

Professional Rights and Duties of Faculty Members and Roles and Professional Duties of Department Chairs

CONTENTS

[PREAMBLE](#)

[OVERVIEW](#)

[PART I](#) **PROFESSIONAL RIGHTS OF FACULTY MEMBERS**

[PART II](#) **PROFESSIONAL RESPONSIBILITIES, ETHICAL PRINCIPLES, AND FACULTY CONDUCT**

- [A.](#) Teaching and Students
Ethical Principles
 - 1. Expected Conduct
 - 2. Unacceptable Conduct
- [B.](#) Scholarly Research and Creative Work
Ethical Principles
 - 1. Expected Conduct
 - 2. Unacceptable Conduct
- [C.](#) Academic Citizenship
Ethical Principles
 - 1. Expected Conduct
 - 2. Unacceptable Conduct
- [D.](#) Differential Teaching, Research, and Service Loads
- [E.](#) Conflicts of Interest Policies
- [F.](#) Policies on Research Involving Human Subjects or Animals
 - 1. Human Subjects Research
 - 2. Animal Subjects Research

- G. Fiscal Integrity Policies
 1. Laws of the Regents, 1990, Section 14.A.4
 2. Further Elaboration of Professional Duties Relating to Fiscal Integrity
- H. Drug Use Policies
- I. One-Sixth Rule
- J. Research Misconduct
- K. University Policy Regarding Disruptive Conduct, Injury to Person or Damage of Property, and Impeding Freedom of Movement at the University, Laws of the Regents, 1990, Section 7.B.3.A

PART III ROLES AND PROFESSIONAL DUTIES OF DEPARTMENT CHAIRS

- A. General Statement Regarding Department Chairs
 1. Departmental Organization (from Laws of Regents, 1990, Section 4.B.1)
 2. Departmental Chairs (from Laws of Regents, 1990, Section 4.B.2 through 4.B.4)
- B. Specific Statements Regarding Department Chairs (from the Laws of Regents, 1990, Appendix B)
 1. Department Leader
 2. Department Administrator
- C. Additional Professional and Ethical Obligations of Department Chairs, Not Expressly Set Forth in the Laws of Regents, 1990, or in Appendix B thereto

PART IV REVIEW OF FACULTY CONDUCT AND SANCTIONS FOR UNPROFESSIONAL CONDUCT BY A FACULTY MEMBER

- A. General Principles
 1. Use of Special Procedures
 2. Administrative Level for Resolution
 3. Academic Freedom
 4. Confidentiality
 5. Timeliness of Proceedings
- B. Procedures for Determining Unprofessional Conduct and Sanctions
 1. Presenting Allegations of Unprofessional Conduct Against a Faculty Member
 2. Initial Inquiry by the Supervising Administrator
 3. Meeting with the Accused Faculty Member
 4. Resolution of the Matter by Agreement
 5. Request for Recusal of the Supervising Administrator; Referral of a Matter to a Higher Administrative Level
 6. Determination of Unprofessional Conduct and Sanctions in Absence of Agreement
 7. Resolution Upon Consultation with an Advisory Committee of Faculty Members
 8. Assistance of the Professional Responsibilities Committee
 9. Administrative Support
- C. Sanctions for Unprofessional Conduct
 1. Considerations for Determining Sanctions

2. Limitation on Imposing Sanctions Providing for Suspension or Dismissal of a Faculty Member
3. Limitation on Imposing Sanctions for Failure to Act in a Professionally Collegial Manner
4. Authorized Sanctions and By Whom Imposed
5. Special Requirements for Temporary Sanctions

D. Reporting and Records

1. Reporting
2. Records

E. Review of Determinations of and Sanctions for Unprofessional Conduct

1. Review at the Request of the Faculty Member
2. Review at the Request of an Advisory Committee or of the Professional Responsibilities Committee

PART V APPENDICES

Appendix A. Principles of Academic Freedom(From Laws of the Regents, 1990, Article 5, Part D)

Appendix B. Faculty Powers (From Sections 4.A.6 and 5.E.5 of the Laws of the Regents, 1990)

4.A.6 Faculty Powers

5.E.5. Powers and Duties of Faculty Defined in Relation to the Administration and the Board of Regents

Appendix C. Additional Policy Statements

1. Statement on Faculty Absences, Adopted by the Boulder Faculty Assembly, April 1980
2. Policy Statements on Nondiscrimination and Diversity
 - a. Laws of the Regents, 1990, Article 10. Non-Discrimination
 - b. Boulder Chancellor's Policy on Diversity, 1994
 - c. Boulder Chancellor's Statement on the Mission and Role of the Boulder Campus With Respect to the Gay, Lesbian and Bisexual Issues
3. Policy Statements on Sexual Harassment
 - a. University Policy Statement on Sexual Harassment, 1989
 - b. University of Colorado at Boulder Sexual Harassment Policy and Procedures, 1995
4. Policy Statements on Additional Remuneration for Consultative Services
 - a. Action of the Regents, 8/14/44, as amended 6/12/48
 - b. Policy on Remuneration and Professional Service, as adopted by the Boulder Faculty Assembly, and Accepted by the Chancellor, 1980
5. Statement on Administrators' Demands for Apologies by Faculty Members, Adopted by the Boulder Faculty Assembly, September 3, 1992

PREAMBLE

The University seeks to provide and sustain an environment conducive to sharing, extending, and critically examining knowledge and values, and to furthering the search for truth. Effective performance of this academic mission requires that University faculty members be free within their respective fields of competence to pursue and teach the truth in

accord with appropriate 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, and the academic mission of the University. These relationships are also the source of the professional responsibilities of faculty members.

It is the intent of this Professional Standards Document to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning.

OVERVIEW

Part I, "Professional Rights of Faculty," sets forth 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 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.

Part II, "Ethical Principles and Professional Duties of Faculty Members," elaborates standards of professional conduct for faculty members, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of both expected and unacceptable faculty conduct is appropriate both to verify that a consensus about expected professional conduct and minimally acceptable standards in fact does exist and to give fair notice to all that departures from expected professional conduct and from minimal standards may give rise to disciplinary proceedings.

In Part II a clear distinction is made between statements of (1) ethical principles, (2) expected professional conduct, and (3) types of unacceptable behavior. Although the listings in none of these categories of statements is exhaustive, they encompass major concerns traditionally and currently important to the profession. It is expected that case adjudication, the lessons of experience and evolving standards of the profession will promote reasoned adaptation and change of this Professional Standards Document.

Part III, "Roles and Professional Duties of Department Chairs," deals with the role and professional duties of department chairs. This part states standards and procedures for the selection, role, and responsibilities of department chairpersons. These matters are brought together in the same document as professional rights and duties of faculty members in order to provide both department chairpersons and faculty members with readily accessible information on the faculty member's right to participate in the selection of department chairpersons, and to provide a description of the authority and limitations on authority of department chairpersons, and a statement of the ethical obligations of department chairpersons in dealing with faculty members. Most of the material in Part III comes directly from the Laws of the Regents, 1990, and a related Appendix B thereto. However, several additional statements of professional obligations of department chairpersons are set forth in Section III.C, and supplement the material from the Laws of the Regents.

Part IV, "Review of Faculty Conduct, and Sanctions for Unprofessional Conduct by a Faculty Member," sets forth principles and procedures for review of allegations of unprofessional conduct by faculty members, and for determining and imposing sanctions if unprofessional conduct is established. (If the matter involves alleged research misconduct, sexual harassment or other conduct for which separate specialized procedures are provided, those procedures must be followed instead of the procedures contained in this document. In addition, sanctions of suspension or termination of employment may only be imposed in accordance with special separate procedures provided for in the Laws of the Regents.) *A principal tenet of this document is that matters involving alleged unprofessional faculty conduct shall be resolved at the lowest appropriate administrative level.*

Part V, "Appendices," contains appendices as follows:

Appendix A, "Principles of Academic Freedom," sets forth the statement on academic freedom contained in the Laws of the Regents, 1990, Article 5, Part D. This Professional Standards Document is to be read and interpreted consistently with the statement of academic freedom.

Appendix B, "Faculty Powers," sets forth the powers of the faculty provided for in Sections 4.A.6 and 5.E.5 of the Laws of the Regents, 1990.

Appendix C, "Additional Policy Statements," provides further elaboration of various University and Boulder Campus policies referred to in this Professional Standards Document.

PART I

PROFESSIONAL RIGHTS OF FACULTY MEMBERS

In support of the University's academic mission as an institution of higher learning, a major responsibility of the Administration is to protect and encourage the faculty in its teaching, learning, research, and public service activities. 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:

1. the right to free inquiry, and exchange of ideas;
2. the right to present relevant information, however controversial, to a course of instruction;
3. the right to conduct scholarly research or creative work, no matter how controversial;
4. the right to enjoyment of constitutionally protected freedom of expression;
5. the right to share in the governance of the University, as provided in the Laws of the Regents and the laws of the State of Colorado, and in policies and procedures of the University and the University Senate, of the Boulder Campus and the Boulder Faculty Assembly, and of the schools, colleges, departments and other academic units, including:
 - a. the faculty's principal responsibility for:
 1. academic policy, including initial authorization and direction of all courses, curricula, and degrees offered;
 2. scholastic policy, including scholastic standards for admission, grading, continuation, graduation, and honors;
 3. academic ethics, including development of policies and procedures; and
 - b. the faculty's right to act jointly with the administration to make recommendations to the Board of Regents in the areas of:
 1. 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;
 2. regulation of student conduct and activities;

3. budgetary review and development of recommendations concerning University resources;
 4. selection of academic administrators;
 5. determination of candidates for degree; and
 6. making of other policy concerning the general academic welfare of the University; and
6. the right to be judged by one's colleagues,
 7. the right to be judged in accordance with fair procedures, in matters of promotion, tenure, and discipline, solely on the basis of the faculty member's professional qualifications, professional achievements, and professional conduct.

