative shall no longer serve on the Faculty Council. The college representatives shall be elected in the third (3rd) week of April. The terms of office

for elected representatives to the Faculty Council shall be three (3) years beginning July 1, with the terms of approximately one-third (1/3) of the entire body of elected representatives expiring each year. The Committee on Faculty Governance shall determine the length of terms of departmental and college representatives to ensure equity among colleges.

C.2.1.5 Authority to Delegate Duties

The Faculty Council shall have the authority to delegate to standing and other committees specific duties such as the manner of grading students and other means of designating scholarship, rules governing student conduct and discipline, and other particulars relating to the government of the University given to the faculty by law. Recommendations for changes in Faculty Council policies ordinarily originate in or channel through one (1) of the standing committees of the Faculty Council.

C.2.1.6 Duties of the Faculty Council

The duties of the Faculty Council shall be those delegated to the faculty by the acts of the Colorado General Assembly establishing the Board, except such provisions as obviously have become obsolete through changed conditions which make them no longer applicable.

C.2.1.7 Recall of Faculty Council Officers

Faculty Council officers, members, standing committee chairpersons or members may be recalled as is provided in *Robert's Rules of Order*, latest edition. The President of the University shall appoint a member of the faculty who is not a member of the Department of Athletics and who does not hold the position of dean, vice president, or President to a one (1) year term as Faculty Athletics Representative.

C.2.1.9 The Regular and Specialized Standing Committees ~~and Advisory Committees~~ of Faculty Council

C.2.1.9.1 Charge to the Standing Committees ~~and Advisory Committees~~ (last revised June 23, 2010)

There shall be regular and specialized standing committees ~~and advisory committees~~ of the Faculty Council, designated by name in the University Code. The purposes of these standing committees ~~and advisory committees~~ shall be to develop and recommend to the Faculty Council policies and positions on academic matters and to serve as sources of expert information for the main body. The main relation of each standing committee ~~or advisory Committee~~ is with the Faculty Council itself, and the standing committees ~~and advisory committees~~ are formed to represent the interests of the Faculty Council. All policy recommendations of standing committees ~~and advisory committees~~ shall be transmitted through the Executive Committee to the Faculty Council for its action.

All standing committees ~~and advisory committees~~ of the Faculty Council shall receive appropriate items for consideration from any member of the University community. The receipt of each item shall be acknowledged and its disposition shall be reported to the initiator.

Each standing committee ~~or advisory committee~~ shall develop a set of operating procedures, which shall be made available to all members of the faculty through the Office of the Faculty Council. Further, all standing committees ~~and advisory committees~~ shall submit copies of their minutes to the Executive Committee and shall, at specified times, furnish annual reports to the Faculty Council.

C.2.1.9.2 The Regular and Specialized Standing Committees ~~and Advisory Committees~~ Named (last revised August 2, 2013)

The following shall be the regular standing committees of the Faculty Council: Executive Committee; Committee on Faculty Governance; Committee on Intercollegiate Athletics; Committee on Libraries;

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Committee on Responsibilities and Standing of the 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; and University Curriculum Committee.

The following shall be an ~~advisory~~ specialized standing committee of the Faculty Council: Committee on Non-Tenure-Track Faculty.

C.2.1.9.3 Membership and Organization (last revised February 14, 2014)

The membership of each standing committee ~~or advisory committee~~ is specified to fit the functions of that committee. Administrators, administrative professionals, classified staff, undergraduate student members representing the Associated Students of Colorado State University (ASCSU), and graduate student members representing the University Graduate Student Council shall be authorized for certain standing committees. ~~and advisory committees.~~ Faculty membership on ~~advisory~~ specialized standing committees shall be limited to regular full-time, regular part-time, transitional, and nontenure track faculty members who do not hold an administrative appointment of more than half-time (0.5) at the level of assistant/associate dean or above. Faculty membership on regular standing committees shall be limited to regular full-time, regular part-time, and transitional faculty members who do not hold an administrative appointment of more than half-time (0.5) at the level of assistant/associate dean or above. A member of a standing committee ~~or advisory committee~~ who becomes ineligible shall cease to hold this position.

Each standing committee ~~or advisory~~ committee shall have a chairperson whose term of office is twelve (12) months beginning July 1. Each standing committee ~~or advisory~~ committee chairperson shall be elected by and from the membership of that committee. After members of standing committees ~~and advisory~~ committees are elected, as specified in Section C.2.1.9.4, the continuing and newly elected members of each standing committee ~~or advisory committee~~, other than the Executive Committee, shall meet and elect a committee chairperson for the coming term before May 15. The committee members who are being replaced may attend this meeting, and they may speak, but they shall not cast votes for the new chairperson. However, if a newly elected committee member is unable to attend the meeting, then he or she may allow the committee member that he or she is replacing to cast a vote for the chairperson in his or her place.

Membership on standing committees ~~and advisory~~ committees of the Faculty Council shall be spread as widely as possible among faculty members so that newer members of the faculty may serve on these committees. Standing committee ~~and advisory committee~~ leadership shall be rotated as good judgment allows.

Standing committees ~~and advisory committees~~ are expected to consult regularly with those administrators, members of the faculty, or others who can provide information necessary for effective deliberation. Each standing committee ~~or advisory committee~~ may name ex officio or associate members who are expected to attend committee meetings regularly. The appointments shall be reviewed by the standing committee ~~or advisory committee~~ annually. Each standing committee ~~or advisory committee~~ shall identify in its annual report to the Faculty Council its ex officio and associate members and others with whom it has regularly conferred. All ex officio and associate members shall be non-voting.

Standing committees ~~and advisory~~ committees shall convene subcommittees as needed to consider specific issues or perform specific tasks. These subcommittees shall exist to serve the standing committees ~~and advisory~~ committees. A subcommittee of a standing committee ~~or advisory committee~~ shall be chaired by a member of that committee, but may draw other members from throughout the University as appropriate.

The Chairperson of the Executive Committee shall be an *ex officio*, non-voting member of each standing committee ~~and advisory committee~~ of the Faculty Council.

Unless otherwise specified in the committee's operating procedures, for transacting business at standing committee ~~and advisory committee~~ meetings, a quorum is defined as a simple majority of the voting members.

The elected chairperson of the standing committee shall serve as an *ex officio* voting member of the Faculty Council for the duration of his or her term as chairperson. The chairperson may designate a committee member to substitute as *ex officio* voting member provided prior notice is given to the Chairperson of Faculty Council. ~~In the event that an advisory committee member who is not a member of Faculty Council is elected chairperson of the advisory committee, this individual shall serve as an *ex officio* non-voting member of the Faculty Council for the duration of his or her term as chairperson.~~

C.2.1.9.4 Election to Membership and Term of Service (last revised June 23, 2010)

Unless otherwise specified by the University Code, the terms of service for all elected faculty members of standing committees ~~and advisory committees~~ of the Faculty Council shall be three (3) years with terms of approximately one-third (1/3) expiring each year. An exception is the Executive Committee, where faculty members serve one (1) year terms. The terms of service for all elected student members of standing committees ~~and advisory committees~~ of the Faculty Council shall be one (1) year. Terms of office for newly elected members of all standing committees ~~and advisory committees~~ are to begin July 1 for faculty members and October 25 for student members. Student members may serve on at most two (2) standing committees ~~and/or advisory committees~~ at any given time. The Committee on Faculty Governance shall fill vacancies on standing committees ~~and advisory committees~~ of the Faculty Council occurring between normal elections in one (1) of the following ways:

- a. Immediate election in the same manner as the original position was filled.
- b. Temporary appointment by the Committee on Faculty Governance.
- c. Regular appointment with the appointee to be nominated by the Committee on Faculty Governance and approved by the Faculty Council.

Vacancies other than those occurring because of expiring memberships are to be filled for the unexpired terms only.

Nominations for the elected faculty membership on all standing committees ~~and advisory committees~~ other than Executive Committee (see Section C.2.1.9.5.a) shall be made by the Committee on Faculty Governance, with the slate of nominees to be placed on the agenda of the April meeting of Faculty Council. Nominations may be made from the floor. Voting shall be by written ballot unless otherwise specified. If only one (1) candidate is nominated, voting can be by voice vote. Election shall be by plurality. In the event of a tie for any position, the Faculty Council shall ballot again at the next regular meeting.

Nominations of undergraduate students to standing committees of the Faculty Council shall be made by the ASCSU Director of Academics with the advice and consultation of the President and the Vice President of ASCSU. All such nominees shall be recommended to the ASCSU Senate and shall have majority approval of the ASCSU Senate before the nominations are forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the ballot.

Nominations of graduate student members to Faculty Council standing committees shall be made by the University Graduate Student Council. Graduate student nominations shall be forwarded to the Faculty Council Committee on Faculty Governance for inclusion on the ballot.

Student nominations shall be submitted to the Faculty Council at its October meeting. After nominations have been closed, a vote shall be taken on the floor of the Faculty Council. In the event of a tie, the Faculty Council shall vote again. Election shall be by plurality.

C.2.1.9.5 Regular Standing Committees: Membership and Function

a. Executive Committee (last revised August 12, 2009)

The Executive Committee shall consist of the Chairperson of Faculty Council as Chairperson, the Vice Chairperson of Faculty Council as Vice Chairperson, the immediate past Chairperson of Faculty Council (*ex officio*), the Provost (*ex officio*), the faculty representative to the Board, and one (1) elected Faculty Council representative from each college and the Libraries. The continuing and newly-elected Faculty Council members from each college shall choose their representative from among themselves in April for a one (1) year term beginning July 1. The immediate past Chairperson of Faculty Council shall be a member of the Executive Committee for one (1) year immediately following the expiration of his or her term as Chairperson of the Faculty Council. The duties of the Executive Committee shall be:

1. To receive, review, and evaluate all recommendations from the various standing committees, and to report them to the Faculty Council.
2. To refer matters to standing committees of the Faculty Council.
3. To act for the Faculty Council between meetings of that body.
4. To execute those duties as may from time to time be given it by the Faculty Council or by the Board.
5. To receive petitions for calling additional meetings of the Faculty Council (see Section C.2.1.10, Article I, Section I).
6. To prepare the agenda for Faculty Council meetings.
7. To participate in the evaluation of University officers.
8. To recommend policies pertaining to the University calendar.
9. When appropriate, to establish priorities when assigning issues to Faculty Council standing committees.
10. To meet periodically with the faculty representatives to the Benefits Committee in order to ensure timely Faculty Council input and dialogue concerning University benefits programs.

b. Committee on Faculty Governance (last revised May 2, 2007)

The Committee on Faculty Governance shall consist of one (1) faculty representative from each college and the Libraries. The duties of this standing committee shall be:

1. To recommend to the Faculty Council amendments to the University Code, including revisions to update it.
2. To periodically review practices and procedures of the Faculty Council and its standing committees to assure compliance with the University Code.
3. To apportion annually the elected representatives of the colleges and University Libraries to the Faculty Council.
4. To provide interpretations of the University Code.
5. To establish uniform procedures for electing Faculty Council officers and members of its standing

committees and to supervise the election of representatives to the Faculty Council.

6. To make and forward nominations for standing committees of the Faculty Council and faculty members of Benefits Committee (see Section D.2.1), Grievance Panel (see Section K.15.1), Sexual Harassment Panel (see Appendix 1.III.B.2), and the University Discipline Panel (see Section I.7.3.2), and submit names of nominees for the offices of Faculty Council Chairperson, Vice Chairperson, and Representative to the Board and for other positions as requested by the Faculty Council.

c. Committee on Intercollegiate Athletics (last revised August 12, 2009)

The Committee on Intercollegiate Athletics shall consist of one (1) faculty representative from each college, and the Libraries, the Faculty Athletics Representative (*ex officio*), the Director of Athletics (*ex officio*), one (1) graduate student, and one (1) undergraduate student..

The Committee on Intercollegiate Athletics shall recommend to the Faculty Council policies pertaining to intercollegiate athletics, review compliance with policies adopted, and act in an advisory capacity to the Director of Athletics. Specifically, the standing committee shall have the following responsibilities:

1. To recommend to the Faculty Council policies pertaining to the operation of the Department of Athletics, including rules compliance, academic integrity, and the general welfare and equitable treatment of student-athletes and staff.
2. To review annually intercollegiate athletics' programs and make recommendations to the Director of Athletics regarding the operation of the Department, including selection and retention of sports, academic integrity, compliance, and the general welfare and equitable treatment of student-athletes and staff.
3. To advise the Director of Athletics and the Faculty Athletics Representative on positions to be taken on national and conference issues.
4. To advise the President on the selection of the Director of Athletics and the Faculty Athletics Representative.
5. To perform functions requested or required of a Faculty Intercollegiate Athletic Committee by the National Collegiate Athletic Association and/or any athletic conferences of which the University may be a member.
6. To review summaries of student-athlete exit surveys, academic progress reports, and other appropriate reports, and to include an assessment of this information in the Committee on Intercollegiate Athletics annual report to the Faculty Council.

d. Committee on Libraries (last revised February 14, 2014)

The Committee on Libraries shall consist of one (1) faculty representative from each college, and the Libraries, the Dean of Libraries (*ex officio*), one (1) graduate student, and one (1) undergraduate student. The duties of this standing committee shall be:

1. To recommend to the Faculty Council policies affecting or impacting the operation of the Libraries.
2. To advise the Committee on Strategic and Financial Planning of the Library's budgetary and service requirements.
3. To advise the Dean of Libraries:
 - a. On strategies and policies for services and collections;

- b. On the allocation of funds to support Library services; and
- c. On the needs of its patrons (students, faculty, staff, community at large.)

e. Committee on Responsibilities and Standing of Academic Faculty

The Committee on Responsibilities and Standing of Academic Faculty shall consist of one (1) faculty representative from each college and the Libraries. The duties of this standing committee shall be to recommend to the Faculty Council:

1. Policies defining the general responsibilities of faculty to the University, college, and department.
2. Policies related to the standing of the faculty including selection, appointment, evaluation, merit incentives, rank and promotion, tenure, termination of employment, leaves, and academic freedom.
3. Policies and procedures related to faculty grievances.

f. Committee on Scholarship, Research and Graduate Education (last revised December 14, 2004)

The Committee on Scholarship, Research and Graduate Education shall consist of one (1) faculty representative from each college and the Libraries, one (1) graduate student, and the Vice Provost for Graduate Affairs/Assistant Vice President for Research (*ex officio*). Annually, the standing committee, in consultation with the Provost and the Chairperson of Faculty Council, shall name *ex officio* members who are expected to actively participate in standing committee deliberations. The duties of this standing committee shall be:

1. To recommend to the Faculty Council policies concerning research and scholarly activities.
2. To recommend to the Faculty Council policies concerning the Graduate School.
3. To review and forward with recommendations to the University Curriculum Committee proposals for new graduate programs and changes in existing graduate programs.
4. To conduct inquiries/investigations of charges of misconduct in research, artistry, and other scholarly activities, including charges of misconduct in science as federally mandated. The standing committee will coordinate such inquiries/investigations with the VPR and will develop a pool of faculty from which specific panels will be selected. At the discretion of the standing committee, persons who are not members of the faculty may be included on inquiry/investigative panels.

g. Committee on Scholastic Standards (last revised January 27, 2006)

The Committee on Scholastic Standards will consist of one (1) faculty member from each college and the Libraries and the Director of the Center for Advising and Student Achievement (CASA) (*ex officio*). The duties of this standing committee shall be to recommend to the Faculty Council policies related to undergraduate academic standards and regulations and procedures for implementing and enforcing these policies.

The standing committee shall also act as a hearing board and render decisions on:

1. Appeals of academic dismissal.
2. Appeals for retroactive withdrawal.

h. Committee on Strategic and Financial Planning (last revised August 2, 2013)

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The Committee on Strategic and Financial Planning shall consist of one (1) faculty representative from each college and the

Libraries, one (1) undergraduate student, one (1) graduate student, one (1) dean (*ex officio*), the Provost (*ex officio*), the Vice President for Finance (*ex officio*), the chair of the Administrative Professional Council (*ex officio* voting), and the Chair of the Classified Personnel Council (*ex officio*, voting). The duties of this standing committee shall be:

1. To recommend policies to the Faculty Council related to planning and budgeting activities that affect the academic function of the University.
2. To review the procedures, outcomes, and accountability of the University's strategic planning processes and plans.
3. To present the standing committee's evaluations and recommendations on such planning processes and plans to the Faculty Council for approval or disapproval on a semiannual basis.
4. To review University proposals, policies and procedures as they affect the academic programs and structure of the institution.
5. To review new academic program proposals from a strategic and financial planning perspective and report recommendations to Faculty Council.
6. To recommend priorities for resource allocations to achieve University academic planning goals.
7. To recommend policies for the distribution of faculty compensation increases.

i. Committee on Teaching and Learning (last revised June 4, 2008)

The Committee on Teaching and Learning shall consist of one (1) faculty member from each college and the Libraries, one (1) graduate student, one (1) undergraduate student, the Provost or his or her designee (*ex officio*), the Vice President for Student Affairs or his or her designee (*ex officio*), and the Director of The Institute for Learning and Teaching (*ex officio*). The duties of this standing committee shall be to recommend to the Faculty Council:

1. Policies, practices, and standards for maintaining and improving the quality of teaching and learning.
2. Policies related to undergraduate advising.
3. Policies related to academic records and registration and undergraduate admissions.
4. Policies related to the activities of
 - a. The Institute for Learning and Teaching
 - b. Academic Computing and Networking Services
 - c. Student Outcomes Assessment
 - d. Other offices and programs that directly support instruction and student development.
5. Policies related to standards of student behavior, academic honesty, co-curricular activities and other aspects of campus life.
6. In addition to the foregoing, the Committee on Teaching and Learning will oversee the selection of the University Distinguished Teaching Scholars. The criterion for selection is outstanding teaching. The

Committee on Teaching and Learning will develop and publicize the selection process and the specific criteria for making the selection.

j. Committee on University Programs

The Committee on University Programs shall consist of one (1) faculty representative from each college and the Libraries, one (1) graduate student and one (1) undergraduate student. Annually, the standing committee, in consultation with the Provost and the Chairperson of Faculty Council, shall name *ex officio* members who are expected to actively participate in standing committee deliberations. The duties of this standing committee shall be:

1. Concerning Centers, Institutes, and Other Special Units:

a. To develop and recommend to Faculty Council criteria for identifying university units subject to Section C.2.3.6 University Centers, Institutes, and Other Special Units.

b. To develop and recommend to Faculty Council policies and procedures for the establishment, continuance, and termination of centers, institutes, and other units meeting the established criteria.

c. In consultation with other standing committees as appropriate, to evaluate proposals for centers, institutes, and other units meeting the established criteria on the basis of (1) appropriateness and acceptability of the name of the unit and (2) consistency of the mission of the unit with the mission and strategic plan of the University, and to make recommendations based on these evaluations for action by Faculty Council.

