



MESA STATE COLLEGE

Professional Personnel Employment Handbook

Adopted: September 15, 2004
Revisions: February 16, 2005;
April 20, 2005;
April 12 & May 22, 2006;
June 22, 2009

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Certain terms when used in this Handbook have a special meaning, as indicated below. Refer to these definitions when interpreting the Handbook policies.

Academic Administrator - The Administrator(s) of an academic department, division or unit of the College (e.g. Department Head, VPAA).

Academic Rank – Refers to Faculty with appointments at the Assistant Professor, Associate Professor, and Professor levels.

Academic Term – Refers to the Fall Semester or Spring Semester but not the January Term or Summer session.

Academic Year - The regular school year consisting of the Fall Semester and Spring Semester but not the Summer session.

Administrative Personnel - Refers to both Administrators and Administrative/Regular Employees

Administrative/Regular Employees - Non-Faculty professional personnel who were formerly defined as Faculty in accord with 23-10-102(4), C.R.S., 1973; namely counselors, librarians, and student services personnel, who completed at least three years of continuous service at the College by the end of the 1987-88 fiscal year

Administrator – Professional personnel holding an administrative position with the College who are not Administrative/Regular employees.

Affiliates - Individuals who are affiliated with the College as volunteers, invitees, vendors, suppliers or in other capacities but who do not technically qualify as students, professional personnel or other employees.

Affirmative Action Coordinator - The College administrator who oversees the implementation of the College's Affirmative Action Plan and investigation of grievances filed for violations of the policy on anti-discrimination. The Affirmative Action Coordinator reports to the President.

Affirmative Action Office - The College administrative unit, headed by the Affirmative Action Coordinator, and responsible for overseeing the implementation of the College's Affirmative Action Plan.

Affirmative Action Plan - A plan designed to encourage equal employment opportunity at the College for all qualified individuals, in compliance with state and federal law.

Annual Performance Review - Annual evaluation of Tenured Faculty who are not scheduled for a Comprehensive Evaluation.

Board of Trustees - The governing body of the College, appointed by the Governor of the State of Colorado.

Business Days – Days on which the Administrative Offices are open for business.

Cause – Misconduct or unacceptable conduct that is the basis for discipline or dismissal. See Termination section of the Handbook for examples of “cause.”

Classified Employees - Employees of the College who are part of the State Personnel System. This does not include Professional Personnel and other Exempt employees.

College - Mesa State College.

Comprehensive Evaluation - An in-depth, cumulative assessment of a Tenured or Tenure-track Faculty member’s performance over a period of up to the past five years.

Day - Unless otherwise specified, a “day” refers to a calendar day.

Department Head - The employee responsible for administration of an academic department. The Department Head is appointed by the President and reports to the VPAA.

Director - The employee responsible for administration of an administrative office or unit. The Director is appointed by the President and may report to a Vice President or the President.

Dismissal or Dismissed - Involuntary termination of the employment assignment and/or when the termination is for cause.

Employee Assignment - An agreement between the Professional Personnel and the College setting forth a mutual intent that the Professional Employee will provide services to the College as specified in the assignment, subject to the policies in the Employee Handbook. Although the assignment may relate to an Academic Year, Fiscal Year, or part of an Academic or Fiscal Year, it is not a guarantee of employment for a definite period of time and, except for tenured faculty, assignments are at-will employment agreements and may be terminated at any time, with or without cause or advance notice, or as otherwise provided in Section III. J relating to tenure-track faculty. Also, except for tenured faculty, assignments may be non-renewed with or without cause or advance notice.

Employees-at-will - Employees whose employment may be terminated at any time, with or without cause or prior notice.

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Employees-in-good-standing - Employees who have current Performance Ratings of proficient or better, who are not under investigation for misconduct, are not under suspension or under notice of dismissal for cause.

Exempt Employees - Employees who are not covered by the State Personnel System.

Faculty - Faculty includes only Professional Personnel whose primary responsibility is to provide academic instruction to students of the College, and who may hold academic rank. Faculty does not include Professional Personnel who are counselors, librarians, student service personnel, or other Administrative Personnel.

Fiscal Year - The 12-month period for which an annual budget is established.

Full-Time - Professional Personnel hired to work at least 40 hours per week on a regular basis. Full-time Faculty are normally scheduled to teach no less than an average of twelve credit hours each semester of the Academic Year.

FTE - Full Time Equivalent.

Grievance - A written allegation by affected Professional Personnel that there has been a violation, misinterpretation, or improper application of the policies in this Handbook, the *Trustees' Policy Manual* or any other Trustee-approved written policies and procedures of the College, which violation adversely affects the Grievant's employment, other than violations or actions that relate to supervisory warnings, disciplinary action, dismissal, nonrenewal, reduction in force, suspension, reassignments to other exempt Professional Personnel positions, adverse Tenure recommendations or decisions, evaluations, annual development plans, annual performance reviews, comprehensive development plans, comprehensive evaluations, or post-tenure performance improvement plans and reevaluations.

Grievant - The affected Professional Personnel who files a grievance in accordance with the Grievance Policy contained in this Handbook.

Handbook - Mesa State College Professional Personnel Employment Handbook.

Nonrenewal - Nonrenewal, as applied to Faculty members, means that the employment assignment as a Faculty member is not renewed for another Academic Year upon expiration of its term.

Non-Tenure-Track - Faculty positions that are not on a course toward attaining Tenure.

Notice - "Notice" means written notice, either sent by certified mail, return receipt requested, to the address shown on the personnel records of the College, by first class mail, or delivered in

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person. If notice is mailed, it is deemed given/received upon the date of mailing. If the notice provision in this Handbook states that the notice must be physically received to be effective, then it is deemed given/received upon the date of actual receipt. In the case of personal delivery, a signed and dated receipt should be requested of the recipient. If the person refuses to accept hand delivery of the notice, an affidavit from the person who attempted to deliver the notice shall be conclusive evidence of the date that the notice was given/received. In any event the notice should be contained in a sealed envelope addressed to the person being notified and marked “confidential.”

President - The President of Mesa State College. The President reports to the Board of Trustees of the College.

Professional Personnel - Employees who hold Faculty, Administrator, or Administrative/Regular positions with the College.

Pro-rata – Proportionate basis; percentage of the whole.

RIF - Reduction in Force.

Reduction in Force - Elimination of Professional Personnel position(s) or the number of Professional Personnel holding the position(s) because of programmatic, financial or other lawful reasons. Termination because of Reduction in Force does not imply any misconduct or fault by the Professional Personnel terminated. Reduction in Force may or may not result in a decrease in the total number of employees in the program, department or administrative office affected.

Release Time - Reduction in Faculty teaching workload to allow for pursuit of other approved professional activities.

Respondent - The person against whom a grievance is filed in accordance with the Grievance Policy in this Handbook.

Retiree - Effective January 1, 2006, and except as noted below, any faculty member, administrative professional or state classified employee who separates employment and who, at the time of separation, has attained the age of 55 with at least 20 years of Mesa State College service or who has attained the age of 60 with at least 5 years of consecutive Mesa State College service immediately preceding the date of separation. This definition shall be used to determine eligibility for benefits extended from time to time to retirees from Mesa State College to the extent that such benefits are under the control of the Board of Trustees of the College, and does not affect consideration for emeritus status.

Service shall include those periods of employment with Mesa State College during which the faculty member, administrative professional, or state classified employee has received the

“Employer Contribution” to the Mesa State College Defined Contribution Plan for Retirement or during which the College has made employer contributions to PERA for such person; had an appointment of ½ time or greater; and was receiving, or was eligible to receive, benefit, pay or the state classified insurance(s) match. Periods of paid leaves, or unpaid leaves of one year or less during which the employee received, or was eligible to receive, benefit pay or the state classified insurance(s) match will be counted as “service.”

This definition does not affect the determination of retiree status of those employees born on or before January 1, 1951 and who have been employed continuously at Mesa State College since on or before December 31, 1991.

Professional Personnel who are receiving PERA retirement benefits are Retirees and may, with the College's approval, apply for employment and be rehired by the College but not as Tenured or Tenure-track Faculty because of the restrictions under PERA against Full-time employment, which is a requirement of Tenured or Tenure-track status.

Scheduled Work Days - Days on which the individual employee is normally scheduled to work.

School Day - A school day is defined as a day when the College is in session and classes are being held. It includes summer sessions as well as Fall and Spring semesters.

Technical Faculty - Faculty employed at by Mesa State College whose primary responsibility is to provide instruction to students of Western Colorado Community College.

Tenure - The status awarded to certain Faculty by the Trustees that changes the Faculty from an employee-at-will to an employee who can not be terminated except for cause or due to Reduction in Force. Tenure requires the Faculty member to be Full-time.

Tenure-track – Full-time Faculty positions that are on a course toward attaining Tenure but without any guarantee of achieving Tenure.

Tenured Faculty – Full-time Faculty who have Tenure.

Temporary Faculty - Faculty who do not have Tenure. Temporary Faculty may be terminated with or without cause at any time during or upon expiration of the position assignment. Temporary Faculty may be granted renewal assignments to extend their employment beyond the expiration of the initial assignment.

Terminal Degree - The top level degree that can be obtained in a particular academic area.

Termination – In reference to employment, the ending of the employment relationship, which may be voluntary or involuntary.

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Trustees - The Board of Trustees.

Vice President - The highest administrative level of Professional Personnel below President. Vice Presidents report directly to the President.

VPAA - The Vice President of Academic Affairs of the College. The VPAA reports to the President.

Without Cause – Regarding termination of employment, “without cause” means that the employment ends without publication by the College of any cause for termination that is stigmatizing to the employee’s reputation.

Work Day – A day on which the employee is normally scheduled to work.

Work Hours – Time that is actually worked by the employee. Leave time is not work hours, regardless whether the leave is paid or unpaid.

A. Handbook.

1. Purpose of Handbook. The *Mesa State College Professional Personnel Employment Handbook* (Handbook) sets forth policies and procedures applicable to Professional Personnel employed by the College. It supplements the policies set forth in the *Trustees' Policy Manual* (Manual), and is intended to be consistent with those policies in all respects. To the extent the Handbook and Manual are inconsistent, the Manual controls. All policies and procedures are subject to approval by the Board of Trustees. The Trustees reserve the right to modify, amend, replace or revoke the Handbook policies without prior approval of Professional Personnel. The policies and procedures set forth in this Handbook, as amended from time to time, constitute part of each Professional employee's employment contract with the College. This Handbook supersedes all policies and procedures in any prior version of this Handbook or the State Colleges System Handbook. Certain words and phrases used herein have special meaning as defined in the Glossary. Any time limits in the Handbook may be extended by the President upon written request and for good cause.

2. Process for Handbook Revision When Initiated by Professional Personnel. The policies and procedures set forth in the *Professional Personnel Employee Handbook* ("Handbook") constitute part of each Professional employee's employment contract. Any amendment to the *Handbook* shall take effect and be incorporated in the employee's contract immediately upon its adoption by the Trustees. Therefore, to ensure that any changes to the *Handbook* are effective with, and concurrent to, the dates of the employment contract, modifications to the *Handbook* shall follow the process outlined herein.

The Board of Trustees will consider revisions to the *Professional Personnel Employment Handbook* annually. The Handbook Revision Committee will be appointed to review changes (i.e., modifications, additions, deletions) requested by professional personnel and to make a recommendation to the Board of Trustees for its consideration.

a. **Committee Membership.** The Handbook Revision Committee will have ten members, comprised of the following:

- 1) 2 faculty appointed by the Faculty Senate;
- 2) 2 faculty at-large;
- 3) 2 administrative personnel at-large;
- 4) 1 academic department head;
- 5) Director of Human Resources;
- 6) Vice President for Academic and Student Affairs;
- 7) President, *ex officio*.

All members are appointed by the President unless otherwise designated. The Vice President for Academic and Student Affairs will serve as the Committee Chair. Appointments generally are for two years. To ensure consistency and begin a rotation, however, some initial appointments may be for one year.

- b. Revision Petition. A petition for a Handbook change should include the following information:
- 1) Identification of Current Policy (Reference specific section and part);
 - 2) Description of Requested Change;
 - 3) Rationale for Requested Change; and
 - 4) Signature(s) of Professional Personnel Submitting Requested Change, one of which is designated as the primary signatory. A minimum of ten signatures is required for consideration of the requested change, with no more than half of the signatures from a single academic department or administrative office.

Each change should be submitted as a separate petition.

The President and the Vice President for Academic and Student Affairs are exempt from the signature requirement if s/he initiates a petition.

A petition may be withdrawn by the primary signatory at any time during the process.

- c. Review Cycle. The Handbook Revision Committee will review petitions for revisions on the following annual cycle:
- 1) Submission of petition for Handbook change: December 1;
 - 2) Committee review of petition(s) which may include a meeting between the committee and the petitioner(s): mid-January – February;
 - 3) Campus' professional personnel review and submission of written comments on proposed revisions: early March for 10 working days;
 - 4) Committee review of comments and final review of recommended changes by attorney: late March;
 - 5) Submission of recommended changes to Board of Trustees: April 1;

- 6) Effective date of Board-approved changes: July 1.

While generally are discouraged, exceptions to the review cycle may be granted by the Vice President for Academic and Student Affairs.

3. Process of Notification of Handbook Revision When Initiated by MSC Board of Trustees. Professional Personnel will be notified, in writing by campus e-mail, or campus mail, or other appropriate means, of any modifications made to the Handbook.

B. Endorsement of Academic Freedom. The Board of Trustees endorses the principle of academic freedom, which means the freedom to discuss academic subjects fully, engage in research and publish the results of research, and write or speak as citizens without fear of institutional censorship or discipline, provided individuals do not represent themselves as speaking for the College.

C. Electronic Mail and Other Electronic Communications.

1. The College's Electronic Services.

The College has E-mail, Internet access, computers, voice mail and various other devices that record verbal or written messages. These devices are owned or leased by the College and are for the College's business purposes and limited personal use. They are provided to enhance productivity and work-related information sources for the performance and fulfillment of job responsibilities. The College has the right to review, copy, disseminate and use for its own purposes any voice mail messages on its equipment and information on its computers, including any E-mail.

2. No Privacy Expectations.

Employees have no reasonable expectation of privacy when using the College-owned or leased computers, E-mail, voice mail or other electronic devices. Employees should not use these electronic devices for any communication that would be embarrassing or humiliating to the Employee if reviewed by persons who are not party to the communication. Employees should advise family and friends who communicate with them at work on these electronic devices that all recorded information is subject to the College's review, copying and dissemination. Recorded materials may also be subject to subpoena, discovery and review in any litigation by outside agencies, entities or persons, or by governmental agencies, and may be subject to review under the Open Records Act.

3. No Offensive or Obscene Usage.
Employees shall not use voice mail, E-mail, the Internet or other computer features or electronic devices for obscene, offensive, harassing or threatening communications that are against the policy on Discrimination and Harassment or otherwise against the law. Do not access or download pornography on the Internet. Any employee who is harassed by another Employee or outsider sending E-mail messages that are threatening or offensive or by displaying offensive Internet information should report this to the Human Resources Department. See policy on Discrimination and Harassment.

A. Discrimination and Harassment Prohibited

1. Protected Status. “Protected status,” means a status or characteristic of an individual that is protected by State or Federal law or the policies of the College. Protected status includes race, color, religion, creed, sex, gender (including pregnancy), national origin, ancestry, age (40 and older), disability, veteran status, marital status and sexual orientation (referred to jointly as “protected status”).
2. Equal Employment Opportunity. There shall be no discrimination in employment based on protected status. Equal employment opportunity shall apply to all personnel actions including, but not limited to, recruitment, hiring, compensation, terms and conditions of employment, privileges, benefits, promotion, discipline, termination, classification of applicants and employees. Equal employment opportunity does not change the requirement that all applicants and employees, regardless of their protected status, must be otherwise qualified for the job.
3. Participation in Programs. The College prohibits discrimination by any employee based on protected status against any otherwise qualified applicant, employee, or student with regards to participation in any academic, research, training, education program or other activity offered by the College.
4. Harassment. "Harassment" is a form of prohibited discrimination where it is based on any protected status and is unwelcome, severe or pervasive, and (i) the conduct is either an explicit or implicit condition of an individual’s employment or education; (ii) submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting the individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive working environment.
 - a. Sexual Harassment. Sexual advances or propositioning, jokes of a sexual nature, sexual innuendo and sexual comments about someone’s appearance, dress or activities, intimate stories about one’s sex life, sexually explicit photographs or drawings, touching of a sexual nature, slurs, derogatory statements or other demeaning or adverse treatment based on sex or gender are examples of conduct that can constitute sexual harassment where the conduct is unwelcome, severe or pervasive and based on sex or gender.
 - 1) Amorous romantic or sexual relationships between Professional Personnel and students enrolled in their classes or whom they are assigned to advise or between Professional Personnel and employees or students whom they supervise can create claims of

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sexual harassment. Such conduct puts academic and professional trust and ethics at risk and constitutes a conflict of interest.

- 2) Accordingly, the College prohibits Professional Personnel from forming such relationships, as well as any attempt to initiate or engage in an amorous relationship with students enrolled in their classes, or advisees, or one of their subordinates. If such a relationship exists or is developing, the Faculty member or Administrator shall report the relationship or attempt to the Affirmative Action Coordinator or the Office of Human Resources so that appropriate action may be taken.
 - b. Other Harassment. Slurs, derogatory statements, jokes, stereotyping, other demeaning or adverse treatment are examples of conduct that can constitute harassment where the conduct is unwelcome, severe or pervasive and based on a protected status.
 - c. Unprofessional Conduct. Harassment based on protected status is unprofessional conduct and may result in discipline or discharge even though it is not severe or pervasive enough to rise to the level of unlawful discrimination under State or Federal anti-discrimination laws.
 - d. Harassment by or towards Non-employees. Harassment by or towards non-employees (e.g. Affiliates, volunteers, and members of the public with whom an employee interacts within the course and scope of employment) is also prohibited discrimination.
 - e. Violence and Threats of Violence. Violence and threats of violence constitute prohibited harassment and will result in discipline or discharge. The College has zero tolerance for violence of any nature. Any employee who engages in such conduct may be subjected to criminal prosecution in addition to discipline or discharge.
5. Disability Issues. “Disability” includes physical and mental disabilities that substantially limit one or more major life activity. Disabled individuals must be otherwise qualified to perform the essential job functions, with or without reasonable accommodations. Any employee who requires a reasonable accommodation in order to perform the essential job functions and who has not received this accommodation through communications with his or her immediate supervisor, must make a written request for accommodation to the Affirmative Action Coordinator or Office of Human Resources. The request for accommodation will be reviewed. The employee must cooperate in the interactive process to determine what reasonable accommodations the College can provide.

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6. Other Anti-discrimination Policies and Law. This policy incorporates by reference any policies in the Trustees' Policy Manual regarding unlawful discrimination, sexual harassment and amorous relationships, and violence, the College's Affirmative Action Plan, and State and Federal anti-discrimination law. Prohibited discrimination under this policy shall be construed in accordance with State and Federal anti-discrimination law, except that protected status shall be as defined in this policy and harassment may constitute unprofessional conduct even though it is not sufficiently severe or pervasive as to constitute discrimination under State or Federal anti-discrimination laws.
- B. Duty to Report.** Any employee who is subjected to discrimination or harassment should report the conduct to the Affirmative Action Coordinator, or the Office of Human Resources. The College will promptly investigate the circumstances and take appropriate action. The State Personnel Rules, or the Student Code of Conduct may apply if the Respondent is a Classified Employee or a Student. The Affirmative Action Coordinator or Office of Human Resources will provide the reporting employee with information on the appropriate proceeding. Any employee in a supervisory position and any Faculty member who has a reasonable belief that prohibited discrimination has occurred or is occurring has an obligation to report the information to the Affirmative Action Coordinator or Office of Human Resources. "Reasonable belief" may be premised on personal observation, written or oral complaint or any other credible evidence. There is no duty to report unattributed rumors. An employee who is obliged to report should not delay reporting in an attempt to investigate or mediate. The appropriate College authorities will investigate all credible allegations of prohibited discrimination.
- C. Retaliation Prohibited.** There shall be no retaliation against any employee for reporting conduct to the Affirmative Action Coordinator or the Office of Human Resources that the employee honestly believes is in violation of this policy. There shall be no retaliation against any employee for assisting or participating in the investigation of the circumstances. Any retaliation should be reported and must be processed in the same manner as any other violation of this policy.
- D. Discipline or Discharge.** Any employee determined to have engaged in conduct prohibited by this policy shall be subject to disciplinary action, up to and including dismissal. Any employee who is dishonest in reporting that another person is engaging in conduct that violates this policy is similarly subject to disciplinary action or dismissal. Proceedings against any Professional Personnel for violation of this policy will be in accordance with the Disciplinary Procedures Policy or Termination Policy in this Handbook.
- E. Legal Rights.** This policy is intended to comply with federal and state anti-discrimination laws including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, and E.O. 11246 to the extent such laws apply to the

College and the circumstances. This policy is not intended to and shall not be construed to in any way expand the applicable statute of limitations under these civil rights laws for pursuing claims of unlawful discrimination or harassment with the appropriate federal or state agencies or courts.

