# Western State College of Colorado

# Trustee Policy Manual

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## INTRODUCTION

This *Trustee Policy Manual* ("*Policy Manual*") incorporates all policy actions noted in the minutes of meetings of the Board of Trustees, with appropriate editorial and substantive changes to assure currency with statutes and the organization of higher education in Colorado.

This *Policy Manual* is a publication with controlled circulation which will be distributed by the College to the Board and College staff, in order to assure its availability to all concerned persons. As changes are made in this *Policy Manual*, they will be forwarded for inclusion in this *Policy Manual*.

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# CHAPTER 1: WESTERN STATE COLLEGE OF COLORADO (the "College")

## Section 1.1: Role Statement of the Board of Trustees of Western State College of Colorado (the "Board")

As specified in 23-56 C.R.S., as amended (see Appendix), the Board has full authority and responsibility for the control and governance of Western State College of Colorado, including such areas as finance, resources, academic programs, admissions, role and mission, and personnel policies. To exercise its authority appropriately, the Board may regularly establish policies designed to enable the College to perform its statutory functions in a rational and systematic manner. To assist the Board in meeting its responsibilities, the Board delegates to the President of the College (the "President") the authority to interpret and administer its policies in all areas of operations.

It is the policy of the Board to assure substantial administrative authority and autonomy, to guarantee a minimum of external involvement in the affairs of the College, and to encourage the development of the distinctive role of the College as it strives to fulfill its mission of achieving academic excellence. At the same time, however, the Board's policies and procedures, administered by the President and staff, are designed to ensure effectiveness, efficiency, and accountability. The Board also expects the College to develop curricular arrangements with other Colorado colleges and universities as part of its normal operation in order to enhance program availability for students.

## Section 1.2: Board Role and Committee Structure

**Board of Trustees.** The Board shall have authority for and control of the assets and resources of the College and shall ensure that the activities of the College are performed in an exemplary manner. The Board subscribes to the principle that its goals as a governing body are to create and maintain an environment conducive to the discovery and dissemination of knowledge to all citizens who seek it, to provide necessary resources in an atmosphere that induces and honors excellence and promotes equality of access, and to develop a salutary sense of mutual authority, responsibility, accountability, and ethical practice among all those who are involved in sponsoring and providing educational services. The Board shall monitor the College to be certain that it is performing at the highest possible level and that it makes any changes required to achieve such goals.

In order to assist it in meeting its mandate, the Board will operate as a committee of the whole which, together with Board-created commissions, committees, and councils, and the President's Cabinet, are committed to accomplishing the purposes of the Board. The Board retains the option to adopt a committee structure if and when determined necessary.

**The President's Cabinet.** The Cabinet, which shall consist of the Vice Presidents and the President, shall be primarily responsible for coordinating the implementation of Board policies at the College and for initiating various activities and events through special committees and task forces. The Cabinet shall also have major responsibility for reviewing existing policies and making recommendations for change and for serving in an advisory capacity both to the President and to the Board.

**Committees and Task Forces.** The Board may appoint committees and task forces from time to time on an *ad hoc* basis. The composition of such groups and their assignments will be provided at the time the groups are formed.

**Section 1.3: Bylaws of the Board of Trustees of Western State College of Colorado**

## ARTICLE I

## Board of Trustees

**Section 1.** The affairs of the Board shall be governed and managed by the members thereof selected and appointed pursuant to the laws of the State of Colorado. Each Trustee so appointed shall, before assuming his or her duties of office, take and subscribe an oath or affirmation of office as provided by law.

**Section 2.** The annual meeting of the Board shall be held in June of each year or at such time and place as may be designated by the Board by resolution adopted by majority vote. The annual meeting of the Board shall be for the purpose of electing officers and the transaction of such other business as may come before the meeting.

**Section 3.** Regular meetings of the Board may be held at such times and places as the Board, by resolution, may determine. Notice of regular meetings shall be given not less than fifteen (15) calendar days before the meeting date.

**Section 4.** Special meetings of the Board may be called at any time by the Chairman of the Board (the "Chairman") or shall be called by the Chairman upon the written request of a majority of the Board.

**a.** Upon the call for a special meeting, the Secretary shall cause written notice thereof to be mailed or delivered to each member, stating the time, place and purpose of the meeting; such notice shall be received no later than twenty-four (24) hours prior to the hour set for the meeting.

**b.** No business other than that stated in the notice shall be transacted unless all members of the Board are present and consent to the consideration and transaction of such other business.

**c.** Any member may waive notice of the time, place and purpose of a special meeting at any time before, during or after such meeting and attendance thereat shall be deemed to be a waiver of the required notice thereof.

**d.** In the event of an unforeseen circumstance requiring immediate action, the Chairman may convene an emergency special meeting of the Board by giving notice of not less than one (1) hour, by telephone to members of the Board and, by posting, to the public. If the Board is unable to meet in person, such emergency special meeting may be conducted by conference telephone call, with public amplification of the discussion at the location set forth in the posted notice. When this occurs, a written resolution embodying the action taken shall be reported to the Board for ratification at the next regular meeting and shall be incorporated into the minutes of that meeting.

**Section 5.** Meetings of the Board

**a.** Pursuant to § 24-6-402, C.R.S., all meetings of two (2) or more members of the Board at which any public business is discussed or at which any formal action may be taken shall be open to the public. Any meetings at which the decision or adoption of any proposed resolution, rule, regulation, or other formal action occurs or at which a majority or quorum of the Board is in attendance, or is expected to be in attendance shall be held only after full and timely notice to the public. This bylaw does not apply to any chance meeting or to any social gathering at which the discussion of public business is not the central purpose.

The Secretary of the Board shall maintain a list of persons who, within the previous two (2) years, requested notification of all meetings or of meetings when certain specified policies will be discussed, and shall provide reasonable advance notification of such meetings, provided, however, that unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly published meeting.

**b.** A majority of the duly appointed or elected voting members of the Board shall be necessary to constitute a quorum for the transaction of any business or the taking of any action.

**c.** Meetings of the Board shall be conducted in accordance with parliamentary rules and procedures provided by *Robert's Rules of Order* (Revised).

**d.** The order of business to be transacted at all meetings shall be according to the printed agenda thereof, or in the event of the special meeting, in accordance with the notice thereof.

**e.** At any time during any regular or special meeting of the Board, upon the affirmative vote of two-thirds (2/3) of the entire membership and after the Chairman announces the general topic, the Board may adjourn into executive session for the purpose of considering any matters or topics enumerated in Section 24-6-402(3)(a)I through V, (3)(a) VIII, and (3)(b), C.R.S., as amended.

During any such executive session, only appropriate members of the Board and those persons invited by the Board to attend may be present. All discussion among those present and communications received during such executive session shall remain confidential.

**f.** Members of the public who desire to address the Board at any of its meetings shall submit a written request to do so that indicates the subject matter of such to the Secretary at least ten (10) days prior to any regular meeting, one hour prior to any special meeting, and immediately proceeding any emergency meeting. The Chairman shall have the right to waive the requirement that such request be written, and to deny any such request.

**g.** Complete and accurate minutes of each meeting which shall constitute the official record of proceedings of the Board shall be promptly recorded and shall be made available for public inspection during reasonable hours. A written copy of the minutes for the last preceding meeting and for any special meetings held since the last regular meeting shall be furnished each member of the Board concurrently with delivery of the printed agenda for the next regular meeting.

**h.** Visitors to all open, public meetings may use tape recorders to record proceedings.

## ARTICLE II

## Officers of the Board

**Section 1.** The officers of the Board shall be Chairman of the Board, Vice Chairman of the Board (the "Vice Chairman"), Secretary, and Treasurer. Before entering office, the Secretary and Treasurer shall take and subscribe an oath or affirmation that he or she will faithfully perform the duties of his or her office and shall give bond in such manner and in such amount as provided by the laws of the State of Colorado.

**Section 2.** The officers of the Board shall perform such duties as prescribed by the laws of the State of Colorado, and such duties that may be prescribed from time to time by the Board that are not inconsistent with such laws.

**Section 3.** Any officer of the Board serves at the pleasure of the Board and may be removed by the Board at

any time, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer shall not, of itself, create contract rights.

**Section 4.** The Chairman shall be elected by the members of the Board and shall perform all duties incident to the office of Chairman and all such other duties as may from time to time be assigned by the Board.

**Section 5.** The Vice Chairman of the Board shall be elected by the members of the Board and shall perform such duties as from time to time may be assigned to him by the Chairman or the Board. At the request of the Chairman or in the Chairman's absence, or inability to act, the Vice Chairman shall perform all duties of the Chairman.

**Section 6.** The Secretary, who shall not be a member of the Board, shall be responsible for the faithful handling and true accounting and delivery of all monies and property of the Board coming within his or her direction or control.

The Secretary, shall, if present, act as secretary at all meetings of the Board and shall keep the minutes thereof. The Secretary shall see that all notices required to be given by the Board are duly given and served and shall be the custodian of the seal of the Board and shall affix the same to any and all appropriate documents, the execution of which on behalf of the Board under its seal, shall be duly authorized in accordance with law and the provisions of these bylaws.

The Secretary shall see that all reports, statements, and other documents required by law are properly kept and filed and, in general, shall perform all the duties incident to the office of Secretary and such other duties as may from time to time be assigned to such office by the Board.

**Section 7.** The Treasurer, who shall not be a member of the Board, shall keep a true account of all monies received and paid on behalf of the Board, and shall pay all warrants duly signed by the Chairman and countersigned by the Secretary in the order of their presentation.

The Treasurer shall render a statement of the condition of the finances of the Board at all regular meetings of the Board and shall perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to such office by the Board. The same person may hold both the offices of Secretary and Treasurer.

**Section 8.** The Board of Trustees may appoint one or more Assistant Treasurers, as it may deem advisable from time to time, who shall hold office at the pleasure of the Board.

**Section 9.** The Board of Trustees may engage such employees and agents as it may deem advisable from time to time, who shall serve at the pleasure of the Board.

## ARTICLE III

### Election of Officers

**Section 1.** Officers shall be elected and appointed at the annual meeting of the Board.

**Section 2.** Those persons elected as officers of the Board shall possess those qualifications for their respective offices as may be prescribed from time to time by the laws of the State of Colorado and these bylaws, and shall, before entering upon the duties of their respective offices, take and subscribe such oaths or affirmations, and provide such bonds in such form and amounts as may from time to time be prescribed by the laws of the State of Colorado or by resolution of the Board not inconsistent with such laws.

**Section 3.** The Chairman and Vice Chairman so elected shall hold their respective offices for a term of one (1) year and until their successors shall have been elected and duly qualified. The Secretary and the Treasurer so elected shall hold such office at the pleasure of the Board.

**Section 4.** All officers of the Board shall be elected by the vote of a majority of a duly constituted quorum of the voting members of the Board.

**Section 5.** Whenever a vacancy occurs in any office, the same shall be promptly filled by a vote of a majority of a duly constituted quorum of the voting members of the Board.

## ARTICLE IV

## Committees

Standing committees, whose duties and functions shall be defined by the Board, may be appointed by the Board from time to time. Temporary committees may be appointed by the Chairman, as necessary from time to time.

## ARTICLE V

## Amendments; Repeal

Amendment or repeal of these bylaws may be made at any regular meeting, upon the concurring vote of a majority of the entire voting membership of the Board, subject to the following provisions:

1. Written notice of the proposed amendment or repeal shall be given to each member at least fifteen days prior to the meeting and

2. Such amendment or repeal shall not be inconsistent with the laws of the State of Colorado.

**Section 1.4: Student Trustee**

In accordance with 23-56-102(3) C.R.S., the tenth (10th) member of the Board shall be a full-time junior or senior student at the College, elected by the members of the student body of the College. The term of the student member shall be one (1) year, beginning July 1 of each year. The student member shall be advisory, without the right to vote and without the right to attend executive sessions of the Board, as provided by section 24-6-402, C.R.S. The student member shall have resided in the State of Colorado for not less than three (3) years prior to the student's election.

**1.** "Full-time student" means the equivalent of the definition of full-time equivalent student used by the Joint Budget Committee of the General Assembly.

**2.** The Student Trustee shall take and subscribe to the oath or affirmation of office prescribed by the laws of the State before entering upon the duties of office.

**3.** If a vacancy of this office should occur for any reason whatsoever, such vacancy shall be filled for the remainder of the unexpired term in the same manner by which the Student Trustee was elected originally.

## Section 1.5: Faculty Trustee

1. **Statutory Requirements**. In accordance with Section 23-56-102(3), C.R.S.

   The eleventh (11th) member of the Board shall be a member of the faculty of the College elected by other members of the faculty for a term of two (2) years, beginning July 1 of every odd-numbered year. The Faculty Trustee shall be advisory, without the right to vote and without the right to attend executive sessions of the Board, as provided by Section 24-6-402, C.R.S.

   If a vacancy of the office should occur for any reason whatsoever, such vacancy shall be filled for the remainder of the unexpired term in the same manner by which the Faculty Trustee was elected originally.

2. **Election Procedures**

   a. **Responsibility:** The President shall conduct the election of the Faculty Trustee in accordance with this *Policy Manual*.

   b. **Eligibility for Elections:**

      **(1)** The candidate must be a full-time faculty member of the College.

      **(2)** The term "faculty" includes only those professional personnel whose primary responsibility is to provide academic instruction on a full-time or part-time basis. The term "faculty" does not include professional personnel who are counselors, librarians, student service personnel, or other administrative professional personnel.

      **(3)** The candidate must have achieved tenure status.

   c. **Electors:** Only full-time faculty members of the College are eligible to vote in the election of a Faculty Trustee.

      The term "faculty" must be defined as stated in the *Institutional Handbook*.

   d. **Nomination of Candidates for the Office of Faculty Trustee:** Candidates for Faculty Trustee must be willing to stand for election and must be nominated by petition bearing the signature of at least ten (10) qualified electors.

   e. **Balloting:** The names of all qualified candidates will be listed on a ballot which shall be distributed to each qualified elector. Voting shall be by secret ballot. The President, in consultation with the Faculty Senate, shall specify the procedures for distributing, collecting, and counting ballots. The candidate receiving the majority of votes shall be elected the Faculty Trustee. If no candidate receives a majority of the votes, the College will conduct a run-off election between the two (2) candidates receiving the highest number of votes, and the candidate receiving the majority of votes shall be elected Faculty Trustee. In case of a tie in the run-off election, the third runner up in the general election will be added to the run-off ballot, and the voting continued until one (1) candidate receives a majority vote. This process will continue by adding the candidate with the next-highest number of votes until a candidate is elected by a majority of votes.

   f. **Scheduling of Elections:** Elections are to be conducted during the spring semester following a schedule set well in advance by the President in consultation with the Faculty Senate. Final elections must be completed no later than April 15 of every odd-numbered year.

**Section 1.6: Maintenance and Distribution of the *Policy Manual***

The *Policy Manual* shall be maintained and kept current by the President and the College staff and shall include all official Board policies other than those contained in the *Handbook for Professional Personnel*. The College staff shall distribute approved amendments to the *Policy Manual* in a timely fashion to the following individuals and organizations:

Trustees (11)
President
Vice President for Academic Affairs
Vice President for Business Affairs
Vice President/Dean of Student Affairs
College library
Student Government Association

## Section 1.7: Scheduling of Board Meetings

### Regular Meetings

The Board shall hold no fewer than six (6) regular meetings per year. Meetings are to be scheduled for the second Friday of the month as practical.

The schedule and location of Board meetings are to be approved annually at the June meeting of the Board. All amendments to the schedule require official Board action.

### Seminar Meetings

The Board will hold at least one (1) seminar each year for the purpose of developing its knowledge of the College, its understanding of educational and management issues, and its proficiency as Trustees.

**Section 1.8: Calendar and Schedule for the Submission of Agenda Items**

An administrative calendar will be provided no later than August of each year. The Board requires the Cabinet to review and analyze all materials submitted for inclusion on a meeting agenda for suitability and completeness. The Board expects the Cabinet to submit the complete agenda to it in a timely fashion.

## Section 1.9: Shared Decision-making

### General Philosophy

Under the Board policies established by the Board and the role and mission approved by the Colorado Commission on Higher Education (the "CCHE") and the General Assembly, the College has considerable flexibility and latitude to provide academic programs, to conduct research, and to serve the public. Another continuing Board objective is to facilitate inter-institutional program sharing, faculty development, student exchange, and resource improvement.

All policy recommendations in public higher education must be designed to offer outstanding opportunities for students to learn in environments that are conducive to their best possible educational growth.

In seeking ways of improving these learning environments, governing boards, administrations, faculties and others are obligated to communicate with each other and to exploit their natural inter-dependence in order to make maximum use of the resources available to them.

The Board reaffirms its policy of delegating to the President authority and responsibility for administering the College. As the chief executive officer of the College, the President must strive to gain a working accord with the Board, faculty, and students and provide effective leadership by eliciting optimal contributions from each individual and group to achieve success in the educational process.

Because an institution of higher education can warrant public trust only by a dedication to the advancement of learning, the highest commitment of the faculty must be to truth and the learning process. The determination of faculty members to be caring, competent experts in their fields is fundamental to the concept of professionalism.