Faculty rights may derive from such diverse sources as the Constitution and laws of the United States or of the State of Colorado; from the Laws of the Regents and University, Boulder Campus, and other academic unit policies; from faculty and other contracts; and from shared understandings and customs of the academic community. The statement of professional rights of faculty members set forth in this Part I is intended neither to be exhaustive nor to limit faculty rights in any manner.

PART II

PROFESSIONAL RESPONSIBILITIES, ETHICAL PRINCIPLES, AND FACULTY CONDUCT

This listing of the responsibilities of faculty members (including University administrators holding faculty positions), and of ethical principles and of examples of both expected and unacceptable conduct, is organized around the individual faculty member's participation in teaching, in scholarly and creative work, and in University citizenship. This document is informed by, and is to be interpreted consistently with, the Regents' Statement of Principles of Academic Freedom, contained in the Laws of the Regents, 1990, Article 5, Part D, which appears as Appendix A to this document. Procedures for review of faculty conduct that is alleged to be unprofessional, and sanctions for unprofessional conduct, are provided for in Part IV.

A. Teaching and Students

Ethical Principles. As a teacher the faculty member: encourages the free pursuit of learning; upholds the best scholarly and ethical standards of the discipline; demonstrates respect for the student as an individual, and 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 assure that evaluation of students reflects their true merit; respects the confidential nature of the relationship between faculty member and student; avoids any harassment or discriminatory treatment of students; avoids any exploitation of students for private advantage and acknowledges significant academic or scholarly assistance from them; and protects the academic freedom of students. (Modeled on 1966 AAUP Statement on Professional Ethics, as revised in 1987.)

1. Expected Conduct

The faculty member is expected to:

- a. keep abreast of developments in the subject matter being taught;

- b. prepare adequately for classes;
- c. subject to campus policies, establish course requirements and policies, grading standards, and other administrative procedures for classes;
- d. make clear to students the faculty member's expectations on receiving or giving unauthorized aid in examinations and other graded assignments;
- e. meet classes as scheduled (see Boulder Faculty Assembly Ruling, 1980, referred to in Appendix C, Section 1);
- f. comply with academic unit policy concerning absences during the regular Academic Year. (The regular Academic Year is the continuous period of time starting when faculty report for duty at the start of the Fall semester and ending with the Spring Commencement.);
- g. treat students with understanding, dignity and respect, maintain professional classroom decorum, and create a climate of civility in the class;
- h. keep posted office hours;
- i. cooperate regularly in University-mandated student evaluations of teaching, and participate in peer evaluation of teaching in accordance with academic unit policy;
- j. adhere to campus wide administrative procedures and policies on such matters as final examinations, incompletes, withdrawals, and drop/adds;
- k. evaluate students fairly and equitably, in a manner appropriate to the course and its objectives, and in any evaluation of a student's complete performance when providing a professional reference;
- l. 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; and
- m. consider in conscience whether the faculty member is able to be professionally objective in serving in a position in which the faculty member has institutional authority over a student with whom the faculty member has formed a very close personal relationship, as 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 special concerns relating to sexual harassment, including certain reporting requirements for faculty), see University of Colorado at Boulder Sexual Harassment Policy and Procedures, 1995, referred to in Appendix C, Section 3.b); and
- n. comply with University policies on conflict of interest and nepotism in employment matters concerning any student to whom the faculty member is related (see University of Colorado Administrative Policy Statement on Procedures for Implementing Regent Policies on Conflict of Interest and Nepotism, 1979, IV-49).

The faculty member's dean or department chairperson may approve occasional exceptions to e and h. (see Boulder Faculty Assembly Ruling, 1980, referred to in Appendix C, Section 1.)

2. Unacceptable Conduct

Examples of unacceptable faculty conduct are:

- a. presenting as part of a course significant amounts of material unrelated to its subject matter;

- b. evaluation of student work, in a course or in 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 differentiation is required or permitted in the case of disabled students);
- c. acting in a conflict of interest in the evaluation of a student; or, in other situations involving a conflict of interest, failing to disclose the conflict or (where appropriate) to remove himself or herself from the situation;
- d. undue delay in evaluating and reporting the faculty member's assessment of the work of students;
- e. failure to comply with University or college requirements in regard to deadlines, scheduling of examinations, reporting grades, and student evaluation;
- f. discrimination against a student on political grounds, or for reasons of race, religion, sex, ethnic origin, sexual orientation, or for other illegal, arbitrary, or personal reasons (see Policy Statements on Nondiscrimination and Diversity, referred to in Appendix C, Section 2);
- g. intimidation of or engaging in other conduct disrespecting the human dignity of students;
- h. sexual harassment (see Policy Statements on Sexual Harassment, referred to in Appendix C, Section III);

B. Scholarly Research and Creative Work

Ethical Principles. Guided by a deep conviction of the worth and dignity of the advancement of knowledge, the faculty member: recognizes the special responsibility to the discipline to seek and to state truth as he or she sees it, and to this end continuously seeks to develop and improve scholarly competence; accepts the obligation to exercise critical self-discipline and judgment in using, transmitting and extending knowledge; practices intellectual honesty; and, in pursuit of subsidiary interests, never allows these interests to seriously hamper or compromise freedom of inquiry. (Modeled on 1966 AAUP Statement on Professional Ethics, as revised 1987.)

1. Expected Conduct

- a. The faculty member is expected to maintain competence and keep abreast of developments in his or her chosen field of scholarship or creative work. Faculty members are expected to maintain professional contact with scholars and/or practitioners outside the University, in a measure appropriate to the discipline. Scholarly research and creative work may take many forms. Usually the results of a faculty member's research should be published as books or as articles in the refereed literature. Other types of scholarly and creative work for which publication is not appropriate should be presented in such a way that they can be evaluated by peers in the faculty member's academic discipline.
- b. In addition to complying personally with professional and ethical standards that govern proposing, carrying out, or reporting results from research, the faculty member is also responsible for emphasizing the importance of ethical research conduct to staff and students who are under his or her supervision and for providing reasonable supervision to minimize the opportunities for research misconduct. The faculty member should work with colleagues in establishing policies regarding author names on publications, in making those policies well known to students and staff, and in conforming to those policies in his or her own publications. (See Administrative Policy Statement on Misconduct in Research and Authorship, section II.J below.)

2. Unacceptable Conduct

Examples of unacceptable conduct are: violations of canons of intellectual honesty such as falsification or fabrication of data or the misappropriation of the writings, research or findings of others.

C. Academic Citizenship

Ethical Principles. As an academic colleague, a faculty member has professional obligations and expectations that derive from membership in the community of scholars. Prominent among these obligations and expectations is collegiality between faculty members and other academic associates. Collegiality, expected of each faculty member, includes civility, mutual respect, common courtesies, personal accountability, and willing contributions to the effective functioning of the academic unit. Among other essential professional obligations and expectations are that the faculty member: 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 colleagues or staff members; respects the privacy of colleagues and staff members; accepts the responsibility of faculty for the governance of the institution; and, when speaking or acting as a private person, the faculty member avoids creating the impression of speaking or acting for the University. (Modeled on 1966 AAUP Statement on Professional Ethics, as revised 1987.)

1. Expected Conduct

The faculty member is expected to:

- a. treat administrators, faculty, staff members, and students with understanding, dignity and respect; foster an environment of mutual trust among administrators, faculty, staff and students, and help develop a sense of belonging and pride in the University community (see Chancellor's Statement of Principles for Human Resources, September 13, 1993, and further elaboration therein);
- b. participate in the operation and governance of his or her academic department or division, school or college and of the University; and render service to the public;
- c. take fiscal responsibility for proper management of all types of University funds and property over which he or she has control, in accord with established University policy;
- d. be familiar with campus staff personnel policies if the faculty member is a supervisor of staff, and provide regular performance evaluations for the staff, as indicated in such policies;
- e. follow normal channels in raising any objection to an action taken by a department chair or other person that affects the faculty member. The faculty member should first discuss the matter with the person having responsibility for that action in order to try, to seek to obtain resolution of the matter at the lowest possible level and by direct communication. If the issue is referred to a higher administrative level, all parties involved should be duly informed, and should be given copies of any written communications or other documents submitted.

2. Unacceptable Conduct

Examples of unacceptable conduct by a faculty member are:

- a. making evaluations of the professional competence of faculty or staff members based on any criteria that are not directly reflective of professional performance;
- b. discrimination against faculty or staff members on political grounds, or for reasons of race, religion, sex, ethnic origin, or sexual orientation, or for other illegal, arbitrary, or personal reasons (see Policy Statements on Nondiscrimination and Diversity, referred to in Appendix C, Section 2);
- c. breach of established rules governing confidentiality in faculty or staff personnel procedures;
- d. intimidation of or engaging in other conduct disrespecting the human dignity of colleagues or staff members;

- e. sexual harassment of faculty or staff (see Policy Statements on Sexual Harassment, referred to in Appendix C, Section 3);
- f. making false or unsubstantiated personal accusations or complaint against a colleague, administrator, or staff member;
- g. falsely portraying the faculty member's own or another's work (in a curriculum vitae or otherwise) in order to gain a personal advantage;
- h. failure to disclose a conflict of interest involving the faculty member, or failure to remove himself or herself (where appropriate) from situations involving a conflict of interest or the appearance of impropriety;
- i. use of University facilities or equipment for private gain in contravention of established University policy;
- j. 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 (see section II.I below);
- k. without authorization, knowingly violating the legitimate expectation of privacy of a colleague or staff member, through accessing such person's private documents (including mail) or private computer records (including electronic mail) or through other significant violation of such person's privacy;
- l. knowingly creating the impression of speaking or acting for the University when speaking or acting as a private person.