F. Procedures for Reporting and Investigating.

1. Complaints of unlawful discrimination or harassment should be made to the Affirmative Action Coordinator, or other Administrator in the Office of Human Resources, within thirty (30) calendar day after the conduct giving rise to the complaint occurs. Upon receiving a complaint of a violation of this policy, the Affirmative Action Coordinator (or other Administrator in the Office of Human Resources) shall meet with the complainant and obtain a written statement of the allegations, relevant dates when alleged conduct occurred, the identity of the respondent and any witnesses who may have relevant information relating to the complaint, a description of the information each witness is believed to possess and the College policies allegedly violated. The statement shall be signed by the complainant.
2. The complainant may be an employee, student, applicant for employment, applicant for admission, or an affiliate of the College if the respondent is a Professional Personnel employee.
3. The Affirmative Action Coordinator shall promptly give the President notice of the complaint, including a copy of the complainant's signed statement. If the complainant refuses to sign a statement, the Affirmative Action Coordinator shall, nevertheless, report the complaint to the President.
4. If the complaint is signed and alleges conduct that, if true, violates this policy, the President shall initiate an investigation under the Disciplinary Procedures section of this Handbook, or proceed under the Termination Policy. The President may initiate an investigation even if the complainant refuses or fails to sign the complaint. The Affirmative Action Coordinator shall coordinate and oversee the investigation, unless the President delegates this responsibility to another qualified individual.
5. The President may take corrective action to protect the complainant and to prevent contact between the complainant and the respondent during the pendency of the process. Any such actions shall be in addition to any sanction imposed by the process. Suspension with pay, or reassignment pending completion of the proceedings are available options, if the President has reasonable cause to believe that the respondent has violated this policy, and the respondent's presence on campus or in the current job position threatens to impair or disrupt the teaching, administrative or other functions of the College, or if the President determines that such action is necessary to protect the complainant.

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6. The investigation will be treated with discretion to protect the privacy of those involved to the extent possible without impairing the investigation. Confidentiality can not be promised to the complainant or the respondent because of the need to investigate and take appropriate action.
7. Records of all discrimination complaints will be maintained and stored for a minimum of three years in the Affirmative Action Office. All information contained in the complaint file is classified as confidential to the extent permitted by law.
8. The complainant may choose to withdraw his/her complaint at any point in the College investigation. The President may, nevertheless, require investigation of credible allegations of violation of this policy as appropriate to the circumstances, even if the complaint is withdrawn or untimely, and may take corrective action, disciplinary action, or pursue discharge if warranted by the available facts.
9. The complainant and the respondent shall receive written notice of the President's decision regarding the complaint and any decision by a hearing officer or the Trustees.

A. Equal Opportunity

It is the policy of the College to comply with all applicable federal and state anti-discrimination laws. The College will not engage in unlawful discrimination in employment opportunities or educational services against any person because of race, religion or creed, sex or gender (including pregnancy), age (40 and older), national origin or ancestry, color, disability, veteran status, or sexual orientation. The process of position announcement, screening, interviewing, appointment recommendation and hiring must adhere to the College's Affirmative Action Plan, which is on file in the Office of Human Resources, the Anti-Discrimination Policy in this Handbook and any anti-discrimination policies in the *Trustees' Policy Manual*.

B. Recruitment of Professional Personnel

1. Coordinating Candidate Recruitment. The Vice President, Department Head or Director of the hiring unit, in consultation with the VPAA or the President, as appropriate, and the Affirmative Action Coordinator are responsible for coordinating candidate recruitment.
2. Specification of Qualifications. Job descriptions and position announcements should specify the qualifications, including education, experience and competence, which are minimally required of candidates for Professional Personnel positions. The essential functions and specific job duties should also be included in job descriptions and position announcements.
3. Search Committees. Search committees may be used in recruitment of Professional Personnel. The participants shall be approved by the President and shall include a representative of the Affirmative Action Office who will provide guidance to the search committee regarding compliance with the College's Affirmative Action Plan, anti-discrimination and equal employment opportunity policies and procedures.

C. Faculty

1. Faculty includes only Professional Personnel whose primary responsibility is to provide academic instruction to students of the College, and who may hold Academic Rank. The term "Faculty" does not include Professional Personnel who are counselors, librarians, student service personnel, or other Administrative Personnel.

2. Search Process for Faculty.
 - a. Tenure-track position vacancies are widely advertised beyond the College and local community to assure that the best possible Faculty candidates are obtained. Non-tenure-track positions may be filled without advertising beyond the local community.
 - b. The Department Head, in consultation with Faculty and VPAA, and with the President's approval, may form a search committee to assist in recruitment and evaluation of candidates for the position. The Department Head is responsible for reporting the recommendations of the search committee, as well as his or her personal recommendation to the VPAA for the candidate(s) to be interviewed.
 - c. In consultation with the VPAA, the Department Head shall arrange for interview(s) of the candidate(s) believed to be most appropriate for further consideration.
 - d. Following the interview process, it is the responsibility of the VPAA to make a recommendation to the President.
 - e. Only the President may make a formal offer of employment to a candidate. The offer is conditional on Trustee approval of the proposed appointment.
 - f. Once the search has been completed and an offer made, all documents and files concerning the search, offer and appointment must be submitted to the Office of Human Resources for retention during any period required by law or College policy.
 - g. Faculty appointments are normally made for the Academic Year with appointments for summer teaching, when available, made by separate assignments. However, Faculty positions may also be made for a Fiscal Year or other period not to exceed twelve months.

D. Faculty Rank at Time of Initial Appointment

1. Academic Faculty. The basic structure for Academic Faculty shall be instructor, assistant professor, associate professor, and professor. The minimal educational and experiential qualifications for faculty normally are as follows:

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- a. Instructor - Master's degree or other appropriate degree for the Faculty's discipline plus demonstrated competence in the field of specialization and capacity for teaching. These faculty do not hold Academic Rank at the college and teach 12 or more course credit hours per semester.
- b. Assistant Professor - Master's degree plus three years teaching experience at the post-secondary level; or Master's degree plus 45 quarter hours or 30 semester hours of appropriate post-master's degree work; or earned doctorate or other post-graduate degree(s) recognized as terminal degree for the Faculty's discipline.
- c. Associate Professor - Earned doctorate plus five years teaching experience at the college level or other appropriate post-doctoral experience in the field of specialization; or meets the educational requirements for Assistant Professor and has achieved outstanding recognition in public service or the private sector, and has demonstrated capacity to teach at the college level.
- d. Professor - Earned doctorate plus ten years teaching experience at the college level or other appropriate post-doctoral experience in the field of specialization; or the appointee meets the educational requirements for Associate Professor and has achieved outstanding recognition in public service or the private sector, and has demonstrated capacity to teach at the college level.

All educational credentials must be earned from an institution whose accreditation is recognized by the U.S. Department of Education.

Exceptions for individual Faculty members may be approved by the President. Generally, such exceptions will be recommended by the Department Head to the VPAA, after consultation with Faculty of the affected Faculty body, and, in turn, the President, based on expertise, technical competence and/or personal attributes which the Department Head deems of sufficient merit to warrant such recommendations. Normally such exceptions will be for persons who have made substantial contributions to their fields of specialization or who have demonstrated exceptional scholarship, competence, or appropriate creative accomplishment of recognized excellent quality.

High school teachers who offer a college course for concurrently enrolled students (Early Scholars Program) are employees of their respective districts rather than the college and do not hold Academic Rank.

2. Technical Faculty. The basic rank structure for Technical Faculty shall be technical instructor, assistant technical professor, associate technical professor,

and technical professor. Educational and experiential qualifications for technical Faculty as follows:

- a. Technical Instructor - Must meet credentialing requirements for area taught per Colorado Community College System.
- b. Assistant Technical Professor - Five years teaching experience and (i) associate degree in field related to area of instruction, or (ii) ten years of appropriate work experience, or (iii) national certification in field of specialization.
- c. Associate Technical Professor - Ten years teaching experience and (i) baccalaureate degree in a field related to area of instruction, or (ii) fifteen years of appropriate work experience, or (iii) advanced and/or multiple certifications in field of specialization.
- d. Technical Professor - No initial employment contracts will be issued at the Technical Professor level.

E. Special Appointment Faculty

1. Adjunct Professor. The rank of adjunct professor is used to appoint as members of the Faculty individuals who possess training and experience useful to a College program through service on advisory committees, supervision of student interns, and similar activities. Adjunct professors may teach on an honorarium basis, but normally do not receive a stipend or fringe benefits from the College. Appointment as adjunct professor should be made only when a reasonably strong and continuing relationship between the individual and the College can be established.
2. Lecturer and Visiting Professor. The ranks of lecturer or visiting professor may be used in the appointment of Faculty for a very temporary assignment or event, particularly where that appointment is not to continue beyond expiration of a limited assignment period. A lecturer appointment applies to faculty teaching 11 hours or less in a semester, while responsibilities of a Visiting Professor are defined at the time of the appointment.

F. Emeritus Status

1. All Faculty who have completed ten (10) continuous years or more of Full-time service at the College shall be eligible at the time of their retirement to be considered for an emeritus title equivalent to their highest professional rank.

2. Emeritus status from the College may be granted upon recommendation by the President and approval by the Trustees.
3. Emeritus status shall not be automatically conferred on all eligible retirees. Rather, it shall be based on high standards of professional performance at the College over an extended period.
4. Emeritus status may carry benefits to be determined by the Trustees.

G. Department Heads

1. Each academic department has a head who is responsible for the administrative duties of that department. Department Heads are appointed by the President.
2. The selection process for Department Heads is as follows:
 - a. Normally the Department Head will be selected from the Tenured Faculty of the department.
 - b. Faculty may recommend the candidate(s) to the VPAA. The VPAA, in consultation with the Faculty of the appropriate department, will make a recommendation to the President.
 - c. The term of appointment is typically three years. However, the President may select a new Department Head prior to the end of the term.
 - d. If an emergency situation arises, creating a vacancy in the Department Head position, an acting Department Head shall be recommended by the VPAA to the President to serve until the end of the current Academic Year, or such other period as the President determines. A selection process may be initiated.

H. Oath or Affirmation of Allegiance for Faculty

1. Procedure. The following procedures are prescribed by the Trustees in accordance with §22-61-104, C.R.S.
 - a. The oath or affirmation shall be administered to all persons employed by the Trustees of the College in teaching positions, regardless of the length of the employment period, before entering upon or continuing the discharge of his or her teaching duties. This shall be construed to include all ranked and unranked personnel, graduate assistants, and any other

I. Administrators

1. Administrative personnel, including librarians and media professionals, are Professional Personnel who are not Classified Employees. Administrators (except Administrative/Regular Employees), are employees-at-will and serve at the pleasure of the President of the College.
2. The appropriate Vice President, Department Head or Director, in consultation with the President, is responsible for conducting the selection process for positions within his or her area of responsibility. The President shall be responsible for the selection process for Vice Presidents, the athletic director, and any other Exempt position that reports directly to the President.
3. Administrative positions shall be exempted from the state personnel system before searches are commenced. With the President's approval, advancement from within the College, without outside search, is permitted.
4. Only the President may make a formal offer of employment to a candidate, pending approval by the Trustees.
5. All offers of employment for administrative positions (including positions filled from within the College) are conditional on approval of the proposed appointments by the Trustees.

- J. Position Assignments and Employment Status.** Assignments used for all Professional Personnel must conform with the form and general conditions specified by the Board of Trustees (see Trustees' Manual). The policies in this Handbook, as amended from time to time by the Trustees, are made part of the employment assignment by reference. Administrators (except Administrative/Regular employees) and Temporary Faculty are employees-at-will who may be terminated at any time, with or without cause or advance notice. Employment is at will even though the assignment is issued annually or for a specified period of duration. The exception to this rule is that Tenure-track Faculty, although employees-at-will, may be terminated within the Academic Year assignment term only due to a Reduction in Force or for cause.

A. General Statement

Mesa State College is authorized by the Board of Trustees to offer a broad array of benefits to its professional staff. The benefits, which are outlined below, are subject to change, from time to time, at the direction of the Trustees. Additional information about specific benefits and copies of plan documents may be obtained from the Office of Human Resources. To the extent this policy conflicts with the plan documents, the plan documents are controlling.

B. Group Insurance Plan

1. Mesa State College offers comprehensive group insurance plans providing health and dental insurance coverage, life insurance, and long term disability coverage to all benefits-eligible Professional Personnel. Benefits eligible personnel are those employees with appointments of at least 0.5 FTE during the fiscal year. Employees are also provided with travel accident insurance which covers all College-related travel. The insurance programs shall be required for all benefits-eligible employees, with the exception of those granted exemptions. Exemptions will be granted by the College for those persons who provide proof of other group health coverage (including military benefits) and for those persons whose religious beliefs conflict with requirements of this program.
2. Health insurance coverage coincides with the dates of employment. However, all Faculty members employed on nine to 12 consecutive month employee assignments will be covered for 12 months unless the faculty member is not to be employed by the College for the immediately succeeding academic year, in which case coverage ends at the end of the month of the date of separation. Employees whose employment is terminated are generally eligible for COBRA continuation coverage at their own expense.
3. In addition to the above insurance coverage, an employee may choose from a variety of optional insurance plans. Information about all of these plans is available in the Office of Human Resources.
4. Full plan descriptions and premium rates are addressed in the annual Employee Benefit Plan Handbook. The health and insurance program shall be reviewed periodically to assess its adequacy in terms of coverage and costs.

C. Tax-Deferred Annuity (TDA)

The employees of the College are authorized by the Trustee Policy Manual to participate on a voluntary basis in a payroll deduction tax deferred annuity plan in accordance with

the Internal Revenue Code § 403(b). More detailed information concerning tax-deferred annuities is available in the Office of Human Resources.

D. Long-term Disability Program

A long-term disability insurance program is provided to Professional Personnel with appointments of at least 0.5 FTE for the fiscal year in which the disability occurs. Long-term disability insurance coverage ordinarily coincides with the dates of employment. However, all Faculty members employed on nine to 12 consecutive month employee assignments will be covered for 12 months unless the faculty member is not to be employed by the College for the immediately succeeding academic year, in which case coverage ends at the end of the month of the date of separation. The benefits shall commence on either the 91st consecutive calendar day of disability or the exhaustion of paid sick leave, whichever is later, and shall be payable for either sickness or accident.

E. Retirement

All Professional Personnel shall participate in either the Public Employees Retirement Association (“PERA”) or the Mesa State College Defined Contribution Pension Plan (“DCPP”) as established by the Trustees. Eligibility to participate in PERA or the DCPD shall be determined in accordance with title 24, articles 51 and 54.5 of the Colorado Revised Statutes (as amended from time to time.)

1. Public Employees Retirement Association (PERA)

- a. PERA is a defined benefit retirement plan authorized by state statute. PERA is not an option for those employees hired after May 1, 1994, except for an eligible employee who is an active or inactive member of PERA with at least one year of service credit and who elects within thirty (30) calendar days of appointment to remain in PERA.
- b. The contribution of both the employee and the College are established annually by the state legislature; this contribution is not subject to federal or state taxation. Contribution rates of both the employee and the employer are subject to change. Employees receive an annual statement from PERA detailing the employee’s contribution. Employees become vested at five years and have a right to a deferred annuity from the vesting. Retirement income benefits are established by state statute and are determined by a combination of age, years of service, and highest average salary (HAS) that are associated with three periods of twelve (12) consecutive months of service. PERA also provides survivors' benefits after one year of service and short term disability coverage after five years of service.

- c. Professional Personnel are urged to consult with the Office of Human Resources or with PERA for specific current information regarding the PERA plan.
 - d. PERA retirees, except those retired before July 1, 1994, are subject to limits on working after retirement of 110 days /720 hours per year. These limits are inconsistent with the status of Tenured or Tenure-track Faculty because these classifications require the faculty member to work Full-time on a regular basis. Thus, when a Tenured or Tenure-track Faculty member, other than faculty retired before July 1, 1994, is receiving PERA retirement benefits, the individual is no longer Tenured or Tenure-track Faculty. All Tenured and Tenure-track Faculty must notify the Vice President of Academic Affairs in writing when they apply for PERA benefits and when such benefits are awarded so that the individual's status will be properly recorded as Retiree.
2. Defined Contribution Pension Plan (DCPP)
- a. Those employees who have elected to transfer to a defined contribution pension plan (DCPP) and those employees hired after May 1, 1994 who are ineligible to participate in PERA must participate in the defined contribution pension plan approved by the Board of Trustees.
 - b. The contribution rates of both employees and the College are determined by the Trustees; this contribution is not subject to federal or state taxation. Contribution rates of both the employee and the employer are subject to change. The employee is 100 percent "vested" in all contributions made to his/her account.
 - c. Professional Personnel are urged to consult with the Office of Human Resources or with their DCPP administrator for specific current information regarding the DCPP plans.
3. There is no mandatory retirement age for Professional Personnel.
4. Professional Personnel who are considering retirement (including early retirement) should contact the Office of Human Resources for information concerning retirement options and benefits.

F. Transitional Retirement

Contact the Office of the VPAA for information regarding transitional retirement status for Faculty who retire from the College as Full-time Faculty and then provide services as Part-time Faculty. There is no guarantee of transitional retirement, or continued employment, reemployment or tenure to those offered Part-time employment under a transitional retirement scheme. Transitional retirees are solely responsible for determining what impact, if any, their transitional retirement employment has on PERA or DCPD benefits.

G. Post-Retirement Employment

Retired Professional Personnel who are receiving or plan to receive PERA retirement benefits and are applying for temporary positions should consult with PERA concerning the effect of such employment on their eligibility to receive retirement benefits.

H. Workers' Compensation

The College provides workers' compensation insurance for work-related injuries or illness in compliance with Colorado law. Work-related injuries should be reported immediately to the employee's supervisor and the Office of Human Resources. State law requires all injuries to be reported by the employee, in writing, within four working days of the accident. The written report must be submitted to the Office of Human Resources. Failure to timely report a work-related injury or illness may result in loss of benefits. The College shall provide a list of at least two physicians or two corporate medical providers or at least one physician and one corporate medical provider from which list an injured employee may select the physician who attends the injured employee. Contact the Office of Human Resources to arrange for treatment by a designated physician. Medical benefits may be denied if the designated physician is not used.

I. Tuition Waivers

Professional Personnel may have tuition waived for job-related and career enhancement undergraduate, graduate or noncredit courses that are offered by the College. Tuition waivers are limited to nine semester hours per academic year for employees with an appointment of, or employed at, 0.5 FTE or greater. Tuition waivers are limited to classes with space available without eliminating a tuition-paying enrollee. Approval must be in writing and must be received before the employee enrolls in the course or training. No request shall be approved unless the President or delegate concludes that enrollment in the course or training will benefit the State and enhance the employee's performance. Tuition waiver forms are available in the Business Office. Pursuant to the Internal Revenue Code and Revenue Rulings, the monetary value of any tuition waiver may be subject to income taxation.

J. Pay Period and Direct Deposit

Professional personnel are paid once a month on the last Business Day of the month. Direct deposit of earnings is required for all Professional Personnel. Faculty members employed on nine- or ten-month assignments are paid in twelve equal installments, August – July.