2. To recommend policies to the Faculty Council related to University Advancement, Conference Services, and University facilities that affect the academic function of the University.

3. To recommend policies to the Faculty Council related to international activities, including international education, research and development, training, student services, and Intensive English.

k. University Curriculum Committee (last revised June 22, 2006)

The University Curriculum Committee shall consist of one (1) faculty representative from each college and the Libraries, one (1) undergraduate student, one (1) graduate student, and the Provost or his or her designee (*ex officio*). The duties of this standing committee shall be:

1. To receive or initiate recommendations pertaining to each and every course and program offered for academic credit by any unit of the University.

2. To evaluate all proposals for new undergraduate courses and programs as well as changes in existing courses and programs for correlation with other departments before consideration and approval by the Faculty Council.

3. To evaluate all proposals for new graduate courses and programs as well as changes in existing courses and programs for correlation with other departments. Review of graduate programs is conducted after the Committee on Scholarship, Research, and Graduate Education has recommended approval prior to their submission to the Faculty Council for approval.

4. To develop necessary administrative procedures for informing interested colleges concerning courses under consideration.

5. To evaluate proposals for the establishment of new departments, and the change of academic name, change in college affiliation, dissolution, division, or merger of existing departments.

6. To recommend policies to the Faculty Council related to the operations of the Division of Continuing Education which impact curricula.

C.2.1.9.6 ~~Advisory~~ Specialized Standing Committees: Membership and Function (new section added June 23, 2010)

a. Committee on Non-Tenure-Track Faculty (last revised August 2, 2013)

The membership of the Committee on Non-Tenure-Track Faculty shall be comprised as follows:

1. One (1) non-tenure-track faculty member (senior teaching, special, temporary, or multi-year research appointment) shall be selected from each unit among the colleges and the Libraries for which there exists a formal committee representing
 2. non-tenure-track faculty members. Each such committee shall provide one (1) or more nominees for this position to the Committee on Faculty Governance for possible inclusion on the ballot.
2. If fewer than six (6) units from among the colleges and the Libraries have such committees, then additional non-tenure-track faculty members shall be selected to provide a total of six (6) non-tenure-track faculty members. These nominations shall be sought from the University community by the Committee on Faculty Governance.
3. Two (2) regular faculty members shall be selected from two (2) different units from among the colleges and the Libraries. The Committee on Faculty Governance shall provide nominees for these two (2) positions after calling for volunteers.

The duties of this specialized standing advisory committee shall be to recommend to the Faculty Council:

1. Policies defining the general responsibilities of non-tenure-track faculty to the University, college, and department.
2. Policies related to the standing of non-tenure-track faculty.

Rationale

The proposed revisions:

- Change the name of the current Faculty Council “Standing Committee” to “Regular Standing Committee”, but change nothing in composition or function of these Standing Committees
- Change the name of the current “Advisory Committee” to “Specialized Standing Committee”
- Give the Specialized Standing Committee a vote in Faculty Council exercised by making the Chair of the Specialized Standing Committee or a designated substitute an *ex officio voting* member of Faculty Council
- Alters the language in the Manual regarding “Advisory Committee” accordingly

The language in the Manual regarding Advisory Committee and the experience of two years shows that Advisory Committees operate exactly in the same way as a Standing Committee with two exceptions: (1) the membership of an Advisory Committee includes Regular and Non-Tenure Track Faculty selected in a specialized procedure; and (2) Standing Committees may exercise a vote in Faculty Council through the Chairs of the Committees (or designated substitutes) serving as *ex officio voting* members of Faculty Council while Advisory Committees cannot do this.

Regarding the proposed name change: The CoFG believes that the proposed label “Specialized Standing Committee” provides a much more accurate and appropriate description of the responsibilities and

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functions of said committees than the current label “Advisory Committee”. Adopting the proposed label leads to considerable simplification of the language in the Manual regarding Faculty Council Committees (see the numerous deletions). The proposed label is also more appropriate given that the CoNTTF, which is the only Advisory Committee at present, is operating on a permanent basis with a regular election procedure that is carried out by the CoFG.

Regarding the proposal to make the Chair of a Specialized Standing Committee (or a designated substitute) an *ex officio voting* member of Faculty Council: The CoFG believes that any Committee appointed on a permanent basis by Faculty Council and designated by Faculty Council to consider Faculty Council business up to and including introducing proposals to change the Manual in Faculty Council should be given the ability to exercise a vote on Faculty Council on motions introduced by the said Committee.

We note that this proposal gives the Chair of a Specialized Standing Committee (or a designated substitute) a vote in Faculty Council because they serve as a representative of the Committee. The individual person is not given a vote and this proposal does not give non-tenure track faculty members voting rights in Faculty Council as individuals. This motion does not set a precedent of awarding voting rights in Faculty Council to non-tenure track faculty. Instead, it recognizes that Faculty Council interests, responsibilities, and operations can best be served in specialized cases by appointing Standing Committees with correspondingly specialized composition. The proposal was also approved by the Committee on Non-Tenure Track Faculty (CoNTTF).

Discussion: Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, asked for the rationale of the Code change. Lunde explained that the change in the type of committee for the Committee on Non-Tenure Track Faculty (from advisory committee to a special committee) will allow the Chair to serve as a voting member of Faculty Council.

Lunde’s motion was adopted by the required 2/3 vote.

G. Request to Add Minimum Grade of “C” Requirement in the Italian Studies Interdisciplinary Studies Minor – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the request to add a minimum grade of “C” requirement in the Italian Studies Interdisciplinary Studies Minor, to be effective Summer 2014.

There was no discussion.

Makela’s motion was adopted.

H. Proposed Revisions to the *General Catalog*, Section 1.7 – Enrollment Status – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the proposed revisions to the *General Catalog*, Section 1.7 – Enrollment Status, to be effective upon approval by Faculty Council, as follows:

The University Curriculum Committee submits the following motion:

MOVED, THAT THE FACULTY COUNCIL ADOPT THE PROPOSED ADDITION OF THE ENROLLMENT STATUS LANGUAGE IN THE *GENERAL CATALOG* TO BE EFFECTIVE FALL 2014 AS FOLLOWS: _

A request to up-date the Enrollment Status language in 2014-2015 General Catalog as approved. *Section 1.7, page 2, 2014-2015 General Catalog, Full-Time/Half-Time Enrollment Status section.*

New Catalog Copy

Enrollment Status

Enrollment status at CSU (full-time, three-quarter time, half-time, less-than-half time) is determined by the number of credits which the student has completed or is pursuing for the term in which the verification is requested. Credits from which the student has withdrawn or is auditing are not included. (The following schedule for enrollment status differs from the full-time/part-time schedule for tuition and fees. Groups such as Co-op programs may have a different definition of enrollment status and should be verified with the program. Details may be found at www.registrar.colostate.edu/tuition-fees). Credit requirements are as follows:

Fall/Spring Semesters:

Undergraduates	
Full-time	12 or more credits
Three-quarter time	9-11 credits
Half-time	6-8 credits
Less-than-half time	5 credits or less
Graduate Students	
Full-time	9 or more credits
Three-quarter time	7-8 credits
Half-time	5-6 credits
Less-than-half time	4 credits or less

Summer Session:

Undergraduates	
Full-time	6 or more credits
Three-quarter time	5 credits
Half-time	3-4 credits
Less-than-half time	2 credits or less
Graduate Students	
Full-time	5 or more credits
Three-quarter time	4 credits
Half-time	3 credits
Less-than-half time	2 credits or less

For verification of enrollment status go to www.ramweb.colostate.edu and click on “Enrollment Verification Certificate.” For more information, go to www.registrar.colostate.edu/enrollment-verification.

RATIONALE:

Recently, the U.S. Department of Education’s Federal Student Aid (FSA) office issued a Dear Colleague Letter (DCL) and an Electronic Announcement regarding changes they are making to the enrollment reporting process. One of the pending changes adds the ability to officially report the three-quarter time enrollment criteria. This has been an existing status for students on Federal Financial Aid and now is an available status for all students in reporting and will be officially reported via the National Student Clearinghouse as well as reflected on the students Enrollment Certificate.

This new category will help other student populations such as Veterans receiving Education Benefits (GI Bill), sponsored students, etc. who are allowed to receive money based on a three-quarter time status. Additionally, adding the existing definition of less-than-half time status will be more transparent to students as how their enrollment status is being reported to The National Student Clearinghouse.

Reference: <http://www.studentclearinghouse.org/colleges/files/EnrollmentReportingQ-A.pdf>

Old Catalog Copy

Full-Time/Half-Time Enrollment Status

Enrollment status (full-time, half-time) is determined by the number of credits which the student has completed or is pursuing for the term in which the verification is requested. Courses from which the student has withdrawn or is auditing are not included. (The following schedule for enrollment status differs from the full-time/part-time schedule for tuition and fees. Details may be found at www.registrar.colostate.edu/tuition-fees) Credit requirements are as follows:

Fall/Spring Semesters:

Undergraduates	
Full-time	12 or more credits
Half-time	6-11 credits
Graduate Students	
Full-time	9 or more credits
Half-time	5-8 credits

Summer Session:

Undergraduates	
Full-time	6 or more credits
Half-time	3-5 credits
Graduate Students	
Full-time	5 or more credits
Half-time	3-4 credits

For verification of enrollment status go to www.ramweb.colostate.edu and click on “Enrollment Verification Certificate.” For more information, go to www.registrar.colostate.edu/enrollment-verification.

Reviewed By:

Chris Seng, Registrar
D Tobiassen Baitinger, Associate Registrar
Tom Biedscheid, Director of Student Financial Services
Joe Donlay, Associate Director of Student Financial Services
Dr. Jodi Hanzlik, Dean of the Graduate School

There was no discussion.

Makela’s motion was adopted.

I. Proposed Revisions to the *Graduate and Professional Bulletin*, Section E.6 – Graduate Certificate Program – CoSRGE

Mark Zabel, Chair, Committee on Scholarship, Research and Graduate Education, moved that Faculty Council adopt the proposed revisions to the *Graduate and Professional Bulletin*, Section E.6 – Graduate Certificate Program, to be effective upon approval by Faculty Council, as follows:

THE COMMITTEE ON SCHOLARSHIP, RESEARCH AND GRADUATE EDUCATION MOVED on April 3, 2014 THAT FACULTY COUNCIL ADOPT THE REVISIONS TO Section E: “Graduate Study” of the Graduate and Professional Bulletin. The Graduate Certificate Program will be inserted as E.6 “Graduate Certificate Program”. The current E.6 will move to E.7 and so on for the rest of this section.

Please note the language: additions underlined

E.6 Graduate Certificate Program

- a. Graduate Certificates history/future context
 - i. Colorado Department of Higher Education has indicated that CSU’s statutory role and mission permits it to offer “Graduate Certificates” for a series of graduate courses taken by post-baccalaureate students.
 - i. HLC requires that all CSU credit-based credentials are approved through the curricular process.
 - ii. Only the University, as an institution, will officially award Graduate Certificates. All certificates will be titled and recorded as “Graduate Certificate in (name of certificate program)” on the transcript upon completion of the Graduate Certificate requirements.
 - iii. Only Graduate Certificates approved through the curricular process can be advertised and awarded. No unit on campus shall advertise Graduate Certificates not approved through the curricular process.
 - iv. With the creation of transcribed credit bearing Graduate Certificates, certificates of completion for credit bearing courses will cease to exist; however, students enrolled in such programs will be allowed to complete their programs. Certificates of Completion for non-credit bearing courses may continue.
- b. Principles
 - i. General
 1. Students must have proof of an official undergraduate baccalaureate or equivalent degree to enroll in a Graduate Certificate program.
 2. Matriculated/graduate degree seeking students and guest/non-degree seeking graduate students (guests) may participate in Graduate Certificate programs.

3. Graduate courses must be taken at CSU and specifically identified as fulfilling requirements for the Graduate Certificates. Courses may not be transferred in from another institution as part of a Graduate Certificate. There will be no course waivers or substitutions to meet certification requirements.
 4. Graduate Certificates must be completed within 10 years. Courses to be applied toward fulfilling the requirements for a Graduate Certificate must have been registered for and completed within the 10 years immediately preceding the date of completion of requirements for the certificate.
 5. For conferral purposes, a student's GPA for the cumulative Graduate Certificate coursework must be a minimum of 3.0.
 - a. Students must earn a minimum of a "C" in all certificate work.
 - b. Students may not take a course more than twice during the certificate process in order to enhance their grade for the course or GPA for the overall certificate.
 6. Graduate courses completed as an undergraduate may not be applied toward a Graduate Certificate per CDHE's ruling.
- ii. Degree seeking/matriculated students
1. Will be eligible for a transcripted Graduate Certificate whether the certificate credits are offered within the required coursework or outside of it.
 2. If a second or subsequent Graduate Certificate is earned, it must be earned with credits beyond those required in the first Graduate Certificate.
 - a. No graduate courses can be counted toward more than one Graduate Certificate.
 - b. The Graduate Certificate coursework may count toward the degree if it meets the curriculum requirements of the degree. Not all Graduate Certificate coursework will meet the requirements for a graduate degree.
- iii. Non-degree seeking (guest) students
1. May apply for admission to a graduate degree program; however,
 - a. successful completion of the course(s) within a Graduate Certificate or the award of a Graduate Certificate does not guarantee admission to a graduate degree program.
 - b. Courses completed as part of a Graduate Certificate may be applied to the degree if the courses meet the degree requirements. Not all Graduate Certificate coursework will meet the requirements for graduate degrees.
 2. If a student chooses to apply to a graduate program after completing a Graduate Certificate, the Graduate Certificate will be indicated as such on the student's transcript. The Graduate Certificate coursework may count toward the degree if it meets the curriculum requirements of the degree, and program and Graduate School approval. Once a student earns a Graduate Certificate s/he will retain it (with the exception of violation of academic integrity or other similar violations) upon matriculation into a graduate program. **Please note: only graduate coursework with grades of "B" or better included in Graduate Certificates has the potential to be considered as fulfilling the requirements, in part, of a CSU graduate degree.**

D. Graduate Certificate standards and development process

a. Standards

- i. 9 graduate credit *minimum*, 15 credit *maximum* in regular (00-79) credit bearing courses at the 500 level or above. Departments proposing a Graduate Certificate with 16 or more credits must provide a compelling reason to the University Curriculum Committee (UCC) to exceed the standard.
 1. Guest students who have completed a Graduate Certificate (GC) that includes more than 9 credits may petition to apply all GC credits (with grades of B or better) into a graduate degree program if the credits meet the curricular requirements of the graduate degree program and the department approves.
- ii. All Graduate Certificate coursework must be traditionally graded.
- iii. The Graduate Certificates must meet the following standards:
 1. Include a coherent academic experience from 9-15 credits that has a stand-alone professional or marketable value.
 2. Denote a knowledge base or skill set from one or more subject codes in an area with intrinsic significance.
 3. Meet recognized criteria for a legitimate educational experience through the CSU curricular review process.
 4. Have a different name than degree programs, specializations, or interdisciplinary studies programs.

