

**PROFESSIONAL RIGHTS AND RESPONSIBILITIES OF FACULTY MEMBERS
AND
ROLES AND PROFESSIONAL RESPONSIBILITIES OF ACADEMIC LEADERS
(PRR)**

Revised 2021

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PREAMBLE

The University of Colorado Boulder (CU Boulder) seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for truth as the faculty member^a sees it. Effective performance of this academic mission requires that university^b faculty members be free within their respective fields of competence to pursue and teach the truth in accord with applicable standards of scholarly inquiry.

The faculty's privileges and protections, including that of tenure, rest on the mutually supportive relationships between the faculty's special professional competence and its academic freedom,¹ and the academic mission of the university.² These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of this “Professional Rights and Responsibilities of Faculty Members and Roles and Professional Responsibilities of Academic Leaders” document (PRR) to protect academic freedom, to create a collegial enterprise to help preserve the highest standards of teaching and scholarship, and to advance the mission of the university as an institution of higher learning.

Application of This Document

For the purposes of this PRR, faculty is an inclusive term applying to anyone who is classified as faculty, including tenured, tenure-track, instructional, research, and clinical faculty.^c Titles may be amended from time to time by the university, currently or in the future.

Parts I, II, and III set out the rights and responsibilities of faculty members by virtue of their classification as “faculty.” Part IV provides processes for handling conduct that does not meet the standards set forth in Parts I, II, and III.

Part IV only applies to tenured and tenure-track faculty. Part IV of the PRR does not apply to instructors with contracts or to at-will faculty appointments. For instructors with contracts, the process for addressing conduct, including any sanctions, is as outlined in their contracts. This PRR is intended to reflect the best practices for dealing with unprofessional conduct, and administrators are encouraged to consider the processes in Part IV as informative guidelines that they should check before making decisions regarding discipline and/or termination of at-will employees. Nothing in the PRR is intended to alter contracts for instructors or the at-will nature of at-will employments.

^a Throughout this document, individual faculty persons will be referred to as “faculty member,” while the collective faculty will be referred to as “faculty.”

^b “University” is presented in lower case when referencing “all campuses, colleges, institutes, departments, offices, and centers that are a part of the university.” See “University Brand Identity and Logo Usage” [APS 2025 \(2016\)](#).

^c Faculty members may hold a wide variety of official and working titles, including but not limited to: dean, associate dean, professor, associate professor, assistant professor, principal instructor, senior instructor, instructor, lecturer, artist in residence, scholar in residence, professor adjoint, associate professor adjoint, assistant professor adjoint, visiting and part-time appointments in the above-named titles, professional librarian, and curator. Titles also include research faculty titles such as research professor, associate research professor, assistant research professor, senior research instructor, research instructor, senior research associate, research associate, senior professional research assistant, and professional research assistant. See “Policy on Approved Faculty Titles” Laws of the Regents, [Policy 5L \(2014\)](#). CU Boulder also considers postdoctoral associates and postdoctoral fellows to be faculty. See “[Benefit Eligibility Matrix](#)” Employee Services University of Colorado Boulder.

Origins of This Document

This document is informed by the Laws and Policies^d of the Regents and the laws of the State of Colorado, and by policies and procedures of the university and the Faculty Senate, CU Boulder, and the Boulder Faculty Assembly (BFA). This document is intended to comply with, and in places further clarify, Regent Laws, Regent Policies, and university policies as they apply to faculty. It is to be interpreted consistently with the Regents' Statement of Principles of Academic Freedom.³ In accordance with Regent “University of Colorado Policy Framework,”⁴ in the event of any conflict between contents of this document and any Regent Law, Regent Policy, or university policy, the latter shall control.

^d References to the “Laws of the Regents” are presumed to include Regents Laws and the associated Regent Policies.

PART I

PROFESSIONAL RIGHTS OF FACULTY MEMBERS⁵

It is the responsibility of the university to maintain conditions and rights supportive of the faculty's pursuit of the university's academic mission. Many of these conditions and rights are derived from the principles of academic freedom of faculty members, and from the essential principle that a university is in its most critical aspects a collegial enterprise in which the faculty has principal authority with respect to academic and scholastic policies, and shares authority in many other matters.

A major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, and public service activities in pursuit of the university's academic mission. Likewise, the authority to discipline faculty members in appropriate cases derives from the shared recognition by the faculty and the administration that the purpose of discipline is to preserve conditions hospitable to these pursuits.

Such conditions, as they relate to faculty, include, for example, the following:

1. the freedom to study, learn, and conduct scholarship and creative work within their discipline, and to communicate the results of these pursuits to others, bound only by the control and authority of the rational methods by which knowledge is established in the field;⁶
2. the right to present relevant information in a course of instruction, so long as all materials introduced into the classroom can be justified in terms of curriculum and student learning;⁷
3. wide latitude in defining scholarly research or creative work, even when controversial;
4. the right to enjoyment of constitutionally protected freedom of expression;⁸
5. the right to share in the governance of the university, as provided in the Laws and Policies of the Regents and the laws of the State of Colorado, and in policies and procedures of the university and the Faculty Senate, CU Boulder, and the BFA, and of the schools, colleges, departments and other academic units, including the following:
 - a. the faculty has the principal role in originating policy and standards for:
 - i. academic policy, including initiation and direction of all courses, curricula, and degree offerings;⁹
 - ii. scholastic policy, including admissions criteria, grading and standards for continuation, regulation of student academic conduct, and determination of candidates for honors and degrees;¹⁰
 - iii. professional integrity, including:
 1. maintaining competence in one's discipline;
 2. developing and improving teaching, scholarship, research, creative work, clinical activities, writing, and speaking; and

3. acting in accordance with the highest standards of their profession.¹¹
- b. the faculty has the right to act jointly with the administration to make recommendations to the Board of Regents in the areas of:
 - i. establishment of policies and procedures for faculty appointment, promotion, and tenure review; establishment of policy and procedures for the appeal of decisions on faculty appointment, promotion, and tenure; and joint participation in decisions affecting these policies;¹²
 - ii. evaluation in matters of promotion and tenure in accordance with the procedures provided in the Laws and Policies of the Regents;¹³
 - iii. regulation of student academic conduct and activities;
 - iv. selection and evaluation of academic administrators;¹⁴
 - v. determination of candidates for degree conferral;
 - vi. making of other policy concerning the general academic welfare of the university;¹⁵
 - vii. peer evaluation; and
 - viii. evaluation in matters of conduct in accord with the Laws and Policies of the Regents.

PART II

PROFESSIONAL RESPONSIBILITIES, ETHICAL PRINCIPLES, AND FACULTY CONDUCT

Part II elaborates standards of professional conduct for faculty members derived from university policy and general professional consensus about the existence of certain precepts that adequately describe acceptable faculty behavior.^e Conduct that departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the university. This part is organized around the individual faculty member's conduct in regards to teaching and students; research, scholarship, and creative work; and citizenship in the campus community.^f It states ethical principles, lists the responsibilities of faculty members, and offers examples of both expected and unacceptable conduct. The articulation of expected and unacceptable faculty conduct is appropriate both to verify that a consensus exists regarding expected professional conduct and to give fair notice to all that departures from expected professional conduct may give rise to disciplinary processes.

A. Teaching and Students

Ethical Principles

As a teacher, the faculty member encourages the free pursuit of learning; upholds the highest scholarly and ethical standards of the discipline; demonstrates respect for each student as an individual; adheres to a proper role as intellectual guide and counselor; makes every reasonable effort, through the faculty member's own example and otherwise, to foster honest academic conduct and to ensure that evaluation of students is merit-based; respects the confidential nature of the relationship between the faculty member and individual students; avoids any harassment or discriminatory treatment of students; avoids exploitation of students for private advantage and acknowledges significant academic or scholarly assistance from them; and protects the academic freedom of students.¹⁶

1. Expected Conduct

The faculty member is expected to:

- a. maintain competence in their discipline;¹⁷
- b. maintain currency in pedagogical competence in order to interpret knowledge in a manner and level accessible to students by combining planning, implementation, and evaluation of learning outcomes with the use of various learning tools, information technology, and learning media to maximize student achievement;
- c. treat students with understanding, dignity, and respect; maintain professional classroom decorum; and create a climate that fosters inquiry, learning, and inclusivity in the class;

^e In addition to the conduct outlined in Part II of this PRR, faculty are subject to the university's Code of Conduct. See the links at Part III, endnote 58.

^f The "campus community" consists of anyone the faculty member comes in contact with in a professional capacity, including but not limited to administrators, faculty, staff members, undergraduate and graduate students, research subjects and research sponsors, professional colleagues and professional societies, as well as third party vendors or members of the public.