A. Sabbatical Leave

1. Eligibility. Full-time Faculty members, except Non-tenure-track Faculty, are eligible for a paid sabbatical leave when they have completed seven Academic Years of continuous service to the College. A maximum of one Academic Year per fiscal year may be accrued toward sabbatical leave eligibility. Credit toward eligibility may not be earned by service during summer sessions.
2. Service accrued toward eligibility for a sabbatical leave shall be lost by interruption of employment with the College, but accrued service shall not be lost because of a leave without pay or non-employment during summer sessions. Similarly, a Faculty member terminated due to a Reduction in Force and subsequently rehired under relevant provisions of this Handbook shall be reinstated without a break in service and without loss of service accrued toward sabbatical leave eligibility. (However, the time that such Faculty member is not employed by the College shall not count as service accrued toward sabbatical leave eligibility.)
3. Seven-Year Restriction. No Faculty member shall be eligible for or granted more than one sabbatical leave every seven Academic Years. A Faculty member who has been granted a sabbatical shall not be eligible to take a second or subsequent sabbatical until the beginning of the sixth Academic Year following the Academic Year in which the Faculty member returned from his or her last sabbatical.
4. No Guarantee. Eligibility for a sabbatical leave does not guarantee that a leave will be granted at the end of the seven-Academic Year period or at any time thereafter.
5. Failure to Meet Goals. A Faculty member who takes a sabbatical leave but fails to meet the goals in his or her sabbatical plan shall be ineligible for subsequent sabbatical leaves.
6. Procedures and Criteria for Granting Sabbatical Leaves. The procedure for selecting applicants for sabbatical leaves shall comply with this policy and section 23-5-123, C.R.S. (as amended).
 - a. No Faculty member shall take a sabbatical leave unless it has been approved in advance by the Trustees.
 - b. A Faculty member who is eligible for a sabbatical leave may apply for leave by submitting an application to his or her Department Head. The application shall include a detailed sabbatical plan that: specifies how the sabbatical activity will result in the Faculty member's professional growth,

how it will enhance the College's reputation and the students' educational experience at the College, and how it will increase the overall level of knowledge in the Faculty member's area of expertise; and specifies the goals that the Faculty member will achieve while on sabbatical leave.

c. Process

- 1) Applications must be filed with the Department Head by October 1 of the Academic Year preceding that for which leave is desired. The Department Head will review the application and forward the application and his or her recommendations to the Sabbatical Leave Committee by November 1. The Sabbatical Leave Committee will review applications for sabbatical leaves and will recommend action to the VPAA. The VPAA will in turn recommend action to the President. The VPAA will also advise the President of the total FTEs of Sabbatical Leave budgeted for the Academic Year for which leave is desired.
- 2) A detailed plan for use of the sabbatical leave period will accompany the application. If the leave is for work toward completion of an advanced degree, the institution and program will be specified.
- 3) Members of the Sabbatical Leave Committee independently rate the proposals received on estimated merit of the reasons for the leaves, probable benefits of the leaves to the College, and the number of years applicants have taught at the College.
- 4) The President shall review the application and recommendations and may either deny or approve the application. Only applications approved by the President shall be transmitted to the Trustees for final action. Upon receipt of an application approved by the President, the Trustees shall either grant or deny the leave.
- 5) All individuals responsible for reviewing and acting on sabbatical leave applications shall consider the following criteria:
 - a) The Faculty member's proposed activities while on sabbatical;
 - b) The individuals who will be involved in such activities; and

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- c) The benefits to be received from such activities by the Faculty member, the College, and the students at the College.
- 6) Within sixty (60) calendar days after return to duty, the Faculty member granted a sabbatical leave will submit to the President of the College a written report covering the period of the leave. When applicable, a transcript or other evidence of completion of the planned program will accompany the report. A Faculty member who takes a sabbatical leave but fails to meet the goals in his or her sabbatical plan shall be ineligible for subsequent sabbatical leaves.
- d. Terms:
 - 1) Employees' contributions to PERA or the DCPD will be collected for periods of sabbatical leave.
 - 2) Final Sabbatical Reports. Upon completion of a sabbatical, a Faculty member shall submit a final report to the President and Trustees. The sabbatical report shall summarize the Faculty member's activities while on sabbatical and the benefits he or she derived from the leave in sufficient detail to permit a determination whether the Faculty member achieved the goals specified in his or her sabbatical plan. However, sabbatical reports need not include specific details of any research the Faculty member conducted while on sabbatical leave.
 - 3) Final sabbatical reports are public records available for public inspection under sections 24-72-202 and -203, C.R.S. and may not be included in a Faculty member's personnel file.
- e. Other Terms and Conditions of Sabbatical Leaves. Sabbatical leave may be granted for one semester at full pay or two semesters at half pay. Sabbatical leaves during the summer are not authorized except for Faculty members holding fiscal year assignments.
- f. A Faculty member granted sabbatical leave may receive a scholarship, fellowship, grant or other remuneration provided such financial aid or remuneration contributes to the specified goals of the leave. Acceptance of a fellowship, grant, appointment at another institution, or any other employment requires the prior written approval of the President.

- g. Every recipient of a sabbatical leave must agree in writing to either return to the College for a full year's employment or reimburse the College in full for all salary paid during the period of leave. Exceptions to this policy must be approved by the President.
- h. Upon returning from sabbatical leave, Faculty members shall hold at least the same rank and receive the same salary, seniority, and retention considerations as if the leave had not been taken. However, an Academic Year during which a Tenure-Track Faculty member takes a sabbatical leave of one or more semesters' duration shall not be included in such Faculty member's Tenure-Track period.
- i. A sabbatical leave for an Academic Year at half pay is counted as a service year for PERA retirement if the earned salary meets the minimum amount required by PERA for service credit. Participants in the State Colleges Defined Contribution Pension Plan ("DCPP") should make arrangements with the College payroll office regarding DCPP contributions during paid leaves. Leave recipients' eligibility for health, life and long-term disability insurance coverage is conditional on the Handbook and group insurance policies in effect at the time the leave is taken. Time spent on sabbatical leave is not a break in service. Time spent on sabbatical leave is credited as service toward eligibility for a future sabbatical leave.

B. Administrative Leave

- 1. All Professional Personnel. The President may authorize administrative leaves with full or partial pay that, in the judgment of the President, are beneficial to the College or essential to the welfare of the individual. Such leaves, if paid, are not to exceed ten (10) working days without notice to and approval by the Trustees; such leaves, if unpaid, may be authorized not to exceed sixty (60) calendar days to engage in professional activities. Leaves granted under this subsection may not violate section 23-5-123, C.R.S.
- 2. Extended Leaves for Administrative Personnel. The President may not authorize extended administrative paid leave to Administrative Personnel. A period of leave in excess of 10 working days shall be presumed to be "extended." The President may recommend extended administrative leave to the Trustees for Administrative Personnel. The Trustees may, for a reasonable period of time, authorize administrative paid leave for Administrative Personnel for disciplinary or investigatory purposes.

C. Accountability

Any participant who receives a sabbatical or administrative leave knowing that it is not authorized by these policies or in accordance with applicable law, may be held personally liable for all salary, benefits or other compensation received.

D. Leave Without Pay, Excluding FMLA

1. Reasons for Leave. Professional Personnel may be granted a leave without compensation to study, to conduct research, to travel in connection with study or research, to hold a temporary appointment at another institution of higher learning or in government service, for medical reasons, or to engage in other activities which are deemed acceptable by the President.

2. Conditions of Leave

- a. Leaves without compensation for purposes indicated above may be renewed. Normally, leave without pay may not exceed two successive years.
- b. Leave without pay to campaign and to serve in a state or national elective or appointive office may be granted up to one year, and may be renewed annually.
- c. Conditions of employment to be in effect upon return from leave without pay must be agreed to in writing in advance of the leave by the individual and the College. An Academic Year during which a Tenure-track Faculty member takes a leave without compensation of one or more semesters duration shall not be included in such Faculty member's Tenure-track period.

E. Sick Leave

1. General. Full-time Professional Personnel shall be granted 66 days of paid sick leave per fiscal year at the salary in effect at the time the sick leave is used. Professional Personnel who have exhausted their paid sick leave should consult with the Human Resources Office to determine if their absence qualifies for long term disability coverage. Sick leave may be used for the following reasons:

- a. The employee is unable to work due to his or her own illness or injury;
 - b. The employee is caring for a child, parent, spouse, or other member of the employee's household who is incapacitated due to illness or injury and who relies on the employee as his or her primary care-giver; or
 - c. The employee is eligible for Family and Medical Leave (FMLA).
2. Notice. If the sick leave is foreseeable based on planned medical treatment, the employee shall give not less than 30 calendar days notice before the date his/her leave is scheduled to begin or such notice as is practicable if the date of treatment requires the leave to begin in less than 30 calendar days. In either event, subject to the approval of the employee's physician, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the College.
3. Certification
- a. An employee who takes sick leave for more than three (3) consecutive scheduled work days shall furnish a certificate from his/her physician stating: (i) that the employee is unable to perform the functions of his/her position; (ii) the date on which the health condition commenced; (iii) the probable duration of the condition; and (iv) the appropriate medical facts within the knowledge of the health care provider regarding the condition and whether it is a "serious health condition" if the employee is otherwise eligible for Family and Medical Leave.
 - b. The College reserves the right to require certification of need for sick leave from the employee's health care provider under conditions permitted by the Family and Medical Leave Act (FMLA); for purposes of considering reasonable accommodation; and, where the employee's attendance is unreliable because of repeated unscheduled sick leave absences.
 - c. An employee requesting sick leave on an intermittent or reduced schedule shall furnish the additional certificates permitted by the FMLA or as required to determine the necessity for such leave as a reasonable accommodation.
 - d. The College may require employees on sick leave to provide recertification of the foregoing matters on a reasonable basis.

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- e. An employee who seeks to return to work following four or more consecutive calendar weeks of sick leave shall furnish the College with a certificate from his/her physician stating that the employee is able to resume work. The College reserves the right to require medical certification of fitness to return to work after any period of sick leave, or where the employee has advised the College of medical conditions that indicate the employee may not be medically fit to perform the essential functions of the job, or when the employee appears to be medically unfit to perform the essential function of the job.
 - f. The certification requirements of this subsection shall be construed and applied in accordance with the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
4. Carry-over of sick leave. An employee on sick leave at the close of the fiscal year may use the remainder of his or her unused sick leave in the new fiscal year for consecutive work days missed in the new fiscal year due to the same illness without return to work since the prior fiscal year. Such employee will not be granted sick leave for the new fiscal year until the employee returns to work following certification by his/her physician that employee is able to resume work.
5. Maternity Leave. Pregnant Professional Personnel may use sick leave for pregnancy, childbirth and related medical conditions upon the same terms and conditions that employees use sick leave for other illnesses or physical disabilities. As soon as possible after becoming aware that she is pregnant, the employee shall submit a request for maternity leave accompanied by a certificate from her physician confirming the pregnancy and the expected date of delivery.
- The dates when an employee's maternity leave begins and ends shall be determined by the employee and her physician. However, the employee shall give not less than 30 calendar days notice before the date her leave is scheduled to begin or such notice as is practicable if the date of delivery or a pregnancy-related medical condition requires the leave to begin in less than 30 calendar days.
6. No Pay for Sick Leave Upon Termination. Employees whose employment by Mesa State College is voluntarily or involuntarily terminated shall not be entitled to any compensation whatsoever for unused sick leave.

F. Annual Leave

- 1. Eligibility and Accrual. Faculty neither accrue nor are eligible to use annual leave. Full-time Administrative Personnel (employed at 1.0 FTE) shall accrue annual leave at the rate of 1.67 days per month. Administrative Personnel

employed at 0.50 FTE but less than 1.0 FTE shall accrue annual leave on a pro rata basis.

2. Maximum Accrual. Accrued annual leave in excess of forty (40) days is forfeited without pay on June 30 each fiscal year. Upon termination Professional Personnel receive compensation for all accrued but unused annual leave up to forty (40) days. The compensation rate shall be at the employee's rate of pay on the date of termination of employment.
3. Mandatory Use. The College may require Professional Personnel to use annual leave prior to the termination date, prior to the end of the fiscal year, or for other reasons.

G. Family and Medical Leave under the FMLA

1. Statutory Rights Only. The following policies are intended to implement the Family and Medical Leave Act of 1993 (the "FMLA" or "Act"), and shall be construed accordingly. The Act, as amended from time to time, shall supersede any policy that is inconsistent with the Act's legal requirements. This policy does not create any contract and affords only those rights required by the Act. Some detailed provisions of the Act have been omitted from these policies, but shall be deemed to be included herein by reference. Personnel seeking additional information about the Act are invited to refer to its complete text which is on file in the Office of Human Resources or Affirmative Action Office.
2. Eligibility. Professional Personnel ("employees") are eligible for FMLA if they have been employed by Mesa State College for: (i) at least 12 months (total, not necessarily consecutive if within the past seven years); (ii) at least 1,250 work hours during the previous 12-month period; and (iii) they are working at a location where the College employs 50 or more employees within a 75-mile area.
3. FMLA Benefit. Eligible Employees shall be granted a total of 12 weeks of FMLA leave during a fiscal year for the College (July 1 - June 30) for one or more of the following:
 - a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
 - b. Because of the placement of a son or daughter with the employee for adoption or foster care;

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- c. In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- d. Because of a serious health condition that makes the employee unable to perform the functions of the position of the employee.
- e. Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the Armed Forces in support of a contingency operation. This subsection applies only when the service member is in the Reserves or National Guard. It does not apply to family of a service member in the Regular Armed Forces. "Qualifying exigency" is defined by the FMLA Regulations at 29 CFR §825.126.

A "week" is equal to the average weekly hours worked by the Employee during the 12 weeks prior to the start of the leave.

In any case in which husband and wife are both employed by the College, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during the single 12-month period, if such leave is taken for reasons set forth in subparagraph 3.a or 3.b, or in order to care for a sick parent under subparagraph 3.c.

- 4. Service Member Family Leave. Subject to meeting certification requirements by the health care provider, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the covered service member.
 - a. "Covered service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list are not covered service members.
 - b. "Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or

daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When such designation has been made, the designated individual shall be deemed to be the only next of kin.

- c. The leave described in this paragraph shall be available during a single 12-month period. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave under FMLA benefits and Service Member Family Leave. The “single 12-month period” begins on the first day the eligible Employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an eligible Employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.
- d. Where husband and wife are both employed by the College, the aggregate number of workweeks of leave to which both husband and wife may be entitled for service member family leave may be limited to 26 workweeks during the single 12-month period if the leave is service member family leave or a combination of such leave and FMLA leave. If the leave taken by husband and wife includes leave for other FMLA reasons, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks for that FMLA purpose.

Reference to FMLA leave in this policy includes Service Member Family Leave, unless stated otherwise.

5. Serious Health Condition . A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work, school or other regular daily activities of more than three calendar days, that also involves continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long term health condition that is incurable or so serious that if not treated would likely result in a period of incapacity of more than three calendar days; or prenatal care.
6. Serious Injury or Illness . The term “serious injury or illness”, in the case of a covered service member, means an injury or illness incurred by the member in

line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

7. Intermittent / Reduced Schedule. In general, FMLA leave shall not be taken by an Employee intermittently or on a reduced schedule basis unless the eligible Employee and College agree otherwise. Intermittent and reduced schedule leave is available only for a medical necessity that can be best accommodated through an intermittent or reduced leave schedule. If an Employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the College may require such Employee to transfer temporarily to an available alternative position for which the Employee is qualified that has equivalent pay and benefits, and which better accommodates the recurring periods of leave.
8. Notice of Need for FMLA Leave. In any case in which the necessity for FMLA leave is foreseeable, the Employee shall provide the College with at least 30 calendar days notice before the date the leave is to begin, or as much notice as is practical. In any event, notice should be provided the same day or the next business day after the Employee becomes aware of the need for leave. The notice should be in writing and must make the College aware that the Employee needs leave for one of the reasons described above and the anticipated timing and duration of the leave. The notice must be delivered to the Human Resources Department.
9. Notice of Leave Due to Active Duty of Family Member. In any case in which the necessity for leave is due to a qualifying exigency relating to a service member (subparagraph 3.e above) the Employee shall provide such notice to the College as is reasonable and practicable.
10. Certification of Need for Leave. The College may require that a request for leave involving a serious health condition or to care for a service member be supported by a certification issued by a health care provider of the eligible Employee, son, daughter, spouse, parent or next of kin of the Employee, as appropriate. The certification shall state:
 - a. The date on which the serious health condition commences;
 - b. The probable duration of the condition;
 - c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;

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- d. For purposes of leave under subparagraph 3.c., a statement that the Employee is needed to care for the child, spouse or parent and an estimate of the amount of time the Employee is needed;
- e. For purposes of leave under subparagraph 3.d, a statement that the Employee is unable to perform the functions of the Employee's job position;
- f. In the case of certification for intermittent leave or leave on a reduced schedule for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment, the medical necessity for the intermittent or reduced schedule leave for the Employee's own serious health condition or to care for another with a serious health condition.
- g. Any other information permitted by the FMLA to assist the College in evaluating the leave request.

The College may require that the Employee use the Medical Certification Form provided by the College. The College may also require, at its own expense, that the Employee obtain a second opinion from a health care provider designated or approved by the College as a condition of approving the FMLA leave.

- 11. Continuation of Health Insurance Benefits. Employees on FMLA leave are entitled to a continuation of any group health insurance benefits to which they are normally entitled and reinstatement to the same or equivalent position. The College will pay its normal contribution to the health insurance premiums of Employees who are on FMLA leave, but the College's obligations (if any) to contribute to health insurance premiums and to restore the Employee to similar employment terminates when FMLA leave is exhausted or when the Employee gives the College unequivocal notice of intent not to return to work, whichever occurs first. The Employee may then have the right to continue benefits, at Employee's own costs, pursuant to Title 10 of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Employee must make arrangements with the Human Resources Department for how Employee will pay his or her share of premiums while on leave or under COBRA.
- 12. Loss of Insurance Benefits. The Employee's failure to pay his or her share of the premiums may result in loss of coverage. Should the Employee fail to pay their share of premiums during their leave period, the College may elect to pay the Employee's share as an advance against future wages in order to maintain coverage while the Employee is on FMLA leave. In this event, the College has the right to deduct the amount advanced from the Employee's paycheck upon

return to work. This right to pay the Employee's premium by the College is solely at the College's discretion and this policy does not give the Employee any right to demand that the College pay the Employee's portion of the insurance premium.

13. College's Right to Recover Insurance Premiums. The College may recover from the Employee the College's portion of premiums paid during any period of unpaid FMLA leave if the Employee fails to return to work, as defined by the Act, after the Employee's FMLA leave entitlement has expired, unless the reason that the Employee does not return is due to: (1) the continuation, reoccurrence of or onset of a serious health condition that would entitle the Employee to family and medical leave (either affecting Employee or immediate family) or (2) other circumstances beyond the control of the Employee.
14. Medical Recertification. Employees on leave because of a serious health condition are required to furnish medical recertification from their health care provider every 30 days affirming their continuing need for leave, unless the medical certification states that the employee will be unable to work for a longer designated period. In all cases, recertification will be required at least every six months. Employees on leave are also required to furnish the College with periodic reports (at least every 30 calendar days) of Employee's intent to return to work.
15. Fitness for Duty. Before the Employee may return to work following FMLA leave as a result of the Employee's own serious health condition, the Employee must provide the College with a certification issued by a health care provider stating that the Employee has the ability to perform the essential functions of the job, based on a list of the essential functions specified by the College.
16. Extension of Leave. If for any reason the College grants Employee additional leave after the Employee has exhausted all FMLA leave, such leave shall be unpaid discretionary leave not subject to the rights and obligations of the Family and Medical Leave Act. It shall not require the College to pay any portion of Employee's health insurance premiums and shall not guarantee Employee's return to the same or equivalent position upon return to work. The College has no obligation under this policy or the Act to grant leave in excess of the period specified by the FMLA.

17. Use of Paid Leave During FMLA. Employee is required to exhaust Employee's accrued paid leave, if any, during FMLA leave. FMLA leave is, otherwise, unpaid leave. The total period of absence considering all paid leave and FMLA leave used for reasons covered by this family and medical leave policy cannot exceed 12 weeks in the College's fiscal year for FMLA, or 26 weeks in a single 12 month period for Service Member Family Leave. No paid leave benefits accrue while on unpaid FMLA leave.
18. Forms. Forms are available through the Human Resources Department for requesting FMLA leave and for fulfilling Medical Certification requirements.
19. Termination During Leave. Employees on FMLA leave generally have a right to return to the same position or an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, this does not entitle the restored Employee to accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position of employment other than that which the Employee would have been entitled to had the Employee not taken the leave. This means that an Employee on FMLA leave may be laid off or terminated during the leave period, the same as any other Employee similarly situated, so long as the lay-off or termination is not because of the Employee's legitimate use of FMLA leave.
20. Key Employee Exception. The College may deny restoration of a "key employee" following FMLA leave as described in paragraph 19, and also if (i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the College; (ii) the College notifies the employee of the intent of the College to deny restoration on such basis at the time that the College determines that such injury would occur; and (iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice. A "key employee" is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the Employees employed by the College within 75 miles of the Employee's worksite.