- iv. Academic units that wish to convert Graduate Certificates of Completion to meet the criteria of Graduate Certificates must submit a Graduate Certificate proposal through the curricular review process. Current Graduate Certificates of Completion for credit bearing coursework will not be grandmothers; certificates of completion for credit bearing coursework will cease to exist once the Graduate Certificate is approved; however, students enrolled in such program will be permitted to complete their programs.
 1. Each academic unit that offers a Graduate Certificate is responsible for its accurate description
 2. The Graduate School and the requirements of the Graduate and Professional Bulletin policies will apply unless indicated otherwise.
- v. Certificate development process
 1. If requesting resources, the Graduate Certificates request must go through Phase 0, 1, and 2 of the New Program Development Process.
 - a. Upon approval of the COD and Provost, the Graduate Certificates will be referred for consideration to the following bodies: College Curriculum Committee(s) (CCC), CoSRGE, CoSFP, UCC, FC.
 2. To propose a Graduate Certificate that does not require new resources, the steps followed will be identical to the process used to propose a specialization within a graduate degree. As in the specialization process, the Graduate Certificates will be considered by the following bodies: the appropriate College Curriculum Committee(s), CoSRGE, UCC, and FC.
 - a. Proposers will be required to include the following information on the designated form:
 - i. Name of Graduate Certificate
 - ii. Name of academic unit proposing
 - iii. Course subject codes, numbers, names, credits, total number of credits proposed for inclusion
 - iv. Rationale for courses to be packaged as a Graduate Certificate. Please address:
 1. Target audience
 2. Nature of the coherent academic experience that has a stand-alone professional or marketable value
 3. Inherent knowledge base or skill set in an area with an intrinsic significance
 - v. Appropriate signatures from:
 1. Academic units
 - a. Proposing and those whose courses are included
 2. Department head and college curricular committee

E. Student Graduate Certificate application and conferral process

- a. General
 - i. Degree seeking/matriculated and non-degree seeking/guest students must apply and be admitted into a Graduate Certificate program so they can be identified and tracked.
 1. Degree seeking students must meet and maintain the conditions required to be enrolled as a graduate student at CSU.2.Non-degree seeking/guest students are required to have an undergraduate degree. There are no other general admission policy requirements; however, individual programs may impose additional restrictions.
 - i. If students are not continuously enrolled in the certificate program, they must reapply.
 - ii. Graduate Certificates will be conferred on the same dates that degrees are conferred. Refer to the degree conferral policy in the CSU General Catalogue. Conferral only occurs three times each year, after the conclusion of the fall, spring, and summer terms. The conferral date is the date which will be posted on the official transcript
- b. Matriculated/degree-seeking students
 - i. must apply for the Graduate Certificate to be conferred during the semester in which they complete the final credits of the Graduate Certificate or after, as long as they are enrolled at CSU in their degree program. The Graduate Certificate conferral application deadline will be posted on the GS website for each term. Students must be admitted to the Graduate Certificate program and enrolled at CSU the semester they complete the Graduate Certificate. Upon completion of the Graduate Certificate and appropriate forms, it may be transcribed at the next degree conferral date.

c. Non-degree seeking/guest students

- i. must apply for Graduate Certificates to be conferred during the semester in which they complete the final coursework of the Graduate Certificates. The Graduate Certificate conferral application deadline will be posted on the GS website for each term. Once a student is no longer enrolled at CSU s/he may no longer apply for or be awarded the Graduate Certificate.

F. Administrative issues

- a. Graduate Certificates will be printed through a process created by the Registrar's Office and Graduate School. No other units, under any circumstances, will be authorized to print Graduate Certificates.
- b. Only academic and special academic units can bring Graduate Certificate proposals forward.
- c. Other issues and requirements:
 - i. An application fee will be required to support program operations.
 - ii. The requirements for any academic program including Graduate Certificates offered by the University must be described accurately and completely in any and all forms of communication with students, prospective students, and the public. This includes both printed and electronic documents, including Web sites, brochures, student handbooks, advising check sheets and the General Catalog. The requirements shall be described accurately and completely as they have been approved by CoSRGE, University Curriculum Committee and Faculty Council. Any program of study that leads to an academic credential conferred by the University is covered by this requirement, including undergraduate and graduate degrees, concentrations, specializations, Graduate Certificates, minors, options, and interdisciplinary studies programs. Department heads and chairs (or the responsible individual for other academic units) are responsible for ensuring that all such communications comply with this policy.

Rationale:

A certificate is a directed academic qualification used to identify the successful completion of a focused area of study deemed important to a student's career objectives. The transcribed Graduate Certificate focuses on a specific group of courses that have a stand-alone professional or marketable value which enhances the student experience.

The certificate credential consists of a minimum 9 credits and a maximum of 15 credits of graduate level courses. Students must earn a cumulative GPA of 3.000 or better in the courses required in the Graduate Certificate to receive the credential.

Students must have completed their baccalaureate degree prior to applying for a Graduate Certificate. The certificate is awarded at the end of each semester along with degree conferrals.

There was no discussion.

Zabel's motion was adopted.

- J. Proposed Revisions to the *Manual*, Section D.2.1 – Benefits Committee; Section D.5.3 – Appointments; and Section D.7 – Conditions of Employment – CoRSAF

David Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, D.2.1 – Benefits Committee; Section D.5.3 – Appointments; and Section D.7 – Conditions of Employment, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~over-scored~~.

D.2.1 Benefits Committee (*last revised June 23, 2010*)

The Benefits Committee advises the University administration regarding benefit programs for faculty and administrative professionals. The Benefits Committee consists of four (4) faculty members, four (4) administrative professionals, a retired faculty member or administrative professional, and the Chair of the Classified Personnel Council as an *ex officio* non-voting member. At least one (1) representative of the faculty and one (1) representative of the administrative professionals shall be elected each year. Each representative on the Benefits

Committee shall serve a three (3) year term. The retired faculty or administrative professional shall serve a three (3) year term and shall be appointed by the Provost, based on nominations from retirees. ~~Faculty~~ members shall be nominated by the Faculty Council Committee on Faculty Governance who shall provide nominees for election by the Faculty Council. Administrative professionals shall be elected by the Administrative Professional Council. Terms of office shall begin on July 1. The Chair of the Benefits Committee shall present an annual report to Faculty Council and the Administrative Professional Council.

D.5.3 Appointments of Administrative Professionals *(last revised June 22, 2006)*

D.5.3.1 Types of Appointments *(last revised March 19, 2002)*

~~Administrative professional appointments may be regular full-time, regular part-time, special full-time, special part-time, or temporary. Full-time appointments are used for full-time nine (9) or twelve (12) month appointments, and part-time appointments are used for appointments of less than full-time, but at least half-time (0.5). For regular and special appointments, no termination date need be stated on an appointment form since such appointments are "at will" (see Section D.5.6), and the inclusion of any termination date on such forms is for administrative convenience only. Special appointments are normally used when positions are supported by sponsored programs or when funds are available only for the duration of the specific assignment. Regular and special administrative professional appointees receive the same benefits as regular and special academic appointees (see Section G). Temporary appointments are used for full-time and part-time appointments of less than nine (9) or twelve (12) months and for all part-time appointments less than half-time (0.5). Temporary appointees are eligible for privileges and benefits as defined in Section G. Temporary appointees of half-time (0.5) or greater are eligible for sick leave (see Section F.3.2) after one (1) year of employment.~~

Administrative professional appointments are at-will, regardless of whether an end date is indicated on an appointment form, and may be made as follows:

- a. Regular: 9-month or 12-month appointments may be either full-time or part-time of at least half-time or greater without a fixed termination date. Part-time appointments of half-time or greater earn benefits equal to those of full-time appointees of the same type.
- b. Special: Appointments with a specified end date, for positions supported by sponsored programs or when funds are available only for a specified duration. A special appointment may be either full-time or part-time of at least one-half time or greater and the same benefits accrue as for regular appointments of the same type.
- c. Temporary: Full-time and part-time appointments of less than 9 or 12 months and all part-time appointments of less than half time.

For benefits information for all appointment types, see the Human Resources Manual, section 2 and the Administrative Professional Benefits and Privileges Handbook.

D.7.7.3 Disclosure of Conflicts of Interest When Substantial Discretionary Functions are Exercised *(last revised June 23, 2010)*

The Board deems such an interest to exist if a person or a member of his or her immediate family² is affiliated with an external organization and (1) is an officer, director, trustee, partner, agent, or employee of the organization; (2) is either the actual or beneficial owner of more than five (5) percent of the stock or controlling interest of the organization; or (3) has any other direct or indirect dealings with the organization from which the person or family member knowingly is materially benefited by receiving, directly or indirectly, cash or other property (exclusive of dividends and interest) in excess of the amount specified by the *Board Manual of Policies and Procedures*.

² "Immediate Family" includes the employee's spouse, domestic partner (as defined by the University policy and implemented by Human Resource Services under the University's benefits plan) or civil union partner (as defined in C.R.S. §14-15-103) and legal dependents (as defined by the Internal Revenue Code). "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriages.

Rationale: Appointment definitions and conflict of interest related to benefits - necessary changes provided by Human Resources Service Center and Policy and Compliance Office.

Greene announced an amendment to the proposal presented in the Agenda packet, specifically the

deletion of a comma in Section D.5.3. The motion to be considered was displayed on an overhead projector.

Discussion: Jennifer Aberle, Chair of CoNTTF, asked if senior teaching appointments should be included in the list of Appointments in Section D.5.3. Greene clarified that the Section D.5.3 applied only to Administrative Professionals and therefore did not include non-tenure track faculty.

Greene's motion was adopted.

K. Proposed Revisions to the *Manual*, Appendix 3 – Family Medical Leave Policy – CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Appendix 3 – Family Medical Leave Policy, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~overscored~~.

APPENDIX 3: FAMILY MEDICAL LEAVE POLICY (*last revised August 2, 2013*)

Introduction

Colorado State University (CSU) recognizes that its faculty and staff strive to balance the responsibility of their work and personal lives. This Family Medical Leave Policy is designed to support those efforts and to comply with the provisions of the Family Medical Leave Act of 1993 (FMLA), as later amended, and applicable implementing regulations including the State of Colorado's Family Care Act (FCA)¹. Much of the language in Appendix 3 is taken from the FMLA of 1993 and later amendments as of ~~March~~ August 2013 and the FCA, which is effective August 2013.

This Appendix provides rules and guidance for the use of Family Medical Leave (hereinafter referred to as "FM Leave" for these needs. Additional procedures, guidelines and forms for applying for FM Leave, recording the use of such leave in the university's HR system, and working with employees to assure that this policy is correctly and consistently followed, are prescribed by Human Resources.

FM Leave is not a form of paid leave; it is a job protection benefit afforded by the university in accordance with the law. In order for any period of FM Leave to be taken as paid leave, the employee must concurrently use another type of accrued leave, such as sick or annual leave, in accordance with the university's policies and procedures for that type of leave. If an employee is entitled to FM Leave but has insufficient accrued, applicable, paid leave benefits available for the full period of absence, then the remaining period of FM Leave will be unpaid.

Covered Appointment/Employee Types

All CSU appointment/employee types other than State Classified personnel, including those with faculty, administrative professional, graduate assistant, veterinary resident, post-doctoral fellow, veterinary or clinical psychology intern, student or non-student hourly appointments (including work study), or a combination thereof, are covered by this policy and are eligible for Family Medical Leave (~~hereinafter referred to as "FM Leave"~~) in accordance with the criteria listed below under "Eligibility." FM Leave policies for State Classified employees are contained in the procedures adopted by the Executive Director of the State Department of Personnel and Administration.

Eligibility

Any CSU faculty member or employee, other than State Classified personnel, who has been appointed or employed at CSU for at least twelve (12) months and who has worked at least 1040 hours during the twelve (12) months immediately preceding the commencement date of the leave (hereinafter referred to as an "Eligible Employee") is eligible for FM Leave under this policy for the purposes set forth below under "Entitlement to FM Leave." The appointment or employment may have been in one (1) or any combination of the covered appointment/employment categories listed above. Faculty members with regular, special, or senior teaching nine (9) month appointments of half-time (0.5) or greater and administrative professionals with regular or special nine (9) month appointments of half-time or greater are deemed to meet the 1040 hour standard, assuming that all other eligibility criteria are met.

~~Throughout Appendix 3, the term "Child" shall include biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's spouse or domestic partner, as well as any person for whom either the Eligible Employee or the Eligible Employee's spouse or domestic partner is standing in loco parentis, provided that the "Child" is under eighteen (18) years of age and/or is incapable of self-care because of a mental or physical disability.~~

As used in this Appendix 3, the following definitions shall apply:

a. "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriages.

b. "Child" includes biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's Spouse, domestic partner, or civil union

partner, as well as any person for whom either the Eligible Employee or the Eligible Employee's Spouse, domestic partner or civil union partner is standing *in loco parentis*, provided that the child is under eighteen (18) years of age and/or is incapable of self-care because of a mental or physical disability.

c. "Domestic partner" has the meaning defined under the University's benefits plan.

d. "Civil union partner" has the meaning defined in C.R.S. §14-15-103.

Entitlement to Family Medical Leave

An Eligible Employee is entitled to up to twelve (12) work weeks of FM Leave during a rolling twelve (12) month year that begins on the first date the Eligible Employee uses FM Leave. These twelve (12) work weeks of FM Leave do not need to be consecutive. The Eligible Employee is not expected to "make up" the time taken as FM Leave. FM Leave may be taken for any one (1) or a combination of the following reasons:

- a. The birth of a Child to the Eligible Employee or the Eligible Employee's spouse, domestic partner or civil union partner and care for the newborn Child. In this case, the FM Leave must be completed within twelve (12) months of the date of birth.
- b. The placement of a Child for adoption or foster care with the Eligible Employee or the Eligible Employee's spouse, domestic partner or civil union partner and care for the newly placed Child. In this case, the FM Leave must be completed within twelve (12) months of the date of placement.
- c. Care for a spouse, domestic partner, civil union partner, Child, or parent with a serious health condition.
- d. Inability of the Eligible Employee to perform one or more of the essential functions of his or her position because of his or her serious health condition.

Entitlement to Military Family Leave

An Eligible Employee may take Military Family Leave for a Spouse, domestic partner, civil union partner, Child, or parent on covered active duty or called to active duty status with the Armed Forces due to a "Qualifying Exigency," which is defined as one (1) of the following situations:

- a. Advance notice of deployment that is one week or less.
- b. Military events or related activities.
- c. Urgent (as opposed to recurring or routine) childcare/school activities necessitated due to military service.
- d. Exigent financial or legal tasks to deal with the family member's call to active duty.

- e. Counseling for the Eligible Employee or a Child which is ~~not otherwise covered by FM Leave provided~~ by someone other than a healthcare provider if the need for the counseling arises from the covered active duty of a military family member.
- f. Spending time with the service member on rest and recuperation breaks during deployment.

- g. Post-deployment activities.
- h. Other situations arising from the call to duty, as agreed upon by the Eligible Employee and his or her supervisor.

Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, domestic partner, civil union partner, or child of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands *in loco parentis*).

Entitlement to Military Caregiver Leave

An Eligible Employee who is the spouse, domestic partner, civil union partner, Child, parent, or next of kin of a service member in the Armed Forces is entitled to up to twenty-six (26) work weeks of Military Caregiver Leave during a rolling twelve (12) month year to care for the service member if he or she becomes seriously injured or ill in the line of duty. The service member must be undergoing medical treatment, recuperation, or therapy; be in outpatient care; or be on the temporary disability retired list. In addition to service members, this provision applies to a veteran undergoing medical treatment, recuperation, or therapy for an injury or illness that existed prior to the beginning of the veteran's active duty, but was aggravated by service in the Armed Forces. The veteran's discharge must have been other than dishonorable and must have been effective during the five (5) year period immediately preceding the date on which leave is to begin. The rolling year for Military Caregiver Leave begins on the first date that the Eligible Employee uses the Military Caregiver Leave, and this rolling year is distinct from the rolling year for any other FM Leave. However, the use of Military Caregiver Leave cannot cause the total use of all types of FM Leave to exceed twenty-six (26) work weeks during any twelve (12) month period.

Application for Family Medical Leave

~~In order to apply for FM Leave, the Eligible Employee must contact his or her supervisor and work with the supervisor to fill out the relevant paperwork. The supervisor shall review the paperwork and, in consultation with Human Resource Services, determine whether the circumstances warrant the use of FM Leave. The supervisor may request additional information, such as medical documentation, in order to make this determination. This determination regarding entitlement to FM Leave is based on whether or not the information provided demonstrates that the above criteria for FM Leave are met; other than this determination, University administrators do not have the discretion to approve or disapprove FM Leave.~~

In order to utilize FM Leave, the Eligible Employee must comply with his or her home department's customary procedures for requesting leave. An employee may request FM Leave by contacting his or her supervisor to fill out the required forms provided by Human Resources. The supervisor will provide the Notice of Eligibility and Rights and Responsibilities to the employee and follow proper procedures to obtain sufficient documentation to determine whether an employee's leave qualifies as FM Leave. Additional information, such as medical documentation, may be requested in accordance with the FMLA in order to make this determination. The supervisor shall review the request for leave and supporting documentation and then, in consultation with Human Resources, a determination will be made as to whether the circumstances warrant the designation of FM Leave. This determination is ultimately the responsibility of Human Resources. The supervisor has five business days (absent extenuating circumstances) to provide a Designation Notice to the employee after the receipt of sufficient information to indicate that FM Leave is warranted.

Unless it is not reasonably practical, an application for FM Leave must be submitted at least thirty (30) days prior to the start of the leave, and FM Leave for planned medical treatment must be scheduled so as to minimize disruption to University activities.

Intermittent or Reduced Family Medical Leave

FM Leave time may be taken on an intermittent ~~or reduced leave~~ (or “reduced leave”) basis if this is approved by the department or unit head. A request for intermittent or reduced FM Leave that is due to the Eligible Employee's own serious illness or the allow the Eligible Employee to care for a spouse, domestic partner, civil union partner, Child, or parent who is ill must be approved when this is determined to be medically necessary.

Paid/Unpaid Leave

FM Leave is unpaid leave, but pay may be provided by using accrued sick leave, accrued annual leave, short-term disability coverage, long-term disability coverage, and/or Worker's Compensation benefits concurrently with the FM Leave. The Eligible Employee must use sick or annual leave concurrently with FM Leave if such leaves are applicable and have not been exhausted (subject to the limits on the use of sick leave in Section F.3.2.2).