Central to shared decision-making are the quality and intensity of the consultation process. Decision-making in an academic institution will vary according to the situation. In some instances, an initial exploration or recommendation will be made by the President with consideration by the faculty at a later stage; in others, recommendations will originate with the faculty, subject to the endorsement of the President and the Board; and in still others, a substantive contribution can be made when student leaders are responsibly involved with the President and the faculty.

Since the goal must be to achieve the broadest possible exchange of information and of ideas, clearly understood channels of communication must be established, observed, and maintained by all concerned.

### College-Level Policy

In order to clarify its expectations for proper decision-making processes, the Board distinguishes between its own responsibilities for policy making and the College prerogatives for administration, procedures development, and operation. Thus, while it exercises restraint in imposing guidelines or procedures best left to the College, the Board does have certain expectations as a matter of policy.

**1.** To supplement the Trustees *Handbook for Professional Personnel* ( the "*Handbook*"), the College is required to maintain an institutional handbook (the "Institutional Handbook") which shall include policies and procedures required by the *Handbook* and such other supplementary matters needed to clarify terms and conditions of employment of professional personnel and to provide the information and direction necessary to enable them to meet their responsibilities effectively and efficiently. The *Institutional Handbook* must be submitted to the Board for approval.

**2.** Included in the *Institutional Handbook* shall be a manual defining the roles and responsibilities and method of selection of campus committees and organizations (faculty, student, and staff). When appropriate, the Board expects campus committees to be selected through the use of democratic procedures.

**3.** The College shall include in the *Institutional Handbook* a current organizational chart identifying administrative and academic units and their relationships. All changes in structure at the department, division, school, center, institute, or college level shall be submitted to the Board for action.

**4.** The classified and administrative staffs shall have appropriate and continuing access to decision-makers whose determinations have direct impact on their status and performance.

**5.** In view of the sensitivity accompanying the assessment and use of student fees, the President should consult with the student government on the level and allocation of such fees prior to submitting them to the Board for action.

**6.** In keeping with the Board's commitment to affirmative action, all screening committees should be broadly representative of the institution. The Board encourages and expects rigorous adherence to the principles of affirmative action, particularly as they apply to women and minority groups.

**7.** Institutional deliberations concerning long-range planning, educational policies, personnel policies, priorities, and other matters affecting faculty and students should include opportunity for participation by representatives of the faculty and student organizations. The mechanisms for such participation, however, should recognize the rapidly changing circumstances confronting the College and the requirement for timely decisions.

**8.** The Board expects an annual review of the functioning of shared decision making to be addressed in the annual evaluation of the President.

**Section 1.10: Communication Between Professional Personnel and the Board and Between the College and External State Agencies**

To enhance communication and to give prompt attention to problems, the Board urges that internal mechanisms for the expression of the views of professional personnel which respect clear administrative lines be established and maintained. Direct contact with the Board concerning campus issues without prior discussion with appropriate persons on the campus denies the opportunities for conflict resolution at the appropriate campus level. Parallel structures which confuse communication and which exclude or circumvent appropriate administrators without giving them an opportunity to address the issues are destructive of morale as well as contrary to common sense and the principles of good management.

Since access of professional personnel to the Board should be accomplished only through an orderly and open process, it is Board policy that individual faculty or administrators wishing to be heard by the Board at a regular meeting shall be required to submit a written request to the President of the College at least ten (10) calendar days prior to the meeting. Such a request must include specific details demonstrating either campus institutional processes have been exhausted or the matter is one which should be of direct concern to the Board without recourse to institutional processes.

It is Board policy that the President be responsible for communicating with the legislature, the CCHE, and other state agencies on a regular basis. The President may delegate authority to other College personnel the ability to provide official information directly to external state agencies.

## Section 1.11: College Citizens' Advisory Councils

The Board endorses the concept of citizens' councils as advisory to the President and authorizes the establishment of such councils.

**Section 1.12: Collective Bargaining**

The Board has determined that collective bargaining is an appropriate process to engage in for the purpose of promoting harmonious and cooperative relationships between the Board and the faculty.

The Board has determined that in order to engage in any phases of the collective bargaining process, including a referendum and contract administration, adequate funds should be appropriated by the Colorado General Assembly for administering a collective bargaining process.

The Board formally disengages from any activities concerning collective bargaining until funds are appropriated by the Colorado General Assembly. If and when funds are appropriated for collective bargaining, the Board will reassess its position.

**Section 1.13: Community and State Issues**

The Board recognizes and appreciates the mutually supportive relationship between the College and the surrounding community of which the College is a part. The Board recognizes that there may be issues that may impact the College and/or the surrounding community. Although the Board desires to support the community whenever possible, the Board has determined that it will only take a formal position on issues that may be important to the success of the College, unless the Board determines otherwise by a majority vote of a duly constituted quorum of the voting members of the Board.

# CHAPTER 2: ANTI-DISCRIMINATION

## Section 2.1: Equal Opportunity and Affirmative Action Policy

### RESOLUTION

**WHEREAS,** the highest ideals of our society are embodied in and set forth by our educational system, and

**WHEREAS,** equality of opportunity in securing a good life must be made available to all Americans if our democratic system is to meet the test which it is today facing, and

**WHEREAS,** the State of Colorado has legislation to provide that equality of opportunity in employment shall be available to all citizens without regard to such extraneous factors as race, creed, national origin, sex, age, veteran status or disability, and

**WHEREAS,** the effective implementation of this law depends to a large extent on the understanding and acceptance of the spirit of the doctrine of equality within the democratic principles of our way of life, and

**WHEREAS**, the education system has the highest responsibility to teach by precept and example, compliance with the law in spirit and in fact,

**NOW, THEREFORE, BE IT RESOLVED** that we, the Trustees of Western State College resolve that the hiring of professional personnel shall be done solely on the basis of merit, and we do hereby request Western State College to vigorously pursue this policy, accepting as members of the professional staff those who are qualified by virtue of their training, experience, character, and integrity without regard to race, color, creed, national origin, sex, age, veteran status or disability.

### Campus Affirmative Action Plans

The College shall develop comprehensive affirmative action plans that are consistent with state and federal statutes, executive orders, rules, and with the spirit of the above resolution. Current copies of the College's affirmative action plans, approved by the Trustees, shall be kept on file in the President's office. (See *Handbook* Section 1.01).

**Section 2.2: Anti-Discrimination Policy**

**I. Definitions.** The following definitions shall apply to this Policy.

1. "Affiliate" means an entity at which members of the Campus Community work or study (including entities that accept student interns) and other third parties or service providers on campus or associated with the University through contracts, affiliation agreements, or otherwise.

2. "Affirmative Action Officer" means the person appointed by the University to investigate complaints or grievances. When the President appoints another to fulfill the role of the Affirmative Action Officer with respect to a particular matter, Affirmative Action Officer shall be read to mean the person so appointed by the President. The contact information for the current Affirmative Action Officer is available by contacting the University's human resources office.

3. "Calendar day" and "day" mean any day of the year. "Working day" means a day on which the University holds regular class sessions or exams, and excludes Saturdays, Sundays, and University holidays. It includes summer session, even if a party is not enrolled, employed or volunteering during the summer, and periods of annual or other leave requested by the party.

4. "Campus Community" means Students who are admitted or enrolled in the University or are participating in programs offered by the University, Faculty, Professional Personnel, Classified Staff, and Volunteers.

5. "Complaint" means a written or oral allegation of violation of this policy that has not been formally filed as a Grievance.

6. "Complainant" means a person making a written or oral allegation of violation of this policy other than by filing a Grievance.

7. "Deliver" or "Delivery" means hand delivery, signed receipt required, or certified mail, return receipt requested. The date of delivery shall be the date of mailing according to the records of the University or hand delivery as evidenced by a postal certification form or a receipt signed by the recipient. If the recipient does not accept a hand-delivery, a certification signed by the person who attempted to deliver the notice shall be conclusive evidence of the date of delivery.

8. "Disciplinary action" means the process for and sanctions available for violations of University policy as set forth in the *Western State Colorado University Student Handbook* or any applicable Graduate Program Handbook or Catalog, the *Colorado State Personnel Board Rules and Director's Administrative Procedures*, or the University's *Handbook for Professional Personnel*.

9. "Employee" means any member of the Classified Staff, Professional Personnel or Faculty and student employees.

10. "Grievance" means a written allegation of discrimination or retaliation that is filed with University in accordance with this policy. A grievance form is available by contacting the University's human resources office.

11. "Grievant" means any member of the Campus Community who files a written Grievance.

12. "Party" means Grievant(s) or Respondent(s).

13. “Protected status” means race, color, national origin, gender (including pregnancy), religion, age, disability, veteran or marital status, or sexual orientation.

14. "Remedial action" means any corrective, non-disciplinary action that is taken as a result of allegations of discrimination or retaliation and that is reasonably calculated to end present discrimination/retaliation, protect against future discrimination/retaliation, or remedy past discrimination/retaliation.

15. "Respondent" means a member of the Campus Community against whom a Grievance or Complaint has been made or filed.

16. “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal and physical conduct based on sex when:

    a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; or

    b. Submission to or rejection of such conduct is used as the basis for making employment or educational decisions about a person; or

    c. Such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or educational environment.

    Sexual violence and sexual assault are forms of sexual harassment. Sexual harassment shall also be defined to include retaliation against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.

17. “Supervisory-level employee” means any employee or student who supervises, evaluates or is responsible for the work of another employee or student.

## II. Prohibitions

A. Discrimination. The University prohibits and will not tolerate discrimination that violates federal or state law or this policy. The University prohibits and does not discriminate on the basis of race, age, color, religion, national origin, gender, sexual orientation, veteran status, or disability. The University complies with Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, Executive Order 11246, sections 24-34-301, C.R.S. *et seq*. and the Trustee Policy Manual.

B. Sexual Harassment. Sexual harassment is a type of discrimination that is addressed by the University’s specific Policy Prohibiting Sexual Harassment. The University prohibits and will not tolerate sexual harassment. Sexual harassment is neither legally protected expression, nor the proper exercise of academic freedom. Complaints of sexual harassment shall be handled under the Policy Prohibiting Sexual Harassment and its related administrative procedures. Complaints of sexual harassment shall not be filed under the procedures outlined in this Anti-Discrimination Policy. Contact the Office of Human Resources, or the University’s Title IX Officer, for more information related to the Policy Prohibiting Sexual Harassment and the complaint procedure.

C. Retaliation. The University prohibits and will not tolerate retaliation against any person who opposes or reports a discriminatory practice which is forbidden by law or this policy or who has filed a Grievance, testified, assisted or participated in any manner in an investigation or proceeding conducted under this policy. Acts of retaliation may be the subject of a Complaint or Grievance under this policy.

D. Sexual Harassment Retaliation. Sexual harassment retaliation is a type of retaliation that is addressed by the University's specific Policy Prohibiting Sexual Harassment. The University prohibits and will not tolerate sexual harassment retaliation. Sexual harassment retaliation is neither legally protected expression, nor the proper exercise of academic freedom. Complaints of sexual harassment retaliation shall be handled under the Policy Prohibiting Sexual Harassment and its related administrative procedures. Complaints of sexual harassment retaliation shall not be filed under the procedures outlined in this Anti-Discrimination Policy. Contact the Office of Human Resources, or the University's Title IX Officer, for more information related to the Policy Prohibiting Sexual Harassment and the complaint procedure.

E. Penalties. Members of the Campus Community who engage in discrimination, or retaliation against any member of the Campus Community or any employee of any Affiliate may be subject to remedial action or disciplinary action, up to and including termination of employment or the Affiliate's agreement with the University, or expulsion from the University.

**III. Discrimination By or Against Persons Outside the Campus Community**

A. Agreements with Affiliates must contain provisions requiring Affiliates to comply with the letter and the spirit of all applicable State and Federal laws respecting discrimination and unfair employment practices. Illegal discrimination or retaliation by an Affiliate or an Affiliate's employee affecting any member of the Campus Community may result in remedial actions up to and including termination of the Affiliate's agreement with the University. Such allegations shall be reported to the primary University representative/contact person identified in the agreement ("University Representative") or the Affirmative Action Officer. The University shall investigate the credibility of the allegations and promptly notify the Affiliate of any credible allegations and request appropriate action. The University also shall promptly take any necessary remedial actions as appropriate.

B. Allegations by an Affiliate that a member of the Campus Community has engaged in illegal discrimination or retaliation against any employee of the Affiliate shall be reported to the University Representative identified in the agreement. The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.

C. Allegations of illegal discrimination or retaliation made by applicants for employment shall be reported to the Director of Human Resources (or other presidential designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.

D. Allegations of illegal discrimination or retaliation made by undergraduate applicants for admission to the University shall be reported to the Vice President for Student Affairs (or other presidential designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.

E. Allegations of illegal discrimination or retaliation made by applicants for admission to graduate programs shall be reported to the Vice President for Academic Affairs (or other presidential

designee). The University shall promptly investigate the allegations and take any necessary remedial and/or disciplinary actions as appropriate.

F. Allegations that a member of the Board of Trustees has engaged in illegal discrimination or retaliation shall be reported to the Chair or, if the allegations are against the Chair, the Vice Chair of the Board of Trustees. Credible allegations shall be investigated by an independent investigator appointed by the Chair or Vice Chair, as appropriate. The independent investigator shall deliver a confidential written report to the Chair or Vice Chair, as appropriate. Necessary remedial actions shall be determined by the Chair or Vice Chair, as appropriate.

## IV. Procedure for Campus Community Discrimination Complaints and Grievances

A. Application. This procedure applies to allegations of discrimination or retaliation made by any member of the Campus Community against any other member of the Campus Community.

B. Time Limits

1. In order to fall within the jurisdiction of this policy, a Complaint, or Grievance must be initiated within ten (10) calendar days of the date on which alleged discrimination or retaliation occurred.

   a. The Complainant/Grievant may choose to withdraw his/her Complaint/Grievance at any point.

   b. The University will investigate all credible allegations of discrimination or retaliation as appropriate to the circumstances and may take remedial and/or disciplinary action if warranted by the available facts, even if the Complainant/Grievant declines to pursue resolution of the matter through this policy, or the Complaint/Grievance does not fall within the jurisdiction of this policy.

2. The Affirmative Action Officer may extend or shorten any time periods prescribed in this policy for good cause, including the ten (10) day time limit for filing a Grievance, but shall not permit unreasonable delay. It shall be the goal of the Affirmative Action Officer to bring most Complaints/Grievances to closure no later than thirty (30) days after the date of filing. The actual time required will depend on the complexity of each Complaint/Grievance.

C. Purposes of the Discrimination Grievance Procedure

1. To provide a mechanism for prompt and fair internal resolution of allegations of discrimination or retaliation by members of the Campus Community that is reasonably calculated to immediately end any discrimination or retaliation, remedy its effects and prevent discrimination or retaliation from occurring again; and

2. To provide a prompt and fair procedure for administering allegations of discrimination or retaliation by Campus Community members that violate this policy.

3. For allegations between or among Classified Staff alleging discrimination or retaliation, this Discrimination Grievance Procedure shall be construed as the grievance policy adopted by the University pursuant to Personnel Board Rules 8-3 and 8-8 and shall be in lieu of the Grievance Procedures set forth in Chapter 8 of the Department of Personnel Board Rules and Director's Administrative Procedures.

D. Protection of the Parties

1. It will be the Affirmative Action Officer's responsibility to keep the President closely informed about any and all Complaints and Grievances involving discrimination/retaliation that arise within the University. The Affirmative Action Officer will have final authority to decide all procedural matters and arrange for and coordinate all informal resolution efforts unless otherwise specified herein. These decisions are final, non-appealable and non-grievable.

   a. Any reference in this policy to "The President" shall be read as "the Chair of the Board of Trustees" if the President is the subject of the Complaint.

   b. "Affirmative Action Officer" shall be read as "the President's designee" if the President has made such designation for investigation. The President may make such designation whenever he/she deems that the interests of the University would be best served, and shall make such designation if the Affirmative Action Officer is the subject of the Complaint/Grievance.

2. The President or supervisory personnel may take remedial action to protect the Complainant/Grievant and to prevent contact between the Complainant/Grievant and the Respondent during the pendency of the process. Any such actions shall be in addition to any remedial or disciplinary measure imposed by the process.

   In accordance with the applicable procedures set forth in the *Western State Colorado University Student Handbook* or any applicable provision of a Graduate Program Handbook or Catalog that provides a process for temporary or summary suspension, the *Colorado State Personnel Board Rules and Director's Administrative Procedures*, and the *Western State Colorado University Handbook for Professional Personnel*, the President may impose administrative leave, temporary suspension or summary suspension, as appropriate, in conjunction with this policy.

3. Complaints and Grievances will be treated with discretion to protect the privacy of those involved. Participants in the Complaint/Grievance process, including parties, witnesses, employees, agents, students, confidential advisors, mediators or facilitators will treat all information and documents as confidential and will not discuss the matter with, or provide documents to, anyone except as necessary for the investigation and any subsequent proceedings, or as authorized or required by law. The process for resolving allegations of discrimination or retaliation is handled with discretion to protect the parties, but neither anonymity nor complete confidentiality can be promised.

   Failure to observe these confidentiality requirements may be cause for discipline, up to and including termination of employment or expulsion from the University.