H. Approval of Leaves

The President may delegate the power to approve sick, annual and unpaid FMLA to appropriate personnel. All other leaves must be approved by the President. Administrative leaves in excess of ten (10) work days ("extended leave") shall be reported to the Trustees. Extended administrative leave for Administrative Personnel must be approved by the Trustees.

I. Bereavement Leave

The President of the College is authorized to grant bereavement leave in the event of imminent death or death in the immediate family of Professional Personnel. Leave of up to forty (40) work hours with pay may be granted. "Immediate family" includes wife, husband, children, parents, grandchildren, grandparents, brothers, sisters, nephews, nieces, aunts, uncles, parents-in-law, brothers-in-law, sisters-in-law, daughters-in-law, and sons-in-law. Bereavement leave may also be granted for other persons not included in this listing whenever it is determined that the granting of such leave is appropriate based on the relationship of the employee to the deceased.

J. Court and Jury Leave

1. An employee shall be granted jury leave with pay for the period he/she is required to serve on jury duty. Compensation received for such services shall be retained by the employee.
2. When, in obedience to subpoena or direction of a proper authority, an employee appears in an official capacity as a witness for the Federal Government, State of Colorado or political subdivision, he/she shall be granted court leave with pay for the period of such service. Compensation received for such service during working days shall be turned over to the College except for verified parking expenses and mileage allowance.
3. When an employee is subpoenaed or serves as a witness as an individual rather than in official capacity, he/she shall be charged annual leave, discretionary leave or leave without pay, as appropriate. Compensation received for such services shall be retained by the employee.

K. Discretionary Leave

1. Two days non-cumulative discretionary leave per fiscal year with pay will be granted to all full-time Professional Personnel. This discretionary leave is to be used at the option of the employee for personal reasons. Its use does not invalidate the right to use sick leave, nor will it change current administrative practice with reference to absences due to emergencies. The employee is responsible for giving advance notice to and approval from his/her Department Head or supervisor, who will subsequently notify the appropriate Vice President.
2. The appropriate supervisor must be satisfied with arrangements made for classes by Faculty taking discretionary leave before the leave is authorized. Discretionary leave will not be authorized during the first or final week of a term.

L. Military Leave

The following provisions are intended to comply with applicable federal and state laws governing military leave rights. To the extent this policy differs from the statutory requirements, the statutory requirements shall control.

1. Upon presenting proper military orders, an employee who enters active military service, including active service for training or declared emergency purposes, shall be granted fifteen (15) work days military leave with pay, less the paid military leave he/she has previously used during the calendar year, followed by military leave without pay.
2. Military leave without pay shall be granted for the entire period of initial service plus any period of additional service imposed by law. An employee who fails to return at the time set out below shall be deemed to have resigned.
3. National Guard called for state emergency must return to work upon release from active duty.
4. Employees called to active federal military service shall return to work no later than one year after release from active duty.
5. At the request of the employee, all accrued annual leave shall be paid before he/she is placed on military leave without pay regardless of his/her length of service.
6. An employee may be required to provide a copy of his or her military orders as a condition of leave.

M. Military Training Leave. The following provisions are intended to comply with applicable federal and state laws governing military leave rights. To the extent this policy differs from these statutory requirements, the statutory requirements shall control.

1. Upon presenting proper military orders, an employee who is a member of the National Guard or military reserve shall be granted military training leave for the annual encampment or equivalent reserve training period.
2. Of this amount of time, a maximum of fifteen days in any calendar year shall be granted military training leave with pay and shall not be charged as any part of annual leave.

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3. Military training leave shall commence the first working day the employee is on military training leave.
4. The employee may be required to provide a copy of his or her military training orders as a condition of leave.

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A. Performance Evaluation

1. Teaching is the Most Important Responsibility. The most important responsibility of a Faculty member is teaching. While advising, scholarly activity, and service are components of every performance evaluation of Full-time Faculty members, the teaching function is most important.
2. Purpose of Evaluation. The primary purpose of an evaluation is to assist Faculty in individual growth and to improve their contributions to the College. Performance evaluations contribute to a number of decisions, including, without limitation, salary adjustments, retention, Tenure, promotion, special recognition, sabbatical leaves, professional development awards, and dismissal. Annual Performance Reviews and Comprehensive Evaluations are the two types of formal Faculty performance evaluations used at the College to facilitate these decisions (referred to jointly as “evaluation”). Informal evaluations may not be used in place of formal evaluations, but may be given in addition to formal evaluations at the discretion of the Department Heads and VPAA.
3. Process in General. The evaluation process for all Faculty at the College is an on-going process. All evaluations involve applying the criteria and assessment tools, described herein, to the Faculty member’s performance. In addition, evaluations involve an assessment of a Faculty member’s success in achieving goals established during the planning process. The Faculty member’s Department Head or, in the case of Department Heads and other Academic Administrators who have teaching responsibilities and are evaluated as Faculty, the VPAA, will perform the primary evaluation functions. In this policy, reference to “Department Head” means the VPAA when the Faculty member under consideration is a Department Head.
4. Basic Employment and Professional Responsibilities. Basic employment and professional responsibilities expected of all Faculty members include but are not limited to:
 - a. Timely and satisfactory performance of responsibilities throughout the entire timeframe specified in the Faculty member’s employment assignment and this Handbook.
 - b. Teaching of assigned classes and providing timely notice to the Department Head if the Faculty member cannot conduct a class or classes. Notification should be given by the Faculty member to the Department Head by no later than two hours prior to the beginning of the class(es) that cannot be met.

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- c. Presenting to all students attending class, in writing and within the time span established by departmental policy, a course description, plan of study/schedule of topics to guide the student through the course (week by week at a minimum), student learning outcomes and assessment methods, policies, and grading criteria.
 - d. Establishing such procedures as are necessary to assure that adequate and accurate records of student performance are maintained.
 - e. Establishing, posting and keeping a minimum of five office hours weekly spread over a minimum of four days commencing one week prior to and continuing through each Fall and Spring Semester excluding scheduled breaks. Faculty may use a different configuration of office hours with the approval of the department head. Faculty who are granted Release Time will keep office hours as determined by the Department Head.
5. General Evaluation Criteria. The General Evaluation Criteria and their relative weights used in the evaluation process are as follows:
- a. Teaching effectiveness - range of 60 - 75%;
 - b. Advising - minimum of 5%;
 - c. Scholarly Activity - minimum of 5%; and
 - d. Service - minimum of 5%.

The total of the four weights shall equal 100%. Each Faculty member, with the approval of the Department Head, will establish an individual percentage distribution as part of the annual development plan.

6. Departmental Guidelines for General Evaluation Criteria. Differences in disciplines and Faculty activities among departments will be reflected in the departmental guidelines for the General Evaluation Criteria. Specific evaluation criteria derived from the basic employment and professional responsibilities will be established by the Department Head, with Faculty consultation, and with approval by the VPAA. The VPAA will be responsible for establishing consistent academic standards across the College. At a minimum, the department guidelines shall address the following areas:

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- a. Teaching Effectiveness:
- 1) student evaluation results and other forms of formal and informal student assessments of teaching and the classroom environment;
 - 2) courses that demonstrate currency in the field and communicate to students course objectives, plan of study, and means of student performance evaluation.
 - 3) classroom observations by the Department Head or designee;
 - 4) student learning objectives and assessment methods, such as tests, grading practices;
 - 5) fulfillment of professional responsibility, such as meeting classes in a timely manner, fully delivering the curriculum and presenting course material in a manner consistent with the standards of the academic discipline, returning materials in a timely fashion, supervising students, treating students in a fair and impartial manner;
 - 6) curricula review, revisions and, as necessary, new course development;
 - 7) incorporation of new ideas, techniques, technology, etc., into new or existing courses; and
 - 8) other evidence of maintaining a thorough knowledge of subject matter and staying abreast of recent developments in his/her field.
- b. Advising:
- 1) providing accurate information to students related to degree choices, program requirements for graduation, and employment or graduate school placement;
 - 2) understanding college policies;
 - 3) participation in orientation and advising programs; and
 - 4) being available during posted office hours and by appointment.

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c. Scholarly Activity:

- 1) creative work and scholarly activity which supports classroom instruction, pedagogical research, participation in professional activities or sharing expertise outside the traditional classroom environment, so long as such activities enhance teaching or otherwise contribute to the Faculty member's growth in his or her discipline;
- 2) presentations of papers, cases, media productions, at professional and other scholarly meetings which are related to the Faculty member's discipline or area of instruction;
- 3) continued education and professional development activities appropriate to professional assignments; and
- 4) other activities specific to the Faculty member's discipline and/or assigned responsibilities.

d. Service:

- 1) service that involves contributions to the improvement and welfare of the College at any level, including service to the Faculty member's academic department through College and program committee assignments;
- 2) unpaid public service to the community and/or professional organizations which benefits the College; and
- 3) other activities specific to the Faculty member's discipline, such as participation in meetings sponsored by state, regional, and/or national professional organizations.

7. Performance Ratings. The following Performance Ratings will be used for evaluations:

- a. Excellent. Evidence convincingly demonstrates that the Faculty member has made exceptional contributions in the General Evaluation Criteria area under consideration, contributions that clearly would be recognized as outstanding by professional colleagues at comparable institutions.

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- b. Highly Proficient. Evidence clearly demonstrates that the Faculty member has made significant contributions in the area under consideration and is considered highly skilled in that area.
 - c. Proficient. Evidence demonstrates that the Faculty member meets minimum expectations and has made modest contributions in the area under consideration.
 - d. Below Standard. Evidence demonstrates that the Faculty member's contributions are below accepted standards in the area under consideration. A need for improvement is clearly indicated. The level of contribution does not justify any salary increase and may jeopardize continued employment with the College.
8. Evaluation Process.
- a. The Faculty evaluation process shall be conducted in accordance with the following schedule:
 - 1) Tenured Faculty will have a Comprehensive Evaluation at least every five years with Annual Performance Reviews in each of the interim years.
 - 2) Tenured Faculty applying for a promotion in Academic Rank will have a Comprehensive Evaluation.
 - 3) Tenure-track Faculty will have a Comprehensive Evaluation each year.
 - 4) All other Full-time Faculty will generally be reviewed annually, normally on teaching effectiveness alone.
 - 5) Department Heads are encouraged to review Part-time Faculty on an annual basis on teaching effectiveness.
 - b. Inclusion of Comments. The Department Head's and Faculty's comments/summaries will be included in evaluations of Faculty. The completed evaluation form with any such comments or summaries shall be placed in the Faculty member's personnel file. Supporting documentation submitted by the Faculty member during the evaluation process will generally not be included in the personnel file and may be returned to the Faculty member.

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- c. Confidential. All results of evaluations shall be confidential and not released to the public except as required by law and subject to the provisions of the Colorado Public (Open) Records Act.
9. Comprehensive Evaluations. A Comprehensive Evaluation is an in-depth, cumulative assessment of a Tenured or Tenure-track Faculty member's performance over a period of up to five years. Comprehensive Evaluations of Tenured Faculty are ordinarily conducted every five years. Comprehensive Evaluations of Tenure-track Faculty are conducted each year. Other Faculty do not receive Comprehensive Evaluations.
- a. The Comprehensive Development Plan.
- 1) The Comprehensive Development Plan shall be prepared by the Faculty member and submitted, in writing, to the Department Head at least fourteen (14) calendar days before the beginning of the evaluation period. The Comprehensive Development Plan shall establish the goals and objectives for the Faculty member relating to each of the General Evaluation Criteria and other activities appropriate to the Faculty member's academic discipline and professional assignment. The goals and objectives established shall reflect departmental goals and priorities, which shall reflect College and Trustee goals and priorities. Percentage weights, with minimums as specified above, will be assigned to each of the General Evaluation Criteria, with the sum of the assigned weights totaling 100%. The Comprehensive Development Plan is subject to review and approval by the Department Head at least seven (7) calendar days before the beginning of the evaluation period.
 - 2) In the event the Faculty member is at the level of "proficient" or "below standard" for teaching effectiveness, the Comprehensive Development Plan will be submitted to the VPAA before the beginning of the evaluation period for review and approval by the VPAA.
 - 3) If the Faculty member disputes any revisions to the Comprehensive Development Plan by the Department Head, the Faculty member may submit the dispute, in writing, to the VPAA within seven (7) calendar days after receiving the revisions. The VPAA's decision is final without further appeal.

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- 4) A Faculty member's Comprehensive Development Plan may be amended by the Department Head in response to changing conditions, opportunities, or to better reflect the College's or Trustee's missions, goals or objectives. Disputes regarding the amendments to the Comprehensive Development Plan shall be resolved following the same procedure used for disputes regarding the original plan.
 - 5) The Comprehensive Development Plan for the Department Head is submitted, in writing, to the VPAA with disputes submitted to the President in the same manner as explained above for Faculty members.
- b. The Comprehensive Evaluation.
- 1) After considering all relevant information, the Department Head responsible for reviewing the Faculty member will assess that Faculty member's performance against the Comprehensive Development Plan in the General Evaluation Criteria areas. In addition, the Comprehensive Evaluation will also consider, if applicable, the Faculty member's Annual Performance Reviews completed since the last Comprehensive Evaluation and any other information the Department Head deems relevant.
 - 2) The Department Head shall forward to the VPAA his or her recommendations, any materials submitted by the Faculty member and a Performance Rating. The VPAA will review the materials submitted and add comments if appropriate. Any comments added by the VPAA will be provided to the Faculty member who will have an opportunity to respond in writing. After receiving the Faculty member's comments, if any, the VPAA shall issue a final evaluation including Performance Rating. The VPAA will provide a copy of the final evaluation to the Faculty member.
 - 3) The Faculty member may appeal the VPAA's final evaluation to the President by giving written notice to the President within seven (7) calendar days of receiving the VPAA's final evaluation, stating the basis for appeal and the requested relief. The President's determination of the appeal is final.
 - 4) If applicable, the VPAA and the Department Head will jointly review progress toward Tenure and promotion in Academic Rank

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with the Faculty member during the Comprehensive Evaluation. However, since Tenure is granted at the sole discretion of the Trustees, an indication of satisfactory performance by the Department Head or VPAA shall not guarantee nor be construed as a guarantee that Tenure or Promotion will be awarded. The Department Head has no authority to make promises regarding Tenure or Academic Rank.

10. Annual Performance Review. Annual Performance Reviews shall be conducted each year for all Tenured Faculty members who are not scheduled for Comprehensive Evaluations. These reviews generally evaluate performance only during the period since the last review for the purposes of identifying outstanding performance, identifying and correcting performance weaknesses or deficiencies, establishing Performance Rating, making salary adjustments based on Performance Rating, and other decisions. In addition, Annual Performance Reviews evaluate the interim progress of Tenured Faculty members toward achieving the goals of their Comprehensive Development Plans.
 - a. The Annual Development Plan.
 - 1) An Annual Development Plan shall be prepared by the Faculty member, and submitted, in writing, to the Department Head at least fourteen (14) calendar days before the beginning of the evaluation period. The Annual Development Plan shall be consistent with the Faculty member's Comprehensive Development Plan and shall establish the Faculty member's goals and objectives for the next year relating to each of the General Evaluation Criteria, and other activities appropriate to the Faculty member's academic discipline and/or professional assignment. The goals and objectives established shall reflect departmental goals and priorities, which shall reflect the College and the Trustee goals and priorities. The Annual Development Plan is subject to review and approval by the Department Head at least seven (7) calendar days before the beginning of the evaluation period
 - 2) If the Faculty member disputes any revisions to the Annual Development Plan by the Department Head, the Faculty member may submit the dispute, in writing, to the VPAA within seven (7) calendar days after receiving the revisions. The VPAA's decision is final without further appeal.

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- 3) A Faculty member's Annual Development Plan may be amended by the Department Head in response to changing conditions, opportunities, or to better reflect the College's or Trustee's missions, goals or objectives. Disputes regarding the amendments to the Annual Development Plan shall be resolved following the same procedure used for disputes regarding the original plan.
 - 4) The Annual Development Plan for the Department Head is submitted, in writing, to the VPAA with disputes submitted to the President in the same manner as explained above for Faculty members.
- b. Annual Performance Review.
- 1) The Department Head responsible for reviewing the Faculty member will assess that Faculty member's performance against the Annual Development Plan in the General Evaluation Criteria areas.
 - 2) The Department Head shall forward to the VPAA his or her recommendations, any materials submitted by the Faculty member, and a Performance Rating. The VPAA will review the materials submitted and add comments if appropriate. Any comments added by the VPAA will be provided to the Faculty member who will have an opportunity to respond in writing. After receiving the Faculty member's comments, if any, the VPAA shall issue a final evaluation including Performance Rating. The VPAA will provide a copy of the final evaluation to the Faculty member.
 - 3) The Faculty member may appeal the VPAA's final evaluation to the President by giving written notice to the President within seven (7) calendar days of receiving the VPAA's final evaluation stating the basis for appeal and the requested relief. The President's determination of the appeal is final.
11. Performance Reviews of Non-tenure-track Faculty. Full-time, Non-tenure-track Faculty will be reviewed annually according to departmental procedures, but generally only on the teaching effectiveness criteria. Part-time, Non-tenure-track Faculty may be reviewed at the discretion of the Department Head, and generally only on teaching effectiveness criteria. The Department Head's evaluation is final and not subject to appeal.

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12. Faculty Evaluation Outcomes

a. Post-Tenure Review.

- 1) If a Tenured Faculty member receives a “proficient” or “below standard” rating for teaching effectiveness in a Comprehensive Evaluation, the VPAA will review the Faculty member’s performance evaluations. The VPAA is to determine one of the following outcomes:
 - a) The deficiencies identified are not substantial or recurrent;
or
 - b) There are substantial or recurrent deficiencies which must be remedied.
- 2) The VPAA shall notify the Tenured Faculty member and the Department Head of the determination. No further action is necessary upon the determination of outcome 1(a) above. In the event of outcome 1(b), the Department Head, in consultation with the Faculty member, will develop, within twenty-five (25) Business Days from the date of receiving notice of the VPAA’s determination, a written Post-Tenure Performance Improvement Plan to address the deficiencies. The Post-Tenure Performance Improvement Plan, as approved by the Department Head, shall be submitted within this time period to the VPAA for approval.
- 3) If the Tenured Faculty member disputes any revisions to the Post-Tenure Performance Improvement Plan by the Department Head, the Faculty member may submit the dispute, in writing, to the VPAA within seven (7) calendar days after receiving the revisions. The VPAA’s decision is final without further appeal.
- 4) A new Comprehensive Evaluation, initiated by the Department Head, shall occur no later than twelve months after the development of the Post-Tenure Performance Improvement Plan and shall be based on the Post-Tenure Performance Improvement Plan. The Department Head will submit the Comprehensive Evaluation to the VPAA for review and approval.

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- 5) If the VPAA determines that the deficiencies are remedied, the Faculty member shall return to the cycle of Annual Performance Reviews with a Comprehensive Evaluation every five years.
- 6) If the VPAA determines that the deficiencies have not been remedied within the period covered by the Post-Tenure Performance Improvement Plan, the VPAA may consult with the Department Head and shall prepare a recommendation for
 - a) the continuation of the Post-Tenure Performance Improvement Plan for up to an additional academic year, or
 - b) sanctions up to and including, termination for cause.

In no event may the post-tenure performance improvement plan be extended beyond one additional academic year. If the deficiencies have not been remedied after the completion of the once-extended Post-Tenure Performance Improvement Plan, the VPAA may consult with the Department Head and shall prepare a recommendation for sanctions up to, and including, termination for cause. This recommendation and all other documentation shall be forwarded to the President who will issue a final decision.