Eligible Employees may use accrued sick leave to provide care for and/or bond with a Child who is newly born to or newly placed for adoption or foster care with either the Eligible Employee or the Eligible Employee's spouse, domestic partner or civil union partner. The child need not be ill for the use of sick leave under these circumstances. Employees may also use sick leave to care for a spouse, domestic partner, civil union partner, Child or parent who needs medical care. Both males and females may use sick leave under either of these circumstances. See Section F.3.2.2 for more details regarding the use of sick leave.

CSU's short-term disability plan provides a continuation of income for enrolled Eligible Employees who exhaust all of their accrued sick and annual leave in the event of illness, injury, surgery, or pregnancy. These benefits begin only after a completed application has been received and approved by Human Resources Services. The maximum benefits period for short-term disability is sixty (60) days, and this period runs concurrently with the use of FM Leave, sick leave, and/or annual leave. Contact the Benefits Unit in Human Resources for more details regarding the use of short-term disability.

Use of Leave Without Pay - no changes

Required Use of Family Medical Leave

~~If an Eligible Employee takes leave other than FM Leave for a situation where he or she is eligible for FM Leave, then he or she must apply to take FM Leave concurrently with this other leave. Whenever an employee takes any type of leave that is covered under the FMLA as Family Medical Leave, the employee's home department is responsible for correctly entering the leave as FM Leave in the HR information system. FM Leave runs concurrently with all other types of leave taken (including Parental Leave, which may be taken anytime within the first twelve months from the Child's date of birth or placement for adoption).~~

Continuation of Benefits - no changes

Return from Family Medical Leave

An Eligible Employee granted FM Leave under this policy shall be returned to his or her same position, or a position of comparable pay and status, upon completion of the FM Leave, with the following exceptions:

a. An Eligible Employee whose employment is conditional upon having student status (e.g., a graduate assistant, a veterinary resident, or a student hourly employee) shall be returned to his or her former position or to a position of comparable pay and status upon completion of the FM Leave only if his or her student status at the time of return qualifies him or her for his or her former employment status.

b. An Eligible Employee whose appointment has a specified ending date which is earlier than the completion of the FM Leave or whose appointment would otherwise have terminated during the period of FM Leave may not be entitled to reinstatement in accordance with the provisions of the Family Medical Leave Act. Departments and units must ~~coordinate~~ refer questions regarding the status of returning employees to the Benefits Office Unit in Human Resources.

c. ~~Medical documentation of the fitness to return to work may be required by the supervisor of the Eligible Employee, in consultation with Human Resources.~~

d. Any other reason which would have resulted in the proper and lawful termination of the employment during the period of FM Leave, other than the reason(s) for which FM Leave was taken. Examples include (but are not limited to): termination as a final result of a disciplinary action; termination for lack of a necessary credential or license; or inability to perform one or more essential functions of the job.

Effect of Family Medical Leave on the Tenure Process – no changes

¹C.R.S. 8-13.3-203, the Colorado Family Care Act (FCA), provides that, in addition to the leave that an employee may be entitled to under the Family and Medical Leave Act, an eligible University employee is entitled to up to 12 weeks of unpaid leave in a 12-month period to care for a person with a serious health condition if that person is the employee's civil union partner as defined in C.R.S. §14-15-103(5) or is the employee's domestic partner who has satisfied the University's criteria using the required affidavit. However, the statute states that such leave does not increase the total amount of FM Leave available to the employee; it runs concurrently with FM Leave.

Rationale: Changes at the federal level and CSU's integration of Federal policy with CSU policy resulted in these changes drafted largely by CSU Human Resources Service Center and Office of Policy and Compliance.

Greene explained that the changes were necessary to bring the Leave Policy up to date with current federal regulations.

There was no discussion.

Greene's motion was adopted.

L. Proposed Revisions to the *Manual*, Section E.2.1.5 – Temporary Appointments – CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Section E.2.1.5 – Temporary Appointments, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~overscored~~.

E.2.1.5 Temporary Appointments (~~last revised May 2, 2007~~)

Temporary faculty appointments may be either full-time or part-time and are distinguished from other types of appointments by the expectation that the appointment is for a specified period of time, at the end of which, it is anticipated that employment at the University will not be renewed in the foreseeable future. Part-time is defined as any fraction less than one hundred (100) percent of full-time. ~~Further features of this type of appointment~~
Conditions applicable to temporary appointments are:

a. Temporary appointments are "at will" and are subject to termination by either party at any time. The process set forth in Section D.5.6 regarding the termination of "at will" appointments applies to temporary faculty appointments. Temporary appointments need not carry specified ending dates, but an ending date indicating the point in the future when the funding and/or appointment is expected to terminate should be included when known. The inclusion of a specified ending date on an appointment form or other such documentation is for administrative convenience only and does not create a minimum or fixed duration of appointment.

b. Temporary appointees are not eligible for tenure.

c. ~~Individuals receiving a temporary appointment for one (1) semester or less ordinarily are not enrolled in a retirement program (see Temporary appointees are required to enroll in the retirement program and if half-time or greater are eligible to participate in other benefits offered by the University as described in the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* published annually by Human Resources and in Sections F and G of the *Manual*.~~ Eligibility for sick leave is defined in Section F.3.2. Temporary appointees are

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eligible for faculty privileges (see Section G). Temporary appointees are not eligible for sabbatical leave (see Section F.3.4.1).

Rationale: Necessary changes in retirement and benefits for temporary appointments provided by Human Resources Service Center and Policy and Compliance Office.

Discussion: Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, asked about the impacts the proposed changes would have on temporary employees, and if their input was considered prior to preparing the revision.

Robert Schur, Director of the Office of Policy and Compliance, responded that input was not really possible to gather and that the revision does not have a substantive impact on temporary employees. The changes that were made were for the purposes of cleaning-up the language. Schur added that if the revision had been a substantive policy change, his office would have gathered input from clientele and the revision would have been presented to the Cabinet.

Alex Bernasek, Faculty Council Board of Governors Representative, asked if temporary employees were already required to enroll in a retirement program, or if they would now be required once the Policy is approved.

Schur responded that the requirement to contribute to a retirement plan is required by law, and therefore the revision was to make the Manual in compliance with the law.

Diana Prieto, Executive Director of Human Resources and Equal Opportunity, added that CSU is not a Social Security employer, and thus all employees, even temporary employees, are required to participate in a retirement programs.

Faculty Council discussed the issue further. A major concern was the lack of clarity on whether temporary employees were already contributing to retirement plan (and therefore the proposed revision would not impact them) or if the proposed revision would cause them to now contribute to a retirement plan. Bernasek added that temporary employees are paid relatively little money and that their pay would be diminished by having to contribute.

Mary Van Buren, Department of Anthropology, asked when did the law come into place and what has changed that instigated the changes in the policy?

Prieto responded that she will try to find this answer and will respond to Gallagher, Chair of Faculty Council.

Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, asked if input could be gathered from temporary employees.

Several Faculty Council members added that that the context regarding the *Manual* change was unclear.

Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, moved that the policy be returned to CoRSAF for further discussion.

Bernasek seconded the motion.

Mary Vogel, College of Liberal Arts at-large, asked if there is a body that represents temporary employees. If not, what realistic way is there to get input. Robert Gundmestad, Department of History, thought that such a body existed. Jennifer Aberle, Chair, Committee on Non-Tenure Track Faculty, responded that her committee represents temporary faculty.

Pedros-Gascon's motion was adopted and the proposed revision was referred back to CoRSAF.

M. Proposed Revisions to the *Manual*, Section G.1 – Study Privileges; G.4 – Tuition Scholarship; G.5 – Benefits – CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty

Council adopt the proposed revisions to the *Manual*, Section G.1 – Study Privileges; G.4 – Tuition Scholarship; G.5 – Benefits, to be effective upon approval by the Board of Governors of the Colorado State University System,

as follows:

Please note the language: additions underlined, deletions ~~overscored~~.

G.1 Study Privileges (*last revised August 2, 2013*)

Under the following conditions, faculty members, administrative professionals, post-doctoral fellows, veterinary interns, and clinical psychology interns with appointments at half-time (0.5) or greater may register for credit courses at Colorado State University, Colorado State University-Global Campus, Colorado State University-Pueblo, and, subject to the terms of agreement between institutions, the University of Northern Colorado, on a space-available basis without the assessment of the student portion of total tuition or general fees to the employee.

a. The employee must obtain the written consent from the head of his or her administrative unit to register for specific courses. Ideally, courses taken as an employee under the Employee Study Privilege Program should contribute to the employee's success at the University. This is one of several factors taken into account in determining whether or not the value of this benefit is taxable to the employee. Such determinations are made by Human Resources and Business and Financial Services, with reference to the Internal Revenue Code (26 U.S.C. sections 127, 132(d) and 117). However, supervisors may approve an employee's use of the study privilege even if the subject matter is not directly related to current job duties.

b. Time off to attend courses taught during an employee's scheduled work hours require approval of the supervisor, which should be granted unless there is no reasonable way for the employee to perform his or her duties at other times. Time off that is granted to attend courses in which an employee enrolls at the request of the department in order to improve job skills should be treated as administrative leave with pay.

~~b.c.~~ Faculty members, administrative professionals, post-doctoral fellows, veterinary interns, and clinical psychology interns become eligible for this study privilege as soon as their employment begins.

d. The President shall set the maximum number of credits for which Eligible Employees are permitted to register per academic year, including the previous summer term, but it shall be at least nine (9) credits for employees with full-time appointments, at least seven (7) credits for employees with appointments from .75 time to .99 time, and at least five (5) credits for employees with appointments from .50 time to .74 time.

Certain tuition and fees are not covered by the study privilege (e.g., tuition covered under COF, Special Course Fees, University Facility Fee and College Charges for Technology), so these must be paid by the employee at the time of registration. ~~Fees not covered may include course fees, department fees, the University Facility Fee, University and College Technology Fees, and similar charges as may be imposed from time to time. Tuition and fees covered may include base tuition, differential tuition, and program charges. A waiver of the University Technology Fee and General Fee will be credited to the student account.~~

Only credit courses which are a part of the Colorado State University Curriculum, as defined by the *Colorado State University General Catalog*, are available under this benefit. These courses will be identified with a departmental course number. In particular, the study privilege does not cover the cost of continuous registration.

The Division of Continuing Education ("DCE") offerings are included under this privilege if they are credit bearing at the institution; however, tuition for these courses may be higher than "Resident Instruction" tuition, in which case, the difference must be paid by the employee or by some other source. Courses that provide only continuing education units (CEUs) are not eligible. ~~Faculty members and administrative professionals may enroll in academic credit courses (section numbers 700 or higher) listed on the Continuing Education website.~~

The above credit maxima include courses which are audited by the employee rather than taken for credit. Tuition will be assessed as soon as credits are taken in excess of the ~~statement program~~ maximum for the employee.

Contact the Department of Human Resources for more information.

G.4 Tuition Scholarship Program for Spouses, Domestic Partners, Civil Union Partners, and Children (*last revised June 21, 2011*)–

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The spouse, domestic partner, civil union partner, and Eligible Children of an Eligible Employee shall be qualified to receive a Tuition Scholarship if admitted to Colorado State University, Colorado State University Global Campus, or Colorado State University Pueblo and enrolled in a degree program or as a degree-seeking student with an undeclared major. This Tuition Scholarship Program is also available to students in programs such as Professional Veterinary Medicine, Teacher Certification, and Principal Licensure. The amount of this Tuition Scholarship shall be a fixed percentage of the undergraduate or graduate tuition that would be assessed to the student for regular on-campus courses at the in-state tuition rate, except for a student in the Professional Veterinary Medicine Program, whose scholarship shall equal this same percentage of the tuition assessed to in-state graduate students. This percentage shall be set by the President, but it shall be at least fifty (50) percent. Note that, in some cases, this Tuition Scholarship may be taxable income. Applications for this Tuition Scholarship must be processed in accordance with the requirements established by Student Financial Services and Human Resources for this program.

If a person dies while an Eligible Employee, his or her spouse, domestic partner, or civil union partner shall continue to be qualified for this Tuition Scholarship Program until six (6) years after the date of the death, and each of his or her Eligible Children shall continue to be qualified for this Tuition Scholarship Program until the Eligible Child reaches the age of twenty-six (26). For all cases of separation from employment of an Eligible Employee other than death, the spouse, domestic partner, civil union partner, and Eligible Children of the Eligible Employee shall cease to be qualified for this Tuition Scholarship Program at the end of the academic year in which the separation from employment occurs.

In exceptional circumstances, the Vice President for University Operations has the authority to grant eligibility to someone who might not qualify otherwise for eligibility.

For the purposes of Sections G.4 and G-5, the following definitions shall apply:

a. Eligible Employee shall mean and refer to all:

1. ~~faculty members and administrative professionals with regular, special, multi-year research, senior teaching appointments or transitional appointments of half-time (0.5) or greater and all non-temporary state classified appointments of half-time (0.5) or greater.~~ Faculty transitional appointments are eligible for the same benefit available to full-time academic faculty;
2. administrative professionals with regular or special appointments of half-time (0.5) or greater, and;
3. non-temporary state classified appointments of half-time (0.5) or greater.

b. "Eligible Child" shall mean and refer to biological children, adopted children, foster children, stepchildren, and legal wards of either the Eligible Employee or the Eligible Employee's spouse, domestic partner, or civil union partner as well as any person for whom either the Eligible Employee or the Eligible Employee's spouse, domestic partner, or civil union partner is standing *in loco parentis*, provided that the "Eligible Child" is under twenty-six (26) years of age.

c. "Spouse" means a person who is legally married to an Eligible Employee, including a common-law spouse or same-gender spouse when the applicable jurisdiction's law recognizes such marriages.

d. "Domestic partner" has the meaning described under the University's benefits plan.

e. "Civil union partner" has the meaning defined in C.R.S. §14-15-103.

G.5 Benefits *(last revised August 12, 2009)*

Faculty members and administrative professionals with specific appointment types are eligible for certain benefits as provided by the University with the approval of the Board. Such benefits may include a retirement plan, medical coverage, dental coverage, vision coverage, life insurance, disability insurance, tax-sheltered annuities, and other such benefits. These benefits may include coverage for immediate family members, domestic partners and civil union partners. Such benefits are subject to change by the University with the approval of the Board. Contact the Department of Human Resources ~~Services~~ for more information.

Rationale: Expansion and clarification of privileges and benefits - necessary changes provided by Human Resources Service Center and Policy and Compliance Office.

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Discussion: Mary Van Buren, Anthropology, noted that the revisions seem restrictive rather than expansive, specifically that revised language stating that courses taken should add to the person's success at the University. Greene noted that the rationale for expanding study privileges was to include more institutions in the study privilege. Greene noted that the language was approved by Human Resources and CoRSAF.

Greene's motion was adopted.

N. Proposed Revision to the *Manual*, Section F – Leave Policies - CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual*, Section F – Leave Policies, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~overscored~~.

F.3.1.1 Annual Leave Accrual (*last revised June 4, 2008*)

Full-time faculty members on twelve (12) month regular, special, or senior teaching appointments, and administrative professionals on regular, ~~multi-year research~~, or special twelve (12) month appointments earn annual leave at the rate of two (2) days per month.

Faculty ~~faculty~~ members on twelve (12) month regular, special, or senior teaching appointments, and administrative professionals on regular, ~~multi-year research~~, or special twelve (12) month appointments of less than full-time but at least half-time (0.5) earn annual leave prorated by the part time fraction of their appointment. The accrual is rounded to the nearest 1/100 of an hour.

Employees who begin work after the first of a month or who terminate before the end of a month earn annual leave on a prorated basis as described in Section 2 of the Human Resources Manual ~~the Personnel/Payroll Manual (Section 2)~~.

Faculty ~~faculty~~ members and administrative professionals on nine (9) month appointments do not accrue annual leave. These individuals may, however, be granted leave on a limited basis throughout the academic year to include the interim term between semesters. Determination of this privilege shall be made by the department head.

No annual leave is earned by employees working less than half-time (0.5), employed on an hourly basis, or on temporary appointments. Postdoctoral fellows and graduate assistants are considered temporary employees.

Annual leave does not accrue during leave without pay or during sabbatical leave. Annual leave earned during periods of paid leave (annual, sick, injury, etc.) is not credited to the employee until he or she returns to work.

If an employee with accrued annual leave changes to an employment status that is less than half-time (0.5), without a break in service, the employee shall retain his or her accrued annual leave and the ability to use this annual leave for a period of one (1) year, provided he or she remains employed by the University. If the employee changes to a status that is again eligible to earn annual leave within the one (1) year period and without having his or her employment with the University terminated, then the accrued annual leave shall continue to be available for use by the employee.

F.3.2.1 Sick Leave Accrual (*last revised August 2, 2013*)

Full-time faculty members and administrative professionals on twelve (12) month appointments earn one and one-quarter (1.25) days of sick leave per month, cumulative with no maximum. One (1) day of sick leave is considered to be eight (8) hours of sick leave.

Full-time faculty members and administrative professionals on nine (9) month appointments earn one and one-quarter (1.25) days of sick leave per month, cumulative with no maximum. Full-time nine (9) month faculty members and administrative professionals who accept summer session appointments accumulate sick leave at the rate of one and one-quarter days (1.25) per month while on such appointment.