D. Differential Teaching, Research, and Service Loads

The University has adopted a policy that affirms the University's commitment to appropriate use of differentiated annual workloads for faculty members. The policy recognizes that there are legitimate differences in faculty development needs within the academic community, in interests and areas of expertise among faculty members, in conventions among academic disciplines, and in academic unit program needs. The University policy provides for the development of primary academic unit policies and mechanisms for the assignment and review of differentiated annual workloads for faculty members. (See Administrative Policy Statement on Differentiated Annual Workloads for Faculty, 1989, IV-129 et seq. for elaboration.)

E. Conflicts of Interest Policies

In accord with the general policy adopted by the Board of Regents (April 26, 1975), ". . . no member of the University community shall derive private gain from his/her association with the University except as provided by explicit policies of the University." (See Administrative Policy Statement on Conflict of Interest Policy, 1992, I-113 et seq., for elaboration. The Administrative Policy Statement also covers conflict of commitment and it refers expressly to several other separately stated conflict of interest and conflict of commitment policies, as well as to a statutory Code of Ethics applicable to state employees. See Colo. Rev. Stat. 24-18-101 et seq.)

F. Policies on Research Involving Human Subjects or Animals

1. Human Subjects Research

The University of Colorado at Boulder complies with the Federal Policy for the Protection of Human Subjects, and all federal, state or local laws which may be related to research covered by the University's assurances given in this area. The University acknowledges and accepts its responsibilities for protecting the rights and welfare of human subjects of research covered by its assurances. In that connection, the University is guided by the ethical principles regarding research involving humans as subjects as set forth in the report of the National Commission

for the Protection of Human Subjects of Biomedical and Behavioral Research entitled, Ethical Principles and Guidelines for the Protection of Human Subjects of Research (the "Belmont Report"). Except for categories exempted under government regulations, research covered by the University's assurance in this area must be reviewed and approved by the Human Resources Committee of the University. It is further University policy that unless informed consent has been specifically waived by the Human Research Committee in accordance with federal regulations, no research investigator shall involve any human being as a subject in research unless the research investigator has obtained the informed consent of the subject or the subjects legally authorized representative. Faculty members and other University personnel who are engaged in human subject research or who teach or supervise students engaged in such research are responsible for complying with the requirements of the University's policies in this area. For further information, contact the Associate Vice Chancellor for Research.

2. Animal Subjects Research

The University of Colorado at Boulder complies with the Public Health Service Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions. The University complies with all applicable provisions of the Animal Welfare Act and other federal statutes and regulations relating to animals, and the University is guided by the U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training. All faculty members and other University personnel who are engaged in care or use of laboratory animals must understand and conform to their individual and collective responsibilities under these requirements. For further information, contact the Animal Resources Office, or the Associate Vice Chancellor for Research.

G. Fiscal Integrity Policies

1. Laws of the Regents, 1990, Section 14.A.4

14.A.4. *Employees Responsibility*

Employees shall be responsible for the safekeeping and proper maintenance of University property in their charge.

[Note: The Boulder Faculty Assembly interprets the responsibility imposed for property maintenance to mean that a faculty member shall merely monitor the need for proper maintenance of University property in his or her charge, if he or she does not have the direct responsibility for performing maintenance with respect to the property.]

2. Further Elaboration of Professional Duties Relating to Fiscal Integrity

a. Duty to act with integrity and in a fiscally responsible manner with regard to University and granting agency funds or property

Every employee of the University has the duty to deal with University and granting agency funds and other property with integrity and in a fiscally responsible manner, and to comply with any applicable University, granting agency, federal and state reporting and accounting requirements regarding such funds or other property.

b. Duty to report fiscal misconduct within the University

Any employee or student associated with the University who knows of or suspects fiscal misconduct must promptly notify either one's immediate supervisor or one of the following investigative units: the Department of Internal Audit, [the] Office of [the] University Counsel, the appropriate campus police department, and/or the appropriate campus Human Resources or Personnel department. This duty to report by an individual or supervisor is in compliance with State law and State Fiscal Rules. State employees have 'whistle blower' protection [provided by] State law when they are in compliance with the requirements set forth in statute. (See Administrative Policy Statement on

Reporting Fiscal Misconduct, 1993, II-89 et seq., for further elaboration.)

H. Drug Use Policies

The Drug-Free Schools and Communities Act Amendments of 1989 requires that, as a condition of receiving funds or other form of financial assistance under any Federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The University has implemented the requirements of the Act, in a policy statement on The Drug-Free Schools and Communities Act, 1990, IV-147 et seq., which among other things prescribes standards of conduct which prohibit the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs (controlled substances) and alcohol on University of Colorado property or as a part of University activities.

For the Boulder Campus policy on this subject, see Policy on Alcohol and Drugs (as transmitted to the Faculty and others by letter of Shari J. Robinson, Director, Department of Human Resources, dated July 24, 1995), which provides in part:

University of Colorado Policy on Alcohol and Drugs

I. STANDARDS OF CONDUCT

In compliance with the federal *Drug Free Schools and Communities Act*, the University of Colorado at Boulder prohibits the unlawful manufacture, dispensation, possession, use, or distribution of a controlled substance (illicit drugs and alcohol) of any kind and of any amount.

These prohibitions cover any individual's actions which are part of any University activities, including those occurring while on University property or in the conduct of University business away from the campus.

* * *

V. DISCIPLINARY SANCTIONS FOR CU EMPLOYEES WHO VIOLATE DRUG AND ALCOHOL LAWS IN VIOLATION OF THIS POLICY

It is a violation of University policy for any member of the faculty, staff, or student body to jeopardize the operation or interests of the University of Colorado through the use of alcohol or drugs. Sanctions that will be imposed by the University of Colorado for employees who are found to be in violation of this policy may include expulsion and/or termination of employment. Compliance with this policy is a condition of employment for all employees.

* * *

For further elaboration, see the Boulder Campus Policy. Note: Unlike the case for illegal drugs, the possession and use of alcohol on campus and at University sponsored off-campus activities is lawful and permitted in the instances described in the University of Colorado at Boulder Alcohol and Drug Policy, dated October 1987. See that policy for, among other things, the circumstances in which alcohol may be served, and the applicable requirements.

I. One-Sixth Rule

The University has adopted policies regarding additional remuneration for consultative services by faculty, which include allowing faculty members to devote "not more than one-sixth of their time and energy" to research, consulting, or other professional activities for which they receive additional remuneration. See Appendix C, Section 4 for restrictions and further elaboration.

J. Research Misconduct

The University has adopted a policy statement on Misconduct in Research and Authorship, 1989, I-103, et. seq., which

is designed to "prevent, identify, and respond to misconduct in research and authorship." In this context, "misconduct" is defined to include:

- (1) fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from research;
- (2) material failure to comply with Federal requirements for protection of researchers, human subjects, or the public or for the ensuring the welfare of laboratory animals;
- (3) failure to meet other material legal requirements governing research [a footnote provides: Please see 52 Fed. Reg. 24466 (July 1, 1987)]; or
- (4) failure to comply with established standards regarding author names on publications.

The definition of misconduct contained in this policy is not intended to override or contradict provisions of other regulations or policies, in particular those policies governing human research subjects and animal welfare. A finding of a substantive violation of policies in these areas will also be considered misconduct under this policy.

See the policy statement for further elaboration and for designation of procedures for review of faculty conduct alleged to be in violation of the policy.

K. University Policy Regarding Disruptive Conduct, Injury to Person or Damage of Property, and Impeding Freedom of Movement at the University, Laws of the Regents, 1990, Section 7.B.3.A.

Faculty members have fully the rights of free expression referred to in Part I of this Standards Document, and in Appendix A. Faculty members should, however, be aware of the following provision contained in the Laws of the Regents, 1990:

7.B.3. Improper Conduct Defined and Prohibited

(A) University students, faculty, and staff shall refrain from conduct disruptive of University functions from injury to persons or damage to property on the campus; and from impeding freedom of movement of students, school officials, employees, and invited guests to all facilities of the University. Interference in any manner with the public or private rights of citizens, conduct that threatens or endangers the health or safety of any person, and damage to property will not be tolerated.

See Sections 7.B.4 and 7.B.5 of the Laws of the Regents, 1990, for provisions relating to suspensions and for procedures for assessment of facts and determination of penalties for violation of the above standard of conduct.

PART III

ROLES AND PROFESSIONAL DUTIES OF DEPARTMENT CHAIRS

A. General Statement Regarding Department Chairs

Except for the additions of Section III.C, this statement of roles and responsibilities of department chairs is taken from the Laws of the Regents, 1990, Article 4, Part B, and Appendix B thereto. [Statements referring only to the Medical School, the School of Dentistry, or the Health Sciences Center, have been omitted.]