- 7) If a Tenured Faculty member is subject to discipline, sanctions or termination as a result of the reevaluation, he or she shall receive notice and the opportunity to contest the action in accordance with the provisions of this Handbook regarding discipline and termination.
- b. Tenure-track Faculty.
- 1) If a Tenure-track Faculty member's performance is at least proficient, the Faculty member will ordinarily continue with the regular cycle of Comprehensive Evaluations.
 - 2) If a Tenure-track Faculty member's performance in any General Evaluation Criteria area is below standard, further action may be taken including, without limitation, discipline or termination. In the event of discipline or termination, notice and the opportunity to contest the action shall be in accordance with the provisions of this Handbook regarding discipline and termination.

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- 3) Although evaluations contribute to the decisions to retain or to nonrenew a Tenure-track Faculty member, excellent and highly proficient Performance Ratings do not guarantee retention, promotion in Academic Rank or Tenure.
- c. Non-tenure-track Faculty. The Department Head's review of Non-tenure track Faculty is final and not subject to appeal.

B. Academic Faculty Tenure Policy

1. Nature of the Privilege.

- a. No Right of Tenure. An award of Tenure is not a right but a privilege that must be earned by Faculty members on the basis of their past performance or performance during any Tenure-track period as evaluated by Tenured Faculty, Academic Administrators, the President, and the Trustees. Tenure cannot be acquired automatically by length of service. Tenure also cannot be acquired automatically due to procedural error. Tenure is granted and may be acquired only by an affirmative vote of the Trustees after receipt of an application for Tenure and a favorable recommendation from the President.
- b. The awarding of Tenure is undoubtedly one of the most significant aspects of the performance evaluation system at the College. Tenure-track Faculty are evaluated carefully and continually throughout years in this status. A favorable Tenure recommendation presupposes a record of demonstrated achievements in all four of the General Evaluation Criteria for which the evidence of excellent or highly proficient performance is clear, consistent, and compelling. Performance below highly proficient in these areas will rarely justify a favorable Tenure recommendation. Teaching effectiveness is the single most important criterion for judging a candidate's Tenure request.
- c. Once Tenured, Faculty members may be involuntarily terminated from the Faculty only for cause or due to a Reduction in Force in accordance this Handbook. Faculty members and other Tenured Professional Personnel who resign, retire or voluntarily apply for and accept Part-time status relinquish their Tenure unless loss of status is otherwise prohibited by state or federal law.

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2. Tenure Criteria.

- a. Eligibility. Only Full-time Tenure-track Faculty who hold the Academic Rank of assistant professor, associate professor, or professor are eligible for an award of Tenure. Non-tenure-track Faculty are not eligible for Tenure. Except as otherwise provided in this Handbook, Administrators and other non-teaching personnel are not eligible for Tenure. Athletic coaches are not eligible for Tenure as coaches. However, Full-time Tenure-track Faculty who are assigned coaching duties may acquire Tenure as Faculty members. A grant of Tenure to these Faculty members shall not create any rights, entitlements or expectations of retention with respect to the Faculty member's coaching assignments.
- b. Tenure-track Period. The Tenure-track period at the College shall be up to seven (7) consecutive Academic Years as Full-time, Tenure-track Faculty under annual assignments. Academic Years during which Tenure-track Faculty members are on sabbatical leaves, professional development leaves, leaves without pay, or administrative leaves of one or more semesters' duration or are employed as Administrators for one or more semesters shall not be included in the Tenure-track period. However, exclusion of such Academic Years from the Tenure-track Period shall not make the preceding and succeeding annual assignments nonconsecutive.
- c. Except in cases of termination due to a Reduction in Force, Tenure-track Faculty members who resign or are nonrenewed and are later rehired as Tenure-track Faculty shall not receive credit for prior periods of employment in this status. Tenured faculty members and other tenured professional personnel whose employment terminates, whether voluntarily or involuntarily, including as a result of discharge, layoff, resignation or retirement, lose tenure and have no right to reinstatement of tenure if reemployed. Further, any tenured faculty who terminates their full-time status and becomes part-time faculty loses tenure and has no right to reinstatement of tenure upon again becoming full-time. This loss of tenure does not apply where the part-time status is temporary due to FMLA reduced-schedule leave, a temporary accommodation under the ADA or temporary during other approved leaves.
- d. Tenure-track Faculty members who are not awarded Tenure by the end of their seventh Tenure-track assignment shall not be eligible for additional Tenure-track assignments. However, they may be offered and accept a Non-tenure-track Faculty position or other job position within the College.

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- e. Immediate or Early Tenure. Candidates for both immediate and early Tenure must document excellent or highly proficient Performance Ratings in the General Evaluation Criteria areas.
- 1) Immediate Tenure. The Trustees, in their sole discretion, may award Tenure to new, Full-time Faculty appointees if immediate Tenure is recommended by the President at the time their appointments are recommended to the Trustees, and:
 - a) The appointees were previously Tenured at regionally accredited, baccalaureate-granting institutions of higher education and, after consultation during the search process, receive a recommendation for Tenure from the Tenured Faculty of the affected Faculty body designated by the College to make Tenure recommendations; or
 - b) The appointees have achieved recognized, outstanding distinction in public service or the private sector and, after consultation during the search process, receive a recommendation for Tenure from the Tenured Faculty of the affected Faculty body designated by the College to make Tenure recommendations.
 - 2) Early Tenure. Tenure-track Faculty members who are rated highly proficient or excellent for all General Evaluation Criteria may apply for early Tenure beginning their second Academic Year as Tenure-track Faculty.
 - 3) Denials of immediate or early Tenure applications shall be final, unappealable and non-grievable. Unsuccessful early candidates may not reapply for early Tenure, but may reapply for Tenure during the seventh Tenure-track contract.
 - 4) Nothing in this Handbook shall be construed to prohibit or otherwise limit the discretionary nonrenewal of Tenure-track Faculty members who apply for early Tenure, the same as any other Tenure-track Faculty.
- f. Expectations. The most important responsibility of Faculty is teaching. However, advising, scholarship, and service also will be considered. A Tenure applicant's performance and conduct during the entire Tenure-track period preceding the final decision on tenure will be considered.

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3. Tenure and Promotion Committee. The College shall have a Tenure and Promotion Committee composed of Tenured Faculty from the College to review the documentation of applicants for Tenure.
 - a. It shall be mandatory for all Full-time Tenured Faculty (excluding Department Heads, the VPAA and President) within the College to be available to serve on the Tenure and Promotion Committee. Persons applying for promotion or tenure normally will be excluded from serving on the College Tenure and Promotion Committee during the year that they are being considered.
 - b. The Tenure and Promotion Committee shall be composed of two elected members from each department. The Department Head will send a ballot containing a list of all eligible Tenured Associate Professors and Professors to all Tenured and Tenure-track Faculty, from which one Professor and one Associate Professor will be selected. If the department does not have a Professor and an Associate Professor available for election, two members of either group may be selected. The Department Head will inform the department Faculty and the VPAA of the names of the elected representatives of the department to the College's Promotion and Tenure Committee by September 1.
 - c. The longest-term Faculty member elected to the committee will convene the first committee meeting. Each member may vote on any application at his/her own tenure status/rank, or below.
 - d. Each department shall have a pre-tenure/promotion committee of three tenured members from the department, with one of the members being a past member of the College Tenure and Promotion Committee. This committee will be used by the Department Head and Faculty as an advisory and mentoring group to assist applicants during the application process. The committee should provide an honest and realistic assessment of the Faculty member's portfolio annually. Weaknesses or deficiencies should be discussed with the Faculty member along with recommendations for strengthening/improving his/her performance. Members of this committee will be appointed by the Department Head.
4. Procedures for Recommending Tenure. If any of the following deadlines falls on a Saturday, Sunday or holiday, the deadline will be the next Business Day.

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- a. By May 1, the Department Head shall give notice to tenure-track Faculty members completing their sixth tenure-track year of their eligibility to apply for Tenure. The notice shall advise that any seventh-year Tenure-track Faculty member who fails to submit a Tenure application and all required documentation by the established deadline set forth in the notice will not be considered for Tenure and that he or she will thereafter cease to hold the status of Tenure-track Faculty but may be considered for other Temporary Faculty positions available as an instructor or other positions in the College.
- b. By October 1, the Faculty member (applicant) seeking Tenure shall be responsible for submitting an application for Tenure to the Tenure and Promotion Committee, and for compiling and submitting the necessary documentation to support his or her application to the applicant's Department Head, which documentation shall include the following:
 - 1) a copy of the official written Tenure application submitted to the Tenure and Promotion Committee;
 - 2) copies of all previous Comprehensive Evaluations; and
 - 3) any other relevant documentation concerning the General Evaluation Criteria areas, including a letter of support from the appropriate academic Department Head, copies of scholarly works, and/or additional documentation of specific activities in scholarship, service, and advising.
- c. By October 10, the Department Head (non-voting) will conduct a poll of all Full-time Tenured Faculty in the applicant's department regarding approval/denial recommendations for the applicant's request. The applicant's documentation shall be made available for review to the departmental Faculty prior to voting.
- d. By October 15, the Department Head will submit the results of this poll to the Tenure and Promotion Committee along with the applicant's documentation and the Department Head's recommendation.
- e. By November 15, the Tenure and Promotion Committee shall review the documentation of the applicant and the Department Head's recommendation, and any other relevant information submitted, and prepare a formal written recommendation. Approval of a Tenure application by a majority vote of the committee membership eligible to

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vote is required for a positive recommendation. The chair of the promotion and tenure committee will withhold his/her vote and will cast it only in the case of a tie vote from the full committee. The chair of the committee shall forward the application documents together with its recommendation and comments to the VPAA by this same date. If the “other relevant information” considered by the committee is negative, the applicant shall be provided a copy of this information by November 15 and may submit a response to the VPAA by November 20th.

- f. By January 5, following review of the Tenure and Promotion Committees’ recommendations, comments and the application documents, the VPAA shall forward all documents and his or her recommendation to the President.
- g. If the request for Tenure is not recommended at any level, the complete documents and recommendations must, nevertheless, be forwarded progressively to the next higher level for review, up to the Presidential level, unless the Faculty member withdraws the application. At the time the recommendation and documents are forwarded to the next level, the person responsible for forwarding to the next level will also give notice to the applicant and specify whether the application received a positive or negative recommendation. No other details need be provided to the applicant.
- h. If the President declines to recommend the applicant for Tenure to the Trustees, the President shall give notice to the applicant by January 24th.
- i. The applicant who is denied Tenure recommendation by the President may request reconsideration in writing. Notice of this request must be received by the President no later than January 31st. The President shall notify the applicant of the reconsideration determination by February 8th. The President’s denial decision is final.
- j. The President shall give the Trustees any favorable recommendations on Tenure by seven (7) days prior to the Trustees’ Regular Meeting in February.
- k. Upon the Trustees’ action on a favorable recommendation the President shall give notice to the applicant that Tenure is denied or granted. Minor procedural or technical irregularities in the notice or delivery thereof shall not constitute failure to notify the Faculty member.

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- l. An applicant may withdraw the application any time prior to a decision being issued by the President. The request to withdraw shall be submitted in writing to the VPAA.
- m. Within seven (7) calendar days after receipt of notice of the Trustees' denial of Tenure, the applicant may request reconsideration. The request for reconsideration must be made to the Chair of the Board of Trustees. The Trustees' decision on reconsideration is final.
- n. The Trustees shall act on Tenure applications no later than their Regular Meeting in March. Only favorable Presidential recommendations shall be forwarded to the Trustees. The Trustees expressly delegate to the President the power to deny Tenure applications by declining to recommend applicants to the Trustees. Applications and Presidential recommendations shall be considered by the Trustees in executive session as a personnel matter, unless otherwise required by the Colorado Public (Open) Meetings Act. The Trustees shall vote in open session to grant or deny Tenure to applicants. The minutes of the open meeting shall be the official and conclusive record of the Trustees' action.
- o. Thereafter all applications and recommendations shall be placed in applicant's personnel files and shall be confidential to the same extent as personnel files under the Colorado Public (Open) Records Act. Other materials submitted by the applicant need not be retained and may be returned to the applicant.
- p. Notice.
 - 1) Time of Notice:
 - a) Faculty members who apply for Tenure but who are ineligible should be notified that they will not be considered for tenure as soon as practicable but in no event later than January 31st of the semester following the application deadline.
 - b) Faculty who are considered for Tenure shall be notified within twenty (20) Business Days following Trustee action on their applications.

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- 2) Content of Notice:
 - a) Tenure granted. Applicants who are granted Tenure should be notified that they were awarded Tenure by the Trustees.
 - b) Tenure denied. Faculty members whose applications for Tenure are denied shall be given notice by the President. The notice need not state the reason(s) Tenure was denied.
 - 3) Delivery of Notice. See “Notice” in the Glossary.
 - 4) Failure to Give Notice. Failure to give notice at any level of the Tenure procedure shall not entitle the affected Faculty to Tenure.
5. Assignments for Faculty not Offered Tenure. Seventh-year Tenure-track Faculty members who are not granted Tenure will cease to hold the status of Tenure-track Faculty. Their employment will automatically terminate at the end of their current employment assignment unless they are offered and accept a Non-tenure-track Faculty position available as an instructor or another available position at the College. The College has no obligation to consider the Faculty member for other positions. Any offer of another position is at the discretion of and subject to approval by the President and Trustees.
6. Tenure and Academic Rank for Administrators.
- a. The Trustees may grant Faculty status and Tenure to qualified Administrators. An award of Tenure under this subsection shall entitle recipients to transfer as Tenured Faculty to available Faculty positions for which they are qualified. It shall not, however, create any rights, entitlements, or expectations of retention in the recipient's administrative position. Administrators with Faculty Tenure serve in their administrative positions solely at the will and pleasure of the President.
 - b. The Trustees may grant Faculty status and Tenure to those Administrators who have been previously Tenured at regionally-accredited, baccalaureate-granting institutions of higher education, who are recommended for Faculty status and Tenure by the President, following the President's consultation with the Tenured Faculty of the affected Faculty body designated by the College to make Tenure recommendations.

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C. Faculty Promotion Policy

1. Introduction. Promotions of Faculty in Academic Rank are based on overall professional attainment and expectation of further professional growth at the College. Performance Ratings for the General Evaluation Criteria are considered. Teaching effectiveness is given the most importance.
2. The procedures for promotions outlined below are designed to allow for varied interests, talents, and accomplishments of applicants from diverse academic disciplines.
 - a. By May 1, the Department Head should notify all Faculty members in their department who are or will become eligible for promotion during that Academic Year of their eligibility to apply for promotion in Academic Rank. Those Faculty members who meet the minimum requirements, and who wish to be considered for promotion, are responsible for gathering evidence of their qualifications, including all annual and comprehensive evaluations for the prior five (5) years and submitting these materials to the Department Head by October 1. Submission of materials should follow the deadline outlined in Procedures for Recommending Tenure.
 - b. By October 10, the Department Head (non-voting) will conduct a poll of all Full-time Faculty at the Academic Rank or higher sought by the applicant in the applicant's department. The poll will recommend approval/denial regarding the applicant's request. The applicant's documentation shall be made available for review to the departmental Faculty prior to voting.
 - c. By October 15, the Department Head will submit the results of this poll to the Tenure and Promotion Committee along with the applicant's documentation and the Department Head's recommendation. By November 15, the Tenure and Promotion Committee, after reviewing this information, will forward this information, together with its recommendation and comments, to the VPAA. By January 5, following review of the Tenure and Promotion Committee's recommendation, comments and the application documents, the VPAA shall forward all documents and his or her recommendation to the President. Promotions will be awarded or denied by the President. The President shall give notice to the Faculty member of his or her decision on the request for promotion by January 31st. The Trustee level of review does not apply to requests for promotion.

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- d. Promotion Appeal Process. An applicant may request reconsideration of an adverse promotion decision by the President. The request for reconsideration must be received by the President within thirty (30) calendar days after notice is given to the applicant of the adverse decision. An adverse Presidential recommendation on a request for reconsideration shall be final, unappealable, and nongrievable. Adverse promotion recommendations below the Presidential level shall not be appealable or grievable under this or any other procedure. Denials of early promotion applications shall be final, without reconsideration, and are unappealable and nongrievable.
- e. An applicant may withdraw the promotion request at any time prior to a decision by the President. The request to withdraw shall be submitted in writing to the VPAA.
3. Promotion Criteria. The minimum requirements for consideration for promotion in Academic Rank are listed below. Meeting the minimum qualifications does not imply automatic promotion. The criteria for Instructors achieving a position of Academic Rank are set forth in the Recruiting and Hiring section of this *Handbook*. Promotions are awarded at the discretion of the President.

Promotion criteria from one Academic Rank position to a higher Academic Rank position are as follows:

- a. Academic Faculty
- 1) Promotion to Associate Professor:
- a) Education and Experience. An applicant must satisfy the educational and experiential qualifications for associate professor listed under Recruitment and Hiring in this Handbook.
- b) Time in Rank. Five years in rank as an assistant professor at the Mesa State College. For exceptions, see part 4) below.
- c) Tenure. Tenure is not required for promotion to associate professor. Promotion to associate professor does not guarantee that Tenure will be awarded.

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- d) Performance. Sustained highly proficient or excellent Performance Ratings for the General Evaluation Criteria
 - 2) Promotion to Professor:
 - a) Education and Experience. An applicant must satisfy the educational and experiential qualifications for professor listed under Recruitment and Hiring in this Handbook.
 - b) Time in Rank. Five years in rank as an associate professor at Mesa State College. For exceptions, see part 4) below.
 - c) Tenure. Tenure is required for promotion to professor.
 - d) Performance. The rank of professor is the highest Academic Rank and requires demonstrably sustained highly proficient or excellent Performance Ratings for all General Evaluation Criteria.
 - 4) Exceptions, including early promotion to the associate professor or professor level for individual Faculty members may be recommended to and approved by the President based on previous years in rank at another regionally accredited higher education institution, expertise, technical competence or professional attributes that the College deems of sufficient merit to warrant such recommendations. Normally such exceptions will be for those who have made substantial contributions to their fields of specialization, or who have demonstrated excellent performance in the General Evaluation Criteria areas, and significant creative accomplishment. Faculty may apply for early promotion during their second through fourth years of time in a rank.
- b. Technical Faculty
- 1) Promotion to Assistant Technical Professor:
 - a) Education and Experience. Minimum of an associate degree in field related to area of instruction.
 - b) Time in Rank. Five years as a Technical Instructor.
 - c) Performance. Demonstrably effective teaching, advising, professional development activity, and service.

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- 2) Promotion to Associate Technical Professor:
 - a) Education and Experience. Minimum of a baccalaureate degree in field related to area of instruction.
 - b) Time in Rank. Five years as an Assistant Technical Professor at the College.
 - c) Performance. Demonstrably effective teaching, advising, professional development activity, and service.
- 3) Promotion to Technical Professor:
 - a) Education and Experience. Minimum of a master's degree in field related to area of instruction.
 - b) Time in Rank. Five years as an Associate Technical Professor at the College.
 - c) Performance. Demonstrably effective teaching, advising, professional development activity, and service.
- 4) Exceptions, including early promotion to the associate technical or technical professor level, for individual Technical Faculty members may be recommended to and approved by the President based on previous years in rank at another regionally accredited postsecondary institution, expertise, technical competence or professional attributes that the College deems of sufficient merit to warrant such recommendations. Normally such exceptions will be for those who have made substantial contributions to their fields of specialization, or who have demonstrated exceptional advising, scholarly activity, competence, or appropriate creative accomplishment of highly proficient or excellent quality. Technical Faculty may apply for early promotion during their second through fourth years of time in rank.

D. Transfer between Faculty and Administrator Status

1. Eligibility. Professional Personnel initially hired as Administrators who were neither appointed with nor subsequently granted Academic Rank and Tenure do not have a right to Faculty status or positions. This policy does not preclude Administrators from being appointed to Part-time or Full-time Faculty positions,

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but Faculty seniority and other Faculty rights must be earned through service as a Faculty member.