4. Participants in Discrimination Grievance Procedures should not be promised confidentiality beyond that stated herein.

5. Except for the failure of a Complainant/Grievant to attend an interview or discussion conducted pursuant to this policy, failure of any member of the Campus Community to cooperate with University officials in pursuing allegations of discrimination/retaliation may be cause for discipline.

6. The intimidation of, unauthorized contact with, or retaliation against any individual because of that individual's involvement in a Complaint/Grievance is a violation of University policy and may be the subject of a Complaint or Grievance under this or other University policies and may result in discipline.

7. Abuse of the Complaint/Grievance process is grounds for discipline. Abuse of this process includes fraudulent or bad faith allegations, knowingly false statements of fact or documentation, or otherwise behaving irresponsibly in connection with any part of a Complaint/Grievance.

8. A Complainant/Grievant who is a member of the Classified Staff may have a representative present at any stage in the Complaint/Grievance process and that representative may speak for him/her; however, the Classified Staff member is expected to participate in discussions. Other members of the Campus Community may be advised by a representative at any stage of the process but must speak for themselves.

E. External Processes

1. Those who believe they are victims of discrimination or retaliation may initiate outside legal action through private sources or the appropriate State or Federal enforcement agencies. These agencies are:

   Office for Civil Rights, Denver Office
   U.S. Department of Education
   Cesar E. Chavez Memorial Building, Suite 310
   1244 Speer Boulevard
   Denver, CO 80204-3582
   (303) 844-5695
   FAX (303) 844-4303
   http://www.ed.gov/ocr/complaintprocess.html

   U.S. Equal Employment Opportunity Commission
   303 E. 17th Avenue
   Suite 510
   Denver, Colorado 80203
   1-800-669-4000
   FAX 303-866-1085
   http://www.eeoc.gov/denver/index.html

   Colorado Civil Rights Division
   1560 Broadway St., Suite 1050,
   Denver, Colorado 80202
   (303) 894-2997
   FAX (303) 894-7830
   http://www.dora.state.co.us/civil-rights/complaint_process.htm

2. If an external complaint, grievance or charge is filed with an equal opportunity enforcement agency or in State or Federal court while a Complaint/Grievance is pending within the University and the complaints arise out of the same incident(s) or make similar allegations of discrimination/retaliation the University may discontinue the internal Complaint/ Grievance process. The University may nonetheless require an investigation of all credible allegations of

discrimination/retaliation and take remedial/disciplinary action as appropriate even if the Complaint/Grievance process has been discontinued.

F. Consolidation of Grievances. Multiple Complaints/Grievances may be consolidated if they arise from the same or similar facts and circumstances, or allege retaliation for bringing an earlier, still-pending Complaint/Grievance.

G. Informal Resolution Efforts

1. It is the goal of the University to provide prompt resolution of any Complaints/Grievances in a manner that ends any present discrimination/retaliation, protects against future discrimination/retaliation and remedies past discrimination/retaliation. To advance this goal, the University strives to resolve perceived discrimination/retaliation at the lowest level possible. Frequently, the most satisfactory process for resolving perceived discrimination/retaliation is informal discussion between the parties and appropriate administrators. Such discussions will generally precede the filing of a written Grievance as defined under this policy but may also take place after the filing of a Grievance.

2. In informal resolution, affected employees, administrators, students, other parties, and/or outside facilitators will attempt to informally identify problems, to develop understanding, to reconcile differences and, if appropriate, to redress allegations of discrimination/retaliation. In order to facilitate this process, the Affirmative Action Officer may conduct a preliminary investigation of the situation. Upon approval by the President and consent of the parties, the Affirmative Action Officer may refer a matter to mediation for informal resolution. Informal resolution may be by-passed or terminated if the Complainant feels it is necessary to do so and provides written notice to the Affirmative Action Officer of his or her request to by-pass or terminate informal resolution.

3. The Complainant/Grievant, appropriate supervisory personnel or the Vice President of Student Affairs, the Affirmative Action Officer and if appropriate, other individuals who may facilitate communications will discuss informal resolution. The person(s) alleged to have engaged in discrimination/retaliation may be asked to join the discussion if the Affirmative Action Officer determines that it would be worthwhile and the Complainant/Grievant consents.

4. Any remedy arising from informal resolution efforts will be reduced to writing within seven (7) calendar days after the conclusion of informal resolution efforts. A remedy arising from informal resolution may consist of 1) an informal remedy determination issued by the appropriate supervisory level-employee or the Vice-President of Student Affairs after discussions with the Complainant and others; or 2) a written agreement between the Parties.

5. If a Complainant is dissatisfied by an informal remedy determination issued by the appropriate supervisory personnel or the Vice President of Student Affairs, the Complainant may, within five (5) calendar days after service of the informal remedy determination, proceed with a formal Grievance.

6. An agreement for informal resolution entered into by the Parties must be approved by the President and is binding, final, unappealable and non-grievable.

7. Even if a Complaint is withdrawn or never filed as a Grievance, the President may require further investigation and take appropriate disciplinary/Remedial action if appropriate.

H. Reporting

1. Process for an Employee or Volunteer to Report Discrimination/Retaliation. Any employee or volunteer who believes he/she has been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the employee's supervisor, next level supervisor, or the Affirmative Action Officer.

2. Process for Student to Report Discrimination/Retaliation**.** Any student who believes he/she has been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the Vice President of Student Affairs or the Affirmative Action Officer.

3. Duty to Report Discrimination/Retaliation. Any supervisory-level employee or faculty member who observes what he/she reasonably believes to be discrimination or retaliation, or who receives a Complaint making allegations of discrimination or retaliation by a member of the Campus Community must promptly inform the Affirmative Action Officer, or if the Complaint is against the Affirmative Action Officer, the Vice President of Finance and Administration. Any Student Assistant Residence Director or Resident Assistant who, in the scope of his/her duties, observes what he or she reasonably believes to be discrimination or retaliation against a student, or who receives a Complaint from a student making allegations of discrimination or retaliation by a member of the Campus Community must promptly inform the Vice President of Student Affairs or the Affirmative Action Officer. The matter will be referred for appropriate informal discussions as provided above.

   a. A supervisory-level employee, Faculty member or Student Assistant Residence Director or Resident Assistant who fails to report alleged discrimination or retaliation may be subject to discipline, up to and including dismissal.

   b. A supervisory-level employee, Faculty member or Student Assistant Residence Director or Resident Assistant is not to attempt to independently investigate or mediate allegations of discrimination or retaliation, except that a supervisory-level employee may take steps necessary to issue an informal remedy determination under section IV.G.4.

   c. If the person reporting discrimination/retaliation is someone other than the alleged victim, the Affirmative Action Officer, the Vice President of Student Affairs or his/her designee will ask the alleged victim(s) to confirm whether the reported conduct occurred. If the alleged victim does not confirm that the reported conduct occurred, the matter will not be pursued. If the alleged victim confirms that the conduct occurred, the alleged victim will be offered the opportunity to pursue resolution of the matter under this Procedure. If the alleged victim declines to pursue resolution of the matter through this Procedure, the matter shall be reported to the President who may require an investigation and take such remedial/disciplinary actions as he/she deems appropriate under the circumstances.

   d. Even if a person reporting or acknowledging the occurrence of perceived discrimination or retaliation requests that no action be taken, the supervisory-level employee, Faculty member or Student Assistant Residence Director or Resident Assistant still must inform the Affirmative Action Officer or Vice President of Student Affairs of the alleged discrimination/retaliation. The supervisory-level employee, Faculty member or Student Assistant Residence Director or Resident Assistant should inform the person reporting the alleged discrimination or retaliation that the matter must be reported and that the process for

resolving allegations of discrimination or retaliation is handled with discretion to protect the parties, but that neither anonymity nor complete confidentiality can be promised.

I. Filing a Grievance. Any Campus Community member may file a formal written Grievance when he/she believes that he/she has been discriminated against or retaliated against, whether or not the matter has been reported in accordance with Section H. The Grievance must be filed with the Affirmative Action Officer or in the absence, unavailability or perceived conflict of interest of the Affirmative Action Officer, with the Vice President of Finance and Administration (for employees and volunteers) or the Vice President of Student Affairs (for students).

1. Step 1

a. The Grievant will file a written Grievance (using the Notice of Discrimination Grievance Form available from the University's human resources office) which shall include:

i. the Grievant's name, mailing address, telephone number, and email address

ii. the identity of the Respondent(s)

iii. the type of discrimination or perceived reasons for retaliation

iv. a specific description of the facts and circumstances of the alleged discrimination/retaliation

v. the date(s) on which the alleged conduct occurred

vi. the identity of and contact information for any witnesses which the Grievant believes to possess information about the alleged discrimination/retaliation and a description of the information that each witness is believed to possess

vii. the signature of the grievant

b. If the alleged discrimination/retaliation took place more than ten (10) days before the filing, the Grievant must also submit a statement showing good cause for not filing within the ten (10) day time limit.

c. The Affirmative Action Officer will determine whether the Grievance is within the jurisdiction of this policy.

d. Jurisdiction under this process is established when:

i. The Grievance is timely filed or good cause is shown for not filing within the 10-day time limit,

ii. The Grievant has submitted a sufficient written Grievance, and

iii. The Grievance sets forth facts that, if true, show reasonable cause to believe that a violation of this policy has occurred.

e. If the Grievance documents do not establish jurisdiction under this policy, the Affirmative

Action Officer will serve the Grievant with written notice of this finding. The Grievant may request the President's review of a finding of no jurisdiction under this policy by submitting a written request for review to the Affirmative Action Officer within five (5) working days of the date of delivery of the finding.

f. The President's determination of jurisdiction shall be rendered as soon as possible after the President receives the request for review. The President's determination of jurisdiction is final. The Grievant will be provided with a copy of the President's determination.

g. If the Grievance establishes jurisdiction, the Affirmative Action Officer will deliver a copy of the written Grievance on the Respondent with the Grievant's address, telephone and email address redacted.

h. The Affirmative Action Officer will contact the Grievant to discuss options for informal resolution. If the Grievant wishes to pursue informal resolution efforts, the Affirmative Action Officer will make the necessary arrangements and inform the parties.

i. If the Grievant wishes to pursue informal resolution efforts, the formal Grievance procedure shall be suspended to permit the parties an opportunity to resolve the Grievance pursuant to Section IV(G) above.

j. The Grievant may at any time terminate informal resolution efforts and proceed to Step 2.

2. Step 2

a. Within five (5) calendar days after delivery of a copy of the Grievance or within five (5) calendar days after notice of termination of informal resolution efforts, if applicable, the Respondent will file a written response ("Response") with the Affirmative Action Officer.

b. The Response shall include:

i. a statement as to whether the facts supporting the conduct that forms the basis for the allegations are true, and

ii. an explanation of the circumstances surrounding any admitted conduct; and

iii. the names of witnesses, if any, who may have information pertaining to the Grievance, and a description of the information that each witness is believed to possess.

3. Step 3

a. After receiving the Response, the Affirmative Action Officer will conduct an investigation to determine the facts. The Affirmative Action Officer will interview the Grievant, Respondent, and anyone that the Affirmative Action Officer determines is likely to have substantial, relevant information and gather any other evidence that he/she deems necessary.

b. The interview provides the Respondent with an opportunity to be heard by a fair and impartial fact-finder and to explain, deny, or offer mitigating reasons. If the Respondent fails to attend an interview for reasons other than an unforeseeable emergency, documented to the satisfaction of the Affirmative Action Officer, such failure constitutes a knowing and voluntary waiver of this opportunity and the report may be rendered without Respondent's input.

c. If the Grievant fails to attend an interview for reasons other than an unforeseeable emergency documented to the satisfaction of the Affirmative Action Officer, the Affirmative Action Officer, in consultation with the President, may deem the Grievance withdrawn and discontinue the process. Even if the Grievance is deemed withdrawn, the President may require further investigation and take appropriate disciplinary/remedial action if appropriate.

d. The Affirmative Action Officer will promptly prepare and deliver to the President (or the Hearing Officer, if the Respondent is a student) a written report summarizing the investigation that includes observations as to credibility of interviewees, a determination of whether any University policy was violated, and a recommendation for action, which may include remedial action or discipline. The President (or the Hearing Officer, if the Respondent is a student) shall review the report and take action as he/she deems necessary. The President (or the Hearing Officer, if the Respondent is a student) may pursue discipline in accordance with the appropriate disciplinary procedure.

# CHAPTER 3: PERSONNEL / WELFARE

## Section 3.1: Honorary Degrees and Other Awards

### 1. Honorary Degrees

In accordance with 23-2-102(2) C.R.S., 1973, an honorary degree is intended to indicate that the person receiving the degree is learned in any field of public service or has performed outstanding public service or has demonstrated proficiency in any field of endeavor without having completed courses of formal instruction or study or formal preparation or training.

An honorary degree may be approved by the Board only after the President has submitted a recommendation which contains sufficient justification for the Board to make an informed decision about awarding the degree.

### 2. Awards Other Than Honorary Degrees for Persons Outside the College

The Board encourages the College to establish awards other than honorary degrees to recognize distinguished service or accomplishments by graduates of the College, by members of the academic community, by friends of the College, or by other persons outside the College.

Institutional policies shall clearly articulate the criteria for such awards and for procedures for selection.

Although the College shall inform the Board prior to making such awards, Board approval is not required.

## Section 3.2: Employment Contract for Professional Personnel

Contracts shall state: (1) conditions of employment; (2) salary to be paid; (3) duration of the contract; and (4) the fact that the faculty member and the Board are subject to the policies set forth in the *Handbook for Professional Personnel* as amended from time to time.

## Section 3.3: Standard Personnel Recommendation and Information Forms

Personnel action recommendations and information will be submitted on standardized forms indicating the President's approval or disapproval. The recommendations and information to be submitted include but are not limited to:

**Recommendations:**

1. Initial appointments of nontemporary faculty and administrators
2. Awards of tenure
3. Conferral of emeritus status
4. Awards of honorary degrees
5. Sabbatical leaves

**Information:**

1. Appointments of temporary faculty and administrators
2. Faculty promotions
3. Leaves without pay
4. Administrative leaves longer than ten (10) days
5. Resignations
6. Nonrenewal of probationary faculty members
7. Termination of administrators
8. Denial of early tenure applications/offers of sixth-year terminal contracts
9. Transitional retirements
10. Final sabbatical leave reports

Other actions which require Board approval will be handled on a case-by-case basis.

**Section 3.4: Discrimination and Violence**

I. Discrimination prohibited. The college will not tolerate discrimination against anyone (employees or students) based on race, color, religion, national origin, gender, age, disability, veteran status or sexual orientation (protected statuses), or based on opposition to discrimination or participation in complaint proceedings. The College prohibits and does not discriminate on the basis of race, age, color, religion, national origin, gender, sexual orientation, veteran status, or disability. The College complies with Titles VI and VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Education Amendments of 1972 (Title IX), the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Executive Order 11246, sections 24-34-301, C.R.S. *et seq*.

II. Violence. The College has zero tolerance for violence. Any person who is determined, through investigation, to have committed violent acts or made threats of violence toward any employee, student, visitor or member of the public while on college property or while engaged in college business, college activities or college events conducted elsewhere will be subject to discipline, up to and including termination of employment or expulsion. Reports of violence, violent conduct, or threats of violence shall be reported to law enforcement authorities.

II. Complaints & Duty to Report

A. Discrimination Complaints and reports of discrimination shall be addressed as provided in the Anti-Discrimination Policy in Section 2.2 of this *Policy Manual*.

B. Violence. The College strongly urges employees and students to report any violence to the Affirmative Action Officer, any member of the Human Resources staff, or any college officer. Supervisors or faculty members who observe violence or who receive a written or oral complaint making such allegations have an obligation to report the information to the Affirmative Action Officer. If the violence is related to discrimination or retaliation, as defined in the College's Anti-Discrimination Policy, the complaint, investigation, and any sanctions shall be in accordance with that policy. Other complaints of violence shall be addressed in accordance with the *Handbook for Professional Personnel, State Personnel Board Rules* or the *Student Handbook*, as applicable.

## Section 3.5: Policy Prohibiting Sexual Harassment

### I. Sexual Harassment is Prohibited

The Board of Trustees intends to maintain a campus community free from all forms of sexual harassment. It is the Trustees policy that all forms of sexual harassment are prohibited and will not be tolerated. The University will take all necessary measures to deter such misconduct, including but not limited to preventive educational programs, prompt and thorough investigation of sexual harassment complaints and the imposition of appropriate disciplinary sanctions against policy violators. Retaliation in any form against any member of the university community for reporting sexual harassment or cooperating in a sexual harassment investigation is strictly prohibited. Such retaliation shall be dealt with as a separate instance of sexual harassment. Complaints of sexual harassment or of retaliation are handled according to the administrative procedures developed and implemented by the University for this purpose. This policy is promulgated pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1981 et.seq., and its implementing regulations, 34 C.F.R. part 106; Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000c).

### II. Definition of Sexual Harassment

Sexual harassment, without regard to the gender of the Complainant or Respondent, means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal and physical conduct based on sex when:

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

Sexual violence and sexual assault are forms of sexual harassment. Sexual harassment shall also be defined to include retaliation against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.

### III. Sanctions for Sexual Harassment

Appropriate sanctions shall be imposed upon an employee or student who has sexually harassed another. The sanctions may include, but are not limited to one or more of the following, depending upon the severity of the policy violation: oral reprimand and warning; written reprimand and warning; student probation, suspension or expulsion; monetary fine; attendance at a sexual harassment prevention training seminar; suspension of employment; or termination of employment.