1. Departmental Organization (from Laws of the Regents, 1990, Section 4.B.1)

Subject to the approval of the appropriate dean, the chancellor, and the president, in colleges and schools where the departmental type of organization is used, each department is granted:

- a. responsibility for developing its own working structure. The working structure and rules of the department must be formulated in consultation with the dean, and shall be followed implicitly until officially amended according to the department's own rules for change;
- b. responsibility to define how personnel and budgetary matters shall be handled within the department;
- c. power to decide how responsibilities for other departmental matters shall be determined; and
- d. responsibility for nominating its chair in accordance with policies established by the Board of Regents. The nominee normally shall be a tenured member of the department or, if selected from outside of the University, eligible for tenure within the unit. All full-time departmental members of professorial or senior instructor rank shall be eligible to participate fully in the selection of the nominee. Departmental full-time instructors may be involved in this deliberation if the aforementioned members of the department so wish.

2. Department Chairs (from Laws of the Regents, 1990, Sections 4.B.2 through 4.B.4)

Each department in the colleges or schools employing the departmental type of organization, by procedures worked out in consultation with the dean of the college or school, and in accordance with the policies established by the Board of Regents, shall proposed a nominee for the chair. The chair of a department shall normally be a tenured member of the faculty or, if selected from outside of the University, eligible for tenure within the unit. Upon approval of the nominee by the dean and concurrence by the appropriate campus chancellor and the president, the nomination shall be submitted to the Board for appointment for a specified term, usually four years.*

The term of office of a chair normally shall be four years.** On occasion and for specific reasons, a chair or acting chair may be approved for appointment for a shorter term. However, all department chairs shall be subject to a comprehensive performance evaluation at least once every four years. Upon review and approval of the nominee by the dean of the college or school, the appropriate campus chancellor, and the president, the nomination shall be submitted to the Board for final approval. (Specific criteria, procedures, and other matters relating to the appointment of a department chair, including term of appointment, termination for cause, evaluation, orientation, and compensation, are set forth in the Laws of the Regents, 1990, Appendix B, Part B.)

The chair shall be the principal officer of the department and be responsible for the effective, efficient administration of the department in accordance with the Laws of the Regents, the policies of the University, and the rules of the college or school and the department. The chair shall also provide intellectual leadership designed to achieve the highest possible level of excellence in the teaching, research, and service activities of the department and its faculty members, and provide direction in academic planning and support for faculty development.

Administratively, each chair is responsible to the dean of the college or school as well as the department. With the advice and counsel of colleagues in the department and acting under the rules of the department, the chair shall be the departmental representative and spokesperson. In implementing the rules of the department with respect to recommendations for faculty appointments, promotions, tenure and salary increments, the chair may submit comments to the dean in addition to the recommendations of the department, but may not overrule decisions of the department or of regularly constituted committees of the department.

* Boulder Faculty Assembly Comment: If the nominee is not approved by the Dean, or if concurrence in the approval is not obtained from appropriate administrators or if the nominee is not appointed by the Board, it is expected that the faculty will be consulted for the nomination of another person.

Statutory Note: Colorado statutory provisions, enacted subsequently to the adoption of the Laws of the Regents 1990, and Appendix B thereto, now require that, with respect to contracts and extensions of contracts entered into on or after July 1, 1993, the employment contract of a governmental unit employee (including that of a Boulder Campus faculty member for the position of department chair, but not for such person's academic appointment) shall be terminable at any time, and that the employee shall be deemed to be an employee-at-will. See Colo. Rev. Stat. § 24-19-101 et seq., and specifically § 24-19-104(1)(a).

** See Statutory Note in the previous footnote.

B. Specific Statements Regarding Department Chairs (from Laws of the Regents, 1990, Appendix B)

The Laws of the Regents delegate the development of the working structure of a department to that department in consultation with the appropriate dean. Many departmental administrative structures thus exist, with the chair playing differing roles in each. In some, the chair 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. In the case where department rules delegate such responsibility to such committees, the chair 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 working rules of the individual departments.

1. Department Leader

As leader of the department:

- a. The chair has the responsibility for providing leadership toward the achievement of the highest possible level of excellence in the teaching, research, and services activities of the department. The chair is expected to articulate the goals of the department, both within and without the department, to articulate the department'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 department of the stances and actions of the dean and other administrators that might affect the department.
- b. In the larger framework of the college or school, the chair, as a faculty member, has a special responsibility in representing the department in areas of formulation of educational policy and academic ethics, as provided in Article 4 of the Laws of the Regents.
- c. The chair is ultimately responsible for the recruitment, selection, and evaluation of both the academic and the staff personnel of the department. In consultation with colleagues, and in consonance with the appropriate departmental procedures, the chair recommends appointments, promotion, merit increases, and terminations. The chair has the explicit responsibility to ensure that faculty members are aware of the departmental, 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 of the Regents. In the course of recruitment of new appointees or in relation to salary increases or advancement of incumbents, the department chair shall make no formal commitment as to rank and salary until such action has received final approval of the appropriate administrative office. The chair has the responsibility to be familiar with the state personnel system, and to ensure that staff are aware of departmental expectations and of state personnel system criteria for appointment, reappointment, job classification, and promotion.
- d. The chair should be receptive to questions, complaints, grievances, and suggestions from members of the department, both academic and staff personnel, and from students. The chair has the responsibility to take appropriate action as required.

2. Department Administrator

As administrator of the department, the chair has duties which include the following, although special assignments may be added from time to time, and the dean or chancellor may specify additional duties.

The chair is responsible for:

- a. assignment of teaching and other duties within the department consistent with appropriate FTE levels, and consistent with the concept that the appropriate mix of teaching, research or creative work, scholarship, 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 and of times and places for class meetings;
- c. arrangement and assignment of duty for counseling of students, and for training and supervision of teaching assistants and other student teachers and teacher aides;
- d. preparation of the budget and administration of the financial affairs of the department, in strict accordance with dollar and FTE allocations and in accord with University rules and procedures;
- e. recommendations of sabbatical leaves and other leaves of absence to the dean, and for ensuring that their scheduling is consistent with departmental needs;
- f. promptly reporting the resignation or death of any member of the department;
- g. custody and authorized use of University property charged to the department, and assignment of departmental space and facilities to authorized activities in accordance with University policy and campus rules and regulations;
- h. departmental observance of proper health and safety regulations, in coordination with the campus environmental health and safety officer;
- i. maintenance of records and of faculty and staff personnel files, and preparation of reports in accordance with the University and college or school procedures;
- j. enforcement of the "one-sixth" rule regarding outside compensation for consulting in accordance with regent and campus regulations;
- k. reporting to the dean, or appropriate administrators -- whenever the problem cannot be expeditiously resolved at the departmental level -- any failure of an academic or staff member of the department to carry out responsibilities, and recommendation of appropriate remedial and/or disciplinary action.

In the performance of the duties listed above, the chair is expected to seek the advice of departmental faculty colleagues in a systematic way, to provide for the conduct of department affairs in an orderly manner through department meetings and the appointment of appropriate committees, and to keep department members informed of his or her actions in a timely manner. The chair is also expected to seek student advice on matters of concern to students enrolled in the department's programs. In large departments, the chair may be assisted by a vice chair or other colleagues in the tasks involved in carrying out his or her responsibilities, and, when desired, by an executive committee chosen in an appropriate manner. **C. Additional Professional and Ethical Obligations of Department Chairs, Not Expressly Set Forth in the Laws of the Regents, 1990, or in Appendix B thereto**

A chair of a department is expected to perform his or her duties listed above according to the highest standards of professionalism. As a faculty member who also has administrative duties, the chair of a department has the professional rights of a faculty member set forth in Part I of this document. He or she

necessarily also has the professional responsibilities of a faculty member and is subject to the ethical principles, limitations, and guides regarding faculty conduct set forth in Part II of this document. In particular, a department chair is expected to treat faculty members, staff, and students with understanding, dignity and respect. He or she is expected to avoid conflicts of interest, and to make academic and administrative recommendations or decisions strictly on the basis of the merits of the case in question, without discriminating against a faculty member, staff member, or student on political grounds or for reasons of race, religion, sex, sexual orientation, or ethnic origin, or for other illegal, arbitrary, or personal reasons.

A department chair should also be receptive, in the matters listed in Section III.A.1.d, above, to communications received from persons other than members of the department or students, if such other persons have a legitimate interest. The chair has the responsibility to take appropriate action as required in all such matters, and to notify complaining or other affected persons of the action taken. Department chairs are encouraged to manage or resolve conflicts through direct communication at the lowest appropriate level. If a faculty member disagrees with an action taken by the chair, the faculty member should raise the issue first with the chair in order to try to obtain resolution in a direct communication with the chair. (See Section II.C.1.e.) If the issue is referred to a higher administrative level, all parties involved should be duly informed and given copies of written communications and other documents submitted.

PART IV

REVIEW OF FACULTY CONDUCT AND SANCTIONS FOR UNPROFESSIONAL CONDUCT BY A FACULTY MEMBER

Review of a faculty member's* conduct that is alleged to be unprofessional, and any sanction imposed as a consequence of a determination that the conduct is unprofessional, shall be made in accordance with the principles and procedures set forth below in this Part IV. A faculty member who believes himself or herself to be aggrieved by allegations or rumors of unprofessional conduct may also request a determination to be made with regard to the allegations or rumors, and may otherwise invoke the procedures provided in this Part for review of his or her conduct.