- d. be able to justify, in terms of curriculum and student learning, all materials introduced into the classroom;¹⁸
- e. prepare adequately for classes;
- f. establish course requirements and policies, grading standards, and other administrative procedures for classes in accordance with campus policies;¹⁹
- g. make clear to students the faculty member's expectations on receiving or giving unauthorized aid in examinations and other graded assignments;
- h. evaluate students fairly and equitably in a timely manner appropriate to the course and its objectives, and in any evaluation of a student's complete performance when providing a professional reference;
- i. make all reasonable efforts to prevent the occurrence of academic dishonesty through the appropriate design and administration of assignments and examinations, and through the careful safeguarding of course materials and examinations; and when instances of academic dishonesty are suspected, see that appropriate action is taken in accordance with established university policies and procedures;²⁰
- j. recognize when a faculty member is unable or will be perceived to be unable, to be professionally objective in serving in a position in which they have institutional authority over a student with whom the faculty member has formed a close personal relationship or a relationship that is in the faculty member's financial self-interest. For example, when such a student is enrolled in the faculty member's class or when such a student is in a continuing position to require evaluation of work or letters of recommendation from the faculty member. With respect to the concerns relating to amorous relationships or the private employment of student(s) by faculty, there are certain reporting requirements for faculty;²¹
- k. comply with university policies on conflict of interest and nepotism in employment matters concerning any student to whom the faculty member is related;²²
- l. regularly cooperate in university-mandated student evaluations of teaching, and participate in peer evaluation of teaching in accordance with academic unit policy;
- m. adhere to campus-wide administrative procedures and policies on such matters as final examinations, incompletes, withdrawals, and drop/adds;
- n. meet classes as scheduled, although the faculty member's dean or academic leader^g may approve occasional exceptions to holding class;
- o. comply with academic unit policy concerning absences during the regular Academic Year (the continuous period of time starting when faculty report for duty at the start of the fall semester and ending with the spring Commencement);²³ and
- p. keep posted office hours, although the faculty member's dean or academic leader may approve occasional exceptions to holding office hours.

^g See Part III for the definition, roles and duties of academic leaders.

2. Unacceptable Conduct

Examples of unacceptable faculty conduct are:

- a. presentation, as part of a course, of significant amounts of material unrelated to its curriculum;²⁴
- b. evaluation of student work, in a course or a professional reference, by criteria not directly reflective of the student's performance as measured by standards applied uniformly to all students in the course (except as may be necessary to reasonably accommodate students with disabilities);²⁵
- c. failure to avoid an actual or perceived conflict of interest, or failure to disclose the conflict and to thereafter comply with any university-approved management plan designed to remove or mitigate the conflict;²⁶
- d. failure to evaluate and report the faculty member's assessment of the work of students in a timely manner so that students are able to correct and learn;
- e. failure to comply with university or college requirements regarding deadlines, scheduling of examinations, reporting grades, and evaluation of students;
- f. discrimination, harassment, or related retaliation in violation of university policy;²⁷
- g. sexual misconduct, including sexual harassment, sexual assault, intimate partner violence, or stalking in violation of university policy;²⁸
- h. workplace bullying pursuant to university policy;²⁹ and
- i. intimidation of students or engaging in other conduct disrespecting the human dignity of students.

B. Research, Scholarship, and Creative Work

Ethical Principles

Guided by a deep conviction of the worth and dignity of the advancement of knowledge, the faculty member recognizes their responsibility to the campus community to seek and to state truth with integrity. To this end, the faculty member continuously seeks to maintain competence and strive for excellence in their chosen field of scholarship or creative work; accepts the obligation to exercise critical self-discipline and judgment in using, transmitting, and extending knowledge; practices intellectual honesty and the avoidance or disclosure and objective management of self-interest; and, in pursuit of subsidiary interests, never allows these interests to seriously hamper or compromise freedom of inquiry.³⁰

1. Expected Conduct

The faculty member is expected to:

- a. maintain competence and strive for excellence in their chosen field of scholarship or creative work, including maintaining professional contact with scholars and/or practitioners outside

the university, in a measure appropriate to the discipline;

- b. comply with professional and ethical standards that govern proposing, carrying out, and reporting results from research, acknowledging that research, scholarship and creative work may take many forms so long as it is presented in such a way that the work can be evaluated by peers in the faculty member's academic discipline;
- c. emphasize the importance of ethical and expert conduct to staff and students who are under their supervision and provide reasonable supervision and training to minimize the opportunities for research misconduct; and
- d. work with colleagues within one's discipline to establish policies regarding author names on publications and creative work, make those policies well known to students and staff, and conform to those policies in their own publications.

2. Unacceptable Conduct

Examples of unacceptable conduct by faculty members are:

- a. research misconduct, including but not limited to plagiarism, falsification, or fabrication of data;³¹
- b. failure to comply with established standards in one's discipline regarding author names on publications and creative work;
- c. failure to comply with federal requirements and university requirements regarding the protection of researchers, human subjects, and the public, and for ensuring the welfare of laboratory animals;³²
- d. failure to review and comply with applicable federal regulations and university requirements regarding the confidentiality and security of restricted research and controlled unclassified information;³³
- e. failure to disclose the faculty member's significant financial interests (including the significant financial interests of family members), consulting activities, external entitles and foreign affiliations, or other potential conflicts of interest in a timely manner, as required by applicable federal regulations and university requirements, and failure to comply with any related management plan;³⁴ and
- f. other serious deviations from accepted practices in proposing, carrying out, reviewing, or reporting results from research.³⁵

C. Citizenship

Ethical Principles

Regardless of the privileges of authority or seniority, as an academic colleague, faculty members have professional obligations and expectations that derive from membership in the community of scholars and the campus community. Among essential professional obligations and expectations are that the faculty member demonstrates collegiality; respects and defends the free inquiry of associates; shows due respect for the opinions of others in the exchange of criticism and ideas; acknowledges academic debt and strives to be objective in professional judgment of colleagues and staff members; does not discriminate against or harass members of the campus community; strives to be aware of and observe good practices that promote inclusivity, diversity, equity, and accessibility; respects the privacy of members of the campus community; accepts the responsibility of faculty for the governance of the institution; and, when speaking or acting as a private person, avoids creating the impression of speaking or acting for the university.³⁶

1. Expected Conduct

Faculty members, regardless of the means of communication, are expected to:

- a. treat all members of the campus community with mutual respect and common courtesy, take personal accountability, and make willing contributions to the effective functioning of the academic unit;
- b. treat all members of the campus community with understanding, dignity, and respect; foster an environment of mutual trust among members of the campus community, and help develop a sense of belonging and pride in the university;
- c. contribute to creating a diverse, inclusive, and equitable learning and working environment that enhances CU Boulder's excellence in research and teaching, its excellence as a workplace, and its excellence in service to the state of Colorado and beyond;
- d. comply with all current and future laws and policies adopted by the Board of Regents, and with policies, procedures, and guidelines adopted by the campus, department, school, college, or other academic units in which their appointments are made, consistent with those authorities and one's rights and responsibilities as a faculty member, including but not limited to the provisions of this PRR;
- e. participate in the operation and governance of their academic department or division, school or college, and the university; and render service to the profession and the public;
- f. take fiscal responsibility for proper management of all types of university funds and property over which they have control, in accord with established university policy;³⁷
- g. be familiar with campus staff personnel policies if they supervise staff, and provide regular performance evaluations for the staff, as indicated in such policies; and

- h. follow applicable processes^h in raising any objection to an action taken by a department chair or other person that affects the faculty member.

2. Unacceptable Conduct

Examples of unacceptable conduct by faculty members are:

- a. making evaluations of professional competence based on any criteria that are not directly reflective of primary unit criteria;
- b. discrimination, harassment, or related retaliation in violation of university policy;³⁸
- c. breach of established rules governing confidentiality;³⁹
- d. intimidation of or engaging in other conduct disrespecting the human dignity of members of the campus community;
- e. sexual misconduct, including sexual harassment, sexual assault, intimate partner violence, or stalking in violation of university policy;⁴⁰
- f. making false or personal accusations or complaints in bad faith against a member of the campus community;
- g. falsely portraying the faculty member's own or another's work or accomplishments (in a curriculum vitae or otherwise) in order to gain a personal advantage;
- h. failure to disclose a conflict of interest or failure to remove oneself from situations involving a conflict of interest or the appearance of impropriety in a timely manner;⁴¹
- i. retaliation of any kind against a person who, acting in good faith, reported or provided information about suspected or determined unprofessional conduct;
- j. use of university facilities or equipment for private purposes in contravention of established university policy;⁴²
- k. engaging in conduct that disrupts university functions, or that causes injury to persons or damage to property on the campus, or that impedes freedom of movement of persons to facilities of the university;
- l. knowingly violating the legitimate expectation of privacy of any member of the larger campus community, including but not limited to accessing the community member's private documents (including mail) or private computer records (including electronic mail) without authorization, or through other significant violation of such person's privacy;⁴³ and
- m. knowingly creating the impression of speaking or acting for the university when speaking or acting as a private person.⁴⁴

^h These processes may be found in unit bylaws, this PRR, and the Laws and Policies of the Regents.

D. Additional University Policies

CU Boulder has adopted many policies outside of this PRR, at both the system and campus level, designed to guarantee that faculty maintain public trust, comply with federal, state, and Regent laws, and meet a variety of faculty needs.⁴⁵ These policies are incorporated into the PRR by reference, and faculty should consult these various sources in order to understand these policies. There is a partial list of resources appended to this PRR. These policies also include, but are not limited to:

1. Differentiated Teaching, Research and Service Loads⁴⁶
2. Conflicts of Interest and Commitment⁴⁷
3. Research and Innovation Policies⁴⁸
4. Fiscal Integrity Policies⁴⁹
5. Policies and Procedures addressing Alcohol and Drugs⁵⁰
6. Misconduct in Research and Authorship⁵¹

PART III

ROLES AND PROFESSIONAL RESPONSIBILITIES OF ACADEMIC LEADERS

Part III addresses the role and professional responsibilities of academic leadersⁱ of departments, units, programs, and institutes.^j The roles and responsibilities of academic leaders are brought together in the same document as professional rights and responsibilities of faculty members in order to provide both academic leaders and faculty members with readily accessible information on the faculty member's right to participate in the selection of academic leaders,^k to provide a statement of the ethical obligations of academic leaders, and to provide a description of the authority and limitations on the authority of academic leaders.