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Faculty members and administrative professionals appointed less than full-time, but at least half-time (0.5) earn sick leave prorated by the part-time fraction of their appointment. ~~Academic Faculty and Administrative Professionals on 12-month temporary appointments of half-time or greater are eligible to accrue sick leave benefits only after completing one year of continuous service. Nine-month temporary employees must have completed two consecutive semesters of continuous half-time or greater employment (excluding summer session) and be reappointed the subsequent academic year to become eligible. Post-doctoral fellows, veterinary interns, and clinical psychology interns on full-time nine (9) month or twelve (12) month appointments earn one and one-quarter (1.25) days of sick leave per month. Sick leave accrues and expires each fiscal year. One (1) day of sick leave is considered to be eight (8) hours of sick leave.~~

Post-doctoral fellows, veterinary interns, and clinical psychology interns with appointments of less than full-time, but at least half-time (0.5) earn sick leave each fiscal year prorated by the part time fraction of their appointment. Sick leave accrues and expires each fiscal year.

No sick leave is earned by employees working less than half-time (0.5) or employed on an hourly basis. Graduate assistants do not earn sick leave.

Employees who begin work after the first of a month or who terminate before the end of a month earn sick leave on a prorated basis as described in Section 2 of the Personnel/Payroll Manual (Section 2)-Human Resources Manual.

The accrual of sick leave is rounded to the nearest 1/100 of an hour.

Sick leave does not accrue during leave without pay or during sabbatical leave. Sick leave accrued during periods of paid leave (annual, sick, injury, etc.) is not credited to the employee until he or she returns to work.

(This paragraph is effective August 1, 2011) At the time of initial employment, the employee shall receive an amount of sick leave equal to that which they are expected to earn during their first year of employment (as described above). This initial year of sick leave is an "advance" and must be earned before any additional sick leave shall accrue. It is possible that it will take the employee more or less than one (1) year to earn the amount of sick leave advanced and begin accruing additional sick leave (e.g., the employment status could change, or the employee could take leave without pay).

Post-doctoral fellows, veterinary interns and clinical psychology interns shall receive an amount of sick leave equal to that which they are expected to earn during their first year of employment (as described above). The sick leave "advance" is earned on a fiscal year basis and does not carry forward into the next fiscal year.

If an employee with accrued sick leave changes to an employment status that is less than half-time (0.5), without a break in service, the employee shall retain his or her accrued sick leave and the ability to use this sick leave for a period of one (1) year, provided he or she remains employed by the University. If the employee changes to a status that is again eligible to earn sick leave within the one (1) year period and without having his or her employment with the University terminated, then the accrued sick leave shall continue to be available for use by the employee. No sick leave is earned during the period in which the appointment is less than half-time.

F.3.2.2 Use of Sick Leave *(last revised May 3, 2011)*

~~A faculty members or administrative professional may use accrued sick leave for treatment of and convalescence from his or her own illness or injury. Illness includes treatment for alcoholism and drug addiction. In cases of extended sick leave absence, the faculty member or administrative professional may be required to furnish a physician's statement. Sick leave may be used for medical and dental appointments, including routine exams and checkups.~~

~~A faculty member or administrative professional may use up to one hundred sixty (160) hours per fiscal year of his or her accrued sick leave for illness or medical treatment of his or her spouse, domestic partner, parent, or Child (as defined in Appendix 3) or an individual for whom the employee has responsibility to provide care. In addition, up to one hundred sixty (160) hours of sick leave may be used in the event of the birth or placement through adoption or foster care of a child with either the employee or employee's spouse or domestic partner. The child need not be ill for use of sick leave under these circumstances. All faculty members and administrative professionals,~~

~~regardless of gender, may use sick leave under any of these circumstances.~~

A faculty members or administrative professional may use accrued sick leave for treatment of and convalescence from his or her own illness or injury. Illness includes treatment for alcoholism and drug addiction. In cases of extended sick leave absence as defined in the Human Resources Manual, the faculty member or administrative professional will be required to furnish a physician's statement establishing the need for and duration of absence from work. Sick leave may be used for medical and dental appointments, including routine exams and checkups.

A faculty member or administrative professional may use up to four hundred eighty (480) hours per fiscal year of his or her accrued sick leave for the following purposes:

- a. Illness or medical treatment of his or her spouse, domestic partner, civil union partner, parent, or child (as those terms are defined in Appendix 3) or an individual for whom the employee has responsibility to provide care. In addition, an employee will be presumed to have a responsibility to provide care for a serious medical condition of the employee's adult child, sibling, grandparent, or in-law (sibling, parent or grandparent of the employee's spouse, domestic partner or civil union partner) if the employee submits a request for leave stating that the leave is necessary for such reasons.
- b. To provide care for a newborn son or daughter or for a child newly placed for adoption with the employee, in accordance with the Parental Leave and Catastrophic Circumstances Leave Policy, in accordance with the Family Medical Leave Policy (FML), the child need not be ill for use of sick leave in this instance.

NEW Leave Category:

F.3.16 Parental Leave and Catastrophic Circumstances Leave (This leave effective May 23, 2013)

Academic Faculty, Administrative Professionals, Post-Doctoral Fellows, Veterinary Interns and Clinical Psychology Interns with an appointment of at least half-time (50%) or greater who satisfy the eligibility requirements for Short Term Disability (STD) are eligible for Parental Leave (see the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook*). An employee who is not in a regular, paid employment status (for example, during a sabbatical or other such absence) or 9-month employees during summer session appointments are not eligible for this leave.

An employee becomes eligible for Parental Leave upon becoming a parent. Parental Leave is not available during the period preceding the birth or placement for adoption, even if absences are due to the expected arrival. Foster care placement is not included; however, foster care as part of adoption is included. Employees may use other types of accrued leave (such as Sick or Annual leave), as applicable, for absences during such periods. Only one Parental Leave benefit per employee is available per birth or adoption. The number of children born or adopted (e.g., twins) does not increase the amount of the Parental Leave benefit. (If both Parents are employees, each is entitled to use his or her Parental Leave benefit for the same event).

Parental Leave consists of 3 work weeks of paid time off, in addition to the employee's accrued Sick and Annual leave (and any STD benefits to which the birth mother is entitled) to be used for the purpose of caring for and bonding with the child. Parental Leave may be taken anytime within the first year after delivery/placement and it runs concurrently with (is considered part of) Family Medical Leave (FML) for the birth or placement for adoption event. It can be combined with use of Sick and/or Annual leave, as appropriate, to provide income replacement for the FML leave period (up to 12 weeks). This policy is intended to ensure adequate time off for employees with a newborn or newly adopted child, in most circumstances, while providing compensation for at least 9 weeks of the birth mother's 12 week FML period (typically 6 weeks of STD eligibility plus 3 weeks of Parental Leave), or 3 weeks for the non-birth parent. If the employee is eligible for STD, Parental Leave shall not commence until after STD benefits are exhausted. Parental Leave is not intended to be used to fulfill the STD elimination period of 10 continuous working days of absence. Once taken, Parental Leave must be used in a contiguous block (not split into intermittent days off). Prior notice of the intent to take Parental Leave is required at least 30 days in advance (unless such notice is impossible, in which case, as soon as possible). Your supervisor is responsible for timely reporting of Parental Leave in accordance with the Leave Reporting Policy. Illustrative examples of Parental Leave are located in Section 2 of the Human Resources Manual at www.hrs.colostate.edu.

The Catastrophic Circumstances Leave may be applicable in extraordinary circumstances where an employee has exhausted all available sick and annual leave and suffers an unforeseen event, such as a catastrophic natural disaster or casualty that displaces the employee from his or her home. As well, the Catastrophic Circumstances Leave may be applicable in the case of a serious illness of the employee or employee's immediate family member

for which no other accrued leave is available, or similar event. A department or unit head may authorize up to two work weeks of paid time off. In the rare case that an employee who is eligible for STD does not have enough leave to cover the STD waiting period, such leave must be granted; all other cases are within the discretion of the department head. Any leave granted under this policy must be designated as FML, as applicable in accordance with federal regulations. This policy is not intended to change or conflict with section F.3.14, Special Leave.

Note: The Parental Leave and Catastrophic Circumstances Leave Policy may be reviewed at <http://policies.colostate.edu/>.

F.3.6.4 Relation of Military Service to Retirement Rights

~~A member of the Public Employees' Retirement Association shall be granted additional PERA service credit for uniformed military active service, as defined for reemployment right purposes under federal law, in any branch of the United States military if:~~

- ~~a. Such member had membership in the association at the time the military service began;–~~
 - ~~b. Such member was discharged from uniformed service active duty and returned from the military leave of absence to membership;–~~
 - ~~e. The period of uniformed active military service is verified and is not already covered by association service credit upon return from uniformed service to membership; and–~~
- ~~proven not to be vested in another retirement system, including military retirement.~~
- ~~d. All service credit forfeited by a refund of the member contribution account is purchased. Military service credit is limited to a maximum of five (5) years. Disability or death arising from uniformed military service shall be excluded as a basis for disability retirement benefits or survivor pursuant to the PERA plan.~~

~~Additional information is available in the *Public Employees' Retirement Act of Colorado, Title 24, Article 51-C.R.S. (as amended) 24-51-507 (Uniformed Service Credit)*.~~

F.3.6.5 Salary Rights Replaced by Reemployment after Military Service – see below

~~Upon completion of extended military service as authorized by this Section, an employee may apply for reinstatement within ninety (90) days after being honorably discharged from such service and shall be reinstated into the same position or into a position of comparable seniority, status, and pay, if available, as long as the employee is not physically or mentally disabled from performing the duties of such a position. Less than honorable discharges will be dealt with on a case by case basis. If the employee is not able to perform the duties of his or her previous position or a comparable position because of a disability sustained during the service, but is qualified to perform the duties of another position(s) that is available, he or she shall be offered the position that will most approximate the seniority, status, and pay of the previous position. If at the time of discharge from extended military service, the employee is hospitalized or under medical treatment which resulted from the military service, the employee must apply for reinstatement within ninety (90) days after discharge from the hospitalization or medical treatment, and in no event later than one (1) year and ninety (90) days after termination of the military service.–~~

~~A reinstated employee shall have the same rights with respect to accrued and future seniority, status, efficiency rating, vacation, sick leave, and other benefits as if he or she had been actually employed during the time of leave. An employee who is reinstated under the provisions of this Section shall not be discharged, except for cause, within one (1) year after reinstatement.~~

~~If general salary increases are made during an employee's military leave, whether by lump sum increase, percentage increase, or otherwise, his or her salary upon his or her return to employment shall be adjusted to equal the salaries of other employees of comparable rank, qualifications, and abilities as determined by the proper officials. Furthermore, upon return the employee shall not be precluded from such other individual salary adjustment or promotion in rank as may be deemed justifiable.~~

F.3.6.4 Salary Rights Reemployment after Military Service and Eligibility for Reinstatement or Reemployment

~~In order to be eligible for reinstatement or reemployment following a period of absence for military service, an employee must:~~

- ~~a. Have been released from service under honorable conditions and must furnish proof of that release;~~

- b. Have been employed in a non-temporary position at the time he or she entered active duty;
- c. Have left CSU for the purpose of going into active duty, and must have given the notice required by law to that effect;
- d. Report for work or apply in writing within the specified time period after separation or release from training or service (see below); and
- e. Have been away for a period no greater than five years.

Upon completion of extended military service, an employee may apply for reinstatement within the time period specified below after being honorably discharged from such service and shall be reinstated into the same position or into a position of comparable seniority, status, and pay, if available, as long as

the employee is not physically or mentally disabled from performing the duties of such a position. Less than honorable discharges will be considered on a case-by-case basis. If the employee is not able to perform the duties of his or her previous position or a comparable position because of a disability sustained during the service, but is qualified to perform the duties of another position(s) that is available, he or she shall be offered the position that will most approximate the seniority, status, and pay of the previous position.

F.3.6.4.1 Time periods for employee to report to work or give notice to CSU of intent to reinstate

- a. In the case of military service less than 31 consecutive days, the employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. If reporting back within this deadline is "impossible or unreasonable" through no fault of the employee, he or she must report back as soon as possible after the expiration of the 8-hour period.
- b. For 31-180 days of service, the employee must submit written or verbal application for reemployment no later than 14 days after completion of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he or she must submit the application as soon as possible thereafter.
- c. For 181 or more days of service, the employee must submit an application for reemployment not later than 90 days after completion of the period of service.
- d. For any time period the deadline to report back or submit application for reemployment may be extended for up to 2 years to accommodate a period during which employee was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

F.3.6.6 Accrued Status and Benefits

A reinstated employee shall have the same rights with respect to accrued and future seniority, status, efficiency rating, vacation, sick leave, and other benefits as if he or she had been actually employed during the time of leave. An employee who is reinstated under the provisions of this Section shall not

be discharged, except for cause, within one (1) year after reinstatement.

If general salary increases are made during an employee's military leave, whether by lump sum increase, percentage increase, or otherwise, his or her salary upon his or her return to employment shall be adjusted to equal the salaries of other employees of comparable rank, qualifications, and abilities as determined by the proper officials. Furthermore, upon return the employee shall not be precluded from such other individual salary adjustment or promotion in rank as may be deemed justifiable.

For further information and assistance with respect to Military Leave, including assistance with PERA benefits, contact the Benefits Unit in Human Resources (970-491-MyHR).

F.3.13 Leave Without Pay (last revised June 21, 2011)

A faculty member on a regular, special appointment or senior teaching appointment, or an administrative professional on a regular or special appointment may be granted leave without pay with approval by the Board. A request for such leave must be sent through channels to the President. See the *Academic Faculty and Administrative Professional Benefits and Privileges Handbook* regarding continuation of benefit coverage while on leave without pay.

administrative professional on temporary appointment may be granted leave without pay only as required under

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the Family Medical Leave Policy.

Rationale: Changes at the federal level and CSU's integration of Federal policy with CSU policy resulted in these changes drafted largely by CSU Human Resources Service Center and Office of Policy and Compliance.

There was no discussion.

Greene's motion was adopted.

- O. Request to change the name of the Major in Journalism and Technical Communication to Journalism and Media Communication – UCC

Makela, Chair, University Curriculum Committee, moved that Faculty Council adopt the change in Major name from Journalism and Technical Communication to Journalism and Media Communication, to be effective upon approval by the Board of Governors of the Colorado State University System.

There was no discussion.

Makela's motion was adopted.

- P. Recommendation for Discontinuance and Continuance of Centers, Institutes and Other Special Units (CIOSUs) for the academic year 2013-2014 – CUP

Prince, Chair, Committee on University Programs, moved that Faculty Council accept its report for recommendations regarding the biennial reviews for discontinuance and continuance of Centers, Institutes, and Other Special Units (CIOSUs) for the academic year 2013-2014 as follows:

The Committee on University Programs reviewed 45 active Centers, Institutes, and Other Special Units (CIOSUs) as part of the biennial review oversight process for CIOSUs for the academic year 2013-2014. The CUP recommendations to Faculty Council are as follows:

New CIOSUs

The Committee on University Programs approved an application for the following CIOSU:

(VPR/TILT) CSU Center for Mindfulness

CIOSUs Consolidated, Discontinued or Denied Approval

The following CIOSUs were reported discontinued or consolidated:

CAS-ILE Institute for Livestock and the Environment
CLA-CRWCT Center for Research on Communication and Technologies
CLA-CSBP Center for Studies in Beckett and Performance
CLA-ISLEC Institute for Society, Landscape and Ecosystem Change
CNS-CASE Center for Applied Statistical Expertise
CNS-CICRC Colorado Injury Control Research Center

The following CIOSUs were denied approval for not meeting criteria as defined in the AFAPManual (2.6.1 Definitions) "... CIOSUs are units which extend beyond a single academic department."

COE-CSGC Colorado Space Grant Consortium
CLA-CSUBL CSU Bioanthropology Laboratory

Continuing CIOSUs:

The following 43 Centers, Institutes, and Other Special Units were reviewed in the biennial review process and are recommended for continuance by the Committee on University Programs:

CHHS Applied Human Sciences - Research Associate Dean: Lise Youngblade

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CAHS-ATRC Assistive Technology Resource Center
CAHS-CCP Center for Community Partnerships
CAHS-HSAP Human Service Assessment Project
CAHS_STEPP School of Teacher Education and Principal Preparation

CLA Liberal Arts - Research Associate Dean: Stephen Weiler

CLA-CBRM Center for Biomedical Research in Music
CLA-CFAT Center for Fair and Alternative Trade
CLA-CLP Center for Literary Publishing
CLA-CPD Center for Public Deliberation
CLA-GR Center International Center for German-Russian Studies

CNS Natural Sciences - Research Associate Dean: Jim Sites

CNS-CASE Center for Applied Statistical Expertise
CNS-CSuMAP Center for Sustainable Monomers and Polymers
CNS_CIF Central Instrument Facility
CNS-CEN College of Natural Sciences Education and Outreach Center
CNS-FMIAC Florescence Microscopy/Image Analysis Center
CNS-GRAYBILL Franklin A.Graybill Statistical Laboratory
CNS-MMAML Magnetic Materials and Applied Magnetics Laboratory
CNS-SAL Software Assurance Laboratory
CNS-TEC Tri-Ethnic Center for Prevention Research

COB College of Business- Research Associate Dean: Dan Ganster

COB-CMSI Center for Marketing and Social Issues
COE College of Engineering- Research Associate Dean: Wade Troxell

COE-CSITS Center for Sustainable and Intelligent Transportation Systems
COE-IAC Industrial Assessment Center
COE-SBDC Sustainable Bioenergy Development Center

**CVMBS Veterinary Medicine and Biomedical Sciences
- Research Associate Dean: Sue VandeWoude**

CVMBS-APHI Animal Population Health Institute
CVMBS-ARBL Animal Reproduction and Biotechnology Laboratory
CVMBS-AIDL Arthropod-Borne and Infectious Diseases Laboratory
CVMBS-CCAS Center for Companion Animal Studies (changed)
CVMBS-ETRC Equine Teaching and Research Center
CVMBS-ORC Orthopaedic Research Center
CVMBS-PRC Prion Research Center
CVMBS-VDL Veterinary Diagnostic Laboratories

WCNR Natural Resources - Research Associate Dean: Mark Paschke

WCNR-AIRIE Applied Isotope Research for Industry and the Environment
WCNR-CEMML Center for Environmental Management of Military Lands
WCNR-CPAMT Center for Protected Area Management and Training

WCNR-CRU Colorado Cooperative Fish and Wildlife Research Unit
WCNR-CFRI Colorado Forest Restoration Institute
WCNR-CNHP Colorado Natural Heritage Program
WCNR-ELC Environmental Learning Center
WCNR-GDPE Graduate Degree Program in Ecology
WCNR-LFL Larval Fish Laboratory
WCNR-NREL Natural Resources Ecology Laboratory

**PROVOST Office of the Provost/Senior Vice President - Research Associate Dean:
Jodie Hanzlik**

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Provost-CWI Colorado Water Resources Research Institute (Water Center)

Provost-SoGES School of Global Environmental Sustainability

DCE-OLLI Osher Lifelong Learning Institute at CSU

Prince and Gallagher explained that the Committee on University Programs is responsible for reviewing approximately 50 percent of all registered Centers, Institutes, and Other Special Units (CIOSUs) on a biennial basis. Each Administrative Director of each CIOSU selected for biennial review submits a brief biennial report of its activities and accomplishments. Copies of all the biennial reports are deposited in the Office of the Vice President for Research who is responsible for maintaining the updated list of all CIOSUs.