A. General Principles

1. Use of Special Procedures

Any matter concerning alleged unprofessional conduct by a faculty member for which a special procedure has been provided (such as research misconduct or sexual harassment) shall be determined and resolved in accordance with that procedure. (See, e.g., Administrative Policy Statement on Misconduct in Research and Authorship, dated December 15, 1989, and Administrative Policy Statement on University Policy on Sexual Harassment, dated June 5, 1989, and University of Colorado at Boulder Sexual Harassment Policy and Procedures, 1995.) In addition, if the alleged unprofessional conduct, if established, would warrant suspension or dismissal of the faculty member, the special procedures required for such sanctions by the Laws of the Regents must be employed. (See Laws of the Regents, 1990, Article 5, Part C.)

2. Administrative Level for Resolution

A matter involving alleged unprofessional faculty conduct should be resolved at the lowest

appropriate administrative level. (See Faculty Handbook, 1988, Part V, Section XII, at V-20, n.4.)

3. Academic Freedom

Determinations and advice or recommendations concerning unprofessional conduct of faculty members, and sanctions for such unprofessional conduct, shall be made and imposed only after careful consideration of the principles of academic freedom of faculty members, and must give effect to those principles. (See Laws of the Regents, 1990, Article 5, Part D, reprinted in Appendix A to this Professional Standards Document.)

* "Faculty member" includes a person who holds a faculty appointment, whether or not he or she also may have an administrative appointment.

4. Confidentiality

Administrators dealing with allegations of unprofessional conduct of faculty members shall request confidentiality in any discussions or consultations made or proposed to be made in any matters involving the allegations. If unprofessional conduct is found, the requirement of confidentiality shall not apply to the extent that public sanctions require disclosure, or to the extent that complaining or other affected persons are notified of the action taken, or to the extent otherwise required by law.

5. Timeliness of Proceedings

All proceedings under this Part IV relating to allegations of unprofessional faculty conduct shall be conducted as expeditiously as possible, taking into account, however, both the seriousness of the matter and the need to conduct proceedings in a manner that is both careful and considerate of all persons concerned. Normally, such proceedings will be completed within a three-month period within the academic year.

B. Procedures for Determining Unprofessional Conduct and Sanctions

1. Presenting Allegations of Unprofessional Conduct Against a Faculty Member

Any administrator, faculty member, staff member, student, or other interested person who believes that a Boulder Campus faculty member (the "Accused Faculty Member") has acted in an unprofessional manner, may present specific allegations of such conduct to the administrator responsible for determining whether unprofessional conduct has taken place by the Accused Faculty Member (the "Supervising Administrator"). The Supervising Administrator shall normally be the immediate administrative supervisor of the Accused Faculty Member. The Supervising Administrator may himself or herself be the source of the allegations against the Accused Faculty Member. The allegations shall ordinarily be reduced to written form. Initially, the allegations may be presented in either oral or written form. However, if the matter is not resolved under sections IV.B.2 or IV.B.3, the allegations must thereupon be expressed in writing in any further proceedings.

2. Initial Inquiry by the Supervising Administrator

a. The Supervising Administrator shall first determine whether the alleged misconduct would fall within an area for which a special procedure for review has been established (see section IV.A.1), and, if so, he or she shall refer the allegations to the appropriate body or person under the special procedure.

b. Otherwise, the Supervising Administrator may make such initial inquiry as he or she may deem appropriate to determine whether the allegations are patently untrue or frivolous, or do not involve unprofessional conduct, or that they involve matters that are too insubstantial to

deserve further attention. In any of such instances, the Supervising Administrator shall advise the person presenting the allegations, orally or in writing, of the Supervising Administrator's decision not to pursue the matter further.

3. Meeting with the Accused Faculty Member

a. If allegations are not disposed of under the preceding provisions, the Supervising Administrator shall meet with the Accused Faculty Member and shall discuss the allegations with him or her. Either the Supervising Administrator or the Accused Faculty Member may request that the person or persons presenting the allegations, and/or other persons having relevant information, meet with the Supervising Administrator and the Accused Faculty Member.

b. If as a result of the discussion, the Accused Faculty Member persuades the Supervising Administrator that the allegations are patently untrue or frivolous, or do not involve unprofessional conduct, or that they involve matters that are so insubstantial as not to deserve further attention, the Supervising Administrator shall advise the person or persons presenting the allegations, orally or in writing, of the Supervising Administrator's decision not to pursue the matter further.

4. Resolution of the Matter by Agreement.

a. Faculty members and administrators are encouraged to attempt to resolve disputes concerning professional conduct of faculty members at the lowest possible level, and to that end they are encouraged to resolve such disputes, if possible, through direct personal discussion and agreement, or through use of agreed upon mediation. (The previous sentence does not apply in cases where other policies or procedures require the institution of more formal processes for resolution of the dispute, such as in the case of allegations of research misconduct or of sexual harassment or involving the possible suspension or dismissal of a faculty member. See section IV.A.1 above.) If a dispute concerning professional conduct of a faculty member is resolved by agreement, the parties must take into account in reaching the agreement the policies regarding sanctions and record keeping set forth in sections IV.C and IV.D below. The Supervising Administrator shall determine whether the Accused Faculty Member admits, after discussion, that he or she has committed unprofessional conduct. If so, the Supervising Administrator may propose a sanction that he or she deems appropriate and warranted for the conduct in question, in accordance with section IV.C below. If the Accused Faculty Member accepts the proposed sanction, the Supervising Administrator may impose the sanction, subject to the provisions of section IV.C below.

b. If the Accused Faculty Member and the Supervising Administrator both consent, they may seek to resolve the matter through mediation. In such event, the matter may be referred to one or more disinterested faculty members (the "Mediating Body") chosen by these parties, or the Mediating Body may be selected as a result of a request made to the Professional Responsibilities Committee of the Boulder Faculty Assembly, under section IV.B.8 below. The Mediating Body shall use its best efforts to assist the parties to reach resolution of the matter through agreement. This provision shall not preclude mediation by the Boulder Campus Ombuds Office, or such other University or non-University mediation facility as may be available. (See section IV.B.9, for administrative support.)

5. Request for Recusal of the Supervising Administrator; Referral of a Matter to a Higher Administrative Level

a. If the matter is not disposed of under the preceding provisions, and if the Accused Faculty Member believes that the Supervising Administrator cannot be objective in considering the matter, the faculty member may request that the administrator recuse himself or herself in the

matter, and shall present the reasons for the request. If such a request is made, the Supervising Administrator shall promptly consider the request and reasons and shall recuse himself or herself unless he or she in good faith determines both that the grounds for the faculty member's request are not well founded and that there would be no appearance of impropriety in the determination of the matter by the administrator. An Accused Faculty Member may promptly appeal a decision against recusal to the next higher administrative level, and in such case the matter will be suspended pending the appeal. The appeal shall be determined as promptly as possible. If the Supervising Administrator decides to recuse himself or herself, or if on 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.

b. If, at any time, the Supervising Administrator believes that, because of the small size of the unit, or because of the particular nature of the matter, or for other reason, that (despite the general principle stated in section IV.A.2 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, and the administrator at that level shall thereupon become the Supervising Administrator for the matter. In addition, if the Supervising Administrator and the Accused Faculty Member agree that the matter should be resolved by the Vice Chancellor or by the Chancellor, the matter may be referred directly to the agreed upon administrator, who shall thereupon become the Supervising Administrator for the matter.

6. Determination of Unprofessional Conduct and Sanctions in Absence of Agreement

If the Accused Faculty Member does not agree that unprofessional conduct has occurred, or if having agreed that unprofessional conduct has occurred the Accused Faculty Member does not agree to a proposed sanction, the Supervising Administrator may not make a finding of unprofessional conduct, or impose the sanction for unprofessional conduct, as the case may be, without first consulting an Advisory Committee of faculty members, as provided for in section IV.B.7 below; provided, however, that if the proposed sanction is merely the emphasizing of the faculty member's professional responsibilities under section IV.C.4.b.i or an oral admonition of the faculty member under section IV.C.4.b.ii, the Supervising Administrator may proceed to determine whether unprofessional conduct has occurred and, if found, to impose one or both of such sanctions.