## IV. Implementation

The Western State Colorado University Board of Trustees authorizes and directs the President or President's delegates to develop, administer and maintain the appropriate administrative procedures and guidelines to implement this policy.

**Title IX Coordinator:**

Sara Phillips, Director of Engagement and Orientation. University Center 118B, Gunnison, CO 81231. Telephone: 970-943-2176.

**Contact for Complaints about Employee or Third-Party Behavior:**

Kimberly Gailey, Director of Human Resources. Taylor Hall 321, Gunnison, CO 81231. Telephone: 970-943-3142.

**Contact for Complaints about Student Behavior:**

Chris Luekenga, Interim Associate Vice President for Student Affairs. Taylor Hall 301A, Gunnison, CO 81231. Telephone: 970-943-2616.

**Related Administrative Procedures and Resources:**

**For Complaints about Employee or Third-Party Behavior:**

- Sexual Harassment Complaint, Investigation and Resolution Procedure for Complaints Involving Employees or Third Parties.
- Sexual Harassment Complaint Investigation Authorization Form.

**For Complaints about Student Behavior:**

- WSCU Student Sexual Harassment and Assault Complaint Procedure

**Section 3.6: Presidential Authority over Certain Personnel Matters**

**I. Delegated Powers.** Under the authority granted to it by 23-5-117, C.R.S., the Board of Trustees delegates the following powers over professional personnel matters to the President. For the purposes of this section, "professional personnel" means professional personnel as defined in the *Handbook* and includes all personnel offered employment or employed as probationary faculty members, tenured faculty members, administrative personnel, administrative/regular personnel and temporary personnel as those expressions are defined in the *Handbook*. Board approval shall not be necessary to give effect to personnel actions authorized by this subsection.

The powers to suspend professional personnel in accordance with section 4.02 of the *Handbook* and to dismiss or nonrenew faculty members and regular/administrative personnel for cause in accordance with section 3.09 of the *Handbook*, is hereby delegated to the President. These powers shall be exercised in conformity with sections 2.10, 3.09, and 4.02 of the *Handbook*, and applicable institutional and Board policies, and shall include the authority to give all notices and take other actions which may be necessary to comply with such policies. However: (1) No faculty member shall be dismissed due to a reduction in force unless the Board has first authorized a reduction in force for one or more of the reasons listed in section 3.09 of the *Handbook* and approved the identification of the faculty members to be terminated, in accordance with section 3.09 of the *Handbook*. Once a reduction in force has been authorized by the Board, the College shall carry out the reduction in force, including notification of the faculty members to be terminated, in accordance with section 3.09 of the *Handbook*; (2) The Board retains the power to review and take action on initial decisions of hearing officers in all suspension, dismissal and nonrenewal cases (including dismissals due to a reduction in force) in which hearings before hearing officers are authorized by and timely requested and conducted under *Handbook* sections 2.10, 3.09, and 4.02.

**II. No sub delegation.** Unless authorized by the *Handbook*, institutional policies or other Board policies, the personnel powers delegated to the President by this section may not be sub delegated to subordinate officers or employees of the College. Policies or procedures providing for peer or supervisory review, evaluations or recommendations shall not in any event be or be deemed to be sub delegations of the powers delegated to the President.

**III. Retained Powers.** The Board retains the following personnel powers:

**A.** All powers relating to the appointment, employment, compensation, evaluation, and termination of the President of the College.

**B.** The power to award or deny tenure to the President, and all newly appointed or currently employed professional personnel recommended for tenure by the President.

**C.** The power to appoint and/or enter into **initial** employment contracts with all non-temporary faculty members and administrative personnel. The President or his/her designees are authorized to execute such contracts on the Board's behalf; however, **no appointments or initial employment contracts shall be binding or effective unless and until approved by the Board.**

**D.** The power to authorize a reduction in force at the College for one or more of the reasons listed in section 3.09 of the *Handbook*.

**E.** The power to review and/or take action on the initial decisions of hearing officers in all cases in which hearings are authorized by and timely requested and conducted under sections 2.09, 2.10, 3.09, and 4.02 of the *Handbook* in connection with disciplinary actions, dismissals, nonrenewals or

suspensions of professional personnel (including terminations due to a reduction in force).

**F.** The power to dispose of grievances filed under sections 2.09 and 3.09 of the *Handbook* in all cases in which grievances are heard and reports are filed by hearing officers.

**G.** The power to confer emeritus status on retiring professional personnel.

**H.** The power to award honorary degrees.

**I.** The power to grant sabbatical leaves.

**J.** The power to make, adopt, review, approve, amend, modify, rescind or repeal any and all College personnel policies including, without limitation, *Handbook* policies, *Institutional Handbook*, affirmative action plans or policies, salary administration plans, performance evaluation systems, promotion policies, and tenure policies. No institutional personnel policy shall have any force or effect unless adopted or approved by the Board.

**K.** All professional personnel powers not specifically delegated to the President by subsection 3.6.I are retained by the Board.

**L.** **Reporting and Accountability**: Before each regularly scheduled meeting of the Board, the College shall report personnel actions occurring since the preceding regularly scheduled Board meeting.

**Section 3.7: Drug-Free Workplace Policy**

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace or a state-owned vehicle by employees of the College is prohibited.

As a term of his or her employment, every College employee shall:

**1.** Abide by the terms of this policy statement; and

**2.** Notify the appropriate personnel officer of any criminal drug statute arrest for a violation occurring in the workplace or a state-owned vehicle no later than five (5) days after such arrest.

Any employee who violates the provisions of this policy statement shall be subject to appropriate disciplinary action which may include termination.

## Section 3.8: Unlawful Possession, Use or Distribution of Illicit Drugs and Alcohol by Students and Employees

**I. Definitions:**

**A.** "Illicit drugs" shall mean controlled substances listed in Schedules I – V of the Controlled Substances Act, 21 U.S.C. 812, and related federal regulations, 21 C.F.R. Sections 1308.11 – 1308.15, as they may be amended from time to time and Schedules I-V of title 12, article 22, part 3 of the Colorado Revised Statutes as it may be amended from time to time. "Illicit drugs" shall include controlled substance analogs as defined by federal and state law.

**B.** "Alcohol" shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.

**C.** "Property" shall mean any property owned, leased, chartered or occupied by the Board or the College including motor vehicles, boats and aircraft.

**D.** "Activities" shall mean any act or event sponsored or participated in by the Board or the College including their constituent administrative units and approved student organizations. Without limitation, "activities" shall include all intercollegiate and intramural athletic events, faculty, staff and student meetings, conferences, field trips, retreats and all other acts or events for which the Trustees or the college (including approved student organizations) pay expenses, or provide facilities, services, supplies or transportation.

"Activities" shall not include incidental work- or study-related activities which students or employees perform in their personal, off-campus residences (e.g., studying, class preparation, writing or reading) or purely social events which are held off-campus and are organized or attended by students or employees solely in their personal capacities.

**II. Standards of conduct:** The Board hereby prohibits the unlawful possession, use, or distribution of Illicit drugs and/or Alcohol by students and employees on the Property or as part of the Activities of the College.

**III. Disciplinary Sanctions:** Students and employees who violate the foregoing standards of conduct shall be subject to disciplinary sanctions which may include, without limitation, completion of an appropriate rehabilitation program, reprimand, probation, suspension from college, expulsion from the College, corrective action, a fine, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, reassignment with or without a salary adjustment, suspension with or without pay, and termination. Disciplinary sanctions shall be consistent with local, state and federal law and shall be administered in accordance with applicable student disciplinary procedures, state personnel system rules and procedures and the *Handbook*. In addition to the foregoing disciplinary sanctions, violations may be reported to law enforcement authorities for criminal prosecution.

**IV. Implementation:** The College shall implement drug and alcohol abuse prevention programs which, at a minimum, meet the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. Section 1145(g), and shall review their programs biennially to determine their effectiveness, implement changes if needed and ensure that the sanctions authorized by this policy are consistently enforced.

**V. Other policies:** This policy is supplemental to and does not supersede or repeal other related State, Board or College policies including the Drug-Free Workplace Policy Statement adopted on April 13, 1989, the State of Colorado Substance Abuse Policy promulgated by the Governor and Trustees and institutional codes of professional and student conduct.

## Section 3.9: Electronic Mail and Other Electronic Communications; Retention, Archiving and Destruction of Records Kept Only in Digital or Miniaturized Form

**I. Electronic Mail and Communications:** The College shall adopt written policies on any monitoring of electronic mail and other electronic communications transmitted over its electronic communication facilities and the circumstances under which such monitoring will be conducted. The policy shall include a statement that employee correspondence in the form of electronic mail and other electronic communications may be a public record under the Colorado Public Records Act, sections 24-72-201 *et seq*., C.R.S., and may be subject to public inspection under section 24-72-203 of the Act.

**II. Retention, Archiving and Destruction of Records Kept Only in Digital or Miniaturized Form.** The College shall adopt a policy governing the retention, archiving and destruction of public records kept only in digital or miniaturized form including, without limitation, records kept only on magnetic or optical disks, tapes, microfilm and microfiche. Such policies and concomitant institutional practices shall comply with section 24-72-203 (1) (b), C.R.S. and other provisions of the Colorado Archives and Public Records Act, sections 24-80-101 *et seq*., C.R.S. governing state archives and public records and any rules, regulations, policies or programs adopted by the Department of Personnel relating to the retention, archiving and storage of such records.

## Section 3.10: Background Checks

Western State College of Colorado is committed to providing students with an outstanding education in a safe environment. To fulfill this commitment, careful selection procedures are necessary to hire qualified individuals. Background checks are an important part of a thorough selection process, reducing the risk of a poor hiring decision and helping ensure the college is a safe and secure environment for students, faculty, staff and visitors.

Western State College of Colorado conducts background checks on newly hired employees and on rehired employees in order to verify the information provided by candidates and to determine their suitability for employment. A criminal background check and a check of the National Sex Offender Public Registry is conducted post-offer for employees as described in the policy scope.

The college may also check candidates' professional, personal, and other employment related references, employment history and proof of required credentials. If job responsibilities dictate, post-offer credit and driving records of newly hired employees and rehired employees may be checked.

Offers of employment will be contingent upon the completion of an acceptable background check.

### I. Scope

A. Criminal background and sex offender registry background checks apply to:

1. All faculty, administrators, and classified staff newly hired (post-offer). Personnel hired for less than a 15 day term of service may not be subject to a background check.

2. All faculty, administrators and classified staff rehired after a one year or more break in service. Personnel hired for less than a 15 day term of service may not be subject to a background check.

3. Independent contractors, depending upon their responsibilities on campus. Note that independent contractors and their regular employees or sub-contractors who are required to perform criminal record and sex offender registry background checks may be required to do so at the independent contractor's cost as a condition of their contract with the college.

4. Students employed in Residence Life, Campus Security and athletic camps, or students who have responsibility for the care, safety or security of students are subject only to screening through the National Sex Offender Public Registry.

5. Any employee subject to a criminal background check under the Key Policy.

6. Any employee whose job duties or qualifications specifically require a criminal record and/or sex offender registry background check.

B. Professional and personal references, employment history and proof of credentials background checks apply to all new employees.

C. Credit history and driving record background checks may apply to new hires (post-offer) only when qualifications for the job require or the job duties are reasonably related to the check. Unrelated to hiring, the college driving policy may also require driving record checks.

## II. Responsibilities

A. Human Resources: The Western State College Office of Human Resources is responsible for carrying out the procedures related to criminal background checks, National Sex Offender Public Registry checks, credit history checks and driving record checks on all employees of the College, as defined under the scope of this policy. This responsibility includes adherence to applicable laws, including, but not limited to the Fair Credit Reporting Act, § 24-5-101, C.R.S. and proper recordkeeping and retention of sensitive information. It is the responsibility of the Office of Human Resources to obtain a completed Acknowledgement and Authorization form from an employee/candidate before background checks are conducted. The college considers information received in response to a background check as highly confidential.

The Office of Human Resources shall include on its website and on the candidate information sheets a statement that Western State College of Colorado conducts background checks prior to employment and any offer of employment is contingent upon completion of an acceptable criminal background check.

It is the responsibility of the Office of Human Resources to obtain employees' official transcripts and/or licenses, as applicable, as proof of required credentials.

It is the responsibility of the Office of Human Resources to check professional and/or personal references for candidates in classified personnel system searches.

When a background check yields records that may affect hiring or rehiring decisions, the director of human resources in consultation with legal counsel, when necessary, and the appropriate vice president work together to determine the relevance of such information to the vacant position's responsibilities and the hiring decision.

Having a criminal history, a criminal conviction, or a motor vehicle violation does not necessarily preclude employment. The nature of the offense, the circumstances surrounding it and its relevance to a particular position are evaluated on a case-by-case basis. An evaluation shall consider, but shall not necessarily be limited to, the following factors:

1. Falsification of application material pertaining to the conviction(s).

2. Date of conviction(s).

3. Subsequent employment record.

4. Length of college service and performance.

5. Number and gravity of crime(s) committed and the nature of the crime(s) in relationship to the nature of the work to be performed.

6. Potential opportunity, through possible abuse of work-related functions or situations, to cause financial or property loss or other harm.

B. Search Committees: Search committees are responsible for checking professional and/or personal references for faculty and administrator candidates.

C. Appointing Authorities: The appointing authority is responsible for making offers of employment for appointments within the scope of this policy contingent upon acceptable results of the background check.

   Once an offer of employment is made, the appointing authority, in conjunction with the Office of Human Resources, is responsible for having the candidate/employee sign an Acknowledgement and Consent form to allow the Office of Human Resources to conduct a background check. The candidate will complete the form and give it to the appointing authority or designee directly. Individuals who fail or refuse to complete the form or who provide false or misleading information may no longer be considered a candidate.

   Appointing authorities are responsible for the costs associated with conducting background checks.

   Appointing authorities are responsible for consulting with the human resources office when considering the relevance of credit history and driving records to the vacant position's job responsibilities.

D. Campus Security: The Office of Campus Security may be given joint responsibility with the Office of Human Resources in carrying out any of the background check procedures, to the extent permitted by applicable law.

Western State College of Colorado reserves the sole right to make the determination concerning the relevance of information obtained from a background check and the sole right to make employment decisions.

**III. Sanctions for Violation**

Violations of any provision of the background check policy, including but not limited to providing false information, may result in disciplinary actions, up to and including termination of employment. Failure to disclose convictions in the application process is deemed falsification of the employment application and shall result in termination of employment, if employed, after the effective date of this policy.

**Section 3.11: High Risk Information Confidentiality and Disclosure Policy**

Western State College of Colorado collects information from prospective and enrolled students and parents, employees and dependents, alumna and donors for administrative, management or business purposes. This policy establishes restrictions on the access, use and distribution of high-risk confidential information.

High-risk confidential information (HRCI) is defined as any combination of full name, SSN, date of birth, permanent address, driver's license number/passport/other government-issued identification number, credit/debit card number, bank information, personal medical information and academic records. This information, if maliciously obtained and misused, carries a high risk of causing personal, financial or reputational damage to its owner.

Access to HRCI must be limited to only those employees whose job responsibilities require it. HRCI is to remain confidential and must not be revealed to anyone who does not have the right to view or know the information. Unauthorized access to and use of HRCI violates College policy and state and federal statute and is not permitted.

Employees whose job responsibilities require access to HRCI must follow these acceptable use guidelines:

1. Use of such data shall be limited to the purpose required to perform college business.
2. Users must respect the confidentiality and privacy of individuals whose records they access, handle HRCI ethically, and abide by applicable laws with respect to accessing, using, or disclosing information.
3. Users must comply with all state and federal laws relating to information security and privacy.
4. HRCI may only be disclosed to individuals or entities on a need-to-know basis.
5. HRCI must be protected to prevent loss, theft, unauthorized access, unauthorized modification, unauthorized destruction, and/or unauthorized disclosure. Please refer to the policy on Data Protection and Security.

Through the course of legitimate business practices, HRCI may need to be disclosed and/or transferred to outside entities. Employees responsible for this disclosure or transfer of HRCI must follow the guidelines specified in Transmittal of Confidential Data. Contact the Information Technology Services department for information on these guidelines.

Employees whose position requires access to HRCI are required, as a condition of employment, to sign a confidentiality agreement or provide a signed acknowledgment of this policy.

Employees must immediately report to their supervisor any violations to this policy or incidents of misuse of HRCI.

**Section 3.12: Data Protection and Security Policy**

Western State College of Colorado collects information from prospective and enrolled students and parents, employees and dependents, alumna and donors for administrative, management or business purposes. This policy establishes requirements on data security and protection of high-risk confidential information.

High-risk confidential information (HRCI) is defined as any combination of full name, SSN, date of birth, permanent address, driver's license number/passport/other government-issued identification number, credit/debit card number, bank information, personal medical information and academic records. This information, if maliciously obtained and misused, carries a high risk of causing personal, financial or reputational damage to its owner.

Access to HRCI must be limited to only those employees whose job responsibilities require it. HRCI is to remain confidential and must not be revealed to anyone who does not have the right to view or know the information. Unauthorized access to and use of HRCI violates College policy and state and federal statute and is not permitted.