The Laws and Policies of the Regents delegate the development of their working structures and rules to departments and programs, subject to the approval of the dean and provost and in accordance with policies established by the Board of Regents.⁵² The differences between disciplines are significant;⁵³ different unit administrative structures exist and the academic leader may play differing roles in each. In some, the academic leader may have broad authority for independent action; in others, many functions are delegated (to differing extents) to standing or ad hoc committees which may be appointed or elected. Where unit rules delegate such responsibility to such committees the academic leader has the ultimate responsibility of ensuring that the committees carry out their functions in an equitable, efficient, and timely manner. It is understood in what follows that the duties and responsibilities described are thus to be interpreted in terms of the bylaws of the individual academic units.

A. General Statements Regarding Departments and Academic Leaders

1. Appointment, Term, and Removal

- a. Academic leaders serve at the discretion of the dean and provost and in accordance with policies established by the Board of Regents.⁵⁴
- b. The rules governing the appointment, terms, and removal of academic leaders shall be developed within each academic unit subject to the approval of the dean and provost and in accordance with policies established by the Board of Regents.⁵⁵

ⁱ "Academic leaders" may have a variety of titles, such as chair, director, or head. They are senior faculty members who take on extra administrative service responsibilities. They are appointed by their deans with faculty input. Under the concept of shared governance (Laws of the Regents, Article 5.E.5), they traditionally manage the day-to-day operations of departments, units, programs, or institutes; liaise between their units and their deans; and are responsible for both representing their units and implementing campus missions and policies within their units. See Laws of the Regents, Article 4.A.1 and APS 1026 (approved for rescission July 1, 2020). Deans of schools and colleges are Officers of the Administration and are subject to the provisions of Article 3 of the Laws and Policies of the Regents and are not subject to Part III.

^j Although this Part III refers to "departments," it applies to the academic leaders of any unit on campus whether organized as a department, program, institute, or other academic unit.

^k The specific standards and procedures for the selection of academic leaders can be found in the Laws of the Regents and accompanying documentation.

2. Comprehensive Performance Evaluation

- a. All academic leaders shall be subject to comprehensive performance evaluations, which include faculty input, periodically, in accordance with the rules of their college or school.
- b. Formal input from other units' constituencies (i.e., staff, students, and other departments) may be obtained as part of the evaluation process.
- c. This is a separate process from the annual merit review process.

3. Orientation, Onboarding, and Ongoing Professional Development

The university has required that campuses develop appropriate orientation programs for academic leaders on the campus.⁵⁶ At CU Boulder, the provost and chancellor have designated the Office of Faculty Affairs to create an orientation program that includes university personnel procedures for faculty and classified staff, especially those relating to appointment, reappointment, tenure, and promotion; the budget and planning processes; development of new degree programs; faculty governance relationships; relationships with other offices such as CU Boulder's Office of Contracts and Grants and with the administrative hierarchy; and other areas that are relevant to the academic unit. The training of administrative leaders by Faculty Relations, housed in the Office of Faculty Affairs, should be in concert with Human Resources for CU Boulder so that procedures are as consistent as possible across all faculty categories.

The Academic Leaders Institute (ALI) is designed to help academic administrators develop the competencies – knowledge, skills, and abilities – needed for successful leadership at CU Boulder. The Office of Faculty Relations facilitates ALI by providing orientation and onboarding for new academic leaders as well as ongoing professional development for all academic leaders.

In addition, Faculty Relations is available to any academic leader, and to all faculty, for individual consulting. The office provides coaching to individuals to help them figure out how to manage their professional relationships, handle conflicts, and difficult situations. Faculty Relations also provides mediation services and facilitates dialogue circles among faculty groups to aid discussion of challenging or contentious issues.

4. Compensation

- a. Within budget limitations, the administration will make a commitment to provide a level of support to academic leaders (including compensation and other forms of support) that makes the job of academic leader more attractive and recognizes the value of strong leadership.
- b. A special stipend or other form of compensation will be provided to academic leaders to recognize the important leadership role they play. The size of the stipend should be determined in the context of the size of the unit, the duties of the academic leader, and other types of support that will be provided to the chair.

B. Ethical Conduct

Academic leaders are expected to perform their duties according to the ethical standards set forth in the Laws and Policies of the Regents and university policy.⁵⁷ As faculty members who also have administrative duties, academic leaders have the professional rights of faculty members set forth in Part I

of this document. They also have the professional responsibilities of faculty members and are subject to the ethical principles, limitations, and guides regarding faculty conduct set forth in Part II of this document. In particular, academic leaders are expected to treat faculty members, staff, and students with understanding, dignity, and respect. They are expected to avoid conflicts of interest, and to make academic and administrative recommendations or decisions strictly on the merits of the case in question.

C. Roles and Responsibilities of Academic Leaders

This section has been divided into leadership and administrative duties in order to differentiate between larger order concepts that supply the vision of a unit and the more operational, day-to-day responsibilities of an academic leader. Both “leadership” and “administrative” duties are essential to creating and sustaining a positive culture within a unit.

1. Leader of the Academic Unit

- a. The academic leader has the responsibility to recognize, sustain, and model, through policy and practice, an environment that promotes and exemplifies basic human dignity for all faculty, students, and staff within the unit and across the university.
- b. The academic leader has the responsibility for providing leadership toward the achievement of the highest possible level of excellence in the teaching, research, and service activities of the unit. The academic leader is expected to articulate the goals of the unit, both within and without the unit, to articulate the unit's actions or requests in pursuit of these aims, and to maintain a climate that is hospitable to creativity and innovation. The chair has the responsibility to inform the unit of the stances and actions of the dean and other administrators that might affect the unit.
- c. In the broader framework of the college or school, the academic leader, as a faculty member, has a special responsibility in representing the unit in areas of formulation of educational policy and academic ethics, as provided in the Laws and Policies of the Regents.⁵⁸
- d. The academic leader shares in promoting the university's priorities of diversity, equity, and inclusive excellence by creating a richly diverse, inclusive, and equitable learning and working environment, and by improving elements of the infrastructure that enable work and professional and personal growth through policies, systems, professional development, organizational learning, data, and accountability.⁵⁹
- e. The academic leader is responsible for the recruitment, selection, and evaluation of the academic personnel of the unit in consultation with colleagues and in consonance with the appropriate unit's procedures. The academic leader recommends appointments, promotions, merit increases, and terminations. The academic leader has the specific responsibility to ensure that faculty members are aware of the unit, college or school, and campus criteria prescribed for appointment, reappointment, promotion, and tenure, and to make appraisals and recommendations in accordance with the procedures and principles stated in the Laws and Policies of the Regents and Administrative Policy Statements.⁶⁰
- f. The academic leader is responsible for the recruitment, selection, and evaluation of the staff personnel of the unit. The academic leader recommends appointments, promotions, merit increases, and terminations. The academic leader shall be familiar with the state personnel system, and ensure that staff members are aware of departmental expectations and of state

personnel system criteria for appointment, reappointment, job classification, and promotion, all in consonance with Human Resources procedures for CU Boulder and in accordance with the Laws and Policies of the Regents and Administrative Policy Statements.⁶¹

- g. In the course of recruitment of new appointees or in relation to salary increases or advancement of incumbents, the academic leader shall make no formal commitment as to rank and salary until such action has received final approval of the appropriate administrative office. The academic leader has the responsibility to be familiar with the state personnel system, and to ensure that staff are aware of unit expectations and of state personnel system criteria for appointment, reappointment, job classification, and promotion.
- h. The academic leader is expected to seek the advice of the unit's faculty colleagues regularly, to provide for the conduct of the unit's affairs in an orderly manner through unit meetings and the appointment of appropriate committees, and to keep unit members informed of their actions in a timely manner. The academic leader is encouraged to seek student input on matters of concern to students enrolled in the unit's programs. In large units, the academic leader may be assisted by a vice chair or other colleagues in the tasks involved in carrying out their responsibilities, and, when desired, by an executive committee chosen in an appropriate manner.
- i. The academic leader should inform their successor about major events during their term of office to ensure the smooth transition between leaders. This communication might take the form of notes or files, and should include resolutions of unprofessional conduct.⁶²
- j. The academic leader should be receptive to questions, complaints, grievances, suggestions, and communications from members of the unit, both academic and staff personnel, from students, and from members of the community if such other persons have a legitimate interest in an issue. The academic leader has the responsibility to take appropriate action as required in all such matters.
- k. The academic leader is expected to participate in orientation programs developed at CU Boulder for new and returning academic leaders, and in ongoing training opportunities provided periodically by Faculty Relations and through the ALI, and upon request.