7. Resolution Upon Consultation with an Advisory Committee of Faculty Members

a. If, under section IV.B.6 above, an Advisory Committee of faculty members must be consulted in determining whether the alleged conduct is unprofessional and/or in determining what sanctions may be appropriate if unprofessional conduct is found, the Supervising Administrator shall refer the matter to a faculty Advisory Committee that will hear the matter. The Advisory Committee may be formed as a result of a request made to the Professional Responsibilities Committee of the Boulder Faculty Assembly, under section IV.B.8 below. Otherwise, the Supervising Administrator shall select a committee of three disinterested faculty members from within the unit concerned (or, if necessary, from within the discipline or a related discipline or from cognate faculty members with reference to the subject matter of the alleged misconduct). The Advisory Committee may be a standing or an ad hoc committee. In acting in the matter, the Advisory Committee shall be governed by the procedures set forth in the next section.

b. The following procedures shall apply:

i. The Accused Faculty Member and the Supervising Administrator shall each have an opportunity to present the matter to the Advisory Committee, by testimony or written submissions from themselves or from other persons, and by such other evidence as they

or such other persons deem desirable. The Advisory Committee may also make such independent investigation of the matter as it deems advisable. The Accused Faculty Member may be assisted by legal counsel or another advisor in the matter, and that faculty member and such legal counsel or other advisor may be present at any hearing conducted by the Advisory Committee at which evidence is taken from that faculty member in the matter; provided, however, that such legal counsel or other advisor may only advise the Accused Faculty Member and may not speak for that faculty member. (If the Accused Faculty Member's legal counsel desires to discuss legal matters relating to the counsel's client with a University representative, the counsel shall discuss the matter with the Office of the University Counsel for the Boulder Campus, or other legal counsel appointed for the purpose, who shall counsel the Advisory Committee with respect to the matter. The Supervising Administrator may also obtain legal advice and assistance from the Office of the University Counsel, as provided in section IV.B.9.b. below.) If either the Supervising Administrator or the Accused Faculty Member declines to participate or cooperate in presenting the matter to the Advisory Committee, or if any other University employee refuses to participate or cooperate in providing information to the Advisory Committee, the Advisory Committee may seek to obtain that participation and cooperation through a request made to the Office of the Vice Chancellor for Academic Affairs. If the participation and cooperation are not forthcoming, the Advisory Committee may nonetheless proceed to hear such presentation of the matter as is available to it, and may make such independent investigation of the matter as the Advisory Committee deems advisable.

ii. Following the presentation of the matter, and any independent investigation that the Advisory Committee may make, the Advisory Committee shall provide in writing, to both the Supervising Administrator and the Accused Faculty Member (and also to the Professional Responsibilities Committee if the latter appointed the Advisory Committee), its findings and advice as to whether or not the alleged conduct occurred and was unprofessional and, if it finds unprofessional conduct, its advice and recommendation as to the sanction or sanctions it considers appropriate in the matter. The Advisory Committee may also determine, after hearing the matter, that it would be inappropriate for it to give advice as to whether the alleged conduct is unprofessional or as to recommended sanctions. In such case the Advisory Committee shall report to both parties (and also to the Professional Responsibilities Committee if the latter appointed the Advisory Committee), its determination and the reasons therefor.

iii. No findings, advice, or recommendations of the Advisory Committee shall be binding on an administrator imposing sanctions for unprofessional faculty conduct, but if that administrator acts inconsistently with the findings, advice, or recommendations, in whole or in part, that administrator shall inform the Advisory Committee (and also the Professional Responsibilities Committee if the latter appointed the Advisory Committee), in writing, of his or her reasons for departing from the findings, advice, or recommendations. The report of the Advisory Committee (and the written reasons of the administrator for departing from the Advisory Committee's recommendations, if required) shall be made available by the University in any administrative review of the administrator's determinations in the matter, in any review by the Committee on Privilege and Tenure, and in any other proceeding in which the administrator's decision is reviewed. Whether or not the Accused Faculty Member seeks review of the administrator's decision, if either the Advisory Committee that issued the report, or the Professional Responsibilities Committee, concludes that the administrator's reasons in the written response are inadequate and raise important issues of institutional concern, such committee or committees also may seek further administrative review of the administrator's decision, for purposes only of raising, discussing, and examining policy issues arising out of the matter, and shall not in any way prejudice rights of the Accused

Faculty Member in the specific case.

iv. The Advisory Committee and the Professional Responsibilities Committee shall maintain confidentiality in the matter considered, and the Advisory Committee shall request that all persons providing testimony or other evidence to the Advisory Committee in the matter also maintain confidentiality. The requirement of confidentiality may be waived in writing by the Accused Faculty Member; and the confidentiality requirement shall not apply to the extent that public sanctions require disclosure, or to the extent that complaining or other affected persons are notified of the action taken, or to the extent otherwise required by law.

v. The Professional Responsibilities Committee may adopt such supplementary rules and procedures for the implementation of the provisions of this Part IV as the Professional Responsibilities Committee may deem desirable, either as standing rules and procedures or as supplemental rules and procedures for a particular matter. Any Advisory Committee appointed or acting under the provisions of this Part IV may also adopt such supplemental rules and procedures as that committee may deem desirable for the conduct of its responsibilities; however, such rules and procedures shall not be inconsistent with rules or procedures of this Part IV or rules or procedures adopted by the Professional Responsibilities Committee that are applicable to the matter.

8. Assistance of the Professional Responsibilities Committee

a. If, because of the nature of the matter, the size or composition of the unit, or other reason, either the Accused Faculty Member or the Supervising Administrator believes that it would be desirable to do so, either such party may request mediation by or consultation from the Boulder Faculty Assembly Professional Responsibilities Committee for that purpose.

b. If a request for such assistance is made to the Professional Responsibilities Committee, the matter shall be dealt with as follows:

i. If mediation is requested from the Professional Responsibilities Committee, the committee may decline to act in the matter or it may appoint one or more disinterested faculty members (who may, but need not, be a member or members of the committee) to mediate in the matter (the "Mediating Body"). If the Professional Responsibilities Committee declines to act in the matter, it shall advise both parties in writing of the Committee's reasons for declining, and of any recommendation the Committee may have with regard to appropriate procedures for resolving the matter. If the Professional Responsibilities Committee appoints a Mediating Body for the matter the Mediating Body shall, with the consent of the parties, serve as the Mediating Body referred to in section IV.B.4.b above.

ii. If consultation is requested from the Professional Responsibilities Committee, the committee may decline to act in the matter or it may appoint an Advisory Committee of three disinterested faculty members (who may, but need not, be members of the Professional Responsibilities Committee) to hear and give advice and recommendations in the matter. If the Professional Responsibilities Committee declines to act in the matter, it shall advise both parties in writing of the committee's reasons for declining, and of any recommendation the committee may have as to appropriate procedures for resolving the matter. If the Professional Responsibilities Committee appoints such an Advisory Committee, that committee shall serve as the Advisory Committee referred to in section IV.B.7 above.

9. Administrative Support

a. The Office of the Vice Chancellor for Academic Affairs of the Boulder Campus shall provide reasonable assistance to any Mediating Body or Advisory Committee appointed or

acting under these provisions: (a) through providing funds for reasonable expenses incurred by the Mediating Body or Advisory Committee in discharging its responsibilities under these procedures; (b) through providing reasonable staff support, copying and communications allocations, and other institutional administrative resources warranted under the circumstances; and (c) through seeking to obtain the participation and cooperation in the proceedings of persons believed by the Mediating Body or Advisory Committee to have evidence relating to the allegations of unprofessional conduct being considered. Notwithstanding the foregoing, no funds shall be provided for any non-University mediation facility unless the use of that facility, and funding for that purpose, is expressly authorized and approved by the Office of the Vice Chancellor for Academic Affairs.

b. The Office of the University Counsel shall provide assistance and counsel to the Supervising Administrator, to the Professional Responsibilities Committee, and to any Mediating Body or Advisory Committee appointed or acting under these provisions, as may be reasonably required in the performance of its or their functions under these procedures.

C. Sanctions for Unprofessional Conduct

1. Considerations for Determining Sanctions

Any sanctions selected by an administrator, or recommended by an Advisory Committee, for unprofessional conduct of a faculty member, shall be sanctions that are considered both appropriate for and likely to remedy and/or justly penalize the unprofessional conduct in question. In all cases in which a sanction is selected or recommended, the determination of the appropriate sanction depends upon the facts and circumstances of the particular instance of unprofessional conduct, including the nature of the unprofessional conduct, whether the unprofessional conduct was purposeful or negligent, whether unprofessional conduct has been repeated or is likely to be repeated, the harm resulting from the unprofessional conduct, and other relevant matters. Sanctions shall be selected or recommended only after a careful consideration of the principles of academic freedom of faculty members, and should give effect to those principles. (See Laws of the Regents, 1990, Article 5, Part D, reprinted in Appendix A to this Professional Standards Document.) Because of the threat to academic freedom, an administrator should not demand an apology from a faculty member without consultation with an appropriate faculty committee. (See Boulder Faculty Assembly Resolution on Administrators' Demands for Apologies by Faculty Members, Appendix C, Section 5.)

2. Limitation on Imposing Sanctions Providing for Suspension or Dismissal of a Faculty Member

Any suspension or dismissal of a faculty member shall be made only under the procedures provided for such action in the Laws of the Regents. (See Laws of the Regents, 1990, Article 5, Part C.)

3. Limitation on Imposing Sanctions for Failure to Act in a Professionally Collegial Manner.

Collegiality (See section II.C, "Ethical Principles") contributes to a cooperative, harmonious, and productive work environment in an academic unit. Merely disruptive or irritating conduct, evidencing an unprofessional lack of collegiality, shall not alone be the basis for imposing a sanction more severe than a confidential reprimand of a faculty member. However, a more serious sanction may be employed if, through consultation with a committee of disinterested faculty members, it is determined that the uncollegial conduct is threatening the effective operation of the academic unit or is substantially interfering with the academic work of one or more of its faculty members, staff, or students, and that the sanction is warranted under the circumstances.