There was no discussion.

Prince's motion was adopted.

Q. Proposed Revisions to the *Manual* – Appendix I – Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation – CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual* – Appendix I – Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~overscored~~.

APPENDIX 1: Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation

Purpose of Policy

Colorado State University is committed to providing an environment that respects the dignity and worth of every member of its community. The University strives to create and maintain a work and study environment that is fair, inclusive, and responsible so that each member of the University community is treated with dignity and respect and is rewarded for relevant considerations such as ability and performance. The purpose of this policy is to define the types of conduct that are prohibited by the University as a means of achieving these goals and to prevent harm arising from discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation.

Colorado State University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. Acts of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation will be addressed consistent with this policy.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

This Policy supersedes all prior University Policies on discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation.

Application of Policy

This policy applies to all members of the University community who are subject to the jurisdiction and authority of the University with respect to matters of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, and retaliation. This includes, without limitation, students, faculty, employees, affiliates, visitors, and (where provided by law or contract) agents, contractors, subcontractors, and grantees of the University. All University business units, wherever located, are covered by this policy.

Exemptions

None.

Definitions

As used in this policy, the following terms are to be understood and applied as follows, unless clearly stated otherwise:

a. Action or conduct, as used in this policy, also includes inaction or omission where there is a responsibility to act. Action or conduct that occurs off-campus can be subject to this policy if it involves one or more Covered Persons and (a) causes an impact to any person(s) on campus, (b) reasonably relates to the health, safety and security of the campus or any person(s) on campus, or (c) reasonably relates to the Responding Party's fitness or capacity to act in accordance

with his or her obligations and/or the policies of the University (e.g., the Student Conduct Code or any policy or code relating to the conduct of an employee).

b. Consent to sexual activity is consent that is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.

c. Covered Persons are all Colorado State University students, employees (including faculty), visitors, volunteers, affiliates, and (where provided by law or contract) agents, contractors, subcontractors, and grantees.

d. Dating violence means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the impacted party; and

2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

i. the length of the relationship;

ii. the type of relationship;

iii. the frequency of interaction between the persons involved in the relationship.

e. Discrimination is conduct that is based upon an individual's race, age, creed, color, religion, national origin, ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy, and that (a) excludes an individual from participation in, (b) denies the individual the benefits of, (c) treats the individual differently from others in, or (d) otherwise adversely affects a term or condition of an individual's employment, education, living environment or University program or activity. It is unlawful discrimination for an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any person otherwise qualified because of any of these factors. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

f. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Colorado or other jurisdiction in which this policy applies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

g. Harassment covered under this policy is conduct that demonstrates hostility towards a person (or a group of persons) based upon that person's race, age, creed, color, religion, national origin, ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and has the purpose or effect of:

1. Creating an intimidating or hostile environment in which to work, learn, or participate in a University activity, or unreasonably interfering with or affecting any such activities; or

2. Unreasonably affecting a person's educational or work opportunities.

Harassment may take various forms, including name-calling, verbal, graphic or written statements (including the use of electronic means), or other conduct that a reasonable person would find physically threatening, harmful, or humiliating. Harassment does not have to involve the intent to cause harm, be directed at a specific target, or involve repeated incidents in order to be prohibited. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

h. Impacted Party/Complainant: The person who reports, or is reported by another person, as having been subject to acts constituting discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation by another.

i. Responding Party: The person reported to have been engaging in acts that may constitute a violation of this policy, including discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation in violation of this policy.

j. Retaliation is any overt or covert act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment, against any person or group for exercising rights under this policy, including opposing any practices forbidden under this policy, filing a complaint, testifying, assisting, or participating in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or retaliation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy or participating in the complaint processes under this policy.

k. Sexual harassment is harassment that is of an implicitly or overtly sexual nature, or is based on a person's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex, and includes any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education or participation in a University activity;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for, or a factor in, decisions affecting that individual's employment, education or participation in a University activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, offensive or hostile environment for that individual's employment, education or participation in a University activity.

l. Sexual misconduct is any conduct that constitutes sexual assault, sexual exploitation, or sexual violence, as follows:

1. Sexual assault means an actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:
 - i. Involvement in any sexual contact when the victim is unable to consent.
 - ii. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
 - iii. Sexual intercourse without consent, including acts commonly referred to as rape.
2. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses defined herein. Examples of behavior that could rise to the level of sexual exploitation include:
 - i. Prostituting another person;
 - ii. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
 - iii. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
 - iv. Going beyond the bounds of consent (such as letting others hide in the closet to watch you having consensual sex);
 - v. Engaging in non-consensual voyeurism;
 - vi. Knowingly transmitting a sexually transmitted disease, such as HIV, to another without disclosing your STD status;
 - vii. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and
 - viii. Possessing, distributing, viewing or forcing others to view illegal pornography.
3. **Sexual violence** is a severe form of sexual harassment, and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law.

m. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

Examples of behaviors by a person stalking another are:

1. Follow you and show up wherever you are.
2. Send unwanted gifts, letters, cards, or e-mails.

3. Damage your home, car, or other property.
4. Monitor your phone calls or computer use.
5. Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
6. Drive by or hang out at your home, school, or work.
7. Threaten to hurt you, your family, friends, or pets.
8. Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
9. Posting information or spreading rumors about you on the Internet, through social media, in a public place, or by word of mouth.
10. Other actions that control, track, or frighten you.

Statement of Policy Principles

It is the policy of Colorado State University to maintain an academic and work environment free of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation for students, faculty, and employees. Such conduct is contrary to the standards of the University community and common decency. It diminishes individual dignity, impedes equal employment and educational opportunities and equal access to freedom of academic inquiry, and creates barriers to fulfilling the University's scholarly, research, educational, and service missions. Such conduct will not be tolerated at the University.

Discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking and retaliation also are illegal; they are prohibited in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972, and, in both employment and education contexts, by Colorado's anti-discrimination laws, including, but not limited to, C.R.S. §24-34-401, et seq. Such conduct also can violate federal and state criminal laws.

Colorado State University does not discriminate on the basis of race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, and pregnancy. The University complies with the Civil Rights Act of 1964, as amended, related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Age Discrimination in Employment Act of 1967, as amended, The Pregnancy Discrimination Act of 1978, Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, and all civil rights laws of the State of Colorado. Accordingly, equal opportunity of employment and admission shall be extended to all persons. The University shall promote equal opportunity and treatment in employment through a positive and continuing affirmative action program for ethnic minorities, women, persons with disabilities, and veterans.

To comply with federal requirements regarding non-discrimination in admissions and operations, the University's approved non-discrimination statement must appear in major University publications such as the General Catalog. A brief required non-discrimination statement also must appear in written advertisements and University publications, including those used to inform prospective students of University programs. The required non-discrimination statements, as well as further information regarding these requirements, are available at the Office of Equal Opportunity.

The University prohibits any act of discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking by a Covered Person, and any retaliation related to acts or reports of such acts. The University takes all allegations of such misconduct seriously. When allegations of such acts are reported, and a Covered Person is found to have violated this policy, consequences will result, up to and including dismissal from

CSU.

All members of the CSU community are expected to not infringe upon the rights of others. This Policy has been adopted to reaffirm this principle and to provide support and recourse to those who are impacted by discrimination, harassment, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, or retaliation perpetrated by a member of the University community. When the Responding Party is determined not to be a Covered Person at the time of the report, he or she may nevertheless be subject to this policy in the event that he or she becomes a Covered Person in the future, as well as being subject to other laws and policies.

Responsibilities and Procedures

1. Title IX Sex-Based Discrimination, Harassment, Misconduct and Retaliation Involving Students

CSU has appointed a Title IX Coordinator and a Deputy Title IX Coordinator to oversee and coordinate its compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX), and its implementing regulations, 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. The Title IX Coordinator is the Executive Director of the Office of Equal Opportunity. The Deputy Title IX Coordinator is the Director of the Office of Support and Safety Assessment.

All CSU employees and volunteers, including faculty, staff and students acting in their employment or volunteer roles, are mandatory reporters of any violations or alleged violations of Title IX. In order to comply with this law and enable the University to proactively respond effectively and stop instances of sex-based discrimination, sexual harassment and sexual misconduct involving students at the University, all University employees must, within 24 hours of receiving the information, report information they have about alleged or possible sex-based discrimination, sexual harassment, sexual misconduct, and retaliation involving students to the Deputy Title IX Coordinator in the Office of Support and Safety Assessment (SSA) or the Office of Equal Opportunity (OEO). Mandatory reporting means that information indicating that a person has allegedly committed or been the target of alleged or possible sex-based discrimination, sexual harassment, and sexual misconduct involving students may not be withheld, even if confidentiality is requested by the reporting party.

Being a mandatory reporter is consistent with having concern for and supporting those involved in violations or alleged violations. It signifies that campus safety is at the forefront of the community's concern. When a Covered Person discloses information, it is best for the employee or volunteer to mention they are a mandated reporter and will have to share the information with the University, but that the Covered Person will still always have the choice whether or not to share their story with others at the University whose responsibility it is to investigate. Examples of mandatory reporters include, but are not limited to:

- a. Faculty member to whom a student reveals an incident of sexual harassment or sexual misconduct involving the student or other Covered Persons protected under this policy.
- b. A Resident Assistant who receives information from one of their residents that they were assaulted by another student at an off campus party
- c. A person who is acting as a volunteer at a CSU-hosted activity who observes another person engaging in sexual contact with a child in the program.

Remember, these are just examples. Sex-based discrimination, harassment, misconduct and retaliation must be reported no matter what the circumstances if they involve students.

Employees exempt from these mandatory reporting requirements are only those employees who are statutorily prohibited from reporting such information, for example, licensed healthcare professionals acting within the scope of the professional-patient relationship, and Sexual Assault Victim Assistance Team members. If you are unsure whether or not you are exempt, you must contact OEO to determine whether or not an exemption applies. Teachers are not exempt from reporting incidents involving students unless one of these special statutory exemptions applies. Reports of any violation or suspected violation of the protections of Title IX involving a student may be made to the Deputy Title IX Coordinator, whose name and contact information is always available online at <http://www.supportandsafety.colostate.edu/sexual-harassment> or by calling 970-491-7407.

Upon receiving a report of alleged or possible sex-based discrimination, harassment, sexual harassment, sexual misconduct, sexual assault, or retaliation, the Deputy Title IX Coordinator will evaluate the information received and determine what further actions should be taken. Further action may include contacting the CSU Police Department. If, after such evaluation, it reasonably appears that a violation of this policy by a student or an employee has occurred, SSA will follow the appropriate procedures referenced below.

When the Responding Party is a student, the Deputy Title IX Coordinator will determine what further actions shall be taken, which may include investigation of the report and referral to the Office of Conflict Resolution and Student Conduct Services for possible action under the Student Conduct Code.

2. Sexual Misconduct, Domestic Violence, Dating Violence, Stalking and Retaliation Involving Non-Students who are Covered Persons

The Office of Support and Safety Assessment also handles complaints of sexual misconduct, domestic violence, dating violence, stalking, and related retaliation, involving non-students who are Covered Persons under this policy, and may refer such matters (or receive referrals from the CSU Police Department or other law enforcement agencies. Reports of such incidents should be made to SSA or CSUPD.

3. Employment-Related Discrimination, Harassment, and Other Violations

The Office of Equal Opportunity handles reports of discrimination and harassment in employment or educational opportunity, including sexual harassment complaints involving both students and non-student Covered Persons. (Note: student-to-student discrimination and harassment may be reported directly to the Office of Conflict Resolution and Student Conduct Services (CRSCC) at 491-7165).

There are two conditions under which the OEO will take steps, either directly with the Impacted Party or through a reporting employee, to provide information about the University's procedures for filing a complaint:

- a. when the Impacted Party is a student and the Responding Party consists of either faculty, employees, affiliates, or visitors;
- b. when the Impacted Party and the Responding Party are non-students.

The OEO will maintain, publish and follow procedures for the review and resolution of complaints where the Responding Party is not a student.

When the person alleged to have committed the violation is an agent or contractor of the University who is not subject to any disciplinary procedures of the University and it reasonably appears that a violation has occurred, the matter will be referred to the appropriate official or department for further action. This may include, as appropriate, any or all of the following:

- a. The Director of Contracting Services, for action that may be taken under the terms of a university contract, such as contract suspension or termination, demanding a change of personnel working under a contract, or initiation of contractor debarment;
- b. The CSU Police Department, for initiation of a criminal investigation and/or complaint;
- c. An outside law enforcement or governmental agency with actual or apparent jurisdiction over the alleged perpetrator.

4. First Amendment

The protections of the First Amendment must be considered if issues of speech or artistic expression are involved. Free speech rights apply in the classroom and in all other education programs and activities of public institutions, and First Amendment rights apply to the speech of students and teachers. Great care must be taken not to inhibit open discussion, academic debate, and expression of personal opinion, particularly in the classroom. Nonetheless, speech or conduct of a sexual or hostile nature that occurs in the context of educational instruction may exceed the protections of

academic freedom and constitute prohibited harassment or sexual harassment if it meets the definition of harassment or sexual harassment as contained in this policy and (1) is reasonably regarded as non-professional speech (i.e., advances a personal interest of the faculty member as opposed to furthering the learning process or legitimate objectives of the course) or (2) lacks accepted pedagogical purpose or is not germane to the academic subject matter.

5. Affirmative Action

The University takes affirmative action to employ qualified women, minorities, veterans, and individuals with disabilities. For information on this Affirmative Action commitment and program, contact the OEO at oeo@colostate.edu or 970-491-5836.

6. Retaliation

Retaliation against members of the University community for making good faith reports of non-compliance with laws, regulations, or University policies is strictly prohibited, and is subject to disciplinary action up to and including termination or dismissal from employment or enrollment at the University. It is prohibited to discharge, demote, suspend, threaten, harass, intimidate or otherwise retaliate against an individual in the terms or conditions of employment or educational opportunity based on the individual's good faith report of potential non-compliance, or based on the individual's cooperation with an investigation or hearing regarding a report of potential non-compliance. Such retaliation is prohibited regardless of whether the matter reported is substantiated.

Colorado State University protects all participants in the complaint and grievance processes from retaliation. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the imposition of University sanctions up to an including termination or dismissal.

Acts or threats of retaliation constitute a serious violation of University policy, and the University encourages prompt reporting of any retaliatory action. Students should report retaliation to OEO, SSA or Conflict Resolution & Student Conduct Services (CRSCS). Employees should normally report retaliation to their supervisor, but, if the supervisor is involved in the matter, or for any reason an individual is uncomfortable speaking with his or her supervisor, the report may be made to the responsible department head, the Office of Equal Opportunity, or by using the CSU System's Compliance Reporting Hotline which may be accessed online (<http://reportinghotline.colostate.edu/>) or by calling, toll-free, 1-855-263-1884. The Hotline allows anonymous reporting if desired.

7. Required Training

Federal law requires that all newly hired CSU employees (including faculty) and incoming students participate in primary prevention and awareness programs, and that students and faculty engage in prevention and awareness programs on an ongoing basis. These programs may be offered by OEO, SSA, the President's Commission on Women and Gender Equity (PCWGE), CRSCS, and other University programs. Sexual Harassment Awareness Training is offered by OEO and may be retaken anytime as a refresher by contacting OEO at oeo@colostate.edu or by calling 970-491-5836.

8. Procedures for Complaints

The University provides fair, understandable, and legally sound procedures for handling all complaints of discrimination, harassment, sexual harassment and sexual misconduct, domestic violence, dating violence, stalking and retaliation. These procedures can vary depending on the nature of the complaint and the status of the persons involved (i.e., student, faculty, employee, or non-employed party). The responsible departments are required to maintain, publish, and follow appropriate procedures.