2. Administrator of the Academic Unit

The academic leader is responsible for:

- a. assignment of teaching and other duties within the unit consistent with the concept that the appropriate mix of teaching, research or creative work, scholarship, clinical work, and service may differ from person to person, and from time to time in the career of an individual;
- b. preparation of the schedule of courses in accordance with available times and places for class meetings;
- c. preparation of the budget and administration of the financial affairs of the unit and serve as fiscal principals;⁶³
- d. creation, maintenance, and destruction of records and of faculty and staff personnel files; and preparation of reports in accordance with the university and college or school procedures;⁶⁴

- e. assisting the dean, or the appropriate administrators, in ensuring compliance with all existing annual and mandatory reporting requirements. Examples include, but are not limited to, protected class discrimination, harassment, and related retaliation;⁶⁵ sexual misconduct including stalking and intimate partner abuse;⁶⁶ fiscal misconduct;⁶⁷ financial⁶⁸ or relationship conflicts of interest and commitment;⁶⁹ amorous relationships;⁷⁰ and annual activity reports such as DEPA and FRPA.⁷¹
- f. recommendations of sabbatical leaves and other leaves of absence to the dean, and for ensuring that their scheduling is consistent with the unit's needs;
- g. arrangement and assignment of duty for advising students, and for training and supervision of teaching assistants, other student teachers, and teacher aides;
- h. custody and authorized use of university property charged to the unit, and assignment of the unit's space and facilities to authorized activities in accordance with university policy and campus rules and regulations;
- i. observance of proper health and safety regulations within the unit, in coordination with the campus environmental health and safety officer;
- j. when any failure of an academic or staff member of the unit to carry out responsibilities cannot be expeditiously resolved at the unit level, referring the matter to the dean, or appropriate administrators, along with recommendations for appropriate remedial and/or disciplinary action;
- k. timely resolution of allegations of unprofessional conduct in accordance with Part IV of this document.

PART IV PROCESS FOR REVIEW OF FACULTY CONDUCT AND RESPONSES TO UNPROFESSIONAL CONDUCT BY A FACULTY MEMBER

Part IV provides a process for reviewing concerns regarding unprofessional conduct, guidance on any informal responses, and descriptions of sanctions that may be imposed at the department, college, and university level. Faculty members who believe themselves to be the focus of allegations or rumors of unprofessional conduct may invoke the procedures provided therein for review of that conduct. This part also describes a procedure for appealing sanctions.

Part IV only applies to tenured and tenure-track faculty. Part IV of the PRR does not apply to instructors with contracts or at-will faculty appointments. For instructors with contracts, the process for addressing conduct, including any sanctions, is as outlined in their contracts. This PRR is intended to reflect the best practices for dealing with unprofessional conduct, and administrators are encouraged to consider the processes in Part IV as informative guidelines that they should check before making decisions regarding discipline and/or termination of at-will employees. Nothing in the PRR is intended to alter the at-will nature of at-will appointments (e.g., research faculty or post-docs) or contracts for instructors.

A. General Principles

1. Rights Delineated in Laws and Policies of the Regents

Nothing in this PRR is intended to create, nor shall it create, additional rights or expand rights other than those delineated in the Laws and Policies of the Board of Regents.

2. Academic Freedom

Determinations and advice or recommendations concerning the unprofessional conduct of faculty members, and sanctions for such unprofessional conduct, shall be made and imposed in compliance with the principles of academic freedom.⁷²

3. Guidance

Guidance in the application of Part IV is available for new and experienced Supervising Administrators through Faculty Relations, the Ombuds Office, Office of University Counsel, ALI, and upon request. Guidance on the processes of Part IV should include familiarization with informal conflict resolution methods and the need to memorialize information pursuant to the responsibility under Part III.C.1.i above.⁷³

4. Use of Special Procedures

- a. Any concern regarding unprofessional conduct by a faculty member for which there is a separate and special procedure (e.g., research misconduct, sexual misconduct, or fiscal misconduct) shall be determined and resolved in accordance with that procedure. See, for example:

- “Misconduct in Research, Scholarship, and Creative Activities” APS 1007 (2011)⁷⁴
- “Fiscal Misconduct Reporting” APS 4012⁷⁵

- “Fiscal Roles and Responsibilities” APS 4014 (2011)⁷⁶
 - “Fiscal Code of Ethics” APS 4016 (2008)⁷⁷
 - “Sexual Misconduct, Intimate Partner Abuse and Stalking” APS 5014 (2018)⁷⁸
 - “Discrimination and Harassment Policy and Procedures” University of Colorado Boulder (2019)⁷⁹
- b. In addition, if the alleged unprofessional conduct, if established, would warrant dismissal of the faculty member, the special procedures required for such sanctions by the Laws and Policies of the Regents must be employed.⁸⁰
 - c. The Supervising Administrator shall take appropriate action following findings of a violation from special procedures. See Part IV.C.3.c below for the next due process steps.
 - d. Regardless of the outcome from a special procedure, for example, no finding of a violation or an informal resolution, the Supervising Administrator still has the responsibility to address a concern regarding unprofessional conduct under the PRR.

5. Administrative Level for Resolution

Concerns regarding unprofessional faculty conduct should be resolved at the lowest appropriate administrative level.

6. Informal Resolution Encouraged

- a. Faculty members and administrators are encouraged to resolve concerns regarding professional conduct through direct personal discussion.
- b. Responses to unprofessional conduct should be designed to respond to the harm and needs created by the conduct. See Part IV.D.1.a below.
- c. If a concern regarding the unprofessional conduct of a faculty member is resolved by agreement, the parties must take into account in reaching the agreement the requirements regarding sanctions and record keeping set forth in Part IV.D.4 and Part IV.F below.

7. Confidentiality

- a. Administrators addressing concerns regarding unprofessional conduct of faculty members shall, in any discussions or consultations made or proposed to be made in any matters involving the concerns, “comply with applicable legal, contractual, and policy obligations to maintain the confidentiality of such information, protect it from improper disclosure, and protect the privacy interests of individuals.”⁸¹
- b. Administrators may disclose information internally to other university personnel, or their designees, only in the following circumstances: (1) when there is a need to know in order to fulfill their roles and responsibilities for the university; (2) when conducting an inquiry into or resolving concerns being addressed under this Part IV; or (3) when updating any parties who brought forth concerns that the concerns have been resolved, as permitted by this Part IV. See Parts IV.C.3.b and IV.C.5.d below.

- c. Administrators may disclose information to third parties outside of the university only in the following circumstances: (1) when the Responding Faculty member has granted permission; (2) when and to the extent necessary to conduct an inquiry into or resolve concerns as permitted by this Part IV; (3) when permitted by Regent Laws or Policies, university policies, CU Boulder policies, or contractual provision; (4) when required by law (e.g., court order, subpoena, statute, or government regulation); or (5) when updating any parties who brought forth concerns that the concerns were resolved, as permitted by this Part IV. See Parts IV.C.3.b and IV.C.5.d below.
- d. Administrators shall disclose personally identifiable information only to the extent that it is necessary to fulfill the purpose of the disclosure.
- e. During the course of a Supervising Administrator's inquiry, participants are expected to keep the inquiry confidential out of respect for, and to preserve the integrity of, the process. Nothing precludes any participant from sharing information for the purposes of support and resources, such as with their advocate, partner, counselor, or other confidential consultants.

8. Timeliness of Process

a. Timeframes

All processes under this Part IV relating to allegations of unprofessional conduct shall be conducted promptly, taking into account, however, both the seriousness of the matter and the need to conduct processes in a manner that is both careful and considerate of all persons involved. Usually, such processes will be completed within sixty (60) calendar days of the date that written notice of the allegation(s) is sent to the Responding Faculty Member. See Part IV.C.3.c below.

b. Best Efforts

In order to deliver a reasonably prompt process, Supervising Administrators and the Responding Faculty Member must make their best efforts to meet deadlines specified in Part IV.C below.

c. Extensions for Good Cause

Timeframes, including extensions for the Responding Faculty Member, may be extended only for good cause. Good cause may exist based on the complexity of the circumstances of each allegation, the integrity and completeness of the inquiry, absences by the parties, the availability of persons with relevant information, reasonable accommodations to an individual with a disability, university breaks or vacations, the necessity to access relevant and probative documentation that is not immediately available, or other legitimate reasons.

The Supervising Administrator will decide, and is the sole decision-maker regarding, whether good cause exists for an extension.

9. Request for Recusal of Supervising Administrator; Referral to Higher Administrative Level

a. Request for Recusal

If at any time during the process set forth in this Part IV the Responding Faculty Member believes that the Supervising Administrator cannot be objective in considering allegations of unprofessional conduct, the faculty member may request that the administrator recuse themselves in the matter, presenting the reasons for the request in writing. If such a request is made, the Supervising Administrator shall promptly consider the request and whether they can be objective, and shall not recuse themselves unless the Supervising Administrator, in good faith, determines that a reasonable person would be unable to be objective in the determination of the matter by the Supervising Administrator. The Supervising Administrator's response shall be in writing.

b. Appeal of Failure to Recuse

The Responding Faculty Member may promptly appeal a decision against recusal to the next higher administrative level within 10 calendar days after the date of the decision, and in such case, the matter will be suspended pending the appeal. The appeal shall be reviewed and a decision made within 10 calendar days after the appeal. If the Supervising Administrator decides to recuse themselves, or if as the result of an appeal the Supervising Administrator is directed to withdraw from the matter, the matter shall be referred to the next higher administrative level, and the administrator at that level shall thereupon become the Supervising Administrator for the matter.

c. Recusal by Supervising Administrator

If at any time during the process set forth in this Part IV, the Supervising Administrator believes that they have a conflict of interest that results in the Supervising Administrator's inability to be objective in considering allegations of unprofessional conduct against the Responding Faculty Member, they shall recuse themselves from the matter.

d. Referral to Higher Administrative Level

If at any time, the Supervising Administrator believes that, despite the general principle that allegations concerning professional conduct should be resolved at the lowest appropriate administrative level (see Part IV.A.5 above), it would be more appropriate to resolve the matter at a higher administrative level, the Supervising Administrator may refer the matter to the next higher administrative level. The administrator at that level shall thereupon become the Supervising Administrator for the matter.