4. Authorized Sanctions and By Whom Imposed

a. Subject to the foregoing, 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

sanction or sanctions that may be considered appropriate in the particular instance. The order in which sanctions are stated in the listing below does not mean that they must be imposed successively, nor does it mean that any lesser sanction must be imposed before a more severe sanction may be imposed.

b. Sanctions will normally be imposed by the Supervising Administrator. However, sanctions referred to in sections IV.C.4.b.vii through IV.C.4.b.ix below may only be imposed by an administrator who holds the position of dean of a school or college, or who holds 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, he or she shall refer the matter, with his or her recommendation as to sanctions, to the administrator at the next highest level of administration who holds such a position. The administrator at that level shall then determine the appropriate sanction, if any, following a review of the recommendation for sanction, any record available, and any written statement the Accused Faculty Member may wish to make in the matter to that administrator. Sanctions referred to in sections IV.C.4.b.x and IV.C.4.b.xi may only be imposed under the special procedures provided for in the Laws of the Regents. (See section IV.C.2 above.)

c. Sanctions for unprofessional conduct by a faculty member may include the following:

- i. emphasizing, orally or in writing, to the faculty member his or her professional responsibilities;
- ii. oral or written admonition of the faculty member;
- iii. confidential reprimand of the faculty member;
- iv. public reprimand of the faculty member;
- v. reassignment, temporarily or permanently, of the faculty member's office or other working space (with the appropriate consent of any academic unit affected);
- vi. reassignment, temporarily or permanently, of the faculty member's courses or other duties;
- vii. reassignment, temporarily or permanently, of the faculty member to another academic unit (with the appropriate consent of any academic unit affected);
- viii. 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;
- ix. temporary or continuing reduction in salary or privileges of the faculty member;
- x. suspension of the faculty member (subject to the provisions of section IV.C.2 above) for a period stated or until stated conditions are met; or
- xi. termination of employment or dismissal of the faculty member (subject to the provisions of section IV.C.2 above).

5. Special Requirements for Temporary Sanctions

In any case in which a temporary sanction is imposed, the temporary sanction shall expressly provide for the term of the sanction, or for the conditions upon which the sanction will terminate, either automatically or after a hearing determining that such conditions have been satisfied. Any such

hearing shall be conducted by the administrative officer who imposed the sanction, or by the officer's successor or designee.

D. Reporting and Records

1. Reporting

Any discipline imposed on a faculty member for unprofessional conduct (other than merely the emphasizing of the faculty member's professional obligations under section IV.C.4.b.i or an oral admonition under section IV.C.4.b.ii above), and any decision made concerning whether the terms of a temporary sanction have been met, shall 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 (other than merely the emphasizing of the faculty member's professional obligations under section IV.C.4.b.i or an oral admonition under section IV.C.4.b.ii above) shall be evidenced in writing and shall become part of the personnel file of the faculty member.

b. The faculty member upon whom the sanction was imposed shall receive a copy of the written evidence of the sanction. The faculty member may, at an appropriate time, request that the evidence of the sanction be removed from his or her personnel file in accordance with any applicable University procedures.

c. A copy of the written evidence of any sanction, and any other records pertaining to any matter dealt with under these provisions, in the hands of the administrator making the decision or of any Advisory Committee appointed under these provisions, shall be made available to any review as contemplated in these provisions. In the absence of any such review, such records shall be maintained in a confidential file by the administrator making the decision, except as the administrator may otherwise be directed by order of any tribunal or by express University policy or by University Counsel, or except as the records may become relevant to a sanction in a further matter of unprofessional conduct by the faculty member. In the absence of any other direction, the material in the confidential file shall be destroyed after a period of one year from the date of the decision of the administrator if no sanction was imposed. If any part of the confidential material consists of property belonging to another person, a copy or a description of such property shall be placed in the confidential file, and the property shall be returned to the owner as soon as possible.

E. Review of Determinations of and Sanctions for Unprofessional Conduct

1. Review at the Request of the Faculty Member

Any determination of unprofessional conduct by a faculty member or imposition of a sanction for the unprofessional conduct shall be appealable by the faculty member to the next higher administrative level, and may, at the faculty member's request, also be reviewed by the Committee on Privilege and Tenure. If the faculty member, in writing, waives review by a particular administrative level, the matter may be appealed directly to a higher administrative level.

2. Review at the Request of an Advisory Committee or of the Professional Responsibilities Committee

An Advisory Committee and/or the Professional Responsibilities Committee may request review of an administrator's decision with respect to a matter of alleged unprofessional conduct of a faculty member in the instances, and subject to the limitations, provided for in section IV.B.7.b.iii above.

PART V

APPENDICES

Appendix A

Principles of Academic Freedom (From Laws of the Regents, 1990, Article 5, Part D)

5.D.1 Intent and Definition

- (A) The University of Colorado was created and is maintained to afford men and women a liberal education in the several branches of literature, arts, sciences, and the professions. These aims can only be achieved in that atmosphere of free inquiry and discussion which has become a tradition of universities and is called academic freedom.
- (B) For this purpose, academic freedom is defined as the freedom to inquire, discover, publish and teach truth as the faculty member sees it, subject to no control or authority save the control and authority of the rational methods by which truth is established.
- (C) Within the bounds of this definition, academic freedom requires that members of the faculty must have complete freedom to study, to learn, to do research, and to communicate the results of these pursuits to others. The students likewise must have freedom of study and discussion. The fullest exposure to conflicting opinions is the best insurance against error.
- (D) Academic freedom does not give either faculty or students the right to disregard the standards of conduct outlined in part B of article 7 of these *Laws*.

5.D.2. Faculty Responsibility

- (A) Where such freedom prevails, faculty members have the responsibility of maintaining competence; of exerting themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and of acting on and off the campus with integrity and in accordance with the highest standards of their profession. While they fulfill this responsibility, their efforts should not be subjected to direct or indirect pressures or interference from within the University, and the University will resist to the utmost such pressures or interference when exerted from without.
- (B) Faculty members can meet their responsibilities only when they have confidence that their work will be judged on its merits alone. For this reason the appointment, promotion, and dismissal of faculty members should be based primarily on the individual's ability in teaching, research, writing, or other scholarly activities and should not be influenced by such extrinsic considerations as political, social, or religious views, or views concerning departmental or University operation or administration.
- (C) The faculty member is entitled to freedom in the classroom in discussing the

subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject.

- (D) Faculty members are citizens, members of learned professions, and officers of an educational institution. When speaking or writing as citizens, they should be free from University censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge their profession and institution by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

5.D.3 Student Responsibility

Within the limits of academic discipline, students have an equivalent responsibility for study and learning. They should be judged on the merits of their performance without reference to their political, social, or religious views.

Appendix B

Faculty Powers

(From Sections 4.A.6 and 5.E.5 of the Laws of the Regents, 1990)

4.A.6 *Faculty Powers*

A college or school faculty shall have jurisdiction over all matters under section 5.E.5 of these *Laws* that concern only the college or school in question, such as deciding all matters of educational policy affecting only the college or school including academic requirements for admission, for continuance, and for graduation. In addition, the faculty of a college or school shall have jurisdiction over matters of academic ethics under such procedures as may be approved by the Board of Regents.

5.E.5. *Powers and Duties of Faculty Defined in Relation to the Administration and the Board of Regents*

Note: Nothing in this section shall be interpreted as modifying those powers delegated to the faculty of individual schools and colleges in section 4.A.6 of these *Laws*.

- (A) The University Faculty Senate, acting through the faculty government entities recognized in part E above, shall share the governance of the University with the administration and the Board of Regents in accordance with these *Laws* and the laws of the State of Colorado.
- (1) The faculty, under administrative supervision and in accordance with these *Laws* and the laws of the State of Colorado, shall have the principal responsibility for originating policy in the areas of:
- (a) academic policy, including initial authorization and direction of all courses, curricula, and degrees offered under the

- jurisdiction of University academic units;
 - (b) scholastic policy, including scholastic standards for admission, grading, continuation, graduation, and honors; as required by section 4.A.3 of these *Laws*, the deans of the colleges and schools shall have responsibility for enforcement of admission requirements; and
 - (c) academic ethics, including development of policies and procedures.
- (2) The faculty shall act jointly with the administration to make recommendations to the Board of Regents in the areas of:
- (a) 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;
 - (b) regulation of student conduct and activities;
 - (c) budgetary review and development of recommendations concerning University resources;
 - (d) selection of academic administrators;
 - (e) determination of candidates for degree; and
 - (f) making of other policy concerning the general academic welfare of the University.
- (B) The faculty shall in its own discretion formulate the faculty organizational system to effect the policies and regulations established under subsection 5.E.5(A) of these *Laws*.
- (C) No administrative or regental policy changes affecting matters listed in section 5.E.5 shall be implemented without prior consultation with appropriate faculty governing bodies.

Appendix C

Additional Policy Statements

1. Statement on Faculty Absences, Adopted by the Boulder Faculty Assembly, April 1980

It is expected that faculty members will not be absent from classes except in cases of illness, personal emergency, religious observance or when the absence is desirable for the faculty member to meet his or her professional responsibilities.

It is expected that arrangements will be made for covering instructional and other activities during the period of absence.

Departmental chairpersons are expected to take whatever measures are necessary to safeguard against inappropriate absence from classroom responsibilities.

2. Policy Statements on Nondiscrimination and Diversity

a. Laws of the Regents, 1990, Article 10. Non-Discrimination

10.A.1 Employees

The University of Colorado shall employ persons solely on the basis of merit and fitness, and shall avoid discrimination because of race, color, religion, sex, age, political affiliation, national origin, individual disability, or veteran status.

10.A.2 Students

(A) There shall be neither distinction nor classification of students at the University nor any restriction of membership in University-affiliated groups based on race, color, or creed.

(B) The University shall not maintain an affiliated relationship with any social organization or University interest group that is compelled by its constitution, ritual, or government to deny membership to any person because of race, color, or religion. Final decision on who meets the requirements for membership shall be vested in the active membership of the affiliated groups of the University, recognizing that active membership may include students, faculty staff, and selected persons without other University connection.