2. Prior Faculty. Administrators who, prior to September 18, 1981, and prior to assuming Administrative positions, were given Faculty status at the College shall retain a right to return to Faculty status subject to the availability of a position and to assurance that they are qualified to teach in their assigned academic disciplines. Such eligible individuals are to be identified and their names reported to the Trustees by the President.
3. Faculty to Administrative. Faculty who transfer to full-time administrative positions retain the seniority earned as Faculty members and, if Tenured, retain their Tenure as Faculty members but shall be issued administrative contracts. Faculty who transfer to full-time administrative positions have the right to return to Faculty status subject to the availability of a position and to assurance that they are qualified to teach in their academic disciplines. Any academic year during which Tenure-track Faculty members are employed as administrators for one or more semesters shall not be included in their Tenure-track periods. Tenured Faculty members who transfer to full-time administrative positions have the right to return to the college department, program area or other similar academic unit in which they acquired Tenure. Should a Faculty member's right to return to the Faculty under this Section conflict with another Faculty member's retention rights, the Faculty member with retention rights shall be appointed to the position if both Faculty members are Tenure-track or Tenured. However, if one Faculty member is Tenured and the other is not, the Tenured Faculty member shall be appointed to the position. If one Faculty member is Tenure-track and the other is temporary non-Tenure track, the Tenure-track Faculty member shall be appointed to the position.

E. Seniority

Seniority shall be based on years of full-time service in a particular professional status at the College. Service time as an Administrator does not count toward seniority as a Faculty member, except that Faculty who serve only up to one year of time as an Administrator on an interim basis shall have that time counted toward seniority as a Faculty member. Service time as a Faculty member does not count as service time as an Administrator. The employment contract specifies professional status.

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A. General Statement

An effective performance evaluation process recognizes and rewards excellent performance and addresses areas for improvement. The process should promote dialog between the employee and supervisor, and should provide an opportunity to clarify individual departmental and institutional goals, revise individual job descriptions, emphasize areas of importance and identify new directions, improve individual performance and provide a basis for planning individual growth and development. The Administrator's immediate supervisor is responsible for providing evaluations for all Full-time Administrative Personnel, preferably on an annual basis. Employees who report directly to the President (e.g. VPAA, Vice-presidents) are evaluated by the President. The President is evaluated by the Board of Trustees.

B. Schedule for Evaluations

1. Evaluation Period. The evaluation period shall generally be May 1 through April 30. Supervisors may conduct a preliminary performance review for a new employee between three and six months after initial employment.
2. Ongoing Process. Performance reviews may be conducted at any time under special circumstances, such as a substantial change in the employee's assignment or a change in the level of performance.

C. Responsibilities of All Administrative Personnel

1. Highest Quality Service. All Administrative Personnel share a common obligation to provide service of the highest quality to the College. In this connection, Administrative Personnel are encouraged to utilize all available resources, both internal and external to the College, to the extent feasible and desirable and within the framework of established policy.
2. Fulfill Position Responsibilities. Each member of the Administrative Personnel has been appointed to a professional position and has accepted the responsibilities of that position. Each is expected to fulfill the responsibilities of the position as the first duty and highest priority in service to the College.
3. Standards of performance for Administrative Personnel are included in individual job descriptions and the performance evaluation documents. Where appropriate, the supervisor may add performance factors which are not listed in the performance evaluation document. Unacceptable conduct is considered below standard, without requiring specific reference in the job description or evaluations.

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4. Unacceptable conduct includes, without limitation, the conduct listed as "cause" for involuntary termination of Faculty, enumerated in the Termination section of this Handbook. Reference to these examples of unacceptable conduct does not in any way imply that cause is needed in order to terminate Administrators. Administrators are employees-at-will and may terminate their employment or be terminated with or without cause or prior notice. Nothing contained in this policy or in the evaluations given pursuant to this policy can change the employment-at-will status for Administrators.
- D. Performance Planning.** A performance planning meeting for new administrators is desired within 60 calendar days after employment begins. For continuing administrators, performance plans for the upcoming evaluation period should take place concurrently with the annual evaluation of the previous year's performance.
- E. Evaluation.** Standards of performance for Administrative Personnel, including librarians and media professionals, are included in individual job descriptions and the performance evaluation document. Where appropriate, the supervisor and employee may add performance factors which are not listed in the performance evaluation document.
- F. Performance Ratings.** The Performance Ratings for Administrative Personnel are as follows:
1. Excellent. Evidence convincingly demonstrates that the employee has made exceptional contributions in the areas of responsibility and would clearly be recognized as an outstanding employee as compared to other Administrative Personnel.
 2. Highly Proficient. Evidence clearly demonstrates that the employee has made significant contributions in the areas of responsibility and is considered highly skilled in that area.
 3. Proficient. Evidence demonstrates the employee meets minimum expectations and had made modest contributions in the areas of responsibility.
 4. Below Standard. Evidence demonstrates the employee's contributions are below accepted standards in the areas of responsibility. A need for improvement is clearly indicated. The level of contribution does not justify any salary increase and may jeopardize continued employment with the College.
- G. Disputes.** Administrative personnel who dispute their evaluation may submit written comments to their supervisor within seven (7) calendar days after receiving the evaluation, stating any requested relief. These comments will be included in the

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employee's personnel file. If the supervisor does not grant the requested relief within the next (7) calendar days after receiving the comments, the supervisor's decision will be final unless the employee submits a written appeal within the next seven (7) calendar days to the appropriate Vice President, stating the basis for appeal, the requested remedy and including a copy of the evaluation and employee's written comments provided to the supervisor. If the Vice President is the employee's immediate supervisor, then the appeal must be submitted to the President instead of the Vice President. Within fourteen (14) calendar days, the Vice President or the President (whichever is appropriate), shall give notice of his or her decision regarding the disputed evaluation and requested remedy. The decision of the Vice President or President (whichever is appropriate) shall be final, unappealable and nongrievable.

A. Introduction

1. Authority to Make Salary Adjustments. The Trustees, and to the extent that the authority is delegated to him or her by the Trustees, the President, possess the sole authority to determine whether, when, and by what amount or percentage, if any, salaries shall be adjusted, and the personnel to whom such adjustments shall be made. The Trustees delegate the following authority to the President:
 - a. To establish or negotiate competitive starting salaries for newly hired Professional Personnel.
 - b. To award annual performance-based salary increases based on institutional salary administration and performance evaluation systems (including salary increases based on promotions in Academic Rank and other indicia of excellent or highly proficient performance).
 - c. To recommend to the Trustees individual base salary increases on a case-by-case basis when, in the President's sole discretion, such increases are needed to increase the number of Faculty with Terminal Degree qualifications in their disciplines, to promote salary equity and parity at the College, to prevent the loss of highly qualified personnel, to compete in the market place or to compensate Professional Personnel who assume additional or changed duties. Such recommendations shall be presented to the Trustees for approval.
2. Conform to Limitations. All salary adjustments shall conform to Trustee-ordered restrictions or limitations on institutional salary adjustments (e.g., limitations on the average amounts or percentages of annual performance-based salary increases).
3. No Entitlement. This policy does not and shall not be construed to create entitlement or contractual rights to performance-based, cost-of-living, longevity, equity, parity, or other salary increases; nor shall institutional salary administration systems explicitly or implicitly create or be construed to create any such entitlement or rights.
4. Purpose. The College's salary administration system establishes procedures for setting salaries that are intended to encourage a high level of professional performance, attract and retain high quality Faculty and Administrators. The primary purpose of this salary administration system is to establish a clear relationship between professional performance and compensation.

B. Faculty Salary Plan

1. Performance Ratings. The Faculty salary plan is based upon the Performance Ratings for General Evaluation Criteria defined in the evaluation section of this Handbook.
2. Salary Increases. The individual's salary increase will be determined by the new salary money allocated, and the Performance Rating assigned by the appropriate Department Head.
3. Guiding Principles. The following guiding principles apply to the salary plan:
 - a. Faculty members with higher Performance Ratings receive larger salary increases.
 - b. Faculty members rated "Proficient" or "Below Standard" are ineligible for salary increases.
 - c. Individual salary increase percentages may differ from the general average authorized annually by the Trustees.
4. Integrity of the Plan. Each Department Head is responsible for the integrity of the plan in his or her academic department, and the VPAA is responsible for the integrity of the plan among the academic departments.
 - a. Initial Salary. The determination of the Faculty member's initial salary is the responsibility of the VPAA, with approval by the President. The initial salary is based on level of educational attainment, experience, market factors, and other considerations the VPAA and President may deem appropriate.
 - b. Promotion. A Faculty member's current year base salary shall be increased for the contract year following a promotion because of the increase in Academic Rank. In addition, a Performance Rating increment may be awarded.
 - c. Special Recognition Awards. After salary allocations have been set by the Trustees, new salary funds will be allocated according to the Performance Ratings and approved by the VPAA and the President. If funds are available after promotion-based and performance-based distributions are made, Faculty members who qualify for Special Recognition Awards may be given monetary awards, paid in single payments, which do not become a part of the base salary. The amount of the Special Recognition Awards

shall be recommended by the VPAA, and approved by the President. Salary funds used for Special Recognition Awards shall remain in the following year's general salary pool for redistribution.

C. Faculty Workload

1. Full-time.

- a. The normal teaching load for Academic Faculty is 24 semester credit hours per academic year. This load is usually distributed as 12 semester credit hours per semester. Technical Faculty normally teach 25-30 contact hours per week. To accommodate high enrollments during a term, or to meet other emergency situations, the College may assign overloads. Reduction in teaching load in subsequent semesters or terms is authorized in these cases. Overload compensation is authorized only when teaching assignments exceed the normal distribution.
- b. In addition to their teaching load, Faculty members shall prepare for classes, evaluate student performance, confer with students, and participate in scholarly activity, and service, and other professional activities. Full-time Faculty are expected to devote at least 40 hours per week during the Academic Year to meeting their teaching, advising, scholarship, and service obligations. Additionally, faculty are expected to establish, post, and keep a minimum of five office hours weekly spread over a minimum of four days commencing one week prior to and continuing through each Fall and Spring Semester excluding scheduled breaks. Faculty may use a different configuration of office hours with the approval of the department head.
- c. Granting requests for Release Time for research, institutional service, other scholarly activities, or curriculum-related activities outside of actual teaching assignments is the prerogative of the Department Head and must be approved by the VPAA and the President.

2. Part-time. The normal calculation for a full-time-equivalent load for part-time Academic Faculty employed on a per credit basis should be no less than fifteen (15) credit hours per semester.

D. Administrators Salary Plan

1. The salary plan for Administrators is based upon the Performance Rating and upon the Position Evaluation System which establishes relationships among all

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administrative positions on campus. Administrators achieving the performance level of "Excellent" may be considered for Special Recognition Awards.

2. The Administrators' salary plan does not contain any provision for annual or step increases. Each year, subject to the allocation of funds by the Trustees, the President and the Vice Presidents will develop a system for the allocation of such salary funds as may be available. The individual's salary increase will be determined by the new salary money allocated and the Performance Ratings assigned. The President and the Vice Presidents shall review all recommendations. An Administrator receiving an evaluation of "Below Standard" will be ineligible for any salary increase for the ensuing year. If funds are available after performance-based distributions are made, those who qualify for a Special Recognition Award may be given a monetary award, paid in a single payment, that does not become a part of the base salary. The amount of the Special Recognition Award shall be recommended by the appropriate Administrator and approved by the President.

E. Salary Supplementation. During the regular term of Full-time appointment, salaries of Professional Personnel may be supplemented from institutional grants, contracts, or other institutional or State funds, but only for approved, institutionally assigned, temporary or short-term responsibilities in addition to those normally specified for Professional Personnel. Salary supplements shall not be added to the recipient's base salary.

F. Outside Employment. The College recognizes that Professional Personnel may desire to engage in outside employment for compensation in addition to their salary received from the College. Also, Professional Personnel may be uniquely qualified to assist in meeting a variety of society's needs by way of sharing their knowledge and expertise outside the College. The College does not prohibit outside employment, however, the obligations of Faculty and Administrators to the College must take priority over any such activity.

1. Outside Employment Defined. Outside Employment includes, without limitation, employee, independent contractor, consulting, or business ownership relationships with persons or entities other than the College, performed for compensation or monetary reward.
2. Reporting of Outside Employment. In advance of accepting outside employment, Full-time Professional Personnel shall give notice of the outside employment opportunity to their Department Head or immediate supervisor and receive prior written approval. Approval shall not be denied unless the outside employment creates an actual or apparent conflict of interest or otherwise violates the rules for outside employment set forth below. Reporting is not required by Part-time Professional Personnel or Professional Personnel who are not currently under contract (e.g. Faculty outside of the Academic Year). But other rules for

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engaging in outside employment set forth below apply to Part-time as well as Full-time. Department Heads and immediate supervisors shall promptly forward all notices received from Full-time Professional Personnel disclosing outside employment to the appropriate Vice President.

3. Rules for Outside Employment. Professional Employees who engage in outside employment must abide by the following rules. Failure to do so may result in discipline or termination. Outside employment shall:
 - a. Not interfere with the efficient performance of the employee's job;
 - b. Not actually or apparently conflict with the interests of the College or the State of Colorado. "Apparently" conflict means that the employment would reasonably give rise to criticism or suspicion of conflicting interests or duties;
 - c. Not conflict with the Code of Ethics for Public Employees, CRS 24-18-101 et. seq., as amended from time to time, and other statutes and regulations governing the conduct of public employees.
 - d. Be in addition to, rather than part of, the normal time and effort expected of members of Faculty and Administrators in that Professional Personnel position.
 - e. Not involve use of College resources, facilities, or property without prior written approval by the President regarding the specific exceptions requested to this rule.

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A. Grievable Issues

This grievance policy does not cover all disputes that may arise out of or relate to Professional Personnel employment. It is intended to address situations where the Professional Personnel alleges that his or her employment is adversely affected by a decision, action or inaction by another employee that is in violation of this Handbook, the Trustees' Policy Manual, or other Trustee-approved policy, or is in violation of a law or regulation, except that grievable issues do not include decisions, actions or inactions that relate to any of the following personnel matters even if a violation of policy or law is alleged: supervisory warnings, disciplinary action, dismissal, nonrenewal, reduction in force, suspension, reassignments of Administrative Personnel to other exempt College positions, Tenure recommendations or decisions, denial of sabbatical leave, evaluations, annual development plans, annual performance reviews, comprehensive development plans, comprehensive evaluations, or post-tenure performance improvement plans and reevaluations, or allegation of violation of the Anti-Discrimination Policy.

Procedures for reporting or appealing actions within these excepted areas are covered within other sections of this Handbook. See:

1. Section II. Anti-discrimination Policy, for complaints of unlawful discrimination or harassment;
2. Section V. Leaves, for denial of sabbatical complaints;
3. Section VI. Evaluations, Tenure, Promotion & Post-Tenure Review, for Faculty complaints regarding decisions on these subjects;
4. Section VII. Evaluation of Administrative Personnel, for Administrator complaints regarding evaluations and performance ratings;
5. Section X. Disciplinary Procedures, for contesting disciplinary actions;
6. Section XI. Termination, for contesting involuntary termination of employment.

B. Eligibility to File a Grievance

The employee must be a current member of the Professional Personnel of the College and must be adversely affected in his or her employment by the alleged violation concerning a grievable issue in order to be eligible to pursue a grievance under this policy. The grievance must be timely filed or eligibility is lost.

C. Informal Resolution

The most satisfactory procedure for resolving grievances is informal discussion between the affected Professional Personnel and appropriate Administrators. It is expected that such discussions will precede the initiation of the formal grievance procedures described below.

D. Grievance and Hearing Committee

1. Optional Use of Grievance and Hearing Committee. As part of the informal resolution process, either the Grievant or the Respondent or both may choose to utilize the Grievance and Hearing Committee to monitor the process; study a specific grievance; assist or counsel the individual; or make judgments or recommendations on the merit of the grievance.
2. Composition of Grievance and Hearing Committee. The Grievance and Hearing Committee is comprised of Professional Personnel who are employees-in-good-standing. No Professional Personnel who are potentially involved in the grievance under consideration as Grievants, Respondents or witnesses, may serve on the Grievance and Hearing Committee for that grievance. The College may have more than one Grievance and Hearing Committee to serve different groups of Professional Personnel. The number of committees, the size of the committees, the method of selection and replacing members, and the function of the committees are to be determined by the President and approved by the Trustees.
3. Committee can not Impede the Formal Grievance Process. Grievance and Hearing Committees are not a part of the formal grievance process and may not interrupt or impede the process. The time limits specified in the formal grievance process may not be modified by the activities or actions of the Grievance and Hearing Committee.

E. Formal Grievance Process

1. Terms and Processes Applicable to Sequential Steps.
 - a. Pursuit of Grievance. Except as specified below, all the steps of the formal grievance process must be followed.
 - 1) Non-response. Failure to timely answer a grievance in writing at any step shall be considered a denial of the allegation claimed in the grievance, effective the last day of the response period. A Grievant must appeal a denial-by-non-response to the next step of

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the formal process within the time period allowed or the grievance may be terminated.

- 2) Unsatisfactory Resolution. The Grievant must pursue to the next step within the time period allowed a grievance which has not been satisfactorily resolved or the grievance will be terminated.
 - 3) Termination of grievance for lack of timely appeal. Failure by the Grievant to give written notice of appeal to the next step within the specified time limits shall be regarded as intent not to proceed. The process shall be terminated and the case closed with a written explanation of the lack of timely appeal attached to the case file. This explanation shall be jointly prepared by the persons responsible for the administration of the last active step and the next step.
 - 4) Withdrawal of grievance. A grievance may be withdrawn at any time by the Grievant by filing a written withdrawal with the individual responsible for the step of the process that is active at that time.
- b. Timeliness. Disputes about whether time limits for appeal have been met may be appealed only to the next step in the formal process.
 - c. Precedent. Any settlement, withdrawal, or disposition of a grievance at any step shall not create a binding precedent or necessarily affect the resolution of similar grievances.
 - d. Reducing agreements to writing. Any agreements reached at any step of the formal grievance process must be reduced to writing.
 - e. Approval of agreement. All written agreements approved by the President or at Steps I or II are final, except for those matters for which only the Trustees have or assume final authority.
 - f. The Respondent may not be a Step I or II Administrator. The President shall designate another Administrator in such event.
 - g. Scope of investigation by the hearing officer. As part of a Step III grievance, if the hearing officer finds that the grievance involves a decision for which a different formal College review and recommendation process is prescribed, the hearing officer shall limit the investigation to a

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determination of whether the prescribed formal review and recommendation process has been followed.

- h. Representation during the grievance process: The Grievant may select a member of the Professional Personnel, who is not a practicing attorney, to observe and to advise the Grievant at any step during the grievance process. (This is not intended to preclude the grievant from seeking legal counsel at any time.)
- i. Burden of proof. The burden of persuasion rests upon the Grievant with regard to any assertion contained in the Notice of Grievance.
- j. Costs. Cost for the hearing officer procedure, including the recording of the hearing, shall be borne equally by the Grievant and the College except that the Grievant and the College shall each be responsible for expenses incurred at their individual requests during the grievance process, such as the expenses for transcripts, witnesses, and attorneys.
- k. Retaliation. No retaliation shall be taken against a Grievant because of the filing of a grievance in good faith.

2. Sequential Steps.

- a. Step I: Review by Administrator
 - 1) In the event a grievance is not resolved through informal discussion and negotiation, the Grievant may file a formal written grievance using the Notice of Grievance form available through the Human Resources Department. Such written grievance shall be submitted to the Step I Administrator, who is the Administrator below the level of Vice President to whom the Grievant is assigned (e.g. Department Head or Director).
 - 2) The Notice of Grievance must be filed within thirty (30) calendar days of the occurrence giving rise to the grievance or within thirty (30) calendar days of the date on which the Grievant knew or reasonably should have known of such occurrence, whichever is later, or, if the violation grieved is of a continuing nature, at any time. Any grievance not filed in accordance with the time limits specified shall be deemed waived by the Grievant.
 - 3) The first responsibility of the Step I Administrator shall be to determine whether the grievance is timely filed and whether the

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allegations stated in the Notice of Grievance conform to the definition of "grievance" and is a proper issue for review. If the Step I Administrator determines that the grievance does not meet these criteria, that Administrator shall give the Grievant written notice specifying the deficiencies of the grievance as submitted. The Grievant then has three alternatives:

- a) To refile the grievance at Step I within another seven (7) calendar days to correct technical deficiencies;
 - b) To file a new grievance at Step I, within time limits based on the new grievance; or
 - c) To appeal the disqualifying decision to Step II.
- 4) The Step I Administrator shall have fourteen (14) calendar days after receipt of the Notice of Grievance to investigate, attempt to resolve the grievance and to respond in writing to the Grievant.
- b. Step II: Review by the President or Designee
- 1) If a satisfactory resolution is not achieved at Step I, the Grievant may, within seven (7) calendar days after receipt of the written response from the Step I Administrator, give notice of appeal to the President who may assign a designee as the Step II Administrator. This written appeal shall include a copy of the Step I Administrator's response(s) and an explanation of why the Grievant is not satisfied with the response at Step I.
 - 2) The Step II Administrator shall have fourteen (14) calendar days after receipt of the appeal to investigate, attempt to resolve the grievance and to respond in writing to the Grievant.
- c. Step III: Review by Hearing Officer
- 1) If a satisfactory resolution is not achieved at Step II, the Grievant may within seven (7) calendar days after receipt of the written response from the Step II Administrator, give notice of request for a hearing to the President.
 - 2) Within fourteen (14) calendar days after receipt of the Grievant's request for hearing, the President or designee shall give to the Grievant a list of three members of the College's hearing officer panel.