B. Definitions

1. ***Responding Faculty Member*** means any faculty member who has been alleged to have engaged in unprofessional conduct as described in Part II of this document.
2. ***Supervising Administrator*** means the immediate supervisor of the Responding Faculty Member, typically a department chair or director. In the event of the recusal of the Supervising Administrator, the administrator at the next higher level becomes the Supervising Administrator for purposes of this Part IV.¹

¹ Academic units with more complex administrative structures, especially those units with multiple supervisors, should specifically delineate this role as it relates to grievances within their unit,

3. **Reviewing Administrator** means the immediate supervisor of the Supervising Administrator, typically a dean.
4. **Concern** means a worry or question whether behavior meets or violates the standards of professionalism set forth in this PRR. Faculty will, from time to time, have questions about the appropriateness of actions of their colleagues. Faculty are encouraged to bring these concerns to their Supervising Administrator.
5. **Allegation** means an assertion that unprofessional conduct may have occurred. Once the Supervising Administrator determines that a concern appears to have merit and appears to involve unprofessional conduct as defined in this PRR, concerns will go forward as allegations.
6. **Inquiry** means seeking, obtaining, and considering information for the purposes of determining whether unprofessional conduct occurred. An inquiry potentially encompasses a broad array of actions ranging from review of documents and materials, informal discussion with the Responding Faculty Member, and consultations with people who have information regarding the matter, up to and including a more formalized investigation that may culminate in a written report which typically contains a recitation of allegations, factual findings, conclusions, and recommended sanctions.
7. **Confidential Personnel File** means any records, and information from within those records, maintained because of the faculty-university relationship and that the university is prohibited from disclosing or for which there is an expectation of privacy pursuant to law,⁸² except to the faculty member of interest and administrators who have a need to know to do their job for the university. Sanctions are generally considered a part of the faculty member's Confidential Personnel File.

C. Procedures for Determining Unprofessional Conduct and Sanctions

1. Bringing Forth Concerns Regarding Unprofessional Conduct

Any administrator, faculty member, staff member, student, or other interested person who believes that a CU Boulder faculty member (the "Responding Faculty Member") has acted in an unprofessional manner may bring those concerns, along with any supporting information, to the Supervising Administrator, either orally or in writing. The Supervising Administrator may be the source of the concerns regarding the Responding Faculty Member's conduct.

2. Determining Venue and Further Steps

- a. After receiving or identifying concerns about unprofessional conduct, the Supervising Administrator shall determine whether the concerns would fall within an area for which a special procedure applies (see Part IV.A.4 above). If so, the Supervising Administrator shall refer the concerns to the appropriate body or person under the special procedure.
- b. Otherwise, the Supervising Administrator shall conduct an inquiry as provided in Part IV.C.3 below.

3. Inquiry by the Supervising Administrator

The Supervising Administrator shall be responsible for addressing the concerns regarding unprofessional conduct to determine whether they may have merit and appear to involve unprofessional conduct that may warrant a response in the form of an informal resolution or sanction. The Supervising Administrator shall conduct an inquiry into the nature, severity, and frequency of the concerns to determine how to resolve the concerns. The Supervising Administrator may delegate certain inquiry actions to, and otherwise seek the assistance of Faculty Relations, in addition to other faculty or staff as appropriate; for example, an advisory investigative committee assigned by the Supervising Administrator. If Faculty Relations assists with an inquiry, Faculty Relations will report the results of their inquiry, including recommendations for disposition of the matter, to the Supervising Administrator for their consideration.

- a. The Supervising Administrator is encouraged to resolve concerns of unprofessional conduct informally when feasible and if appropriate. See Part IV.A.6 above.
- b. The process shall terminate at this point if the Supervising Administrator concludes that the concerns:
 - i. are untrue or frivolous;
 - ii. do not involve unprofessional conduct;
 - iii. involve matters that are too insubstantial to deserve further attention; or
 - iv. are true and have been resolved with an informal response pursuant to Part IV.D.2 and do not require a sanction.

In any of these instances, if the person or persons bringing forth the concern is not the Supervising Administrator, the Supervising Administrator shall advise such person or persons of the Supervising Administrator's decision not to further pursue the matter or that appropriate action has been taken, as applicable. This notification may report whether an inquiry found a violation of the PRR but shall not include any specific informal responsive action taken as this is a personnel matter that should remain confidential.⁸³

- c. If the Supervising Administrator's inquiry suggests that the concerns may have merit and appear to involve unprofessional conduct that may warrant a sanction, they shall provide due process to the Responding Faculty Member by providing the following faculty rights:
 - i. provide formal written notice of the concerns which includes the following:
 - a. a factual description of the alleged unprofessional conduct (allegations) to the Responding Faculty Member, alerting the Responding Faculty Member that the allegations may result in sanctions being imposed;
 - b. notification to the Responding Faculty Member of the opportunity to respond to the allegations; and
 - c. scheduling a meeting with the Responding Faculty Member, the purpose of which is to give the Responding Faculty Member the opportunity to respond to the allegations and provide additional information they would like considered by the Supervising Administrator.

- ii. the Responding Faculty Member may respond to the allegations of unprofessional conduct in person or in writing in lieu of a meeting. If the response is in writing, the Supervising Administrator may require a follow-up, in-person meeting.
- iii. the Supervising Administrator should also remind the Responding Faculty member that retaliating against anyone who brought forth concerns or participated in the Supervising Administrator's inquiry is also a violation of the PRR, will not be tolerated, and that any concerns about such retaliation will be addressed under these procedures.

4. Meeting with the Responding Faculty Member

- a. As outlined in Part IV.C.3.c above, the Supervising Administrator shall schedule a meeting with the Responding Faculty Member when it appears that sanctions may be proposed for that Faculty Member's alleged unprofessional conduct. (See "Limitations on Sanctions" in Part IV.E.4 below to determine which sanctions can be imposed by which level of administration.) When scheduling the meeting, the Supervising Administrator shall give the Responding Faculty Member reasonable time to compile information with which to respond to the allegations outlined in the written notice.
- b. Responding Faculty Members are expected to attend meetings scheduled to discuss allegations of unprofessional conduct in accordance with their duty to comply with all rules and regulations adopted by the Board of Regents, campus, and academic units, including but not limited to the provisions of this PRR (see Part II.C.1.d above).
- c. A Responding Faculty Member may be accompanied to the meeting by a third party advisor such as a colleague, an elected member of the BFA Grievance Committee, or an advocate. Such advisors should not participate in the meeting. If the Responding Faculty Member requests that a member of the BFA Grievance Committee attend, their role is not to represent the Responding Faculty Member but to observe the proceedings.

5. Determination of Unprofessional Conduct and Sanctions

- a. The standard of proof is a preponderance of the evidence, i.e., whether the totality of the available information demonstrates to the Supervising Administrator that the allegation of unprofessional conduct is more likely true than not.
- b. Following the meeting required in Part IV.C.4 above, the Supervising Administrator may:
 - i. conclude that the allegations are untrue, frivolous, do not involve unprofessional conduct, or there is insufficient information to reach a determination or to conclude that unprofessional conduct occurred.
 - ii. conclude (or the Responding Faculty Member may admit) that the Responding Faculty Member has engaged in unprofessional conduct. On reaching such conclusion or receiving such admission, the Supervising Administrator may respond informally or impose a sanction that they deem appropriate and warranted for the conduct in question, in accordance with Part IV.D below.

- iii. decide to continue the inquiry in order to address the Responding Faculty Member's response and/or available information. The Supervising Administrator may delegate certain inquiry actions to, and otherwise seek the assistance of, Faculty Relations.
- c. When the Supervising Administrator has sent a notice of allegations and regardless of whether the Supervising Administrator concludes that the allegation of unprofessional conduct has merit, the Supervising Administrator shall send a written decision to the Responding Faculty Member that includes at least the following:
 - i. a brief summary of the allegations;
 - ii. a summary of the Supervising Administrator's inquiry into the allegations;
 - iii. the Responding Faculty Member's response to the allegations;
 - iv. any follow up inquiry by the Supervising Administrator after receiving the Responding Faculty Member's response;
 - v. the Supervising Administrator's factual findings of what occurred and conclusion whether unprofessional conduct under the PRR occurred;
 - vi. a detailed description of any response or sanctions imposed under Part IV.D; and
 - vii. any reporting requirement to the next higher administrative level (see Part IV.F.1 below).
- d. The Supervising Administrator shall inform the party or parties who brought the concerns that appropriate action has been taken. This notification may report whether an inquiry found a violation of the PRR but shall not include a report of any sanction(s) taken as this is a personnel matter and sanctions should remain confidential.⁸⁴

D. Responses to Unprofessional Conduct

1. General Principles

- a. Responses to unprofessional conduct should be designed to address the unprofessional conduct in question proportionally. Responses, whether deemed informal responses or sanctions, may include, but are not limited to, a wide range of remedial actions such as voluntary apologies; educational programs such as anger management classes or training on university policies; restorative practices ranging from victim-offender mediation to conferences and circles; use of existing university mediation services (e.g., Ombuds Office or Faculty Relations); and the informal responses and formal sanctions outlined in the PRR (see Parts IV.D.2 and IV.D.3 below). Help with informal resolution is available through the Ombuds Office and Faculty Relations.
- b. The responses to findings of unprofessional conduct will generally be progressive, moving from informal attempts at resolution to formal sanctions. In some cases, however, unprofessional conduct may be so egregious that more, or the most, severe sanctions may be warranted regardless of whether any prior discipline occurred.