Filing with External Agencies

Persons who believe that they have been subjected to discrimination, harassment, sexual harassment, sexual misconduct, or stalking may be able to file a complaint with the Colorado Civil Rights Division, the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education's Office for Civil Rights. Information regarding filing charges with any of these agencies may be obtained from the Office of Equal Opportunity.

Expectations for Members of the University Community

Cooperation and participation by the members of the University community in the resolution of a complaint under these procedures is necessary. All University community members asked to participate should do so. If an Impacted Party/Complainant does not participate, the University may continue the investigation, invoke necessary interim and permanent remedies, or conclude the complaint. If a Respondent does not participate, the University will move forward with the complaint with the information it is able to collect and ascertain.

The Impacted Party/Complainant(s), Respondent(s), and all witnesses shall be truthful in their testimony. This includes statements made verbally and in writing. Failure to comply with this expectation may result in the implementation of University sanctions.

References

- Colorado State University Student Conduct Code
- US Department of Education, Office of Civil Rights – Pamphlet on Sexual Harassment
- Office of Equal Opportunity—<http://OEO.colostate.edu>

Helpful Resources

An Impacted Party may report confidentially to the following campus resources that provide support and guidance:

1. Sexual Assault Victim Assistance Team (970) 492-4242
2. Women and Gender Advocacy Center (970) 491-6384
3. Women’s Clinic at CSU Health Network (970) 491-1754
4. Counseling Services (970) 491-6053

The following are other campus resources. These resources do not provide complete confidentiality.

1. Deputy Title IX Coordinator/Director of Support and Safety Assessment (970) 491-7407
2. Colorado State University Police Department (970) 491-6425
3. Director of Student Case Management & Referral Coordination (970) 491-8051

Rationale: Individuals from various CSU offices collaborated to write this policy including, the Office of Policy and Compliance, Human Resources Service, Office of Equal Opportunity and Diversity, Vice President for University Operations, CSU System--Office of the General Counsel, President’s Commission on Women and Gender Advocacy, Office of the Vice President for Student Affairs, Dean of Students, Office of Conflict Resolution and Student Conduct Services, and Special Advisor for Support and Safety Assessment/Deputy Title IX Coordinator. It brings CSU in compliances with Federal changes in Discrimination and harassment policies.

Greene explained that the proposed revision is an expansion of the original policy on Sexual Harassment. Gallagher reminded FC of the Discussion item that was held earlier in the year on this topic.

There was no discussion.

Greene’s motion was adopted.

R. Proposed Revisions to the *Manual*, Section K – Resolution of Disputes – CoRSAF

Greene, Chair, Committee on Responsibilities and Standing of Academic Faculty, moved that Faculty Council adopt the proposed revisions to the *Manual* – Section K – Resolution of Disputes, to be effective upon approval by the Board of Governors of the Colorado State University System, as follows:

Please note the language: additions underlined, deletions ~~overseored~~.

SECTION K. RESOLUTION OF DISPUTES (*Newly Revised Section Effective July 1, 2012*)

K.1 General Information

~~There are several different offices at Colorado State University that deal with various aspects of dispute resolution (see the following link:~~
~~<http://www.facultyandstaff.colostate.edu/ugo/UGO8-EmployeeResources1109.pdf> on the website of the~~

~~University Grievance Officer). In particular, the Office of the Ombuds provides the most informal consultation, and it is a good place to start if you are not sure which office to contact.~~

~~This section describes a process for resolving disputes that cannot be resolved informally. This process begins with a formal attempt to mediate the dispute. If formal mediation is not successful, then a formal Grievance may be initiated if the dispute involves a Grievable Action (see Section K.3). Note that mediation may be possible even if the dispute does not involve a Grievable Action or if there is not a submission of a claim within the required time limit (see Section K.5).~~

~~Faculty members and administrative professionals (hereinafter referred to as “Covered Members”), including administrators in either of these two categories, must follow all applicable parts of the Section K process before pursuing any action with external agents or agencies, except in cases where Federal and/or state law gives the Covered Member the right to institute action without exhausting internal administrative remedies. This process replaces and supersedes all mediation and grievance procedures found in department and/or college codes.~~

~~It shall be the responsibility of the University, through the Offices of the Provost and the President, to assure that the Section K process is supported, respected, and enforced. This includes financial support.~~

~~The person with overall responsibility for the Section K process is the University Grievance Officer (hereinafter referred to as the “UGO”). The UGO is a tenured faculty member whose selection has been approved by both Faculty Council and the Administrative Professional Council (see Section K.12).~~

~~The Mediation process is conducted by a University Mediator (hereinafter referred to as a “UM”) who is selected by the UGO from a pool of UMs. If the Covered Member is a faculty member, then the UM shall be a tenured faculty member; if the Covered Member is an administrative professional, then the UM shall be an administrative professional (see Section K.13).~~

~~If a formal Grievance is initiated and a Hearing occurs, then this Hearing shall be conducted by a Hearing Committee whose members are selected from the Grievance Panel (see Section K.11). If the Covered Member is a faculty member, then the members of the Hearing Committee shall be tenured faculty members; if the Covered Member is an administrative professional, then the members of the Hearing Committee shall be administrative professionals.~~

~~The UGO is responsible for coordinating and facilitating the activities of the UMs, the Grievance Panel, and the Hearing Committees. The UGO also assures that the procedures herein established are followed reasonably and accurately and decides procedural issues as set forth herein. Any departure from these procedures shall occur only with the written approval of the UGO.~~

~~By agreement of the parties, or in the event of pressing emergencies, subject to the written approval of the UGO, the time limits set forth in Section K may be extended for reasonable periods.~~

Colorado State is committed to the timely and fair resolution of disputes. This section describes procedures for a faculty member or administrative professional to challenge a decision, recommendation or action by a direct supervisor that has an adverse academic and/or professional impact on the faculty member or administrative professional and that is unfair, unreasonable, arbitrary, capricious, retaliatory, or discriminatory. The University Grievance Program generally provides three avenues for resolution of such claims: a) informal conciliation, b) mediation, and c) a formal grievance hearing process.

Several offices on campus are available to assist with the resolution of other disputes. See the website for

the Office of the Ombuds and Employee Assistance Program for details and contact information. An overview of the procedures described in this section can be found on the website of the University Grievance Officer.

K.1.1. Participants in the Grievance Process and Definition of Terms

Grievant – A faculty member or administrative professional who asserts that one or more decisions, recommendations or actions by a direct supervisor (1) has an adverse academic and/or professional effect on the faculty member or administrative professional, and (2) is unfair, unreasonable, arbitrary, capricious, or discriminatory.

Hearing Committee – A group of between three and five (3-5) faculty members or administrative professionals from the University Grievance Panel who are convened to review and make recommendations about a grievance.

Responsible Administrator – A university official to whom the supervisor in a grievance reports and who oversees the activities of the unit where the grievant is employed.

Reviewing Administrators – University officials responsible for review and approving recommendations from a Hearing Committee, namely the Provost and President. These senior officials are also responsible for supporting, respecting, enforcing the process and providing required financial resources.

Supervisor – A university administrator, faculty member, or administrative professional who oversees the work of the grievant. A supervisor also can be a state classified employee who directs the work of an administrative professional.

University Grievance Officer (UGO) – The university official responsible for administering the grievance process, advising grievants and supervisors, and coordinating involvement by others.

University Grievance Panel – A pool of faculty members or administrative professionals who are elected by their peers and volunteer to serve on a Hearing Committee, as needed and as available.

University Mediator (UM) – A neutral person from the university community appointed by the UGO to facilitate a resolution of a dispute or grievance between a grievant and supervisor.

K.3 Grievable Actions

There are three (3) separate classes of Grievable Actions. A Class A or Class B Grievance, as more fully described below, must involve a complaint by a Covered Member that a Grievable Action has occurred because a decision, recommendation, or action of an administrator (hereinafter referred to as the “Action”) is unfair, unreasonable, arbitrary, capricious, and/or discriminatory and that it does or will adversely affect the Grievant in his or her academic and/or professional capacity. An issue that does not directly affect a Covered Member in such a capacity, such as dissatisfaction with a University policy of general application, is not a Grievable Action. A Class C Grievance, as more fully described below, must involve a complaint by an “at-will” employee whose employment was terminated by the University.

Only actions by administrators can constitute Grievable Actions. Also, specific sections of the Manual exempt certain actions by administrators from being Grievable Actions. In particular, a decision or action that is said to be final is not a Grievable Action.

~~If the administrator whose Action is being challenged no longer holds the relevant administrative position, then the administrative supervisor for this position, at his or her discretion, shall decide whether the new administrator in this position or the administrative supervisor shall participate in the Section K process.~~

~~Class A Grievances are those that involve complaints about the following specific actions: termination of contractual rights, reduction of salary, demotion, violation of academic and/or intellectual freedom, or assignment of unreasonable work loads. Class A Grievable Actions do not include a decision to terminate the employment of an "at will" employee. The burden of proof in Class A Grievances falls upon the administrator whose Action is being challenged.~~

~~Class B Grievances involve complaints about a term or condition of employment other than those specific cases that are the basis for a Class A or Class C Grievance. Examples are reappointment, amount of salary, denial of promotion, denial of tenure, abuse of discretion, lower evaluation than deserved on a performance review, or denial of sabbatical leave. The burden of proof in Class B Grievances falls upon the Grievant.~~

~~Class C Grievances involve either a claim by an "at will" employee that the vice president's recommendation to the President regarding the employee's termination was due to discrimination prohibited under Federal or State law or University policy or a claim by an "at will" employee that the employee is entitled to post termination due process. The UGO, with legal advice from the Office of the General Counsel and as provided for in Section K.12.5, shall determine whether such due process rights are in question and whether review by a Hearing Committee regarding such due process rights is warranted. The burden of proof in Class C Grievances falls upon the Grievant.~~

K.3. Definition of an Action, Grievable Action and Grievance

An Action is a decision, recommendation or other act by a Supervisor.

A Grievable Action is an Action by a Supervisor that has an adverse academic and/or professional effect on the Grievant and is unfair, unreasonable, arbitrary, capricious, retaliatory, or discriminatory.

A Grievance is a written complaint by a Grievant asserting that a Grievable Action has occurred.

K.3.1. A Grievable Action does not include:

- a. An issue that does not individually affect a faculty member or administrative professional, such as dissatisfaction with a university policy of general application.
- b. Actions specified in the *Academic Faculty and Administrative Professional Manual* as "final" and thus not subject to redress through the grievance process. Any action deemed "final" constitutes exhaustion of internal grievance procedures.
- c. An act by any person who is not the Grievant's Supervisor or responsible administrator.
- d. Terms agreed to by the Grievant under a Section K mediation agreement.
- e. Acts in response to possible violations of law or endangerment of public safety.
- f. A subsequent complaint for the same action by the same supervisor once a Grievance regarding the original complaint has concluded.
- g. Termination of "at-will" employees. For information about the university's policy regarding at-will employees and the recommended steps and considerations for disciplinary action or termination of at-will employees, employees should refer to the university policy for *Administrative Professionals and Non-Tenured Academic Faculty ("At Will" Employment)* found in the CSU Policy Library, as well as Section D.5.6 and E.2.1 of the *Academic Faculty*

and Administrative Professional Manual. Employees may contact the University Grievance Officer with questions about disciplinary action or termination of at-will employees.

K.3.2. Types of Grievable Actions and Burden of Proof

K.3.2.1 The following are examples of Grievable Actions that have the effect of withdrawing, reducing, eliminating or denying an existing term, right, benefit, or other aspect of the Grievant's employment. In these types of Actions, the Supervisor has the burden of proof in accordance with the processes described in Section K.3.3.

- a. termination of contractual rights;
- b. reduction of salary and/or demotion;
- c. violation of academic and/or intellectual freedom; or
- d. assignment of unreasonable workload.

K.3.2.2. The following are examples of Grievable Actions that affect a term, right, benefit or other aspect of the Grievant's employment other than those listed above in K.3.2.1. In these types of actions, the Grievant has the burden of proof in accordance with the processes described in Section K.3.3.

- a. amount of salary;
- b. denial of reappointment;
- c. denial of promotion or tenure;
- d. lower evaluation than deserved on a performance review;
- e. denial of sabbatical leave; or
- f. failure to abide by an existing mutual agreement and/or taking an action that does not rest upon mutual agreement as identified in Sections E.10.6, E.15, I.15, and J.5 of the *Manual*.

K.3.3. Determination of the Validity of a Grievance

a. The UGO shall determine whether a Grievance sets forth a Grievable Action, i.e., ~~determination of whether an Action is a Grievable Action, i.e., whether there is a sufficient basis to pursue mediation (see Section K.8) and/or a hearing (see Section K.9), and, if so, whether it is Class A, Class B, or Class C shall be made by the UGO based on the written complaint~~ by the Grievant and the Supervisor's response, as well as any supporting materials. The UGO may seek appropriate legal advice (see Section K.12.5). This determination by the UGO shall be made within five (5) working days of receiving the Grievant's written complaint and the Supervisor's response.

b. If the ~~Covered Member~~ Grievant disagrees with this the UGO's determination, he or she may appeal this decision. Such an appeal must be made in writing to the Chair of the Grievance Panel (see Section K.11.1) within ~~three (3) ten~~ (10) working days of ~~being notified~~ receiving written notification via email of the determination by the UGO. If such an appeal is submitted, the Chair of the Grievance Panel shall form an Appeal Committee consisting of three (3) members from the Grievance Panel, including the Chair of the Grievance Panel, for the purpose of reviewing whether the UGO's determination should be reversed or affirmed. The Chair of the Grievance Panel shall chair the Appeal Committee and recruit members following the same procedure as for the formation of a Hearing Committee (see Section K.11.4). ~~with the Chair of the Grievance Panel assuming the role of the UGO.~~ The Appeal Committee shall consider the appeal, the written Complaint of the Grievant and any supporting materials provided by the Grievant, as well as the response of the Supervisor and any supporting materials that are included. Within five (5) working days of the submission of the appeal, the Appeal Committee, with appropriate legal advice (see Section K.12.5), shall make a determination solely regarding the ~~classification~~ validity of the Grievant's appeal, specifically whether the Grievance sets forth a Grievable Action of the Action. The Appeal Committee's determination

shall be made by a majority vote. The Appeals Committee's determination shall be final. The Appeal Committee shall include a written report to the UGO and the Grievant notifying them of its decision. If the Appeal Committee reverses the determination of the UGO, No the members of this Appeal Committee may shall not serve on a Hearing Committee for this Grievance.

K.3.4. Basis of Proof

The ~~burden~~ basis of proof regarding a Grievable Action is determined by a preponderance of the evidence (i.e., that the claim is more likely to be true than not to be true).

K.4. The Right to Grieve

K.4.1. Persons Entitled to Grieve

~~Any Covered Member may initiate the formal Grievance Process regarding a faculty member or administrative professional may pursue resolution of a Grievable Action. (see Section K.9) if formal Mediation has not been successful. Grievances by more than one (1) Covered Member employee from a single administrative unit or department may be joined into a common grievance if, in the opinion of the UGO, their Grievances have sufficient commonality to be heard collectively, and if those employees filing Grievances from a single unit agree to join in a common Grievance. Persons initiating a Grievance under the terms and conditions of this policy are hereinafter referred to as "Grievants." The Section K process may not be used to resolve grievable disputes involving State Classified personnel.~~

K.4.2 Due-Process

~~a. No action that may deprive a Covered Member of a constitutional right shall be taken unless such a member has first been accorded due process of law. If the Covered Member a Grievant initiates the Section K process with regard to such an action, the Grievable Action action shall not be effective taken prior to the completion of the Section K process.~~

~~b. University employees not designated pursuant to state law as having "at will" status have the right to initiate Class A and Class B Grievances as described in Section K.3.~~

~~e. Covered Members who have "at will" status shall have the right to initiate Class A and Class B Grievances as described in Section K.3, except that Grievances regarding termination of employment must be Class C Grievances, rather than Class A Grievances. For termination of employment, any due process required shall be provided administratively in such a manner as may be determined by the President and vice presidents of the University~~

K.4.3 Responsibility to Respond

a. The Supervisor whose decision, recommendation or action was the basis for the Grievance shall be responsible for responding to the Grievant and the UGO within five (5) working days from the day the Grievance is submitted to the UGO and the Supervisor.

b. If the administrator- Supervisor whose Action is being challenged no longer is employed by the university or no longer holds the relevant administrative supervisory position, then the administrative-supervisor for this position—responsible administrator(s) for the unit, at his or her discretion, shall decide whether the new administrator in this position or the administrative supervisor shall participate in the who should represent the unit in the Section K process. The unavailability of the original Supervisor does not affect the right of a Grievant to seek resolution. If no person in authority responds to the Grievance, the UGO

shall continue with the Section K process.

c. When a faculty member has been denied promotion or tenure (see Section E.10.5.1, paragraph 6, E.13.1 paragraphs 4 and 5) in the case of a negative recommendation by the department chair, the complaint shall be directed to the department chair, who shall be responsible to respond. In the case of a negative recommendation at the college level, the complaint shall be filed against the dean, who shall be responsible to respond. In the case of a negative recommendation at the provost level, the complaint shall be filed against the provost who shall be responsible to respond.

K.4.4 Section K Process and Legal Advice

In the spirit of shared governance, it is expected that the Grievant follow all applicable parts of the Section K process before initiating legal action with external agents or agencies. However, the Grievant has the right to seek legal advice at any point during the grievance process. This expectation does not supersede the Grievant's rights under federal and/or state laws.