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- 3) The Grievant shall give notice to the President within seven (7) calendar days after receipt of this hearing panel list as to which panel member the Grievant strikes from the list.
 - 4) Within seven (7) calendar days after receipt of the Grievant's strike choice, the President or designee shall strike one name from the list and give the Grievant notice of the remaining person, who will serve as hearing officer.
 - 5) The hearing before the hearing officer will be governed by the following procedures:
 - a) The hearing officer shall set a date for a hearing to be held as soon as practicable and shall give notice of the date, place, and time of the hearing to the Grievant, the Respondent, the President, and the Chair of the Board of Trustees. The proceedings before the hearing officer will be recorded by a court reporter or by an electronic recording device. The hearing officer shall hear relevant testimony and review relevant documents submitted into evidence by the parties and their witnesses.
 - b) Not more than fourteen (14) calendar days after the conclusion of the hearing, the hearing officer shall report findings of fact, conclusions, and recommendations to the Grievant, the Respondent, if any, the President and the Chair of the Board of Trustees.
 - c) The Trustees have the responsibility for disposition of the grievance following receipt of the report of the hearing officer. The Trustees may accept the recommendations of the hearing officer, may honor the claim of the Grievant, may support the initial action of the College, may accept alternative recommendations proposed by the President, or may take such other action as the Trustees deem appropriate. The Trustees shall give notice to the Grievant, the Respondent, if any, and the President within thirty (30) calendar days after receipt of the hearing officer's initial decision as to their disposition of the grievance.
3. Grievance Files. The record of each grievance and its disposition shall be filed with the personnel records of the Grievant.

A. Preliminary Procedure

1. Prior Approval by President Required. No Professional Personnel shall be demoted, suspended, or sanctioned as punishment (referred to jointly as “disciplinary action”) or discharged for cause without prior approval of the President. Supervisors’ verbal or written warnings, evaluations, and performance ratings for Professional Personnel are not “disciplinary actions” covered by this section. This policy does not change the fact that Administrators and Temporary Faculty are employees-at-will and no cause is needed or must be given for termination, unless specifically provided otherwise in this Handbook. "Cause" is defined in the Termination section of the Handbook. Administrators and Temporary Faculty have no right to appeal a disciplinary action approved by the President. The President’s decision is final. Only Tenured Faculty may request a Hearing Officer review of disciplinary actions.

2. Investigation. The President, upon receipt of information indicating that any Professional Personnel has engaged in conduct that, if true, constitutes cause for discipline or discharge may investigate the circumstances. Where the alleged conduct, if true, is in violation of the Anti-discrimination Policy, the matter shall be promptly investigated. The investigation of any matter that is currently being grieved under the Grievance Policy may be postponed until that grievance process is completed. Further, the President may, in the President's discretion, initiate Termination proceeding under the Termination Policy for any Professional Employee entitled to that proceeding without following the investigation and other procedures provided in this Disciplinary Procedure Policy.
 - a. The President may personally investigate the circumstances or may appoint another individual or committee to investigate. Any employees appointed to investigate shall be Professional Personnel and shall be employees-in-good-standing. Outside investigators may be used who have expertise in such matters.

 - b. Where the alleged conduct, if true, is in violation of the Anti-discrimination Policy, the Affirmative Action Coordinator shall consult with the President and shall coordinate and oversee the investigation, unless the President delegates this responsibility to another qualified individual.

 - c. The investigation should include personal interviews of the complainant (if any), the Professional Personnel under investigation (the professional) and relevant witnesses, as well as review of any relevant documentary evidence.

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- d. Upon completion of the investigation, the President shall give the complainant and the professional written notice of whether further action will be taken. If the President believes that further investigation is not warranted and that discipline or discharge is not appropriate, the President may either dismiss or suggest appropriate nondisciplinary action to resolve the matter.

B. Further Action. If the President determines after the investigation that discipline or discharge may be appropriate, the President shall give written notice to the professional of the proposed discipline or discharge and the basis for the proposed action. The notice shall advise the professional that he or she may meet with the President at a specified time, date and place, which shall not be less than seven (7) calendar days from the date the notice is given. The professional and the President may meet sooner by mutual consent. The professional may provide a written reply to the proposed action before or at the time of the meeting.

1. Meeting with the President. The professional may have a representative at the meeting who is an employee other than a practicing attorney. The representative shall be present as an observer and not as a participant. Any statements made at the meeting, including the written response submitted by the professional (if any), shall be admissible in evidence in any subsequent proceeding.
2. Notice of Decision and Appeal Rights. Within fourteen (14) calendar days after the meeting with the President (or if the professional fails or refuses to attend the meeting, within fourteen (14) calendar days after the scheduled date of the meeting), the President shall give the professional written notice of the President's decision, including reasons for the decision, and the professional's appeal rights, if any.
 - a. The appeal rights for Dismissal are set forth in the Termination Policy and no further proceedings are required under this Disciplinary Policy.
 - b. There is no right to appeal nondisciplinary actions and the President's determination is final. This could include, among other things, reassignment to another position of equal status, pay and benefits.
 - c. There is no right to appeal a written warning and the President's determination is final. The notice shall include the written warning and the professional shall have the right to submit a written reply within fourteen (14) calendar days, which reply shall be included in the personnel file along with the written warning.

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- d. Administrators and Temporary Faculty have no right to appeal the President's decision to take disciplinary action and the President's determination is final. The Administrator or Temporary Faculty member shall have the right to submit a written reply to the notice of disciplinary action within fourteen (14) calendar days after receipt of the notice, which reply shall be included in the personnel file along with the notice of disciplinary action.
 - e. The following actions are appealable to a hearing officer when they are imposed as disciplinary action against Tenured Faculty:
 - 1) Suspension;
 - 2) Demotion;
 - 3) Reduction in salary;
 - 4) Denial of salary increase;
 - 5) Ineligibility to serve on official College bodies.
 - f. The effective date of the disciplinary action may precede the date on which the action becomes final.
 - g. Final Action. If the professional chooses not to appeal notice of an appealable action, the action shall become final without further proceedings or notice to the professional. An appeal shall not stay or delay the effective date of the action specified in the notice of the disciplinary action.
3. Appeal to Hearing Officer. Tenured Faculty may give notice to the President of appeal to a hearing officer within fourteen (14) calendar days of receipt of the notice of decision imposing appealable actions. The notice of appeal to a hearing officer shall be accompanied by a short and specific statement giving the reason for the appeal. If a notice of appeal is untimely, the appeal shall be dismissed and the action shall become final without further proceedings or notice to the professional. If timely notice of appeal is received, the following procedure shall apply:
- a. Within fourteen (14) calendar days after receipt of the professional's request for hearing, the President shall give to the professional a list of three members of the College's hearing officer panel.

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- b. The professional shall give notice to the President within seven (7) calendar days after receipt of this hearing panel list as to which panel member the professional strikes from the list.
- c. Within seven (7) calendar days after receipt of the professional's strike choice, the President shall strike one name from the list and give the professional notice of the remaining person, who will serve as hearing officer.
- d. Costs for the hearing officer procedure, including the recording of the hearing, shall be borne by the College except that the professional and the College shall each be responsible for expenses incurred at their individual requests during the appeal process, such as the expenses for transcripts, witnesses, and attorneys.
- e. The professional is entitled to the active participation of legal counsel of his or her own choosing and at his or her own expense during the hearing process. The President is entitled to legal counsel by the Attorney General or designee.
- f. The hearing officer shall give notice of a hearing to be held as soon as practicable and shall give notice of the date, place, and time of the hearing to all parties and to the chair of the Board of Trustees.
- g. The notice of disciplinary action and the professional's statement of the reason for the appeal shall be deemed to be the pleadings for purposes of the hearing. The President has the burdens of production and persuasion by a preponderance of the evidence with respect to the conduct on which the disciplinary action is based. The professional has the burdens of production and persuasion by a preponderance of the evidence with respect to any mitigating circumstances or affirmative defenses. No evidence may be admitted at the hearing which is not relevant either to the bases for the disciplinary action and/or sanction set forth in the notice or to an assertion in the statement of the reason for the appeal. The hearing shall be recorded by a court reporter or electronically recorded. Other exhibits may be submitted at the hearing, as well as the testimony of witnesses. The hearing officer shall cause the initial decision to be delivered to the professional and to the President within fourteen (14) calendar days following the hearing.

4. Trustees' Review.
 - a. The hearing officer shall within fourteen (14) calendar days of the hearing transmit his/her initial decision, along with the record of the hearing (including the electronic recording) to the Chair of the Board of Trustees.
 - b. Either party may appeal the hearing officer's initial decision to the Trustees. The notice of appeal together with a statement of the party's specific exceptions to the hearing officer's initial decision and a designation of the relevant parts of the record to be considered must be received by the Chair of the Board of Trustees within twenty (20) calendar days after the date on which notice of the decision was given to the parties by the hearing officer unless the Chair extends the filing deadline for good cause shown. The party appealing shall serve a copy of this notice of appeal on the other parties. The other parties shall have ten (10) calendar days thereafter to designate additional part of the record to be considered. If the parties choose not to appeal or if the notice(s) of appeal is/are not timely filed, the initial decision of the hearing officer shall become the final decision of the Trustees without further proceedings or notice to the parties.
 - c. If either or both parties file timely notices of appeal, the Trustees shall, at their convenience, review and take action on the hearing officer's initial decision.
 - d. If appealed to the Trustees, the disciplinary action and sanction (or any modification(s) thereof) shall become final if and when it is adopted in the final decision of the Trustees.
 - e. An order by the Trustees remanding an appeal to the hearing officer for such further proceedings as the Trustees may direct is not final action by the Trustees and is not subject to judicial review.
 - f. A final decision by the Trustees affirming, setting aside or modifying the hearing officer's initial decision is subject to such judicial review as may be provided by law. Judicial review shall not delay or stay the enforcement of any disciplinary sanction unless the court orders otherwise.
 - g. The President may at any time before a final decision is issued by the Trustees rescind any disciplinary action by notifying the professional in writing that the action has been rescinded. In such event, any hearing or review proceedings pending with respect to that disciplinary action shall cease.

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- A. Involuntary Termination of Faculty.** Termination may occur through voluntary resignation or quitting of employment or through involuntary termination. This subsection A concerns only involuntary termination of Faculty.
1. Types of Involuntary Termination of Faculty. The employment of a Faculty member may be involuntarily terminated either through Reduction in Force, Nonrenewal upon expiration of assignment, or through Dismissal.
 2. Reduction in Force.
 - a. **Basis for Reduction in Force.** A Reduction in Force may be made for any lawful reason that is not arbitrary or capricious, including without limitation:
 - 1) a change in program; or
 - 2) a significant decline in state appropriations or other revenues, or any budgetary exigency that creates a need for the College to reduce expenses.
 - b. **Procedure for Reduction in Force.** The following procedures shall govern Reductions in Force and shall supersede any other policy or procedure.
 - 1) The determination that a basis for Reduction in Force exists shall be made by the Trustees, generally after receiving a recommendation from the President. The President should consult the VPAA, who should confer with Department Heads before making recommendations to the President.
 - 2) Priority guidelines for identifying Faculty to be terminated for reasons of Reduction in Force are as follows:
 - a) Normal attrition will be considered prior to reduction through involuntary termination. This may include consideration of incentive plans for voluntary RIF, subject to statutory and regulatory limitations;
 - b) Faculty currently within the positions or programs to be eliminated or reduced shall be terminated before Faculty in other positions or programs;
 - c) Temporary Faculty will be terminated prior to Tenured Faculty;

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- d) Faculty with lower Performance Ratings will be terminated before Faculty with higher Performance Ratings;
- e) Faculty with less seniority as Faculty shall be terminated prior to Faculty with more seniority as Faculty with the College.

These priority guidelines do not guarantee any particular order of termination, but are guidelines for the selection process. The Trustees ultimately determine what order of reduction is in the best interests of the College, considering the College's programmatic, budgetary and other lawful concerns.

- 3) A program priority analysis may be carried out under the direction of the VPAA who may involve the appropriate program Administrators and the president of the Faculty Senate for purposes of analyzing program priorities.
- 4) The College may terminate one or more entire programs and reduce all Faculty in the programs affected, or may reduce within programs. Should there be reductions within a program, the following procedure will generally be used:
 - a) The appropriate program Administrator shall conduct a systematic review of Faculty qualifications, applying the priority criteria specified above.
 - b) The VPAA, in consultation with the program Administrator, shall prepare a list of all Faculty in the affected program applying the above priority criteria. Reductions shall occur in the order of ranking. Before such rank lists of the Faculty in a program are utilized, they must be approved by both the President and the Trustees.
 - c) The President shall review the list, and if he or she approves it, the list shall be presented to the Trustees for approval. If either the President or the Trustees do not approve the list, it may be remanded to the VPAA for reconsideration, or it may be revised by the President or the Trustees.
- 5) Notice Period. The President shall give Tenured Faculty ninety calendar days' notice before termination due to Reduction in Force,

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unless the President, in his or her discretion, determines that a shorter period of notice is necessary for programmatic, budgetary or other lawful reasons. No period of prior notice is required for Reduction in Force of Temporary Faculty.

- 6) Delivery of Notice. See Glossary for definition of "Notice."
- 7) Content of the Notice. The notice to Faculty shall include:
 - a) The effective date of the termination;
 - b) A statement that the termination is due to a Reduction in Force.
 - c) Tenured Faculty will be informed of the reason(s) for their selection for RIF and their appeal rights. If the reason(s) constitute "cause" for termination, rather than no-fault considerations such as seniority, then the Tenured Faculty's appeal rights will be the same as for termination for cause. Otherwise, the appeal rights will be limited to a request for reconsideration based on the selection being arbitrary and capricious.
 - d) Temporary Faculty are at-will employees and are not entitled to receive reasons for their selection for RIF or appeal rights.
- 8) Request for Reconsideration. Tenured Faculty have the right to request reconsideration of their termination due to a Reduction in Force. To do so, the Tenured Faculty member must give written notice of the request for reconsideration to the President within fourteen (14) calendar days from the date the notice of termination was given.
 - a) The request for reconsideration shall be delivered to the President, either by certified mail, return receipt requested or personally delivered to the Office of the President. If the request is mailed, it is deemed given/received upon the date of mailing. In the case of personal delivery, a signed and dated receipt should be requested of the recipient at the Office of the President.

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- b) The request shall state the reason(s) why the Tenured Faculty member believes the decision to terminate his or her employment is arbitrary and capricious and shall include a short, plain statement of the facts the Faculty member believes support his or her contentions.
 - c) Upon timely receipt of a complying request for reconsideration, the President shall review the request and within fourteen (14) calendar days of its receipt, give the Faculty member notice of the decision.
 - d) The President's decision shall be final and not subject to further appeal.
3. Nonrenewal of Faculty. Nonrenewal means that upon assignment completion, the Faculty member is not reassigned for another Academic Year.
- a. Basis for Nonrenewal. Temporary Faculty may be Nonrenewed without cause or notice of cause. Tenured Faculty may be Nonrenewed only for cause or because of a Reduction in Force; these faculty are addressed under Sections on Reduction in Force and Dismissal for Cause.
 - b. Notice of Nonrenewal.
 - 1) Time of Notice. Temporary Faculty are not entitled to prior notice, but a good faith effort shall be made to give notice of Nonrenewal before the end of the current Academic Year.
 - 2) Delivery of Notice. See Glossary definition of "Notice."
 - 3) Content of the Notice. Notice shall inform the Faculty member that his or her assignment of employment is Nonrenewed and shall state the effective date of the Nonrenewal. For Tenured Faculty only, the notice shall set out each cause that is the basis for the nonrenewal.
 - c. Appeal of the Decision of Nonrenewal.
 - 1) Temporary Faculty have no right to appeal the Nonrenewal decision.

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- 2) Tenured Faculty who are Nonrenewed because of a Reduction in Force shall have the right to seek reconsideration.
 - 3) Tenured Faculty who are Nonrenewed for cause have the same right of appeal as if Dismissed for Cause.
4. Dismissal for Cause.
- a. Cause for Dismissal. No cause need be stated or proved for termination of Temporary Faculty at any time. Termination of Tenured Faculty, except for Reduction in Force, must be with cause. "Cause" for Dismissal shall include, without limitation:
 - 1) Unqualified to perform the essential job functions;
 - 2) Neglect of duty by nonperformance of one or more duties or responsibilities reasonably required of Faculty;
 - 3) Conviction, acceptance of a guilty plea, deferred judgment or a plea of nolo contendere to a felony or crime of violence, dishonesty, harassment or abuse;
 - 4) Insubordination, meaning the willful noncompliance with a reasonable directive of a supervisor or superior that is within the authority of that person to issue or promulgate;
 - 5) Moral turpitude;
 - 6) The failure to meet reasonable standards of performance;
 - 7) Failure to fulfill any written provision of any employment agreement;
 - 8) Unprofessional conduct;
 - 9) Dishonesty;
 - 10) Falsification of records;
 - 11) Violation of department guidelines, policies in this Handbook or the Trustees' Policy Manual;

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- 12) Violation of the Anti-discrimination Policy;
 - 13) Loss of license, certification or credentials required for the job;
 - 14) Use or possession of controlled substances, except in accordance with a medical prescription;
 - 15) Using or being under the influence of alcohol while teaching;
 - 16) Assaulting or threatening to assault another person;
 - 17) Failure to safeguard, maintain or account for College property entrusted to the employee during employment;
 - 18) Rudeness, insolence, harassing or offensive behavior toward other persons while on the job or on the College's premises, where the conduct is not reasonably to be countenanced by others;
 - 19) Taking unauthorized leave or failing to return at the end of an authorized leave;
 - 20) Lack of reliable attendance;
 - 21) Possessing a firearm or other dangerous weapon on the College's premises or at anytime while on the job (unless authorized by the President as necessary to the job or unless entitled by law to carry a concealed handgun);
 - 22) Violation of College safety rules;
 - 23) Violation of local, state or federal laws or regulations; or
 - 24) Gross misconduct.
- b. Notice of Dismissal for Cause. Only the President can issue a Notice of Dismissal for Cause. Generally, such notice shall not be issued until the President has given the Faculty member notice of potential dismissal and an opportunity to meet with the President, as discussed in the section of this Handbook on Disciplinary Procedures. However, the President may issue a Notice of Dismissal for Cause without first taking these preliminary steps, subject to the Faculty member's right to Campus Hearing Committee review and/or hearing officer review before the Dismissal becomes effective. These procedures do not apply to

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Temporary Faculty who are terminated "without cause," as defined in the Glossary.

- 1) Time of Notice. Notice of Dismissal may be given at any reasonable time.
- 2) Delivery of Notice. See Glossary for definition of "Notice."
- 3) Source of Notice. The Trustees delegate to the President the responsibility for giving notice of Dismissal.
- 4) Contents of Notice. The notice shall set out each cause claimed as justification for the Dismissal. In addition, the notice shall inform the Faculty member of the effective date of the dismissal and of his or her right to request review by the campus hearing committee and/or hearing by a hearing officer as provided in this Handbook.

c. Effective Date of Dismissal for Cause.