Employees whose job responsibilities require access to and use of HRCI must take steps to physically secure this information and must follow these guidelines:

1. Employees must take all steps necessary to ensure that HRCI displayed on computer monitors is not subject to unauthorized viewing by others. Such steps include, but are not limited to, minimizing application windows while in the office, locking the Desktop, closing applications and logging out of computers when out of the office.
2. Employees must ensure physical protection for all devices storing HRCI. When not directly in use, office and suite doors must be locked and any easily transportable devices not in the possession of the employee should be secured in locked cabinets or drawers.
3. Employees must limit the production of hard-copy documents containing HRCI to the extent practical. Hard copy documents containing HRCI must remain in secured locations on campus unless otherwise authorized by the president or overseeing vice president.
4. Employees must secure hard copy documents containing HRCI by maintaining a clean desk and locking such documents in secure, designated areas (such as a locked desk or file cabinet) when they are out of the office. If no locking storage areas are available, documents must be removed from plain sight.
5. Employees should supervise and protect incoming and outgoing mail collection points and fax machines so that unauthorized individuals do not pick up documents containing HRCI.
6. Employees must immediately retrieve documents containing HRCI from printers, or retrieve such documents at the printer using a password.

HRCI kept in electronic format should be stored exclusively in secured network drives and databases (e.g., Banner, document management system). Storage of HRCI data on any device, including but not limited to, desktop hard drive, laptops, PDAs, phones, USB Drives, CD/DVD, and diskettes is prohibited unless otherwise authorized by the president or overseeing vice president.

Devices with access to stored HRCI data must be password protected and locked or logged off when unattended. Employees must follow these guidelines for password protection:

1. Employees accessing password protected computing resources are required to use strong passwords that are difficult to guess or crack.
2. Passwords are not to be posted on, under or around a computer or in the workplace.
3. Employees must never provide their password to anyone else and never let anyone else use their computer account.
4. Passwords must be changed when there is reason to believe the password has been compromised.

All campus departments whose business practices require access to and use of HRCI must develop policies surrounding the retention and disposal of information that are consistent with state or federal law. All policies must be approved by the president's cabinet prior to implementation.

Employees must immediately report to their supervisor any violations to this policy or incidents of misuse of HRCI.

The College shall regularly conduct, or cause to conduct, assessments of data risk to improve the policies and procedures related to data protection.

# CHAPTER 4: BUSINESS/FINANCE AND PHYSICAL PLANT

## Section 4.1: Financial Authority

The Board delegates to the President the authority and responsibility to establish, maintain and manage a financial budget and accounting system for all sources of funds. This includes appropriated programs, auxiliary enterprise funds, student activity fees, sponsored programs, gifts, contracts and grants, capital construction, controlled maintenance, and other funds.

**All funds must be budgeted** in conformance with instructions, guidelines, and formulas established by funding or coordinating agencies (e.g., the Colorado Commission on Higher Education, Office of State Planning and Budgeting and the Joint Budget Committee).

**All funds must be reported or accounted for** in conformance with generally accepted accounting principles and practices promulgated by the American Institute of Certified Public Accountants and the National Association of College and University Business Officers.

**The expenditure of all funds must be audited** in accordance with Colorado Revised Statutes, particularly 2-3-101 through 2-3-110 C.R.S., as amended, and in conformance with generally accepted auditing principles and practices.

The President is authorized to establish process, procedures, and timeliness in accord with such instructions, guidelines and formulas.

The President is responsible for the review, coordination, and external communication of all such financial information.

The President is charged with recommending fiscal year budgets annually for all funds to the Board for review and action. Periodic status reports shall be presented for Board review and action.

**Section 4.2: Tuition and Fees**

The Board has the responsibility and authority to set tuition and fees in accordance with the policies established by the Colorado Commission on Higher Education (CCHE).

**A.** The President shall annually submit a recommended tuition and fee schedule for the upcoming fiscal year to the Board. While the timeline and format of such presentation may vary, the schedule shall compare proposed tuition rates and structure and all fees with the previous year's charges. Appropriate justification and support materials must accompany the presentation.

**B.** Actions regarding all student fees (new or modified) must be approved by the Board. The Trustees intend that the College consult with its student government in establishing rates and allocating funds related to student activity fees. Student fees cannot be used to support academic construction; nor should increased academic fees be used to minimize tuition rate proposals by shifting tuition increases to special fee increases.

The proposed distribution of funds among the various student activities and a comparison with previous year's budgets will be submitted to the Board for review and action.

**C.** The Board is authorized to establish fees for the acquisition, construction and maintenance of parking facilities and debt service related thereto.

Specific fees requiring Board authorization shall include but not be limited to:

| | |
|---|---|
| Application | Housing and Dormitory |
| Tuition | Meal Plans |
| Transcript | Bond |
| Placement Service | Student Activity |
| Drop/Add | Laboratory |
| Parking | Deposit |

**Section 4.3: Instructional Courses and Job Related Training for Employees**

Consistent with the Colorado *Fiscal Rules*, Rule 2-8.04, "Miscellaneous Compensation and Other Benefits (Perquisites)," the College may authorize its employees to enroll in job related and career enhancement courses at no cost or at a reduced cost. Only enrollment in courses that will benefit the State and enhance employees' performance is authorized by this policy and the *Fiscal Rules*.

The College shall adopt procedures providing for review and approval by the President or a delegate of employee requests to enroll in instructional courses and job related training at no cost or at a reduced cost. Approval of any such request shall be in writing and must be received before the employee enrolls in the course or training. No request shall be approved unless the President or delegate concludes that enrollment in the course or training will benefit the State and enhance the employee's performance.

**Section 4.4: Delegation of Signature Authority**

The Board delegates to the President full and complete authority to execute, on behalf of the Trustees of Western State College, all lawful contracts, leases, and rental agreements or amendments thereto deemed necessary by the President for any academic or administrative function of the College, except the following:

1) Capital construction contracts as defined in section 24-30-1301, C.R.S. (2003) (as now or hereafter amended) the individual cost of which equals or exceeds $100,000;
2) Contracts for the purchase of real property or any interests therein;
3) Contracts, leases, rental agreements, licenses, easements, or other instruments selling or otherwise conveying any interests or rights in state-owned real or personal property to another party or parties;
4) Contracts under which the College's or Board's obligation for the payment of consideration and other costs exceeds $250,000 in any one fiscal year;
5) Leases and rental agreements under which the Board's total obligation for the payment of rent under the lease exceeds $100,000 or which are for a term exceeding three (3) years.

Notwithstanding the Board's reservation of authority as to capital construction contracts set forth in 4.4 (1) above, with regard to capital construction projects which the Board has approved under section 4.5(IV) (B), the Board delegates to the President the authority to execute all contracts, amendments and related documents that the President deems necessary to the successful completion of an approved capital construction project. Any such contracts that obligate the Board to an amount in excess of $500,000 shall be brought to the Board for approval prior to execution by the President, or in the event that delay would be substantially to the economic detriment of the College, for ratification at the next regular Board meeting.

The President may subdelegate to appropriate College officials so much of his/her authority hereunder as will facilitate the efficient administration of the College. Subdelegations shall be in writing and shall clearly state the limitations on the authority subdelegated including the limitations set forth herein and any additional limitations deemed necessary or prudent by the President. Copies of any subdelegations shall be provided to the Board at the time of the subdelegation. A current record of all accounts, signatories and dates of presidential subdelegation shall be kept on file at the College.

All contracts, leases and rental agreements or amendments thereto shall be executed by the President or his/her subdelegate in the name of "The State of Colorado by and through the Trustees of Western State College of Colorado for the use and benefit of Western State College of Colorado." If necessary, the Chief Financial Officer of the College, in his/her capacity as deputy secretary of the Board, may attest the signature of the President or his/her subdelegate and affix the Board's seal to the instrument.

Pursuant to section 24-30-202, C.R.S. (2003) (as now or hereafter amended) and the State of Colorado Fiscal Rules (as now or hereafter amended), all contracts, leases, and rental agreements or amendments thereto executed by the President or his/her subdelegate which require the expenditure of state monies must be approved by the State Controller or his/her designee and, in certain cases, by the Attorney General's Office or other state agencies as required by law. The President or his/her subdelegates shall strictly comply with the review, approval, and contract routing provisions of the Fiscal Rules.

No contract, lease or rental agreement subject to the Western State College of Colorado Procurement Rules (as now or hereafter amended), lawfully created in accordance with the authority of the State Procurement Code, title 24, article 101, C.R.S. (2003), shall be executed by the President or his/her subdelegate unless it was awarded in strict compliance therewith.

## Section 4.5: Delegation of Authority for Budget Administration

The Board shall delegate budget authority to the President as indicated below:

### I. Operating Budgets for Appropriated Programs

**A. Budget Allocations:** Authority is granted to the President to effect budget allocations to the College with the approval of the Board. Initial allocations shall be made and approved by the Board before the beginning of the fiscal year. Revised allocations shall be made and approved by the Board at regular intervals throughout the year.

**B. Budget Transfers and Revisions:** Authority is granted to the President to make changes to the budget approved by the Board when in his or her judgment it is advisable to do so based upon changes in expenditure plans. Any changes which exceed the threshold levels noted below must be approved by the Board.

1. **Thresholds:** Revised total income/expenditure budgets of $100,000.

   Academic or administrative program changes of $100,000.

   All tuition rate, structure, and fee changes must be approved by the Board.

2. **Cumulative Changes:** Individual budget changes which are less than the above threshold levels but which, on a cumulative basis, exceed three (3) times the above threshold levels for any type of change must be approved by the Board.

3. **Regular Reporting to the Board:** <u>All</u> budget changes will be reported to the Board in the presentation of periodic budget rewrites.

### II. Operating Budgets for Auxiliary or Other Self-Funded Activities

**A. Budget Allocations and Revisions:** Authority is granted to the President to effect budget allocations to the various activities with the approval of the Board. Initial allocations shall be made and approved before the beginning of the fiscal year. Changes in total expenditure or revenue flows in auxiliary or other self-funded activities which result from increases or decreases in services delivered shall not require prior approval by the Board.

**B. Regular Reporting to the Trustees:** All budget changes will be reported to the Board in a year-end report.

## III. Operating Budgets for Contract, Grant, and Gift Activities

**A. Budget Allocation and Revisions:** The President is given the authority to approve or amend budgets for contracts, grants, and gifts previously accepted by the Board.

**B. Regular Reporting to the Trustees:** All budget changes will be reported to the Board in a year-end report.

## IV. Capital Construction

**A. Definition:** For purposes of this policy, capital construction as defined in section 24-30-1301, C.R.S. (as now or hereafter amended) including any construction, demolition, reconstruction, remodeling or repair of any building or utility system, site development, or purchase, repair, or installation of equipment for instruction or scientific use the individual cost which equals or exceeds $100,000 for appropriated, auxiliary, self-funded, contract, grant, or gift activities.

Activities or equipment meeting the above capital construction definitions but costing less than $100,000 will be considered as part of the operating budget and subject to the constraints of sections I, II, and III of this policy.

**B. Project Approval:** Prior to commencing any capital construction project as defined above, approval of the Board must be obtained for program plans, financial plans, and architect selection, as appropriate.

**Exception:** Equipment for instruction or scientific use financed by contracts, grants or gifts shall not require separate approval so long as:

**a.** the contract, grant or gift has been accepted by the Board; and

**b.** said equipment has been approved by the authority and criteria of the relevant contract, grant or gift.

**C. Planning Documents**

**a**. The Five-Year Capital Improvements Program (CIP) schedule; and

**b**. The Five-Year Controlled Maintenance Program (CMP) schedule

Both of these planning documents are customarily submitted to the CCHE, the Office of State Planning and Budget ("OSPB"), and the State Buildings Division ("SBD") during mid-August of each year, for the funding cycle which commences a full year hence. Accordingly, the CIP and CMP schedules shall be submitted by the President to the Board for approval on or before July 1 of each year.

## Section 4.6: Operating Budget Management System

### Budget Decision Rules

The Long Bill appropriation for the Board will be booked and reported in the College set of accounts. Initial operating budgets will be recommended by the President of the College to the Board for final review and action. The level of detail of the operating budgets will be that of the traditional appropriation state budget format.

**I. Operating Budget Decision Rules:** The following decision rules will be used in the administration of the operating budgets:

**A. Revenue -** If revenues are not meeting the budget plan, the President is obligated to make appropriate expenditure reductions to maintain a balanced budget. Exceptions to this operating rule may be considered by the Board.

**B. Reporting lines -** The points of control will be the state budget format lines most recently approved by the Board.

**C. Transfers among budget reporting lines -** The President is authorized to make transfers among Board approved operating control lines as follows:

**1.** Transfers may not change the approved budget for any line by more than Twenty-Five Thousand Dollars ($25,000) or two (2%) percent whichever is higher, up to a maximum of One Hundred Thousand Dollars ($100,000) if two (2%) percent of a given control line exceeds that amount.

**2.** The combined line item transfers within the approved budget shall not exceed One Hundred Thousand Dollars ($100,000).

**3.** The transfer limits apply to cumulative as well as individual changes for approved budget line items.

**4.** Transfers greater than these amounts will be proposed by the President for approval by the Board.

**D. FTE Reporting -** The number of FTE in the Administration state budget format shall not exceed the approved budget levels without Board approval. It is the Board's intent to limit increases for all administrative costs. FTE in other state budget formats may exceed the approved budget levels within the dollar restrictions established above.

**E. Cash Funds -** Cash funds in excess of the revenue budget approved by the Board are not authorized for expenditure.

**F. One-time Savings -** Any one-time savings (e.g., salary and benefit savings resulting from vacant faculty or staff positions) shall not be used for continuing budget items.

**II. Reporting:** All changes in Board-approved control lines will be reported as part of the periodic reporting to the Board.

**A.** Internal line item detail will be developed by the College in agreement with approved operating budgets.

**B.** Regularly scheduled reviews of the basic expenditure budgets will be made to review emergent needs and release of contingency reserves and program reallocations.

# Section 4.7: Guidelines, Review Procedures and Reporting Policies for the Provision of Goods and Services by Colorado Publicly Supported Institutions of Higher Education

## I. Guidelines for the Provision of Goods and Services

### A. Introduction

The primary mission of higher education institutions is to create and disseminate knowledge. To perform this mission, it is often necessary for institutions to provide, and charge fees for, goods and services that enhance, promote, or support their teaching, research, and public service functions. It is important, however, that institutions be mindful that the provision of goods and services may be in competition with private businesses, and remain sensitive to the interests of private businesses.

The purpose of these guidelines is to define the legitimate purposes of the provision of goods and services by institutions of higher education and to establish a mechanism for addressing complaints of unfair competition by private businesses. These guidelines were developed by CCHE in accordance with Section 24-113 C.R.S., in consultation with governing boards on each of the campuses under their control, and modified as applicable to the College by the Board, October 10, 2003.

### B. Exclusions

In recognition of the teaching, research, and public service missions of higher education institutions, these guidelines shall not apply to the following situations:

1. instructional charges;

2. services provided in the experiential aspects of instructional and research programs;

3. services for fees in extracurricular or residential life programs, including residence halls, food services, athletic, recreational and cultural programs;

4. the provision of free medical services or equipment to indigent in association with a community service health program; or

5. public service radio and television stations licensed to a governing board or to an institution under its control.

### C. Guidelines

It is appropriate for the College to provide and charge for goods and services to students, faculty, staff and invited guests, under the following conditions:

1. the good or service is authorized by statute;

2. the good or service offers a valuable educational or research experience for students as a part of their education;

3. the good or service fulfills the public service mission of the College.

**D. Criteria for Provision of Goods and Services to Students, Faculty and Invited Guests**

In determining the appropriateness of a good or service to the campus community, consideration shall be given to the following criteria:

1. whether the good or service is substantially and directly related to the instructional, research, or public service mission of the College;

2. whether the good or service is necessary or convenient for the campus community;

3. whether the intended use of the good or service is for students, faculty, staff, or invited guests rather than the general public. Invited guests are defined as persons who enter a campus for an educational, research, or public service activity, and not primarily to purchase or receive goods and services not related to the educational, research, or public service mission of the campus;

4. whether the price charged reflects the direct and indirect costs and overhead costs of the good, as well as the price in the private marketplace;

5. whether in establishing the price of the good or service, consideration was given to the price in the private marketplace; and

6. whether there is a demand by the general public for the good or service.

**E. Criteria for Sales to the External Community**

In assessing the validity of providing goods or services to the external community, both of the following criteria must be met:

1. The good or service represents a resource that is directly related to athe College's educational mission, not commonly available or otherwise easily accessible, and for which there is a demand from the external community; or the goods or services are byproducts of the College's instructional, research, or public service activities; or the College has specific statutory authority to sell the good or service; or the good or service is produced from the business-like management of the assets of the College for the exclusive benefit of the College; and

2. The price charged is sufficient to recover the full costs, including both direct and appropriate indirect costs, of the good and service. The price of such items in the private market place shall be taken into account in establishing the price or fee.

**F. Circumvention of Guidelines**

The College shall not provide goods, services or facilities for or through another state agency or unit of local government if providing them directly would violate these guidelines.