K.5. Initiation of the Section K Process

A claim of a Grievable Action must be submitted in writing by an administrative professional or a faculty member ~~Covered Member~~ to the UGO no later than twenty (20) working days after the date of the Action giving rise to the Grievable Action or that point in time when the individual could reasonably be expected to have knowledge that a basis for a grievance existed. The UGO shall then meet with the ~~Covered Member~~ administrative professional or the faculty member to discuss the claim.

Within five (5) working days after receiving the written claim of a Grievable Action, the UGO shall assign a UM from the pool to mediate the dispute. The Mediation participants shall have five (5) working days from the date of the assignment of the UM to object to such an assignment. An objection may be raised only based on the UMs prior or current relationship with the Mediation participants and/or the UMs knowledge of previous related disputes. The UGO shall make the final decision on the assignment of a UM.

K.9 Initiating the Grievance Hearing Process

A formal Grievance must be initiated by the Grievant submitting a written complaint (~~hereinafter referred to as the "Complaint"~~) to the UGO and to the supervisor whose Aaction is being challenged no later than five ten (510) working days after the expiration of the Mediation Period or after the decision by the UM that Mediation will not take place, as described in Section K.8. The written Complaint shall:

- a. ~~Identify~~ Describe the nature of the Grievable Action;
- b. Name the parties to the grievable dispute;
- c. Describe how the Aaction being challenged is unfair, unreasonable, arbitrary, capricious, retaliatory, or discriminatory;
- d. Identify how the Aaction adversely affects the Grievant in his or her present or future academic and/or professional capacity; and
- e. Summarize the material that the Grievant is prepared to submit to support the claim. Upon receipt of the ~~Complaint~~ from the Grievant, the supervisor shall prepare a written response (hereinafter referred to as the "Response") to the Complaint and submit it to the UGO and the Grievant no later than five (5) working days after receiving the Complaint. This Response should be limited to addressing the claims and statements made in the Complaint.

K.12 University Grievance Officer

K.12.1. – *No changes*

K.12.2 Oversight of the University Grievance Officer - *No changes*

K.12.3 – Service of the University Grievance Officer - *No changes*

K.12.4 – Duties of the University Grievance officer

The UGO shall be responsible for:

- a. Maintaining a record of actions taken as part of the processes in Section K and Section E.15.
- b. Coordinating and facilitating the activities of the Grievance Panel by maintaining the records of the Panel, scheduling all meetings of the Panel for informational and organizational purposes, scheduling meetings of its Hearing Committees, calling individuals to appear before the Hearing Committees, and establishing the rotation order for service by the members of the Panel on Hearing Committees.
- c. Overseeing the processes of Section K and Section E.15 and preparing reports to the Grievance Panel, including recommendations for improving these processes.
- d. Assuring that faculty members and administrative professionals are familiar with the provisions, components, purposes, and procedures of the processes of Section K and Section E.15.
- e. Consulting with at-will employees and the Office of General Counsel about disciplinary action or termination of at-will employees, as discussed in Section K.3.1.g.
- f. Making recommendations to Hearing Committees regarding guidelines for the operation of these committees pursuant to Section K and Section E.15.
- g. Advising potential and active parties to a Grievance of their prospects for sustaining a Grievance, including their responsibilities for following the procedural rules of Section K.10.
- h. Facilitating the conduct of Hearings decision pursuant to Section K and Section E.15.
- i. Preparing an annual report, in consultation with the Chair of the Grievance Panel each June for the Faculty Council and Administrative Professional Council, which summarizes activities and recommendations during the previous year.
- j. Maintaining and updating the list of UMs.
- k. Appointing appropriate UMs to mediate disputes involving faculty members, administrative professionals, and/or administrators.
- l. Coordinating orientation and training of University Mediators and Grievance Panel members.
- m. Assisting the Faculty Council and Administrative Professional Council in their annual evaluations of the UGO by distributing questionnaires to parties inquiring about or involved in mediation or the grievance process, and assigning numerical identifiers to each questionnaire, thus maintaining participants' anonymity.

Rationale –

K.1 changes mostly provided by UGO: The existing language is needlessly wordy. Also there are no definitions of key terms in one place, a feature in the CSU Pueblo grievance policies, which were included with approval by the Office of General Counsel.

State classified employees are specified as potential supervisors because an increasing number of administrative professionals can now report to state classifieds based on recent changes in our personnel classification system.

K.3-K.4 and K.5, 9, and 12 changes are closely related. **Overall, it is the** policy of the University for its supervisors to act fairly and respectfully – that is, in a manner that *could not* be characterized as unfair, unreasonable, arbitrary, capricious, retaliatory, and/or discriminatory. The grievance process as described in Section K is the statement of policy and procedure to ensure administrators in a place of authority over other employees behave in a manner consistent with what the University expects. This proposal is a reorganization of essential aspects of Section K.3 and K.4. Classes of grievance as described in the current version of the *Manual* have been replaced with more readable, less legalistic language and organization; the same examples of grievable actions have been included in this revision. Some have been added, others clarified.

K.5, 9, and 12 changes, although in different sections, all pertain to procedures for initiating Section K processes (either original complaint or beginning the formal grievance following unsuccessful mediation). Proposed changes provide (1) more time for the grievant to assemble the formal written complaint; (2) specify the role of the UGO in determining whether proper procedure was followed in the termination of an administrative professional or a non tenure-track faculty member by an immediate supervisor.

Greene explained that this proposal clarifies grievance procedures described in Section K of the Manual and is the result of a working group that included himself, Tim Gallagher, the UGO-Kirk Hallahan, the Provost-Rick Miranda, and members of the Office of General Counsel (OGC). The proposed revision was approved by CoRSAF, but Greene acknowledged that the revision was not approved by OGC.

Discussion:

A representative from the Department of Health and Exercise Science asked why OGC did not support the proposed revision.

In response, Provost Miranda discussed four items that gave him concern:

1. On page 181 of the agenda packet, the word “retaliatory” has been added to the list of Grievable Actions. Miranda noted that retaliatory is not defined and therefore its meaning is not clear.
2. On page 181 of the agenda packet, the list included in Section K.3.2.1 offers examples of “Grievable Actions” and Miranda pointed out that the criteria for one of these items to be a grievable action is not clear.
3. On page 181 of the agenda packet, Miranda felt the wording of Section K.3.2.2 was poor. He described how the proposed wording, which includes a list of examples of Grievable Actions, implies that items on the list are automatically considered Grievable Actions.
4. On page 183 of the agenda packet, under Section K.4.4, Miranda responded that employees should exhaust internal grievance processes before seeking legal advice. Therefore, OGC objects to the language “it is expected that” and prefers “must”. From a legal perspective, the use of internal processes is better for the Institution.

Greene responded that the wording of K.4.4 was chosen to reflect that employees cannot be forced by CSU to exhaust internal grievance processes before legal action. Employees should be allowed to choose.

With regards to concerns for Section K.3.2.2, Greene added that the proposed wording was taken from Class B grievances that were listed as grievable actions in the original Section K. For proposed revisions to Section K.3.2.1, Greene explained that wording parallel to the language in the current Section K was attempted. Greene explained that he and CoRSAF felt that lists of examples of

Grievable Actions should be included, and that the lists should not be exhaustive so as not to limit the types of actions that can be grievable. Ultimately, it is up to the University Grievance Office to decide in an action is grievable.

Greene added that the word “retaliation” occurs in four different places within the *Manual*, none of which includes a definition of retaliation.

Mary Van Buren, Department of Anthropology, noted that the interests of OGC and Faculty are not necessarily consummate. In her opinion, the proposed wording was clear and included a more expansive understanding of what can be grieved. She was supportive of the proposal.

Margarita Lenk, Department of Accounting, asked why the word retaliation was added. She expressed her concern that expanding the definition to retaliatory could put the University at risk for increased grievances. Greene acknowledged that an action could be perceived as retaliatory when it might not be. Greene stressed that the policy gives the opportunity to grieve based on the perceptions of retaliatory. An action may not meet some of the other terms (unfair, arbitrary) but still be retaliatory.

Mark Zabel, College of Veterinary Medicine and Biomedical Sciences, asked if under Section K.3.2.2, the word “potential” could be added to amend the language to “potential grievable actions”. Greene responded that no one simple addition of a word has been able to gain OGC’s approval.

Eric Prince, Chair, Committee on University Programs, spoke in support of the addition of the word “potential”.

Geog Givens, Department of Statistics, spoke regarding his experience on developing this proposal as a member of CoRSAF. He explained that the perspective that CoRSAF and OGC are close to a mutually agreed-upon proposal was not true. He explained that the two sides have reached an impasse, and he added that CoRSAF has given away a lot already. While he agrees with the addition of the word “potential”, the previous section that defines Grievable Action clearly defines what those actions are. He recommended Faculty Council to pass the revision as is.

Lenk, Department of Accounting, spoke in favor of adding the word “potential”.

Antonio Pedros-Gascon, Department of Foreign Languages and Literatures, noted that no timeline was presented for the length of Mediation. He asked if a time limit was considered, so that Mediation did not go on for an excessive amount of time. Greene responded no, that this was not considered in the proposal at this point.

Alex Bernasek, Faculty Council Board of Governors Representative, objected to including the word “must” as employees cannot be forced to follow grievance procedures.

Kathy Pickering, Vice Provost for Undergraduate Affairs, urged Faculty Council to engage someone with legal background on the proposed language changes. The word “must” might offer protection to faculty, whereas some of the legal interpretations proposed might hurt faculty.

Givens, Department of Statistics, responded that CoRSAF does not have budget to seek legal counsel. He explained that CoRSAF sought informal advice but were not able to seek formal advice. He added that hiring their own lawyer seemed out of the spirit of shared governance, and that direct conversations with OGC were preferred.

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Ross McConnell, Department of Computer Science, stated that the provision of examples was clarifying to him. He spoke on his frustrations with the current *Manual* language and added that occurrences of “retaliation” in the Manual included no definition.

Miranda stated that it was not the case that OGC has a vested interest in restricting the Grievance process. He added that OGC wants a robust internal grievance process with clarity regarding what is a grievable action and what is not (points 1-3).

Greene responded that OGC originally approved of the reorganization and the listing. Greene noted that OGC and CoRSAF have agreed on parts of the proposal but not the overall proposal.

Carol Makela, Chair, University Curriculum Committee, asked Faculty Council to consider if the proposal is clearer than the current Section K.

Van Buren, Department of Anthropology added that examples of retaliation would be appreciated, but acknowledged that in her opinion, it might be best to pass the proposal as it stands.

Lenk, Department of Accounting, expressed concern that the proposed changes could result in more grievances being filed and could paralyze the Institution.

Stephanie Clemons, Chair, Committee on Teaching and Learning, called the question.

Clemon’s motion was seconded by Scott Glick, Department of Construction Management..

Clemon’s motion was approved by 2/3 vote.

Greene’s motion was put to Faculty Council vote, and Greene’s motion was adopted.

The Faculty Council meeting adjourned at 5:37 p.m.

Timothy Gallagher, Chair
Mary Stromberger, Vice Chair
Rita Knoll, Executive Assistant

ATTENDANCE
BOLD INDICATES PRESENT AT MEETING
UNDERLINE INDICATES ABSENT AT MEETING

Agricultural Sciences

Norman Dalsted

Jack Whittier

Deb Young

Bradley Goetz

Francesca Cotrufo

Milt Thomas

Kelly Curl

Agricultural and Resource Economics

Animal Sciences

Bioagricultural Sciences & Pest Management

Horticulture & Landscape Architecture

Soil and Crop Sciences

College-at-Large

College-at-Large

Business

Margarita Lenk

Stephen Hayne

Patricia Ryan

Jim McCambridge

Kelly Martin

Accounting

Computer Information Systems

Finance and Real Estate

Management

Marketing

Engineering

Russ Schumacher

Travis Bailey

Suren Chen

Sourajeet Roy

(Substitute for Steve Reising thru Spring 2014)

Azer Yalin

Eric Maloney

Jose Chavez

Sudeep Pasricha

Atmospheric Science

Chemical and Biological Engineering

Civil and Environmental Engineering

Electrical and Computer Engineering

Mechanical Engineering

College-at-Large

College-at-Large

College-at-Large

Health and Human Sciences

Stephanie Clemons

Brian Butki

(Substitute for Tracy Nelson-Ceschin)

David Sampson

Jenn Matheson

Scott Glick

David Greene

Sharon Anderson

Kim Bundy-Fazioli

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

Liberal Arts

Mary Van Buren

Marius Lehene

(Substitute for Eleanor Moseman thru Spring 2014)

Tom Dunn

(Substitute for Elizabeth Williams)

Martin Shields

Sue Doe

Karina Cespedes

(Substitute for Ernesto Sagas)

Art

Anthropology

Communication Studies

Economics

English

Ethnic Studies

Antonio Pedros-Gascon	Foreign Languages and Literature
Thaddeus Sunseri (Substitute for Robert Gundmestad)	History
<u>Cindy Christen</u>	Journalism and Technical Communication
Gary Moody	Music, Theater, and Dance
<u>Michael McCulloch</u>	Philosophy
<u>Bradley MacDonald</u>	Political Science
Kenneth Berry	Sociology
Mary Vogl	College-at-Large
<u>Jolyon (JT) Hughes</u>	College-at-Large
Eric Aoki	College-at-Large
Natural Resources	
<u>Melinda Laituri</u>	Ecosystem Science and Sustainability
Brett Johnson (Substitute for Paul Doherty)	Fish, Wildlife, and Conservation Biology
Yu Wei	Forest, Rangeland, & Watershed Stewardship
<u>Sven Egenhoff</u>	Geosciences
Stu Cottrell	Human Dimensions of Natural Resources
Natural Sciences	
<u>Tom Santangelo</u>	Biochemistry and Molecular Biology
<u>David Steingraeber</u>	Biology
<u>George Barisas</u>	Chemistry
Ross McConnell	Computer Science
<u>Iuliana Oprea</u>	Mathematics
<u>Raymond 'Steve' Robinson</u>	Physics
Zinta Byrne	Psychology
Geof Givens	Statistics
<u>Ed DeLosh</u>	College-at-Large
<u>Christos Papadopoulos</u>	College-at-Large
Roger Culver	College-at-Large
<u>Carl Patton</u>	College-at-Large
Veterinary Medicine and Biomedical Sciences	
Elaine Carnevale	Biomedical Sciences
<u>Howard Seim</u>	Clinical Sciences
Steve Reynolds (Substitute for John Rosecrance)	Environmental and Radiological Health Sciences
Gary Mason	Microbiology, Immunology and Pathology
<u>Terry Nett</u>	College-at-Large
<u>Jeffrey Wilusz</u>	College-at-Large
C. W. Miller	College-at-Large
<u>Pete Hellyer</u>	College-at-Large
David Gilkey	College-at-Large
<u>E. J. Ehrhart</u>	College-at-Large
<u>Melinda Frye</u>	College-at-Large
<u>Ronald B. Tjalkens</u>	College-at-Large
University Libraries	
Louise Feldman	Libraries

(Substitute for Nancy Hunter)

Rachel Erb At-Large

Officers

Tim Gallagher Chair, Faculty Council
Mary Stromberger Vice Chair, Faculty Council
Alex Bernasek BOG Faculty Representative
Rita Knoll Executive Assistant
Lola Fehr Parliamentarian

Ex Officio Voting Committee Chair Members

Diane Lunde Chair Committee on Faculty Governance
(Substituting for Don Estep)
Susan LaRue Chair Committee on Intercollegiate Athletics
Jerry Magloughlin Chair Committee on Libraries
David Greene* Chair Committee on Responsibilities and Standing of Academic Faculty
Mark Zabel Chair Committee on Scholarship Research and Graduate Education
Melinda Frye* Chair Committee on Scholastic Standards
Jeff Wilusz* Chair Committee on Strategic and Financial Planning
Stephanie Clemons* Chair Committee on Teaching and Learning
Eric Prince Chair Committee on University Programs
Carole Makela Chair University Curriculum Committee

*Indicates Member of Faculty Council

Ex Officio Non-Voting Advisory Committee Chair Members

Jennifer Aberle Chair Committee on Faculty Governance

Ex Officio Non-Voting Members

Anthony Frank President
Rick Miranda Provost/Executive Vice President
Brett Anderson Vice President for Advancement
Mary Ontiveros Vice President for Diversity
Lou Swanson Vice President for Engagement/Director of Extension
Robin Brown Vice President for Enrollment and Access
Daniel Bush Vice Provost for Faculty Affairs
Patrick Burns Vice President for Information Technology/Dean University Libraries
Jim Cooney Vice Provost for International Affairs
Tom Milligan Vice President for Public Affairs
Alan Rudolph Vice President for Research
Blanche M. Hughes Vice President for Student Affairs
Kathleen Pickering Vice Provost for Undergraduate Affairs
Amy Parsons Vice President for University Operations
Craig Beyroudy Dean, College of Agricultural Sciences
Jeff McCubbin Dean, College of Applied Human Sciences
Ajay Menon Dean, College of Business/Executive Dean
David McLean Dean, College of Engineering
Jodie Hanzlik Dean, Graduate School

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Ann Gill
Jan Nerger
Mark Stetter

Joyce Berry
David Mornes

Dean, College of Liberal Arts
Dean, College of Natural Sciences
Dean, College of Veterinary Medicine and Biomedical
Sciences
Dean, Warner College of Natural Resources
Chair, Administrative Professional Council

Rita Knoll, Executive Assistant