- c. In all cases, responses to unprofessional conduct will depend upon the facts and circumstances of the particular instance of unprofessional conduct, including but not limited to the nature of the conduct, whether it was purposeful or negligent, whether it has been repeated or is likely to be repeated, the relative power dynamic between the parties, whether the Responding Faculty Member admits to the conduct and is remorseful, the harm resulting from the unprofessional conduct, and other relevant matters.

2. Informal Responses

- a. Informal responses shall include, but are not limited to:
 - i. a reminder to the faculty member of their professional responsibilities by emphasizing those responsibilities either orally or in writing; and
 - ii. an oral or written warning to the faculty member.

3. Sanctions

- a. Sanctions are more formal consequences for unprofessional conduct by a faculty member. However, nothing precludes imposing mediation, educational, or restorative measures in addition to sanctions. See Part IV.D.1.a above.
- b. Sanctions will normally be imposed by the Supervising Administrator.
- c. Subject to the stated limitations, sanctions for unprofessional conduct by a faculty member may consist of any one or more of the sanctions listed below, as may be appropriate, and any other sanctions that may be considered appropriate in the particular instance. The order in which sanctions are listed below does not imply that they must be imposed successively, nor does it imply that any lesser sanction must be imposed before a more severe sanction may be imposed.
- d. Sanctions will be communicated to the Responding Faculty Member in writing, pursuant to Part IV.C.5.c above, and become part of the Responding Faculty Member's personnel file.⁸⁵
- e. Sanctions may include, but are not necessarily limited to, the following:
 - i. written reprimand of the faculty member;
 - ii. reassignment, temporarily or permanently, of the faculty member's office or other working space (with the appropriate consent of any academic unit affected);
 - iii. reassignment, temporarily or permanently, of the faculty member's courses or other duties;
 - iv. reassignment, temporarily or permanently, of the faculty member to another academic unit (with the appropriate consent of any academic unit affected);

- v. withholding raises or privileges for the faculty member for a specified period or until the faculty member demonstrates, under the terms of the sanction, that he or she has terminated the unprofessional conduct;
- vi. temporary or continuing reduction in salary or privileges of the faculty member;
- vii. suspension without pay^m of the faculty member for a period stated or until stated conditions are met;⁸⁶ or
- viii. termination of employment or dismissal of the faculty member (subject to the provisions of Part IV.D.4.d below).

4. Limitations on Imposing Sanctions

a. Sanctions for Failure to Act in a Collegial Manner

Collegiality (see "Ethical Principles" Part II.C above) contributes to a cooperative, harmonious, and productive work environment in an academic unit. Merely irritating conduct, evidencing a lack of collegiality, shall not alone be the basis for imposing a remedy or sanction more severe than a reprimand of a faculty member. However, the Supervising Administrator may impose a more serious sanction if they determine that the lack of collegiality is of such severity or duration that it compromises the effective operation of the academic unit or substantially interferes with the work of one or more of its faculty members, staff, or students.

b. Academic Freedom

Sanctions shall be selected only after due consideration of, and in compliance with, the principles of academic freedom.⁸⁷

c. Sanctions Providing for Reassignment, Withholding Raises or Privileges, or Reduction of Salary or Privileges

The sanctions of reassignment to another academic unit, withholding or suspending raises or privileges, reduction of salary or privileges (see Part IV.D.3.e.iv - vii above), may be imposed only by an administrator who holds the position of dean of a school or college, or an equivalent or higher administrative level position. If the Supervising Administrator believes such a sanction to be appropriate but does not hold such a position, the Supervising Administrator shall refer the matter, with a recommendation for sanctions, to the administrator at the next highest level of administration who does hold such a position.

The administrator at that level shall provide notice and the opportunity to be heard to the Responding Faculty Member and shall then determine the appropriate sanction, if any, following a review of the recommendation for sanction, any record available, and any written

^m Paid administrative leave is not considered a sanction because it is not an adverse action. For example, see APS 5062 (2020) which refers to leave with and without pay for twelve-month appointments: "If a university staff or faculty member on a twelve-month appointment is the subject of disciplinary action or an investigation, extended paid administrative leave may be authorized for such employee for a reasonable period of time."

statement the Responding Faculty Member may wish to make in the matter to that administrator.

d. **Sanctions Providing for Dismissal**

Any dismissal (see Part IV.D.3.e.viii above) of a faculty member shall be made only under the procedures provided for such action in the Laws and Policies of the Regents.⁸⁸

E. Appeal of a Supervising Administrator's Finding of Unprofessional Conduct

1. Informal Responses Not Appealable

Informal responses to unprofessional conduct (see Part IV.D.2 above) are final and may not be appealed.

2. What May Be Appealed

If a sanction described in Part IV.D.3 above is imposed, the Responding Faculty Member may appeal either the process through which the Supervising Administrator concluded that unprofessional conduct occurred, the sanction(s) imposed, or both.

3. Process of Filing an Appeal

- a. Within twenty (20) working days of the date that the Supervising Administrator notified the Responding Faculty Member that unprofessional conduct occurred and imposed a sanction, the Responding Faculty Member may submit a formal written Request for Review to the next higher administrative level. The administrator at the next higher administrative level shall become the Reviewing Administrator.
- b. The Request for Review must state one or more of the following criteria as the reason for the appeal:
 - i. Procedural errors by which the Responding Faculty Member was prevented from receiving a fair process.
 - ii. A sanction was disproportionate to the unprofessional conduct.
 - iii. New information has arisen that the Responding Faculty Member could not have reasonably produced during the prior process and which the Responding Faculty Member believes materially changes the determination and/or sanction.
- c. If the Responding Faculty Member would like the BFA Grievance Committee to advise the Reviewing Administrator whether the processes for determining unprofessional conduct as set out in Part IV of the PRR were followed in the pending case, that request must be stated in the Request for Review. The Reviewing Administrator shall honor such a request.

4. The Reviewing Administrator

- a. The Reviewing Administrator shall conduct a timely and impartial review of the allegations, findings, and imposed sanctions as reflected in the written record of the case. The Reviewing

Administrator (acting alone or with the advice of Faculty Relations, and/or the BFA Grievance Advisory Committee) has twenty (20) working days to complete the review.

b. The Reviewing Administrator:

- i. shall review the case to determine whether the Supervising Administrator:
 - a) followed the procedures set forth in this PRR;
 - b) exhibited bias or impartiality;
 - c) conducted a thorough investigation;
 - d) imposed sanctions that were proportional to the unprofessional conduct; and
 - e) found the facts were sufficient to support the finding.
- ii. shall not make new findings of fact.

c. The Reviewing Administrator may, with regard to the decision in part or in its entirety:

- i. uphold or dismiss the initial decision;
- ii. send the matter back for reconsideration to the Supervising Administrator and potentially for re-investigation (see “Inquiry by the Supervising Administrator” Part IV.C.3.c above);
- iii. request the matter be re-investigated by another official or Faculty Relations to perform the function of a Supervising Administrator’s inquiry (see “Inquiry by the Supervising Administrator” Part IV.C.3.c above); or
- iv. reduce or increase a disproportionate sanction.

5. Decision in Writing

The Reviewing Administrator shall render a decision in writing to both the Responding Faculty Member and the Supervising Administrator.

6. Final Decisions

Except in those cases where the finding of unprofessional conduct and/or the sanction imposed meets the criteria for filing a grievance with the Faculty Senate Grievance Committee under the Laws of the Regents, Article 5.D.1, the decision of the Reviewing Administrator shall be final.⁸⁹

7. Record of the Outcome of the Appeal

The outcome of an appeal shall become part of the Responding Faculty Member’s personnel file.

F. Recording and Reporting of Responses and Resolutions of Unprofessional Conduct

1. Reporting

Any sanction imposed on a faculty member for unprofessional conduct shall be reported to the next higher administrative level. Informal responses to unprofessional conduct may be reported to the next higher administrative level.

2. Records

- a. Except as otherwise provided in the terms of a sanction, any sanction imposed on a faculty member shall be evidenced in writing and shall become part of the official personnel file of the faculty member.
- b. The faculty member upon whom the sanction is imposed shall receive a copy of the written notice of the sanction.
- c. A copy of any and all records pertaining to any matter dealt with under these provisions, including those in the possession of the administrator making the decision, or of Faculty Relations or any person or body charged with conducting a review with special procedures, shall be made available to any review as contemplated in these provisions.
- d. All records referenced in Part IV of the PRR shall be managed and retained pursuant to APS 2006: Retention of University Records and CU Boulder Records Retention Schedule.⁹⁰ If the Retention Schedule does not provide a corresponding retention period for sanctions, the default retention period will be the same as for “Employee Personnel Records—Faculty” as listed in the University of Colorado Boulder Records Retention Schedule, as amended from time to time.