**II. Guidelines for Grievance Review Procedures**

In the event that the provision of a good or service by the College is perceived to be in competition with a privately owned business, that business shall be provided the opportunity for a hearing of such complaint according to the following guidelines:

1. The complaint shall first be heard by the President of the College or his designee.

2. If resolution is not reached as a result of the initial review by the President, appeal may be made to the Board.

**III. Reporting Procedures**

1. The Board shall submit, by February 1 and August 1 of each year, semiannual reports to CCHE regarding the outcome of grievances reviewed pursuant to the procedures established in accordance with Section II of these guidelines.

2. The CCHE shall report annually to the Governor and the General Assembly as to the implementation of the grievance review procedures.

**Section 4.8: External Communication on Financial Matters**

All communication on financial matters with external agencies, individuals, or groups will be the responsibility of the President. Unless specifically requested to do so, College personnel are not to provide information directly to external agencies but rather must submit it to the President's Office. When responding to such requests, the College shall provide copies of both the request and the proposed response to the Board in a timely fashion.

The President of the College or her/his designee will be responsible for transmitting all budget requests to state agencies (e.g., budget request for appropriated programs, supplemental requests, capital construction, controlled maintenance, etc.).

When a contract requires approval by the Attorney General prior to execution, requests for action shall be made by the President or her/his designee.

**Section 4.9: Enrollment Reporting**

Student FTE enrollment shall be reported according to the requirements of *Guidelines for Reporting FTE Enrollments for Statewide Budgeting* adopted and amended by the CCHE.

The President or his/her designee shall develop and verify all required data and shall be responsible for transmitting all such college enrollment data to external agencies (e.g., CCHE, OSPB, Joint Budget Committee, etc.).

## Section 4.10: Official Expense Allowance for Travel for Board and College Staff

Consistent with *Fiscal Rules* of the State of Colorado (Chapter 1, Section 1), all official travel by Board members must be for the benefit of the State. All travel should be completed at the most economical and reasonable cost.

### Out-of-State Travel

The President shall be responsible for granting prior written authorization for all out of state travel for the Board members and the College staff. The Out of State Travel Request and Authorization form should be submitted with the travel reimbursement voucher.

### Rental or Lease Car

Authorization to rent or lease a car from a private concern will be granted only by the President or his or her authorized designee. Renting or leasing a car should occur only when no state vehicle or privately owned vehicle is available or practical to use.

### Types of Expenses That Are Reimbursed

Receipts are required except where specified below:

1. Registration fees for conferences and seminars;
2. Official telephone calls;
3. Commercial transportation costs;
4. Mileage for use of private vehicle (no receipt required);
5. Rental car cost;
6. Tips fifteen percent (15%) maximum;
7. Lodging;
8. Meals (receipts required only if charges exceed amounts authorized by state Fiscal Rules), and tips to be included; and
9. Other appropriate expenses.

**Section 4.11: Insurance Plan for Life, Health, and Long-term Disability**

The College shall have an insurance plan for life, health, dental and long term disability. All professional employees on contract for 0.50 FTE or more in a fiscal year are eligible and required to participate in the insurance plan for life, health and dental coverages. Participation in the plan's long term disability coverage is required for all professional employees on contract for 0.50 FTE or more in a fiscal year and hired on or after July 1, 1969, and coverage is elective for such employees hired before that date.

Some or all of these coverage requirements may be waived for religious or military reasons, or if the employee has coverage from another source.

Board of Trustee members, acting individually, may elect to participate in the system-wide life and health group insurance plan at their own cost.

Persons who retire from the College may, upon retirement, elect to participate in Trustee-endorsed retiree life, health and dental plan(s), if offered, subject to the conditions governing their participation in that plan.

The Higher Education Insurance Benefits Alliance is responsible for administering and managing the group insurance plans and recommending to the Board of Trustees rates, benefits and sources of funding as part of the operating budget setting process. While the timeline and format for presentation may vary, the funding for such plans should be included as part of the annually approved fiscal year budget.

**Section 4.12: College Foundation: Acceptance and Management of Gifts and Donations**

It is Board policy that the College shall establish and operate a nonprofit, independent corporate foundation (the "Foundation") for the purpose of accepting, controlling, and managing funds and other gifts received as donations to the College. Articles of incorporation are to be reviewed by the Board and kept on file in the President's office.

Gifts to the Foundation and expenditure of Foundation funds must be consistent with the role and mission of the College and must contribute to institutional goals and objectives.

Any gift or activity funded through the Foundation that requires or is likely to require, the use of state appropriated program funds must have prior approval of the Board. In addition, consistent with 23-1-106(8), C.R.S., as amended, any acquisition of real property by a state supported institution of higher education which is conditional upon or requires expenditures of state-controlled or federal funds, whether acquisition is by lease, lease-purchase, purchase, gift, or otherwise, shall also be subject to approval by the CCHE.

The Foundation shall submit, by October 1 of each year, an audit report and a written annual report to the Board which shall include:

1. a statement of sources and uses of funds for the prior fiscal year; and

2. a report of projects funded by the Foundation in the prior fiscal year.

**Section 4.13: Naming of College Buildings**

The Board shall approve the names of all College buildings.

**Section 4.14: Approval of Memorials (Fountains, Monuments, Buildings, etc.)**

All proposals and plans for the construction of memorials which require the expenditure of funds from any source shall be submitted to the Board for review and action. Subsequently, the project shall follow the standard capital construction approval process.

**Section 4.15: Ceding Authority to Regulate and Control College Driveways**

Ceding of authority to regulate and control college driveways shall be accomplished by formal action of the Board. The following resolution format shall be used:

> RESOLVED: That the Trustees of Western State College, with the concurrence of the City of Gunnison, hereby cede jurisdiction to the municipality of Gunnison, Colorado, to regulate and control the use of the driveways on the Western State College campus; provided that such jurisdiction shall not be deemed to convey the right, title, or interest in said driveways; and provided further that such jurisdiction shall extend only to the use and control of said driveways; and provided further that the Trustees reserve the right to revoke powers hereby granted, as provided by statute. A driveway necessarily includes all areas which are adjacent to and adjoining that part used for vehicular travel and which are essential for parking purposes and includes all sidewalks used for fire protection lanes.

**Section 4.16: Fire and Safety Inspection Reports**

The College shall appoint an administrator who is responsible for safety and for fire inspections. This officer shall be responsible for compliance with state and local building and safety codes.

Quarterly fire and safety reports, including descriptions of necessary corrective action, shall be submitted to the President on September 30, December 31, March 31, and June 30.

**Section 4.17: Use of Tax-free Alcohol on the College Campus**

The College shall be permitted to procure and use tax-free alcohol for instructional purposes provided such procurement and use are in strict compliance with the Colorado Beer Code § 23-46, C.R.S., and the Colorado Liquor Code, § 23-47, C.R.S. The President shall be responsible for the proper acquisition and use of alcohol and shall have the authority to delegate to appropriate individuals on the campus the authority to sign the necessary applications and documents for licenses and requisitions.

**Section 4.18: Processing Surplus Property**

The College is authorized to process property through the Colorado Surplus Property Agency. The President is delegated the authority to designate authorized representatives to obligate funds and obtain property from the Colorado Surplus Property Agency, upon and subject to the terms and conditions set forth in Issue Sheet, Form F-14 SPA, of the Colorado Surplus Property Agency.

Additions to or deletions from the list of authorized representatives shall be forwarded immediately to the Colorado Surplus Property Agency.

## Section 4.19: Criteria for Approval of Tax-Sheltered Annuity Programs

The College will extend to its employees as a benefit, the administration of a payroll deduction tax-sheltered annuity plan in accordance with the Internal Revenue Service Code, 403(b). This plan will be administered by the Vice President for Administration and Finance, who shall be known as the Plan Administrator.

### A. Vendor Selection, Authority and Monitoring

**1.** Selected companies will be authorized to provide tax-sheltered annuity and investment products that conform to Internal Revenue Code Section 403(b) requirements. Additional vendors may be added from time to time by the Board.

**2.** Changes to the list of authorized TSA vendors will be determined by the Plan Administrator, as deemed necessary, who will inform the Board of any changes before they become effective.

**3.** Companies selected as Fund Sponsors for the Board's Defined Contribution Pension Plan may, during the terms of their contracts as Fund Sponsors, be considered Authorized TSA Vendors, provided they comply with the same standards as other vendors (including entering into an administrative contract as specified in Section B below), except that they need not participate in the competitive bidding process in Section A.1 above, which will be considered as having been done by being selected as a Fund Sponsor**.**

**4.** Only Authorized TSA Vendors will be allowed to solicit employee participation in a 403(b) payroll deduction program at the College. Solicitation will be governed by Section C. below.

**5.** The Plan Administrator will periodically review the financial stability and fund management practices of each of the authorized vendors and report to the Board the results of the review. The Plan Administrator may choose to terminate an administrative contract based on the findings of the review.

**6.** The Plan Administrator is authorized to suspend an administrative contract at any time if it appears that the funds invested in the accounts of an authorized vendor are in substantial jeopardy.

**7.** Notwithstanding the monitoring activities specified in paragraphs 5 and 6 above, each employee participant will be informed that the Board provides this tax sheltered annuity program as a service to its employees and does not guarantee any specific level of financial performance.

### B. Administrative Contract Required

In order to qualify as an Authorized TSA Vendor pursuant to Section A above, the company must enter into a formal administrative contract ("Contract") with the College. This contract, which must be signed by an authorized officer of the company, will stipulate, *at a minimum*, the following:

**1.** All products sold to College employees meet the requirements of Section 403 (b) of the IRS Code.

**2.** Front-end loads or charges will be limited to a fixed amount or percent as stipulated in the Contract.

**3.** If a front-end load is not charged, a back-end or surrender charges may be used but will be limited to a fixed amount or percent as stipulated in the Contract.

**4.** Yearly account maintenance fees, if any, will be limited to a fixed amount or percent as stipulated in the Contract.

**5.** Product contracts must allow for increases and decreases in premium payments (salary reductions) without penalty to the participant.

**6**. The College will be indemnified from suit and from liability arising from actions and/or inactions either of the Authorized TSA Vendor or its agents, or the employee-participant.

**7.** Authorized TDA Vendors a will be required to supply the Plan Administrator financial reports, transaction information, sample annuity contracts or certificates, advertising and promotional materials, upon request or on a routine basis.

**8.** Failure to comply with the provisions of the Contract, misstatement of fact, misrepresentation to employees or employer, mismanagement of employee accounts, or any other actions deemed not to be in the best interest of participants or the College, that do not comply with the IRS code, or that may jeopardize the participant's equity beyond the normal risks of any investment, may be cause to suspend or terminate the Contract.

**9.** Authorized TDA Vendors will assist participants in executing a College's Salary Reduction Agreement (SRA) when required by the College or the IRS, and vendors will prepare a Maximum Exclusion Allowance analysis when required by the College. Prior to the executing of an SRA, authorized TDA vendors will prepare a Salary Reduction Contribution Limitation Analysis (SRCLA) which takes into consideration the impact of the employer match discussed in Section F below as well as all relevant variables that determine a participant's maximum tax deferral for the year. This analysis will be summarized on a form provided by the Administrator. The completed SRCLA Summary Form must proceed or accompany the SRA.

**C. Solicitation**

Solicitation of new business will be limited by the following:

**1.** The Authorized TDA Vendor will not conduct solicitation during normal business hours time on College premises. This does not preclude visiting an employee on campus by appointment during the employee's free time, or during college-sponsored events such as benefits fairs.

**2.** The Authorized TDA Vendor will not have more than two (2) representatives authorized to solicit the employees of the College. These representatives' names will be registered with the Human Resources Office of the College.

**3.** Mass telephone solicitation of any kind will not be permitted. Telephone secretaries, professional calling services, professional appointment secretaries, or any other mass calling systems are not authorized. Only the registered account representatives, working on a referral basis, may make telephone calls for appointments.

**4.** Mailings to employees will be subject to the College's policies regarding distribution of mailing lists and use of campus mail.

**D. Payroll Deduction Procedures**

**1.** All payroll deductions for 403(b) TDAs must be continued or initiated by the completion of a Salary Reduction Agreement (SRA).

**2.** New SRAs, changes and terminations are to be completed and filed with the Human Resources Office no fewer than five (5) business days before the payroll completion deadline established by the College.

**F. Implementation of Employer Match for some TDA Contributions**

In accordance with 24-51-408.5 CRS, beginning January 1, 2001, TDA Participants who are Active Members of PERA may have their voluntary salary reduction amounts matched to the extent established annually by the PERA Board. It is the Board's intent to implement this employer match in a manner that ensures these TDA participants can benefit fully in the maximum employer match allowed, while at the same time ensuring that no Participant exceeds the maximum amount of salary reduction permitted under the IRS Code. Pursuant to this intent, the following policies and procedures are adopted, effective upon Trustee approval.

**1.** Any employer match must be invested with the same Authorized TDA Vendor in the same investment options as the employee contributions which are being matched.

**2.** The Authorized TDA Vendor will include the maximum allowed employer match amount in the calculations used to develop the Salary Reduction Contribution Limitation Analysis (SRCLA). If this analysis shows that the maximum employer match would result in the employee's exceeding his salary reduction maximum for the Trustees' Plan.

**3.** Over-deferring. The employee will adjust his salary reduction to conform by either lowering the amount or shifting a sufficient amount of the salary reduction to another authorized employer TDA Plan.

**4.** In each case where the employer match could result in an over-deferring situation as described above, the Authorized TDA Vendor will notify the Human Resources Director, in writing, immediately. In these cases, the employer is authorized, and hereby directed, to reduce the employee's salary reduction to an amount that is equal to the maximum allowed employer match until such time as the employee corrects the possible over-deferring situation.

**Section 4.20: Leases of Real Property**

Any acquisition or use of real property by a state-supported institutional of higher education which is conditional upon or requires expenditures of funds shall be subject to the approval of the CCHE, whether acquisition is by lease, lease-purchase, purchase, gift, or otherwise. The Board has the responsibility and authority to review and approve the acquisition of real property secured through lease rental agreements or otherwise in accordance with the policies established by the CCHE. This policy applies to the acquisition of real property regardless of its planned use (e.g., instructional, public service, institutional support, academic support, etc.).

"Real property" is defined as land, and generally whatever is erected or growing upon or affixed to land.

The Board may delegate to the President authority to review and approve leases of real property for which the total cost of the lease is One Hundred Thousand Dollars ($100,000) or less and if the lease is for three (3) years or less. Administrative approvals must be reported to the Board annually in June.

Lease, rental, or other real property use agreements executed prior to the effective date of this policy shall not be construed as invalidated.

**Section 4.21: Defined Contribution Pension Plan**

The Board may create a Defined Contribution Pension Plan ("DCPP"), pursuant to § 24-54.5, CRS. The conditions, restrictions, and operation of the DCPP are to be specified in the Plan Document.. The Plan Administrator shall be the College's Vice President for Administration and Finance, who is authorized to implement the DCPP.

The DCPP shall operate as a qualified retirement plan under Section 401 (a) of the Internal Revenue Code, and is a "governmental plan" as defined in Internal Revenue Code Section 414 (d).

The Plan Document may be amended from time to time by the Trustees. A copy of the Plan Document shall be maintained in the President's Office at all times.

**DCPP Participation Criteria**

A. Participation in the DCPP will be required for the following classes of employees:

1. Faculty and contract administrators who are exempt from the state personnel system and who have an employment contract of 0.5 FTE or greater and, upon their initial appointment with the Trustees, (a) were not permitted to elect membership in the Colorado Public Employees Retirement Association [PERA], or (b) were permitted to elect membership in PERA and elected to participate in the DCPP instead.

2. Employees who have been DCPP Participants in the past, but have a less-than-0.5 FTE contract.

3. PERA retirees and PERA Transitional Retirees who have 0.5-or-more FTE contracts and have not suspended their PERA retirement benefits. (See footnote for effective date.)

4. DCPP retirees and DCPP Transitional Retirees with 0.5 or more FTE contracts. (See footnote for effective date.)

B. Participation in the DCPP shall not be allowed for the following employees:

1. Classified State Employees.

2. Faculty on a per-credit-per-term contract.

3. Faculty and contract administrators who are exempted from the State Classified System, who are on a less-than-0.5 FTE contract, and have NEVER been DCPP participants.

**Section 4.22 College Officer Titles**

For purpose of exemption from the State Personnel System some of the professional staff members of the College, pursuant to Article XII, Section 13 (2) of the State Constitution and § 24-50-135 (a), C.R.S., the following position titles are eligible to be designated as "Officer of the College." It is the intention of this policy to allow but not require that the College designate positions with these titles to be College officers. It is also the intention of this policy to allow a position to have a "working title" that is different than its official title.

**TITLE**

President
Vice President
Associate Vice President
Assistant Vice President
Dean
Associate Dean
Assistant Dean
Business Manager
Controller
Executive Director

## Section 4.23: Debt Management

The College may incur debt financing for a variety of reasons. Most commonly, debt is used to pay for capital construction and capital improvements over a period of time rather than pay for these improvements at the time of purchase or acquisition. However, there are other reasons for borrowing besides the financing of facilities, for example, the need for working capital or to finance an entrepreneurial activity.