(C) This policy shall not apply to student groups organized in good faith for devotional purposes or for the study or propagation of a religious faith.

b. Boulder Chancellor's Policy on Diversity, 1994

REAFFIRMATION OF POLICY

In its pursuit of excellence, the University of Colorado at Boulder (UCB) recognizes the importance of its commitment to diversity. UCB reaffirms this commitment to both the concept and process of affirmative action. Central to the educational purpose of this institution is a need to reflect the diversity of our society including faculty, students, and staff. We must continue to make major advances in this area.

We must be more active in our responses to the concepts, methodologies and characteristics of affirmative action. UCB will continue to take explicit affirmative action to employ, retain, and advance in employment qualified members of all protected groups. UCB provides equal opportunity for all employees and applicants for employment regardless of race, color, creed, religion, national origin, veteran status, age, or sex, except where sex or age is a bona fide occupational qualification. Discrimination on the basis of disability in employment at UCB is prohibited.

UCB provides equal opportunity for all students and applicants for admission, regardless of race, color, creed, religion, national origin, veteran status, age, or sex. Discrimination on the basis of disability in education programs and activities at UCB is prohibited. UCB will implement programs to overcome the effects of past discrimination.

UCB remains firm in its commitment to diversity and practice of affirmative action. We must retain this principle as well as develop and support specific goals and objectives. Not until UCB reflects the full range of the rich diversity found in this country's society, will our educational goals be met.

Responsibilities for implementation of equal employment opportunity and affirmative action programs at UCB are assigned to Garnett K. Tatum, Director of Affirmative Action and Services. His office is located at 1450 15th Street. The telephone number is (303) 492-6706.

c. Boulder Chancellor's Statement on the Mission and Role of the Boulder Campus With Respect to Gay, Lesbian and Bisexual Issues, 1994

On several occasions since my arrival in Boulder I have stated that my vision of this campus is one which is "second to none and open to all." By open to all I mean that CU-Boulder is open to all Colorado citizens who are academically qualified to benefit from the fine education offered here. Open to all has an additional meaning. CU-Boulder is committed to making the Boulder campus a community in which diversity, including sexual orientation, is an accepted value. In this regard CU-Boulder goes beyond the mandate of federal statute. It is the commitment of this campus to support all members of our community as they work to fulfill their educational ambitions.

3. Policy Statements on Sexual Harassment

a. University Policy Statement on Sexual Harassment, 1989

Introduction

The mission of the University of Colorado requires an open, learning and working environment for students, staff, faculty, and others. An open learning and working environment is one that values and protects individual dignity and the integrity of relationships. The University of Colorado is committed to maintaining an environment free of inappropriate and disrespectful conduct and communication of a sexual nature. The University will honor its ethical and legal obligations to prohibit sexual harassment. Unwelcome sexual attention has a debilitating effect on morale and poisons the learning and working environment.

For these reasons, the following policy statement has been developed in consultation with appropriate University constituents, including affirmative action officers. It is intended to ensure that the University maintains an environment that is appropriate to its educational mission, that the University is in compliance with its legal and ethical obligations, that policies exist to respond to allegations of sexual harassment, and that all persons are provided information about these policies.

Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical and expressive behavior of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

Policy Statement

Sexual harassment will not be tolerated at the University of Colorado.

[Additional provisions of the policy statement are omitted here, but may be found in the complete text of the University Policy Statement on Sexual Harassment, 1989]

b. University of Colorado at Boulder Sexual Harassment Policy and Procedures, 1995

I. Introduction

The mission of the University of Colorado at Boulder (the "University") requires an open working and living environment free of sexual harassment for students, faculty, staff and administrators. Sexual harassment is prohibited as a form of sex discrimination in the workplace by federal and state law; therefore, sexual harassment is prohibited on campus and in University programs. The University is committed to taking appropriate action against those who violate the University policy prohibiting sexual harassment.

The purposes of the University's Sexual Harassment Policy and Procedures, hereinafter referred to as "the Policy," are:

1. to define sexual harassment;
2. to prohibit sexual harassment on campus and in University programs; and
3. to describe resources and procedures for addressing sexual harassment when it is alleged to have occurred.

II. Policy on Sexual Harassment

A. Definition

The University adheres to the Equal Employment Opportunity Commission's definition of sexual harassment as modified for the University setting:

Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, living conditions and/or academic evaluation; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; and/or (3) 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 or educational environment.

[Further provisions, including description of types of sexual harassment; protection against retaliation against persons making complaints of sexual harassment; a discussion of romantic/sexual relationships within the instructional/employment context and a prohibition on such conduct in certain cases without disclosure to the University, and an obligation on the faculty member to withdraw from participation in academic activities or decisions involving the student in certain cases; and procedures for redress of complaints, are omitted here, but may be found in the full text of the University of Colorado at Boulder Sexual Harassment Policy and Procedures, 1995.]

4. Policy Statements on Additional Remuneration for Consultative Services

a. Action of the Regents, 8/14/44, as amended 6/12/48

See Faculty Handbook, 1988, Part VI, Section I.C, at pp. VI-2 and VI-3. [The regent action is

explained in more detail and implemented by the following action of the Boulder Faculty Assembly and the Boulder Campus Chancellor.]

b. Policy on Remuneration and Professional Service, as adopted by the Boulder Faculty Assembly, and Accepted by the Chancellor, 1980

1. *General Policy*: Faculty members on regular appointment at the University of Colorado receive salaries based on " . . . consideration of the total contribution of the individual to the University (in the form of) teaching, . . . research or other scholarly work, . . . and services to the state and nation . . ." (Article IX, Laws of the Regents.) [Note: the Laws of the Regents were revised in 1990, and comparable language now appears in Article 11, section 11.A.2 of the Laws of the Regents, 1990.] In addition to these regular duties, the activities are considered by the University to be desirable and legitimate functions that serve to keep the faculty abreast of current problems of their disciplines and to provide opportunities for the education of graduate students. Faculty members, nevertheless, have their primary responsibility to the University and they may not engage in any endeavors, paid or free, that adversely affect the discharge of their University duties.

As professionals, faculty members are not required to perform their University activities in accordance with a detailed work schedule. Instead they are usually employed on a regular academic-year basis (fall registration to spring commencement) or an eleven-month basis, and are expected to be on duty during this regular period. Grant and contract research funds administered by the University may not be used to increase a faculty member's salary during the individual's period of regular appointment.

2. *One-sixth Rule*: The Regents of the University of Colorado have approved a policy allowing faculty members to devote "not more than one-sixth of their time and energy" to research, consulting, or other professional activities for which they receive additional remuneration. Accordingly, faculty members contemplating or engaging in professional activities for additional remuneration are expected to inform their chairman and/or dean, in writing, about such activities as soon as possible. When these activities are of a regular periodic nature, faculty members are expected to obtain approval in advance from the chairman and/or dean. In either case, these administrators will examine such activities to ensure that: (a) the activities are consistent with the faculty member's University responsibilities; (b) the activities are not already included in the faculty member's regularly assigned or routine responsibilities and duties; (c) the time allocation is in accord with the one-sixth rule; and (d) there is no conflict of interest as defined in Section III-subsection 2 of the Faculty Handbook, 1976 Edition. [Note: In the 1988 Edition of the Faculty Handbook, conflict of interest is dealt with in Part V, Section V, and in Part VI, Section I.B.]
3. *Policy Guidelines*: The following statements are provided as guidelines for application of the "one-sixth rule." Because of the variety of activities in which faculty members participate, it is recognized that flexibility in applying these guidelines is both appropriate and desirable.
 - (a) One-sixth time is interpreted as 39 days during the academic year or 48 days during an eleven-month appointment (this is an average of approximately one day per week during the regular period of appointment). The time cannot be accumulated from year to year and must be distributed judiciously through the appointment period so that it does not interfere with primary University duties.
 - (b) Activities to which the one-sixth rule applies include: consultation, private

practice, lecturing, honorarium teaching, and other services where remuneration is received.

(c) Activities in excess of the amount indicated in (a) normally will not be approved unless the faculty member's percentage of full time appointment is appropriately reduced or other similar arrangement is made.

(d) Faculty members should regularly report their activities for additional remuneration to their Department Chairman [Director, or Dean].

Any individual or primary unit may raise questions about the application of the above guidelines with the Review Committee (see below) which may then advise responsible Academic Officers concerning the appropriateness of particular interpretations of the guidelines with the various Primary Units.

4. *Review Committee:* Misinterpretations and misunderstandings of the above policies may arise. Therefore, a Faculty Review Committee shall be established. The Committee shall have a regular membership of three, selected for staggered three-year terms by the faculty governing body of each campus. The three members are to provide advice and assistance on problems concerning activities for additional remuneration. The Faculty Review Committee shall also act as an appeal board in cases where parties within the University differ in their interpretations of these policies. When functioning as an appeal board, the Committee shall add two members: of these one shall be selected by the Primary Unit, and one shall be selected by the appellant.

5. Statement on Administrators' Demands for Apologies by Faculty Members, Adopted by the Boulder Faculty Assembly, September 3, 1992

Because of the threat to academic freedom, an administrator ought not to be in the position to demand an apology from a faculty member. If upon extraordinary circumstances an apology is deemed to be necessary, this matter should be submitted to an appropriate conflict resolution unit of the faculty, such as the Committee on Privilege and Tenure and/or the Professional Responsibilities Committee.

Last updated: July 4th, 1996