- 1) if no timely request for campus hearing committee review or hearing officer review is made, the day following the day on which the time for requesting such review expires, or any subsequent day designated in the notice; or
- 2) if a timely request for campus hearing committee review or hearing officer review is made, the day on which the hearing officer gives notice to the Faculty member of an initial decision upholding the dismissal, or, if the Faculty member elects not to seek review of any earlier stage of the review proceedings, the day after the day on which the time for seeking review of that stage normally expires.

d. Salary and benefits remain in force until the effective date of a Dismissal.

e. Appeal of the Notice of Dismissal for Cause. All Faculty who have been notified of Dismissal for cause may initiate an appeal of the decision using the following procedure:

- 1) Within fourteen (14) calendar days after receiving a notice of Dismissal for cause the Faculty member may dispute the Dismissal by giving the President a written reply to the notice, setting forth, in detail, the reasons for disputing the Dismissal, any relevant new information not already provided to the President and any mitigating circumstances. If the Faculty member intends to assert

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that the Dismissal violates a statutory or constitutional right of the Faculty member, that assertion shall be contained in the reply.

The reply must actually be received by the Office of the President within the 14-day period, except that in case of hardship, as determined by the President, a later reply may be given effect.

- f. **Campus Hearing Committee Review.** The option of a Campus Hearing Committee Review provided by this subsection applies only to Tenured Faculty. It does not apply to Tenured Faculty or any other Professional Personnel who are being dismissed for alleged violations of the Anti-discrimination Policies. It is not available to Administrators or Temporary Faculty who are being dismissed. These individuals may, however, request hearing officer review under this Section for name-clearing purposes before the cause is published by the College, if the termination is for a cause that is stigmatizing to the employee's reputation.
- 1) If a Tenured Faculty member desires review of the Dismissal decision by a campus hearing committee, the Faculty member shall give the President notice of this election in the reply, and shall identify the name, address and telephone number of the individual the Faculty member selects to serve on the campus hearing committee.
 - 2) Within seven (7) calendar days after the President receives the notice requesting review by a campus hearing committee, the President or designee, shall select an individual to serve on the campus hearing committee and shall give notice to the Faculty member of this selection. The President or designee shall simultaneously give notice to the first two members of the campus hearing committee that they are required to select a third member for the committee and give the Faculty member and the President notice of the third member's name, address and telephone number within seven (7) calendar days after they receive the President's notice.
 - 3) All members of the campus hearing committee must be Employees-in-good-standing with the College and must not be personally involved in the issues that are stated as cause in the Notice of Dismissal or as defenses in the reply.

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- 4) Proceedings of the campus hearing committee shall be informal and shall be governed by such rules of procedure as the committee may reasonably adopt.
 - 5) The campus hearing committee shall schedule a meeting with the Faculty member and the President to occur within seven (7) school days after the committee is formed, or such later date as the committee and parties agree upon. At this meeting, the Faculty member and the President shall have a fair opportunity to present relevant information and documentation regarding their positions. The Faculty member may have a representative present at the meeting who is there as a witness and not as a participant. The President, similarly, may have a witness present.
 - 6) All meetings and activities of a campus hearing committee are confidential personnel proceedings, unless otherwise required by the provisions of the Colorado Public (Open) Records Act.
 - 7) The campus hearing committee shall attempt to resolve the dispute by written agreement acceptable to both the Faculty member and the President. The committee has ten (10) school days after meeting with the Faculty member and the President (or ten school days after the scheduled meeting if the Faculty member fails to attend) to reach a mutually acceptable resolution of the dispute (signed by the Faculty member and the President) or in lieu of an agreement to give a written recommendation to the President regarding the dismissal decision. The committee is not required to resolve the matter or to give recommendations, but may do so. After the 10-day period, the committee loses jurisdiction of the matter and the President's decision becomes final, unless the Faculty member requests hearing officer review.
- g. Hearing Officer Review. If the campus hearing committee fails to resolve the matter within the time period specified above, or if the Faculty member is not entitled to or elects not to request campus hearing committee review, the Faculty member is entitled, upon timely application, to a full and fair hearing before a hearing officer.
- 1) An application for hearing before a hearing officer must be in writing and is timely if it is received by the President within seven (7) calendar days after the campus hearing committee fails or, if no

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committee is used, is stated in the Faculty member's reply to the Notice of Dismissal.

- 2) Within fourteen (14) calendar days after receipt of the Faculty member's request for hearing, the President shall give to the Faculty member a list of three members of the College's hearing officer panel.
- 3) The Faculty member shall give notice to the President within seven (7) calendar days after receipt of this hearing panel list as to which panel member the Faculty strikes from the list.
- 4) Within seven (7) calendar days after receipt of the Faculty member's strike choice, the President shall strike one name from the list and give the Faculty member notice of the remaining person, who will serve as hearing officer.
- 5) Costs for the hearing officer procedure, including the recording of the hearing, shall be borne by the College except that the Faculty member and the College shall each be responsible for expenses incurred at their individual requests during the grievance process, such as the expenses for transcripts, witnesses, and attorneys.
- 6) The Faculty member is entitled to the active participation of legal counsel of his or her own choosing and at his or her own expense during the hearing process. The President is entitled to legal counsel by the Attorney General or designee. The hearing officer shall give notice of a hearing to be held as soon as practicable and shall give notice of the date, place, and time of the hearing to all parties and to the Chair of the Board of Trustees. The Notice of Dismissal and the reply of the Faculty member, shall be deemed to be the pleadings for purposes of the hearing. Other exhibits may be submitted at the hearing, as well as the testimony of witnesses.
- 7) The burden is on the President to establish by a preponderance of evidence the cause for dismissal. The burden of going forward with the evidence and the burden of persuasion rest upon the Faculty member with regard to any assertion contained in the reply, other than a denial of any cause stated in the Notice of Dismissal. No evidence may be admitted at the hearing which is not relevant either to a cause stated in the Notice of Dismissal or to an assertion contained in the reply.

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- 8) The hearing shall be recorded by a court reporter or electronically recorded. Exhibits and oral testimony may be presented at the hearing.
 - 9) Within fourteen (14) calendar days after the hearing, the hearing officer shall make findings of fact and conclusions, and prepare a decision. Every decision by a hearing officer shall be deemed an initial decision for purpose of review. The hearing officer shall cause the initial decision to be delivered to the Faculty member and to the President within this fourteen-day period.
- h. Trustees' Review.
- 1) The hearing officer shall within fourteen (14) calendar days of the hearing transmit his/her initial decision, along with the record and the findings of fact and conclusions, to the Chair of the Board of Trustees for review by the Trustees.
 - 2) Either party may appeal the hearing officer's initial decision to the Trustees. The notice of appeal together with a statement of the party's specific exceptions to the hearing officer's initial decision and a designation of the relevant parts of the record to be considered must be received by the Chair of the Board of Trustees within twenty (20) calendar days after the date on which notice of the decision was given to the parties by the hearing officer unless the Chair extends the filing deadline for good cause shown. The party appealing shall serve a copy of this notice of appeal on the other parties. The other parties shall have ten (10) calendar days thereafter to designate additional parts of the record to be considered (see section 24-4-105 (15)(a) of the Colorado Revised Statutes). If the parties choose not to appeal or if the notice(s) of appeal is/are not timely filed, the initial decision of the hearing officer shall become the final decision of the Trustees without further proceedings or notice to the parties.
 - 3) The Trustees shall review and take action on the initial decision of a hearing officer.
- i. Judicial Review.
- 1) An action of the Trustees remanding a case to the hearing officer for such further proceedings as the Trustees may direct is not

final action by the Trustees, and therefore is not subject to judicial review.

- 2) A final action by the Trustees reviewing the initial decision of a hearing officer is subject to such judicial review as is provided by law.

j. Mootness of Proceedings.

- 1) If the issues raised by a notice of Dismissal or Nonrenewal become moot, any hearing or review proceedings pending with regard to that Dismissal or Nonrenewal shall cease.
- 2) The issues raised by the Dismissal or Nonrenewal become moot when the notice is rescinded by the President and notice is given of such rescission to the Faculty member.

B. Reassignment and Termination of Administrative and Administrative/Regular Personnel

1. Reassignment of Administrators and Administrative/Regular Personnel. The President has authority to reassign Administrators and Administrative/Regular personnel to any other Professional Personnel position in the President's discretion without cause or advance notice of reassignment. The authority to reassign Administrative and Administrative/Regular personnel may not be sub-delegated to subordinate officers or employees of the College. Reassignments may not be grieved or appealed, except for Administrative/Regular Personnel reassignments that are demotions for disciplinary reasons. See Disciplinary Procedures for Tenured Faculty.

2. Termination of Administrative Personnel

- a. Administrators. Under article 19 of title 24 of the Colorado Revised Statutes and this Handbook, Administrators are employees-at-will and may be terminated at any time, with or without cause or advance notice of termination. No pre-termination promise, contract or other agreement purporting to employ Administrators for fixed terms shall be valid or enforceable against the State of Colorado, the College, the Trustees, or any of their officers or employees, nor shall any compensation, whether as a buy-out of the remaining term of any assignment, as liquidated damages, or as any other form of remuneration, be owed or paid to Administrators upon or after termination except for compensation that was earned prior to the date of termination prorated to such date.

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- b. **Advance Notice.** Advance notice of termination or reassignment is not required but may be given as a courtesy to Administrators. In no event shall failure to give such notice entitle Administrators to reinstatement, back pay, damages or any form of post-employment compensation.

- c. **Severance Pay.** Notwithstanding the prohibition against paying unearned post-employment compensation to terminated Administrators, the Trustees, at their option and in their sole discretion, may award severance pay consisting of:
 - 1) payment of up to a maximum of three months of salary; and
 - 2) the provision of up to a maximum of three months of employee benefits to terminated Administrators who have been employed by the College for fewer than five years.

Such severance pay must be approved no earlier than at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle Administrators to severance pay or any other form of post-employment compensation shall be valid or enforceable against the State of Colorado, the College, the Trustees, or any of their officers or employees.

- d. **Administrators with Faculty Tenure.** Terminated Administrators who possess Faculty Tenure and, under certain circumstances, terminated Administrators who held Tenure-track Faculty positions before transferring to Administrator, may return to the Faculty in accordance with this Handbook.

- e. **Source of Authority.** The Trustees delegate to the President the authority to terminate and, at his or her discretion, award severance pay to Administrators under his or her supervision. The authority to terminate Administrators and award them severance pay may not be subdelegated to subordinate officers or employees of the College.

- f. **Review of Terminations.** Administrators who are terminated without cause may not grieve or appeal their termination. Administrators who are dismissed with cause, which cause is stigmatizing and is published by the College, may appeal using the same procedure as applies to Temporary Faculty who are dismissed with cause.

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3. Termination of Administrative/Regular Personnel. Administrative/Regular personnel are non-Faculty professional personnel who were formerly defined as Faculty in accord with 23-10-102(4), C.R.S., 1973; namely counselors, librarians, and student services personnel, and who completed at least three years of continuous service at the College by the end of the 1987-88 fiscal year. Termination shall be in accordance with the procedures for Tenured Faculty.

C. Temporary Suspension During the Pendency of Termination, Disciplinary or Criminal Proceedings

1. Definition. Suspension during the pendency of termination, disciplinary, or criminal proceedings is a temporary measure meant to protect Faculty, staff, students, and Affiliates of the College. A temporary suspension imposed under this Section is not itself a disciplinary action and the employee may be suspended only with full pay and benefits.
2. Grounds. Professional Personnel may be temporarily suspended if the President has probable cause to believe:
 - a. That an individual poses a threat to the physical or psychological well-being of members of the College's Faculty, staff, student body or Affiliates;
 - b. That the presence of an individual on campus threatens to impair or disrupt the College's teaching functions, administrative functions, or the investigation of circumstances and the individual has:
 - 1) allegedly engaged in conduct that will justify termination for cause if proved by a preponderance of evidence, or
 - 2) has been charged by law enforcement authorities with a criminal offense that reflects adversely on his or her fitness as an employee.
3. Procedures.
 - a. Notice of immediate, temporary suspension may be given by any practicable means.
 - b. Before suspension, or no more than seven (7) calendar days after an individual has been suspended, the individual shall be given notice of the reasons for the suspension, followed within seven (7) calendar days, by an opportunity to meet with the President to contest the reasons for

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suspension, present information regarding mitigating circumstances or affirmative defenses, or otherwise explain his or her conduct.

- c. Within seven (7) calendar days after the meeting with the President (or, if the individual refuses or fails to attend the meeting, within seven (7) calendar days after the scheduled date of the meeting), the President shall decide whether to continue the suspension pending the outcome of the termination, disciplinary, criminal or other proceeding, or rescind the suspension. Notice of the President's decision shall be given as "Notice" is defined in the Glossary. Notice shall state the duration of the suspension.
 - d. The President has the right to end the suspension at any time within the duration stated in the Notice. The President shall inform the Trustees of any suspension of longer than ten (10) calendar days. Any paid suspension of longer than ten (10) calendar days of an Administrative employee must be approved by the Trustees (see Leaves section).
4. Salary and benefits shall remain in force for the duration of any suspension, unless this would violate state law or regulation.

A. Professional Responsibility

Lists of specific unprofessional or unethical acts are inevitably incomplete or susceptible to overly broad or narrow interpretations. Professional Personnel shall be guided by a common sense interpretation and application of the general standards of professional conduct summarized in this section.

B. Academic Responsibilities

1. Professional personnel, guided by a deep conviction of the worth and dignity of advancing knowledge, recognize that they have special responsibilities to their profession, students, colleagues and college.
2. Their primary academic responsibility is to seek and to state the truth as they understand it. To this end, professional personnel strive to develop and improve their competence as teachers and scholars, exercise critical self-discipline and judgment in using, extending and transmitting knowledge, and practice intellectual honesty.
3. Although professional personnel may pursue other interests, they do not permit these interests to seriously hamper or compromise their freedom of inquiry.

C. Responsibilities to Students

Professional personnel shall:

1. Encourage the free pursuit of learning by students, protect their academic freedom and adhere to a professional's proper role as an intellectual guide and counselor;
2. Teach by example the highest scholarly, professional and ethical standards of their disciplines;
3. Make every reasonable effort to foster honest academic conduct;
4. Ensure that each student's evaluations reflect his or her actual performance;
5. Acknowledge significant academic or scholarly assistance from students;
6. Demonstrate respect for students as individuals;
7. Respect the legally and ethically confidential nature of their relationship with students; and

8. Avoid exploiting, harassing, threatening, intimidating or discriminating against students.
9. Recognize that assigning instructional materials of which a member of the faculty is the author and from which they receive royalties or other income may violate their duty to students. To avoid the appearance of any impropriety, no member of the instructional staff of the College shall personally profit from the assignment of materials, or assignment of the venue of purchase of materials, to students in classes or any other instructional setting at the College without the approval of the department head and the Vice President of Academic Affairs.

D. Responsibilities to Colleagues and Staff

Professional personnel have obligations deriving from their common membership in the campus community. They:

1. Respect and defend free inquiry by their colleagues;
2. Exhibit due respect for the opinions of others in exchanging criticism and ideas;
3. Acknowledge their academic debts;
4. Strive to be objective in their professional judgments of colleagues and staff; and
5. Avoid exploiting, harassing, threatening, intimidating or discriminating against colleagues and staff.

E. Responsibilities to College

As employees of a state-supported academic institution, Professional Personnel shall:

1. Seek to be effective teachers, scholars and administrators;
2. Observe institutional policies that do not contravene academic freedom. Although professionals have the right to criticize and seek changes in institutional policies and local, state and federal laws and regulations, they have a corresponding obligation to comply with policies published in this Handbook and with other institutional, local, state, and federal laws and regulations unless and until such policies, laws and regulations are changed;
3. Give due regard to their paramount institutional responsibilities in determining the amount and character of work done outside it; and

4. Recognize the impact of their decision upon the program and institution when considering the interruption or termination of their services, and give due notice of their intentions.

F. Responsibilities as Citizens

As members of their communities, Professional Personnel shall:

1. Have the same rights and obligations as other citizens, but exercise their rights and measure the urgency of their obligations in the light of their responsibilities to their profession, discipline, students, and institution.
2. Neither intentionally create the impression of speaking or acting for their institution when they speak or act as private persons nor, when engaged in political activities, use public funds, services or facilities for political purposes or identify their institutions with political institutions or parties;
3. As citizens engaged in a profession that depends on freedom for its health and integrity, promote conditions conducive to free inquiry and further public understanding of academic freedom; and
4. Reach an understanding with the College that accommodates their needs as citizens and the College's needs as an employer before engaging in civic activities or political campaigns that will entail long or frequent absences from campus. Such an understanding may include a reduction in workload with a corresponding reduction in salary or a leave of absence. If a leave of absence of two years or more is contemplated, resignation should be considered in lieu of a leave.

G. Alcohol and Drug Prohibitions

1. The unlawful manufacture, distribution, sale, dispensation, possession or use of alcohol or controlled substances in the workplace, on the property, in a state-owned vehicle, or as part of the activities of the College by Professional Personnel is prohibited, except as set forth in the Trustees' Policy Manual, Section 4.13.
2. "Controlled substance" means a drug listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1308.11 through 1308.15), as they may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statutes, as it may be amended from time to time. "Controlled substance" shall include controlled substance analogs as defined by federal and state law. This list includes but is not limited to marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the

manufacturer's instructions, or drugs prescribed by a physician for the Employee when taken in the manner, combination, and quantity prescribed.

3. "Alcohol" shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.
4. "Property" shall mean any real or personal property owned, leased, chartered or occupied by the College including, but not limited to, motor vehicles, boats and aircraft.
5. "Activities" shall mean any act or event sponsored or participated in by the College, including its constituent administrative units and approved student organizations. Without limitation, "activities" shall include all intercollegiate and intramural athletic events; faculty, staff and student meetings; conferences; field trips; retreats and all other acts or events for which the College (including approved student organizations) pays expenses, or provides facilities, services, supplies or transportation. "Activities" shall not include incidental work- or study-related activities performed in personal, off-campus residences (e.g. studying, class preparation, writing or reading) or purely social events, which are held off-campus and are organized or attended by students or employees solely in their personal capacities.
6. As a term of their employment, Professional Personnel shall:
 - a. Abide by the terms of this policy; and
 - b. Notify the Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace or a state-owned vehicle no later than five (5) days after such conviction.
7. Any Employee who violates the provisions of this policy shall be subject to appropriate disciplinary action, which may include termination.
8. This policy is supplemental to and does not supersede or repeal other related State policies, including the State of Colorado Substance Abuse Policy promulgated by the Governor.

H. Violation of Standards of Professional Conduct

Professional Personnel who violate these or duly adopted and published college standards of professional conduct may be subject to disciplinary action up to and including termination of employment for cause. Examples of unacceptable conduct considered below College standards are given in the Termination section of this Handbook under Cause for Dismissal.

Interpretive Guidance
to
Mesa State College Professional Personnel Handbook

Section VI – Evaluation of faculty for reappointment, tenure, promotion and post-tenure review

A. Performance Evaluation

4. Basic Contractual and Professional Responsibilities.

This section provides examples of the basic contractual and professional responsibilities of a faculty member at Mesa State College. Responsibilities are not limited to those listed, but are only representative of some of the faculty member's responsibilities.

Subparagraph (a): Faculty have a large window of time between fall and spring semesters. This time is part of their contract and it is assumed that faculty are working on non-teaching responsibilities during this time period (i.e. scholarship, service, advising). The department head is responsible for determining whether the faculty is satisfactorily meeting their responsibilities during this time period. Professional development seminars and workshops, advising sessions, and department meetings may also occur during this time frame and it is up to the department head to determine expectations for faculty attendance at these activities.

Subparagraph (b): Teaching is a primary responsibility of faculty. Faculty is expected to be in every scheduled class, absent an emergency preventing his or her participation. An emergency is a sudden crisis requiring action: an unexpected and sudden event that must be dealt with urgently, a time when action must be taken to avoid complete disaster or breakdown.

In the event of such an emergency, the faculty member must provide "timely notice" to the Department Head that he or she is unable to participate in class. The faculty member must give notice to allow sufficient time to secure a replacement instructor for the class the faculty member is unable to conduct or to notify students of class cancellation. Only in the event of a sudden emergency (i.e. automobile accident or similar disaster) will failure to give "timely notice" be excused.

B. Academic Faculty Tenure Policy

3. Tenure and Promotion Committee:

This section describes the process by which a college-wide Tenure and Promotion Committee is determined and references a pre-tenure/promotion committee from the department.

Paragraph d: Guidance and feedback by senior faculty, academic department heads, and administrators to tenure-track faculty should be offered on a periodic basis throughout their probationary period. Department guidelines that are consistent with those of the College found elsewhere in this Section should be adhered to as part of a faculty member's evaluation.