PRR: HISTORICAL DOCUMENTS

Policy Statement:

[“Academic Affairs Policy on Professional Rights and Duties of Faculty Members and Roles and Responsibilities of Department Chairs”](#) (January 16, 2013)

Procedural Documents:

2013: [“Professional Rights and Duties of Faculty Members & Roles and Professional Duties of Department Chairs”](#)

- This revision was endorsed by the Boulder Faculty Assembly, March 4, 2010. It was approved as an Academic Affairs Policy by Russell Moore, Provost, on January 16, 2013.

1996: [“Professional Rights and Duties of Faculty Members and Roles and Professional Duties of Department Chairs”](#)

- This revision was prepared by the Boulder Faculty Assembly Professional Responsibilities Committee, adopted by the Boulder Faculty Assembly on December 7, 1995, and amended by the BFA Executive Committee on January 29, 1996.

1982: [“Duties of Faculty and Chairs”](#)

- The original document was prepared by the Boulder Faculty Assembly Professional Responsibilities Committee, and adopted by the Boulder Faculty Assembly on July 1, 1982.

Other Documents:

[“Roles and Responsibilities of Department Chairs”](#) Colorado Board of Regents APS 1026 (2018). Approved for Rescission July 1, 2020.

- Justification for the Rescission of APS 1026 (2020)
- APS 1026 grew out of a 1984 study of department chairs and their roles conducted by University and campus faculty and administrators. In 2019, the Board of Regents determined that APS 1026 should be rescinded, reasoning that its provisions “are more appropriate to campus (or unit) level policy.” As a result of the rescission, the 2020 revision of the PRR has retained Part III, which sets forth the roles and responsibilities of academic leaders for CU Boulder.

RELEVANT RESOURCES

“Academic Freedom” Laws and Policies of the Regents, [Article 5.B](#) and [Policy 5.B](#) (2020)

“[Alcohol and Other Drugs Information: Policies](#)” University of Colorado Boulder

“Code of Conduct” [APS 2027](#) (2016)

- “Conduct of Members of the University Community” Laws and Policies of the Regents, [Policy 8](#) (2020)

Conflicts of Interest and Commitment:

- “Code of Conduct: Conflicts of Interest” Laws of the Regents, Laws and Policies of the Regents, [Policy 8](#) (2020)
- “Code of Conduct: Conflicts of Interest” University of Colorado [Code of Conduct Section 3](#)
- “Conflicts of Interest and Commitment in Research and Teaching” [APS 5012](#) (2017)
- “[Conflicts of Interest and Commitment](#)” Research and Innovation Office, University of Colorado Boulder
- “Faculty Consulting and External Professional Activities” [APS 1044](#) (2019)
- “Conflict of Interest in Cases of Amorous Relationships” [APS 5015](#) (2015)
- “Nepotism in Employment” [APS 5003](#) (2013)

Discrimination and Harassment:

- “[Discrimination & Harassment Policy](#)” University of Colorado Boulder (2019)
- “[Discrimination & Harassment](#)” Office of Institutional Equity and Compliance, University of Colorado Boulder

“[Faculty & Staff Assistance Program](#)” Human Resources, University of Colorado Boulder

“Faculty Grievance” Laws of the Regents, [Article 5.D](#) and [Policy 5.G](#) (2020)

Fiscal Integrity Policies:

- “Fiscal Misconduct: Responsibilities” Laws of the Regents, [Policy 13.E.3\(B\)](#) (2017)
- “Fiscal Misconduct: Obligation to Report” Laws of the Regents, [Policy 13.E.3\(A\)](#) (2017)
- “Fiscal Code of Ethics” [APS 4016](#) (2008)
- “Fiscal Misconduct: Remedies” Laws of the Regents, [Policy 13.E.3\(A\)](#) (2017)
- “Fiscal Misconduct Reporting” [APS 4012](#) (2009)
- “Fiscal Roles and Responsibilities” [APS 4014](#) (2018)

“[HR Guidance Library](#)” Human Resources, University of Colorado Boulder

“Multi-Year Contracts for Instructional, Research and Clinical Faculty with Teaching Responsibilities or Librarian Appointments” [APS 5053](#) (2020)

[Office of Institutional Equity and Compliance](#) (OIEC)

[Office of Research Integrity \(Compliance\)](#), Research and Innovation Office, University of Colorado Boulder

[Office of Victim Assistance](#) (OVA)

“[Policies, Customs & Guidelines](#)” Office of Academic Affairs Research Integrity

“Tenured and Tenure-Track Faculty Dismissal for Cause” Laws and Policies of the Regents, [Policy 5.E](#) (2020)

“Conduct of Members of the University Community” Laws of the Regents, [Article 8.C](#) (2020)

ENDNOTES

For the convenience of the reader, the endnotes below cite to relevant authority and other information supporting the statements in this document that existed as of the last revised date of this PRR. Website links where such information may be found on-line are also provided. For any questions or concerns regarding the endnotes, or to report a dead or no longer applicable website link, please contact the Boulder Faculty Assembly office.

PREAMBLE

- ¹ “Academic Freedom” Laws of the Regents, [Article 5.B](#) and [Policy 5.B](#) (2020)
- ² “Mission of the University of Colorado” Laws of the Regents, [Article 1.B](#) (2018)
- ³ See “Academic Freedom” *supra* Preamble, endnote 1
- ⁴ “University of Colorado Policy Framework” Laws of the Regents, [Article 1.C](#) (2018)

PART I

- ⁵ “Faculty” Laws of the Regents, [Article 5.B](#) and [Policy 5.B](#) (2020)
- ⁶ See “Academic Freedom” *supra* Preamble, endnote 1
- ⁷ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Policy 5.B.2(D)
- ⁸ “Freedom of Expression” Laws of the Regents, [Article 1.E](#) and [Policy 1.D](#) (2018)
- ⁹ See *supra* Part I, endnote 5, specifically “Principle of Shared Governance” Article 5.A.1 and Policy 5.A.1(B)(1)
- ¹⁰ See *supra* Part I, endnote 5, specifically “Principle of Shared Governance” Policy 5.A.1(B)(1)
- ¹¹ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Policy 5.B.2(A)
- ¹² See *supra* Part I, endnote 5, specifically “Principle of Shared Governance” Policy 5.A.1(C)(1)
- ¹³ Faculty Appointments, Reappointment and Tenure Policies:
 - See *supra* Part I, endnote 5, specifically “Faculty Appointments and Tenure” Article 5.C
 - See *supra* Part I, endnote 5, specifically “Faculty Appointments” Policy 5.C
 - See *supra* Part I, endnote 5, specifically “Reappointment (to a tenure-track position), Tenure, and Promotion” Policy 5.D
 - “Standards, Processes and Procedures for Reappointment (to a tenure-track position), Tenure, Promotion, and Post-Tenure Review” [APS 1022](#) (draft approved 3/18/2020; not yet effective)
- ¹⁴ See *supra* Part I, endnote 5, specifically “Principle of Shared Governance” Policy 5.A.1.C(2) and 5.A.1.C(3)
- ¹⁵ See *supra* Part I, endnote 5, specifically “Principle of Shared Governance” Policy 5.A.1.D

PART II

- ¹⁶ Modeled on [Statement on Professional Ethics](#), American Association of University Professors (1966, revised in 1987 and 2009)
- ¹⁷ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Policy 5.B.2(A)
- ¹⁸ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Policy 5.B.2(D)

- ¹⁹ See, for example, [“Required Syllabus Statements”](#) Office of Academic Affairs, University of Colorado Boulder
- ²⁰ See, for example, [“Student Honor Code Policy”](#) Office of Integrity and Compliance, University of Colorado Boulder
- ²¹ See Conflicts of Interest Policies *below* Part II, endnote 47
- ²² See Conflicts of Interest Policies *below* Part II, endnote 47
- ²³ [“Absences from Campus \(Faculty\)”](#) Office of Faculty Affairs, University of Colorado Boulder (2016)
- ²⁴ See *supra* Part I, endnote 5, specifically “Associated Responsibilities” Laws of the Regents, Policy 5.B.2(D)
- ²⁵ ADA Information:
- [“Providing Accommodations”](#) Disability Services, University of Colorado Boulder
 - [“ADA & “Accessibility”](#) Office of Institutional Equity and Compliance, University of Colorado Boulder
- ²⁶ See Conflicts of Interest Policies *below* Part II, endnote 47
- ²⁷ Discrimination and Harassment Information:
- [“Discrimination & Harassment Policy”](#) University of Colorado Boulder (2019)
 - [“Discrimination & Harassment”](#) Office of Institutional Equity and Compliance, University of Colorado Boulder
- ²⁸ “Sexual Misconduct, Intimate Partner Abuse and Stalking” [APS 5014](#) (2018)
- ²⁹ “Workplace Bullying” [APS 5059](#) (2019)
- ³⁰ [“Statement on Professional Ethics,”](#) American Association of University Professors (1966, revised in 1987 and 2009)
- ³¹ See Misconduct in Research and Authorship Policies *below* Part II, endnote 51
- ³² See Misconduct in Research and Authorship Policies *below* Part II, endnote 51
- ³³ [“Export Controls”](#) Research and Innovation Office, University of Colorado Boulder (2019)
- ³⁴ See:
- “Conflicts of Interest and Commitment Policies” *below* Part II, endnote 47
 - “Disclosure Policies” *below* Part III, endnote 69
- ³⁵ See Misconduct in Research and Authorship Policies *below* Part II, endnote 51
- ³⁶ Modeled on [“Statement on Professional Ethics,”](#) American Association of University Professors (1966, revised in 1987 and 2009)
- ³⁷ See Fiscal Integrity Policies *below* Part II, endnote 49
- ³⁸ See Discrimination and Harassment Information, *supra* Part II, endnote 27
- ³⁹ Privacy and Confidentiality Policies:
- “Principles of Ethical Behavior: Privacy and Confidentiality” Laws of the Regents, [Policy 1.C.7](#) (2018)
 - “Code of Conduct: Privacy and Confidentiality” University of Colorado [Code of Conduct: Section 7](#)
 - “Code of Conduct” [APS 2027](#) (2016)
- ⁴⁰ See “Sexual Misconduct, Intimate Partner Abuse and Stalking” *supra* Part II, endnote 28
- ⁴¹ See “Conflicts of Interest and Commitment Policies” *below* Part II, endnote 47
- ⁴² See “Conduct of Members of the University Community” Laws of the Regents, Article 8C (2020)