Debt management includes many forms of debt financing and refinancing. There are also different sources of funds for the financing of facilities. The capital markets are probably the primary source of debt financing for the College, but gifts and investments may also be a possible source of funds. Nonetheless, they all involve certain financial responsibilities and, at the same time, potential risk. This policy provides guidelines which the Board will use in the consideration, implementation, issuance, and use of external new debt or refinancing of existing debt.

### I. Initial Bond Issues

#### A. Contemplated Debt Requirements

Preliminary considerations of contemplated bond issues and debt requirements should be discussed at the President's Cabinet meetings.

#### B. Preliminary Analyses

Preliminary analyses will be provided by college staff members to the President and will include, but will not be limited to, the following:

Existing debt service requirements;
Purpose, goals and objectives of contemplated debt;
Financing alternatives and revenue sources;
Debt capacity analysis;
Schedule and timing of debt acquisition and use;
Market conditions; and
Cross pledging among funds.

#### C. Preliminary Discussion for Proceeding with Debt Financing

If the above analyses appear to favor the seeking of debt financing, a preliminary discussion agenda item will be prepared for the Board and the appropriate College staff. The Board can approve (or disapprove, postpone or table) this preliminary proposal. If the proposal is approved, the Cabinet (with help from the College staff) will oversee a Request for Proposals ("RFP") process to select an outside investment banker to structure the financial arrangements for the debt financing. Bond counsel, if necessary, will also be selected for the implementation of the debt financing.

#### D. Outside Approvals

A program plan, if and as required by CCHE, will then be assembled. The Board must approve the program plan before it is submitted to CCHE. Other necessary approvals will be obtained to proceed with the plan. These approvals may involve, but not be limited to, some or all of the following agencies and/or constituencies: the General Assembly (or corresponding committees); the CCHE; the Attorney General ("AG"); the Division of Purchasing; and, the student body of the College.

### E. Financial Plan

After program plan approvals have been obtained and external financial and legal advisors have helped the College formulate a financing strategy, a financial plan will be developed. The options considered in developing the financial plan should include, but not be limited to, the following:

Lowest possible interest rates;
The cost of issuance;
The debt financing mechanism;
The term of the debt;
Acceptable projections for meeting debt service requirements;
Repair and replacement and other reserve requirements;
Insurance and surety bonds;
Current and possible ratings for bond issuance;
Ability to meet reasonable operating expenses after debt service and other requirements; and
Funding options for issuance costs.

This financial plan, along with a discussion of the options considered, will be presented for review and approval by the Board of Trustees and may be, if required, subsequently submitted to CCHE. The Board may, at this time, approve the issuance of bonds or the continuation of the particular debt financing structure selected. Early Board approval will be particularly helpful when market conditions are volatile and unpredictable or the timing is critical.

### F. Policies over the Life Cycle of Debt Instrument(s)

Within six (6) months after the issuance of debt, the College will submit to the Board an initial report and include a plan which addresses the following issues:

1. Closing of the debt instrument:
   Final interest rate;
   Premiums, discounts and costs of issuance; and
   Insurance.
2. Debt service reserve.
3. Covenant and other reporting requirements.

## II. Refinancing of Existing Debt

According to federal law, tax-exempt revenue bonds issued after 1986 can only be refinanced one (1) time in advance of the call date. The call date is the first date when the bond can be paid off in full -- usually ten (10) years after the date of issue (on a twenty (20) or twenty-five (25) year bond). It is therefore essential that the institution and the Board receive maximum benefits from this single refinancing opportunity. Only the Board has the authority to refinance debt for the College.

### A. Preliminary Analyses

Preliminary analyses will be provided by the College staff to the President and will include, but will not be limited to, the following:

Reason for seeking re-financing;
Savings, cash flow, or increased funding;
Method of calculation; and

Revised debt service, reserve, and insurance requirements.

**B. Proceeding with Re-Financing**

Subsequent procedures for proceeding with the refinancing of existing debt will parallel the procedures for issuing new debt, and will require all the full analyses usually required for the issuance of new debt financing.

## Section 4.24: Reporting Requirements for Tax Exempt Debt

Any tax exempt debt, including bank qualified, incurred by the College must be approved by the President or his or her designee, prior to the issuance of the debt instrument (e.g. bonds, lease purchase agreements, etc.). This action shall be reported to the Board as an information item at the next scheduled regular Board meeting.

**Section 4.25: Reserve Policy for the Education and General (E&G) Fund**

The Board recognizes the importance of maintaining a reserve to safeguard against unforeseen fiscal emergencies. The Board also recognizes the importance of utilizing the College's financial resources to the maximum benefit of the College's students, faculty, and staff and the State of Colorado. Accordingly, the Board establishes this policy on reserves for the educational and general (E&G) fund.

The College shall have as its goal the maintenance of a reserve equivalent to fifteen percent (15%) of the budgeted E&G revenue net of the scholarship allowance for the then-current fiscal year (the "Reserve"). This reserve goal shall be periodically reviewed and adjusted by the Board in its discretion.

The President is hereby delegated the authority to utilize the Reserve within the spending authority parameters delegated to the President in Section 4.4 of this *Policy Manual* unless:

A. The College has not achieved the Reserve; or
B. Spending would drop the Reserve balance below the range stated in this policy; or
C. Spending from the Reserves would result in a commitment to ongoing costs or expenditures.

If any of the above conditions exist, Reserve spending must be approved by the Board prior to any Reserve expenditure.

If the College cannot establish or maintain a Reserve, the College shall develop a plan to achieve a Reserve. The plan shall be reviewed and approved by the Board, and shall not extend beyond three (3) years.

For the purposes of this policy, Reserve is further defined as the fiscal year-end fund balance within the E&G fund, before recognition of the compensated absence liability.

# CHAPTER 5: ACADEMIC AFFAIRS

## Section 5.1: Academic Planning

### I. Introduction

Colorado Statute (C.R.S. 23-1-108) and CCHE Policy (I.O.) require that academic planning occur on all campuses. CCHE policy specifies that "each higher education governing board shall ensure that all institutions under its authority have appropriate planning processes established, that have developed planning documents, and that incentives have been established for placing planning documents into use." The CCHE policy requires governing boards to report on academic planning by the last working day of January of each year.

### II. Process

The College is required to develop for Board approval the following documents:

A. An academic master plan. The master plan should reflect State and Board goals and priorities as well as institutional goals and priorities. An essential component of the master plan shall be an analysis of all academic programs at the College. This analysis should include the program's relative status on such measures as: program productivity (graduates, student credit hours, majors, service role, etc.); the centrality of the program to the College's role and mission; and, the College's overall assessment of each program's immediate and future status. The master plan will be used for the purposes of resource allocation and reallocation, program enhancement/restructuring/reduction, and in the planning processes for technology and facilities on the campus.

B. A set of institutional goals and objectives related to the academic master plan which provides a framework for implementing the academic master plan. These goals are to be updated and evaluated annually and submitted with relevant budget narratives.

C. An annual report on the implementation of the academic planning process during the preceding academic year. After review by the Board this report will be forwarded to the CCHE on or before the last working day in January. The report shall include the following:

1. planning initiatives under consideration;
2. potential new academic programs;
3. possible program discontinuances;
4. proposed responses to specific issues raised in the Statewide Master plan;
5. initiatives planned to promote diversity;
6. significant changes to previous academic plans.

## Section 5.2: Approval, Modification and Discontinuation Procedures for Degree and Submajor Programs

### I. New Degree Program Approval

The College is expected to keep the curriculum current by eliminating obsolete programs and introducing needed programs. Proposals shall first be reviewed and approved within the institution using normal procedures for curriculum approval. The proposal shall then be reviewed by the Board prior to submission to the CCHE.

The College will develop Program Proposals when it has determined the need to add a new program. The Program Proposal must clearly address the issues designated to the Board by CCHE Policy (Section I, Part B) including quality, capacity and cost-effectiveness. The formats for the Program Proposal will be as follows:

1. Provide a brief abstract describing the proposed program.

2. Provide a description of program goals.

3. Describe the relationship of the proposed program to institutional role and mission and institutional planning and priorities.

4. Provide a brief description of the value of the proposed program to the student.

5. Provide evidence of a bona fide need for the proposed program.

6. Provide a description of the curriculum of the proposed program, including:
   a. A listing of courses and credit hours required for program completion (include major and ancillary requirements). Also identify new courses.
   b. A sample curriculum indicating all required courses.
   c. A description of the planned method(s) of program delivery.

7. Admission, Transfer and Graduation Requirements:
   a. Describe the admissions requirements for the proposed program, including any enrollment limitations.
   b. Describe the requirements for transfer students and any actual or planned articulation agreements.
   c. Describe the specific standards for continuing in the program and graduating from it if these are different than institutional requirements.

8. Program Faculty and Administration:
   a. Provide a listing of faculty participating in the proposed program that includes: name, rank, specialization, nature of appointment and degrees earned (a one page resume may be appended).
   b. Indicate any new faculty or staff required to implement the proposed program and the qualifications they represent.
   c. Describe the ethnic and gender composition of the faculty and staff involved in the program.

9. Quality Assurance:
   a. Describe any regional or professional accreditation or licensure requirements that have helped shape the proposed program. Is accreditation and/or licensure going to be sought? (Please identify.)

b. Have external advisory groups or consultants been used in the development of the proposal? If so, please describe their use. Append any reports or summaries from these groups/individuals.
c. Describe the program of assessment of student outcomes that will be utilized for the proposed program.
d. Include a brief description of the results of the peer review process by the governing boards of other Colorado institutions of higher education, and append any formal responses.

10. Resource Issues:
    a. Provide enrollment projections for the program for the first five (5) years as indicated in Table 1 of Appendix B of CCHE Policy I-B.
    b. Provide physical capacity estimates for the proposed program as indicated in Table 2 of Appendix B of CCHE Policy I-B.
    c. Provide projected expense and revenue estimates for the first five (5) years as indicated in Table 3 of Appendix B of CCHE Policy I-B.
    d. Discuss the resource impact of the proposed program on instructional technology and library resources.
    e. Provide a brief narrative on the source of resources to fully implement the proposed program.
    f. Provide a brief narrative and explanation of the economic impact, if any, of the new program.

11. Graduate program proposal must also address the following:
    a. Does the college have a companion undergraduate program to this graduate program? If not, why not? If yes, describe this undergraduate program in terms of size and maturity and how it will provide a strong foundation for the graduate program. Include in this discussion any accreditations the undergraduate program has. How will the College mitigate any potential adverse effects on the undergraduate program resulting from offering a graduate program?
    b. How could the surrounding community and immediate service area be used to provide opportunities for graduate student fieldwork (when appropriate), and to provide resident graduate faculty opportunities for research and service?
    c. What funding opportunities will be available to support graduate assistantships and fellowships? Will these opportunities be sufficient to establish a core of full-time, resident students?

12. Provide any other relevant information that will help illuminate the review and approval process.

## II. New Submajor Program Approval

### A. Definitions

1. **Submajor Program:** Any academic program other than a major degree program such as a minor, option, area of emphasis or an area of concentration. This is a set of courses constituting a non-major program which is identified as such in the College *Catalog* and, upon successful completion, is often listed on student transcripts. Teacher licensure (certification) programs will also be considered submajor programs.

2. **Substantive Change:** Any change in an approved program that affects credit hours for program completion and/or a change in title of the program.

**B. Process**

1. The College may request the approval of submajor programs at any time. The request for approval must include statements addressing each of the elements listed in item three (3) below.

2. The Board has authority to render a final decision regarding the approval of program modifications or the implementation of a minor, option, area of emphasis or concentration and teacher licensure (certification). The Board may wish to receive testimony from interested parties or to consult with individuals or groups during its review process.

3. The proposal request for a new submajor program should follow the following format:

   a. **General Description of the Request**: A general and brief description outlining the request should be provided.

   b. **Justification**: Reasons for the request should be stated. Such reasons should include, but not necessarily be limited to: statements about need/demand; contributions to other programs; benefits; relationship to objectives; and, role and mission considerations.

   c. **Impacts**: The intended or forecasted impacts should be stated and supported by data and objective measures wherever possible. Such impacts should include, but not necessarily be limited to: enrollment, faculty, facilities, support staff, capital expenditures, library, computer, and other resources.

## III. Modifications to Existing Degree and Submajor Programs

**A. Degree Programs**

1. Substantive changes to degree programs will be forwarded to the Board for review and approval.

2. Changes that involve expanding the academic scope of an approved degree, program restructuring or other substantive academic changes shall follow the CCHE new program approval process (CCHE Policy I-B, 4.04.01).

3. Changes involving consolidation of several existing programs or renaming a program must be forwarded to the CCHE for review and approval (CCHE Policy I-B, 4.04.02).

**B. Submajor Programs**

Substantive changes in submajor programs must be submitted to the Board for review.

## IV. Discontinuance of Degree and Submajor Programs

**A. Program Discontinuance**

1. The discontinuance of any approved degree program shall be in accordance with State law and CCHE Policy I-G.

2. A phase-out plan for discontinued degree programs shall be developed by the College. The phase-out plan will be implemented immediately upon notification of a program's discontinuance and will continue in effect during the period preceding the termination date. Each phase-out plan

will include procedures for the following:

**a.** Notifying all affected students and faculty members of the program's change in status.

**b.** Ceasing enrollment of new students in the program.

**c.** Limiting enrollment only to continuously enrolled students.

**d.** Counseling students into alternative programs when completion of the program is not feasible.

**e.** Ensuring required courses are offered to the greatest extent possible before the termination takes place.

**f.** Implementing institutional reduction in force plans, as appropriate.

**g.** Reporting annually to the Board on the College's progress toward the discontinuance of the identified program.

**B. Submajor Programs**

**1.** The discontinuation of a submajor program must be reported to the Board.

**2.** A termination date for the discontinuation must accompany the notification to the Board.

## Section 5.3: Review Procedures for Existing Programs

### I. Review Procedures for Existing Programs

#### A. Introduction

The purpose of the guidelines for academic program review is to establish common procedures for the review of academic programs. The review process has several goals:

**1.** To improve the effectiveness of academic programs through self-study. Primary emphasis is placed on the analysis and criticism of programs within the College by professionals responsible for the programs.

**2.** To assure that academic programs are responsive to the broad educational needs of the citizens of Colorado.

**3.** To avoid needless duplication of facilities and programs in institutions of higher education in Colorado.

**4.** To provide a sound base for long-range educational planning for the College and the State of Colorado.

**5.** To assure the public that essential educational services are being effectively provided through the best utilization of available resources.

Educational evaluation has traditionally followed a normative approach, comparing measurable factors from institution to institution while often ignoring distinctive missions of the institutions or the specific goals set by the institution. These guidelines do not seek to avoid comparison, but rather to assure that comparisons are made among comparable programs.

Each program under review is required to state its goals and objectives and the criteria by which attainment of them is measured. Comparisons and assessments can then be made on two levels: (a) Are the goals of the program consistent with the mission and priorities of the College and the needs of the State? (b) Are the goals being met effectively?

The basis for the program review is a self-study conducted by those directly responsible for the program. It will be reported in a format that will facilitate review by others within the institutions, will permit determination of comparability among programs of different institutions, and will facilitate appropriate analysis and review by other educators, by the Board or by other state agencies.

All programs will be reviewed on at least a seven-year cycle.

## B. The Self-Study

### 1. Procedures of the Self-Study

**a.** The self-study document shall be prepared by individuals directly responsible for the operation of the program, and some form of external assessment (employers, alumni, advisory groups, etc.) must accompany the self-study. Decisions regarding use of external evaluators or consultants will be made by the President or his or her delegee.

**b.** The self-study should be developed over a period of at least one year (1) in order to increase the clarity and accuracy of the analysis.

**c.** The self-study will be analyzed and evaluated within the College following a process described in this section.

### 2. Elements of the Self Study

The self-study developed at the program level consists of two (2) parts, a narrative analysis and basic program data. The format and instructions for these two (2) sections are attached in Appendices A and B.

## C. College Evaluation of the Self Study

The College self-study review process should attempt to critically evaluate academic programs as to appropriateness, quality and future potential. A sample set of questions to guide the review process is listed below:

**1.** Is there a need for the program?

**2.** Are the program goals and objectives compatible with the role and mission of the College? Are the program goals and objectives compatible with the planning priorities of the State and the College?

**3.** Are the goals and objectives for the program appropriate and achievable?

**4.** Are the goals and objectives clearly stated?

**5.** Are the goals and objectives measurable?

**6.** Are the activities appropriate and effective in achieving the goals and objectives?

**7.** Are the goals and objectives being achieved? How are the goals assessed?

**8.** Are the resources adequate for achieving the goals and objectives?

**9.** What are the strengths and weaknesses of the program?

**10.** Is there evidence that the graduates of the program are satisfied?

**11.** Is there evidence that the graduates of the program are able to find employment and are

successful on the job?

**12.** Could the program be accomplished more effectively if the functional relationships in the organizational structure were changed?

**13.** Is there duplication of effort in some aspects of the program?

**14.** What recommendations can be made for changes in the program?

**15.** Should the program be eliminated or transferred?

The internal evaluation of the self-study and the program will be reported in a formal critique consisting of three sections: (a) an analysis, (b) a summary of strengths and weaknesses, and (c) recommendations. The report will be attached to the program self-study and forwarded to the President and the Vice President for Academic Affairs. The President will determine what further action, if any, may be appropriate.

### D. Board Approval

Any changes in the structure of an approved academic program at the College recommended as a result of the program review will require separate approval by the Board.