⁴³ See Privacy and Confidentiality Policies *supra* Part II, endnote 39

⁴⁴ See “Freedom of Expression” *supra* Part I, endnote 8

⁴⁵ See “[Campus Policies](#)” Office of Integrity and Compliance, University of Colorado Boulder

⁴⁶ “Differentiated Annual Workloads for Faculty” [APS 1006](#) (2014)

⁴⁷ Conflicts of Interest and Commitment Policies:

- “Conflicts of Interest” Laws of the Regents, [Policy 1.C.3](#) (2018)
- “Code of Conduct: Conflicts of Interest” University of Colorado [Code of Conduct Section 3](#)
- “Conflicts of Interest and Commitment in Research and Teaching” [APS 5012](#) (2017)
- “Faculty Consulting and External Professional Activities” [APS 1044](#) (2019)
- “Conflict of Interest in Cases of Amorous Relationships” [APS 5015](#) (2015)
- “Nepotism in Employment” [APS 5003](#) (2013)
- “[Conflicts of Interest and Commitment](#)” Research and Innovation Office, University of Colorado Boulder

⁴⁸ Research and Innovation Policies:

- [Office of Research Integrity \(Compliance\)](#), Research and Innovation Office, University of Colorado Boulder
- [Federal Policy for the Protection of Human Subjects \(“Common Rule”\)](#)
- [Belmont Report](#): Ethical Principles and Guidelines for the Protection of Human Subjects of Research, The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (1974)
- For further information, contact the Associate Vice Chancellor for Research and Innovation

⁴⁹ Fiscal Integrity Policies:

- “Fiscal Misconduct: Responsibilities” Laws of the Regents, [Policy 13.E.3\(B\)](#) (2017)
- “Fiscal Misconduct: Obligation to Report” Laws of the Regents, [Policy 13.E.3\(A\)](#) (2017)
- “Fiscal Code of Ethics” [APS 4016](#) (2008)
- “Fiscal Misconduct: Remedies” Laws of the Regents, [Policy 13.E.3\(A\)](#) (2017)
- “Fiscal Misconduct Reporting” [APS 4012](#) (2009)

⁵⁰ “[Alcohol and Other Drugs Information: Policies](#)” University of Colorado Boulder

⁵¹ Misconduct in Research and Authorship policies:

- “Misconduct in Research, Scholarship, and Creative Activities” [APS 1007](#) (2020)
- “[Research Misconduct Procedures & Guidelines](#)” Research and Innovation Office, University of Colorado Boulder
- “[Research Misconduct](#)” Research and Innovation Office, University of Colorado Boulder (2019)

PART III

⁵² “Academic Organization and Program Planning” Laws of the Regents, [Article 4](#) and [Policy 4](#) (2018)

⁵³ See discussion at “Academic Disciplines: Disciplines and the Structure of Higher Education, Discipline Classification Systems, Discipline Differences” <https://education.stateuniversity.com/pages/1723/Academic-Disciplines.html>

⁵⁴ See *supra* Part III, endnote 52, specifically “Administration and Governance” Policy 4.A.1

⁵⁵ See *supra* Part III, endnote 52, specifically “Administration and Governance” Policy 4.A.1

⁵⁶ “Roles and Responsibilities of Department Chairs” [APS 1026](#) (Approved for rescission July 1, 2020)

⁵⁷ See:

- “[Code of Conduct](#)” University of Colorado
- “Ethical Conduct of University of Colorado Community” Laws of the Regents, [Article 1.D](#) (2018)
- “Principles of Ethical Behavior” Laws of the Regents, [Policy 8.A](#) (2020)
- “Code of Conduct” [APS 2027](#) (2016)

⁵⁸ See *supra* Part III, endnote 52

⁵⁹ “[IDEA Plan: Inclusion, Diversity, and Excellence in Academics Plan](#)” University of Colorado Boulder (2019)?

⁶⁰ See Faculty Appointments, Reappointment, and Tenure Policies *supra* Part I, endnote 13

⁶¹ [Human Resources](#), University of Colorado Boulder

⁶² See “Review of Faculty Conduct and Responses to Unprofessional Conduct by a Faculty Member” under Part IV below, and specifically “Informal Responses,” Part IV.D.2 below

⁶³ See “Fiscal Roles” [APS 4014](#) (2011)

⁶⁴ See Records Retention *below* Part IV, endnote 91

⁶⁵ See Discrimination and Harassment Information *supra* Part II, endnote 27

⁶⁶ See “Sexual Misconduct, Intimate Partner Abuse and Stalking” *supra* Part II, endnote 28

⁶⁷ See Fiscal Integrity Policies *supra* Part II, endnote 49

⁶⁸ See:

- *Supra* Part I, endnote 5, specifically “Other Terms and Conditions of Faculty Appointments” (including the “One-Sixth Rule”) Policy 5.C.4(d)
- “[Additional Compensation Guidelines for Faculty](#)” Office of Faculty Affairs, University of Colorado Boulder

⁶⁹ Disclosure Policies:

- “[Disclosure of Conflicts of Interest and Commitment](#)” Research and Innovation Office, University of Colorado Boulder
- “[Disclosure of External Professional Activities \(DEPA\) Form](#)” Research and Innovation Office, University of Colorado Boulder

⁷⁰ See “Conflicts of Interest and Commitment Policies” *supra* Part II, endnote 47

⁷¹ See:

- “[What is FRPA?](#)” The Faculty Information System, University of Colorado Boulder
- *Supra* Part III, endnote 69, specifically Disclosure of External Professional Activities (DEPA) Form

PART IV

⁷² See “Academic Freedom” *supra* Preamble, endnote 1

⁷³ See also Orientation, Onboarding, and Ongoing Professional Development Part III.A.3 of this PRR

⁷⁴ “Misconduct in Research, Scholarship, and Creative Activities” [APS 1007](#) (2020)

⁷⁵ “Fiscal Misconduct Reporting” [APS 4012](#) (2009)

⁷⁶ “Fiscal Roles and Responsibilities” [APS 4014](#) (2011)

⁷⁷ “Fiscal Code of Ethics” [APS 4016](#) (2008)

⁷⁸ See “Sexual Misconduct, Intimate Partner Abuse and Stalking” *supra* Part II, endnote 28

⁷⁹ See Discrimination and Harassment Information *supra* Part II, endnote 27

⁸⁰ See *supra* Part I, endnote 5, specifically “Dismissal for Cause” Article 5.C.4 and Policy 5.E

⁸¹ See “Privacy and Confidentiality” *supra* Part II, endnote 39

⁸² See, for example, “Colorado Public Records Act,” [C.R.S. §§ 24-72-101 et seq](#)

⁸³ See Privacy and Confidentiality Policies *supra* Part II, endnote 39 and “Recording and Reporting of Responses and Resolutions of Unprofessional Conduct” Part IV.F of this PRR.

⁸⁴ See Privacy and Confidentiality Policies *supra* Part II, endnote 39 and “Recording and Reporting of Responses and Resolutions of Unprofessional Conduct” Part IV.F of this PRR.

⁸⁵ See Privacy and Confidentiality Policies *supra* Part II, endnote 39 and Recording and Reporting of Responses and Resolutions of Unprofessional Conduct Part IV.F of this PRR.

⁸⁶ See, for example, “Leave” section 3 “Administrative” [APS 5062](#) (2020)

⁸⁷ See “Academic Freedom” *supra* Preamble, endnote 1

⁸⁸ See *supra* Part I, endnote 5, specifically “Tenured and Tenure-Track Faculty Dismissal for Cause” Policy 5.E

⁸⁹ See *supra* Part I, endnote 5, specifically “Faculty Grievance” Article 5.D.1 and Policy 5.G

⁹⁰ Records Retention:

- [University of Colorado Boulder Records Retention Schedule](#) (2018)
- “Retention of University Records” [APS 2006](#) (2019)