The Board may: continue a program at its present level; diminish a program; or, eliminate a program. A time schedule for the College to report back to the Board on actions resulting from the program review process will be developed by the College and approved by the Board.

### E. Annual Submission to CCHE (CCHE Policy 1-C, 4.00)

**1.** By September 1 of each year, the Board will identify and submit to CCHE a list of programs to be reviewed in that academic year.

**2.** By September 1 of each year, the Board will identify and submit to CCHE a list of all new programs or certificates that are likely to be proposed in the next five (5) years and programs and certificates that may be discontinued within five (5) years.

## II. Review Procedures for Existing Programs with Low Demand

### A. Introduction

CCHE has approved a program discontinuance policy (CCHE Policy I-G), the goal of which is to identify potential programs for discontinuation based on graduation data. The CCHE low demand program criteria applicable to the College requires that:

Baccalaureate degrees graduate ten (10) students in the most recently reported year or a total of twenty (20) students in the last three (3) years.

### B. Required Program Review for Two-Year Low Demand Programs

Upon notification by CCHE that an existing degree program has not met the minimum requirements for two (2) consecutive years, the College will initiate a self-study and review of the program. The outcome of the self-study and review is to determine if the program should be continued, undergo

restructuring or be discontinued.

**C. Exemption of Baccalaureate Programs**

**1.** Pursuant to CCHE Policy I-G, 4.03.02, a maximum of 5 (five) baccalaureate degree programs identified as low demand by CCHE but central to the institution's role and mission may be exempted from low demand program review and/or discontinuance by the Board and CCHE. Programs to be exempted must have graduated at least three (3) students in the preceding three (3) years.

**2.** The College may submit a request that a low demand program be declared exempt from discontinuance to the Board on an annual basis at the same time regular program review summaries are submitted. Approval or disapproval of exempt status shall be made by the Board.

**D. Low Demand Program Review**

The low demand program review process will follow the same process as regular program review, including:

**1.** an institutional program self-study;

**2.** an evaluation of the self-study at the institution; and

**3.** a recommendation to the Board for action.

**E. Self-Study for Low Demand Programs**

The procedures, time lines and elements for the low demand program self-study are the same as those outlined for regular program review in Section 5.3.-I.B of this Policy Manual. The format and instructions for the narrative analysis and basic program data reporting are in found in 5.3-Appendix A and 5.3-Appendix B. In addition, documentation to address the following questions may be required:

**1.** Is the program central to the role and mission of the College and the State of Colorado?

**2.** Is there a bona fide need for the program in terms of student and market demand?

**3.** Does the program assure access for students in the geographic areas the College seeks to serve?

**4.** Is the program unnecessarily duplicative of other programs in the statewide higher education system?

**5.** Is the program essential to other program offerings at the College?

**6.** Is the program of such quality that it brings recognition or particular benefits to the College and/or the State of Colorado?

**7.** Does the program provide unique opportunities in terms of its discipline, method of learning, academic level of competition, or size of constituency served?

**8.** Does the program attract external funds to the College or state?

**9.** Is there a rational explanation for the low number of graduates in the program?

**10.** Is there a plausible remedy for this situation?

**F. Evaluation of the Self-Study of Low Demand Programs**

The low demand program will undergo an internal, on-campus evaluation as outlined for regular program review in Section 5.3-I.C. of this *Policy Manual*, including the development of a formal critique of the self-study and a review of all internal program review documents by the President and the Vice President for Academic Affairs. In addition to using the questions under "College Evaluation of the Self Study", the questions under "Self-Study for Low Demand Programs" (above) will also be used to guide in the evaluation process.

**G. Board Action**

**1.** The Board may decide to exempt a program, continue a program at its present level, restructure a program or discontinue a program. The Board's actions will be communicated to CCHE in accordance with CCHE Policy I-G, 4.03.04.

**2.** If a program is approved for continuance by the Board after the review process for low demand programs, and the program appears on the annual CCHE low demand programs list for a third consecutive year, additional reports and/or self-studies from the College may be required to address CCHE and Board concerns, and the program may be resubmitted to the Board for further action. Pursuant to CCHE Policy I-G, low demand programs that are not discontinued by Board action may be discontinued by CCHE action.

**III. Academic Degree Program Discontinuance**

**A. Programs may be discontinued by Board or CCHE action.**

**1.** If a program is discontinued by Board action, a specific termination date will be specified by the Board and forwarded to the institution and to CCHE, pursuant to CCHE guidelines and State statutes.

**2.** Termination dates for programs discontinued by CCHE action will be set by CCHE.

**B. A phase-out plan for discontinued programs shall be developed by each institution.** The phase-out plan will be implemented by the institution immediately upon notification of a program's discontinuance and will continue in effect during the period preceding the termination date. Each phase-out plan will include procedures for the following:

**1.** Notifying all affected students and faculty members of the change in status.

**2.** Ceasing enrollment of new students in the program.

**3.** Limiting enrollment only to continuously enrolled students.

**4.** Counseling students into alternative programs when completion of the program is not feasible.

**5.** Ensuring required courses are offered to the greatest extent possible before the termination or

changes take place.

**6.** Implementing institutional reduction-in-force plans, as appropriate.

**7.** Reporting annually to the Board on the College's progress toward the discontinuance of the identified program.

## Appendix A—Academic Program Review Formats

**1. The Program Review Self-study shall have the following elements:**

- **A.** A short history of the program, including responses to the previous program review comments and recommendations.
- **B.** Program goals and objectives
- **C.** Analysis of effectiveness of meeting goals and objectives (Assessment) and their relationship to the College role and mission
- **D**. The review should include an analysis for the need for the program based on:
  1) enrollment, graduation rates and other relevant data
  2) comment from external sources
  3) review of the program inputs, good practices and program outputs
- **E.** Strengths identified from the program review process
- **F.** Weaknesses identified from the program review process
- **G.** Recommendations for the future
- **H.** Program Review Data Forms

**2. The Program Review Summary submitted to the Board shall include the following:**

- **A.** Signature page indicating the academic program and persons responsible for evaluating the self-study and the estimated cost of the self-study.
- **B.** A narrative summary that includes:
  1. Responses to previous program review comments and recommendations
  2. Summary of Program Objectives, including expected measurable student outcomes
  3. Evidence of Adequate Program Assessment
  4. Program Strengths
  5. Program Weaknesses
  6. Future Plans and Recommendations
- **C.** Program Review Data Forms (Appendix B) from Program Review Self-Study
- **D.** If consultants were used, their findings and recommendations
- **E.** Recommendations by the President
- **F.** For those identified low-demand programs, the President's or his/her designee's final recommendation and rationale for the program's continuance, restructuring or discontinuance.
- **G.** For those programs recommended by the College for discontinuance, a copy of the phase-out plan.

**Appendix B— Academic Program Review Worksheet**

| | | 1999-00 | 2000-01 | 2001-02 | 2002-03 |
|---|---|---|---|---|---|
| **1** | **Number of Majors** | | | | |
| | **Number of Majors (1st and 2nd)** | | | | |
| | **a. Total Fall Majors** | | | | |
| | **b. Fall Majors by Class** | | | | |
| | Freshmen | | | | |
| | Sophomores | | | | |
| | Juniors | | | | |
| | Seniors | | | | |
| | Other | | | | |
| **2** | **Credit Hours Produced** | | | | |
| | **Fall Term** | | | | |
| | a. Lower Division | | | | |
| | b. Upper Division | | | | |
| | c. Total | | | | |
| | **Spring Term** | | | | |
| | a. Lower Division | | | | |
| | b. Upper Division | | | | |
| | c. Total | | | | |
| | **Summer Term** | | | | |
| | a. Lower Division | | | | |
| | b. Upper Division | | | | |
| | c. Total | | | | |
| | **Total Academic Year** | | | | |
| **3** | **Annualized Student FTE** | | | | |
| **4** | **Number of Program Graduates** | | | | |
| | a. Total | | | | |
| | b. Native | | | | |
| **5** | **Total Program Graduates as a Percent of Total Program Majors** | | | | |
| | a. Total | | | | |
| **6** | **Credits to Graduation** | | | | |
| | a. Total | | | | |
| | b. Native | | | | |

| Program Efficiency Measures | 1999-00 | 2000-01 | 2001-02 | 2002-03 |
|---|---|---|---|---|
| **7 Faculty FTE** | | | | |
| a. Instructional | | | | |
| Full Time | | | | |
| Part Time | | | | |
| b. Non-Instructional | | | | |
| c. Total | | | | |
| d. % Tenured | | | | |
| **8 Fall Faculty Load** | | | | |
| a. Average Credit Hours | | | | |
| b. Average Contact Hours | | | | |
| c. Total Number of 'B' Hours | | | | |
| **9 Student/Faculty Ratio** | | | | |
| **10 Number of Courses Offered** | | | | |
| Lower Division | | | | |
| Upper Division | | | | |
| Total | | | | |
| **11 Average Class Size (Type A courses)** | | | | |
| Lower Division | | | | |
| Upper Division | | | | |
| Total | | | | |
| **12 Program Costs** | | | | |
| Instructional Cost / Credit Hr | | | | |
| Capital Expenditures/Credit Hr | | | | |
| Faculty Cost / Credit Hr | | | | |
| Chair's Administrative Cost / Credit Hr | | | | |
| Total Cost | | | | |
| **13 Support Staff FTE** | | | | |

**Explanation of Academic Program Review Worksheet**

***Program Productivity Measures***

1. *Majors in Program*
a. Total number of students who first declared this program as their major in the summer, fall or spring term of the given year, whether they continued in the major or not during that year.
b. Total number of majors who were in this major in any of the five previous years and who are still in the program in the summer, fall or spring term (i.e., "old" majors).
c. Total majors in the program for the summer, fall and spring terms (=1a. + 1b.)
d. Total majors in the program by class rank (freshmen, sophomore, etc.) at the end of the spring semester.

2. *Credit Hours*
Upper and lower division credit hours produced by the program during the summer, fall and spring terms.

3. *Annualized Student FTE*
Total student credit hours produced by a program during the fiscal year, divided by 30.

4. *Program Graduates*
a. Total number of graduates within the program for the fiscal year.
b. Number of native graduates from the program for the fiscal year
(Multiple majors count as a whole graduate in each degree program. They count only once if they are getting a degree in two or more areas of emphasis within the same major.)

5. *Total Program Graduates as a Percent of Total Program Majors*
The total program graduates (4a.above) divided by the total majors in the program (1c.above).

6. *Credits to Graduation*
a. Mean number of total credits to degree for all program graduates for the fiscal year (based on graduates counted in 4.a.)
b. Mean number of total credits to degree for native program graduates for the fiscal year (based on graduates counted in 4.b.)

Native = students who began and completed their degree at the same institution, and earned the majority of their credits from that institution (i.e., NOT transfer students).
"Fiscal" Year = summer, fall, & spring terms

***Program Efficiency Measures***

7. *Faculty FTE*
Number of FTE faculty (includes full time, part time, both tenure/tenure track and temporary) allocated To the program by function. This includes instructional and/or non-instructional (e.g., faculty dept. chairs with release time for admin. duties).
This number should reflect all faculty contributing directly to the program.
Percent tenured (item d.) is the percent of the Total FTE Faculty (item c.) that are tenured.

8. *Faculty Load – Fall Semester*
The average faculty load per FTE faculty in Type A courses in the program for the fall semesters, As measured by:

a. Average credit hours in Type A courses
b. Average contact hours in Type A courses

The faculty load in Type B courses in the program as measured by:
c. Total number of credit hours in Type B courses
AND/OR include a statement of program's involvement in Type B instruction (e.g., average total contact hours per program faculty, etc.).

9. *Student FTE/Faculty FTE*
The annualized Student FTE (from item 4. above) divided by the total faculty FTE (from item 7. c. above).

10. *Number of Courses Offered*
The number of lower and upper division sections offered by a program for the academic year (fall, spring).

11. *Average Class Size (Type A courses)*
The average class size of lower and upper division Type A courses offered by the program for the academic year (fall, spring).

12. *Program Costs*
The programming cost = annual program personnel expenditures + annual operating expenditures + 5 year average of capital expenditures.
These numbers include tuition and general fund dollars only.

13. *Support Staff FTE*
The FTE staff supporting the program (i.e., clerical, laboratory technician).

## Section 5.4: Academic Calendar of the College

The College shall operate on a semester system during the academic year. The period and duration of summer terms are to be scheduled by the College to respond to the distinctive needs of the College and of its students and faculty. Innovative scheduling of mini-semester, short courses, and non-traditional programs is encouraged.

**Section 5.5: Policy for Developing and Discontinuing Coordinated Academic Degree Programs**

CCHE Policy I-I and State law shall be followed in the approval or discontinuance of coordinated academic degree programs.

**Section 5.6: Admission Requirements of the College**

The Board has the responsibility and authority to establish the admission requirements for the College provided that such requirements do not include admission standards lower than those set by the CCHE Policy I-F. The admission requirements which are to be stated in the role and mission statements of the College may not be changed in any way without prior approval of the Board. Since any change in admission requirements may modify the educational philosophy or the established role and mission of the College, no such change will be made unless it is preceded by a review.

Any changes in admission requirements approved by the Board involving admission standards may not be implemented until such time as it may be approved by the CCHE. The President is assigned the responsibility for all communication with the CCHE.

## Section 5.7: Transfer of Earned Credits

**A.** Credits satisfactorily completed in all subject matter areas similar to or related to curricula or course offerings at any regionally accredited two-year or four-year college or university in Colorado will be acceptable at full value upon transfer to the College, provided the student meets the admission requirements of, and is admitted to, the College.

**B.** The College will establish an efficient and orderly transfer process based on the principle of automatic acceptance of applicable credit and to provide a mechanism for addressing transfer disputes. These processes will be set forth in the College *Catalog*. The number of transfer disputes and their resolution shall be annually reported to the Board. The CCHE shall have final authority in resolving transfer disputes that cannot be resolved by the College or the Board.

**C.** The College will develop transfer policies, consistent with CCHE Policy I-L, for students who transfer from a Colorado public institution of higher education.

**D.** Policies for transfer students who transfer from other Colorado public institutions of higher education will conform to the following parameters:

**1.** All undergraduate credit hours awarded within ten (10) years by Colorado public higher education institutions which are transferred into an undergraduate degree programs at the College and which cover current equivalent material shall apply to the completion of such student's graduation requirements. This does not prohibit departmental residency requirements nor specific course requirements as long as the requirements apply equally to non-transfer (native) and transfer students within the same department.

**2.** The College or department may not impose additional credit hour requirements on a transfer student provided such requirements are described in the academic curriculum. This does not prohibit departmental residency requirements nor specific course requirements for graduation as long as the requirements apply equally to native and transfer students within the same department.

**3.** The required minimum grade point average for application into undergraduate degree programs shall be the same for all students, whether they are native or transfer students. The grade point average which is required for a student to apply and be fully considered for acceptance into a degree program shall be no higher than that which is required for graduation from the degree program. The College and departments reserve the right to select the most qualified applicants for admittance into the College and/or its programs. Criteria for admittance must be stated in the College's official publications and be on file with the CCHE.

## Section 5.8: Outreach Policies

The Board recognizes the College's role as a regional education provider as determined by the statutory definition of its role and mission and supports the College in providing credit and non-credit educational programs under policies and procedures developed by the CCHE.

**Section 5.9: International Education**

The Board subscribes to the values of international travel and study in foreign countries. In order to provide international experiences for students that are both effective and economical, the Board encourages the following two approaches:

**1.** There should be strong and continual coordination among the colleges in Colorado in planning and operating short-term international travel programs. Programs may be offered jointly or by a single institution, but the program should be advertised throughout the State and all interested students should be encouraged to enroll.

**2.** The College should not develop its own semester-long or year-long study-abroad programs, but should reach agreements with other institutions already managing successful programs that will permit and encourage participation by students of the College.

**Section 5.10: University and College Press of Colorado**

The Board accepts the general policy set forth in the Articles of Incorporation of the University and College Press of Colorado and authorizes the President to submit the names of faculty members who are to represent the College.

**Section 5.11: Division of Royalties from Copyrights and Patents**

The Board is entitled to share or designate the recipient of any royalties or other income derived from patents and copyrights resulting from an employee's efforts while employed by the College to the extent that the College has assisted or supported such effort or to the extent that College facilities and support have been used in such effort. The specific extent of the Board's participation in such royalties or other income may be established by written agreement between the individual employee and the President or designee. The extent of the Board's share in such royalties or other income may be subject to the specific provisions of any grant or contract under which the royalties or income were generated.

Any royalties or other income derived from patents and copyrights generated solely as a result of individual initiative outside the scope of employment and not assisted or supported by the Board or the College or developed with the use of College facilities or resources, shall remain the sole property of the employee.

**Section 5.12: Summary of Copyright Law Fair Use Provisions and Agreement on Guidelines for Classroom Copying**

*Federal Copyright Law Revision of 1973, 17 U.S.C.A. § 107,* provides that "fair use" of a copyrighted work, including use by reproduction in copies, for purposes such as "teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright." Statutory criteria used to determine whether the use made of a work in any particular case is a "fair use" include:

**1.** the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

**2.** the nature of the copyrighted work;

**3.** the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

**4.** the effect of the use upon the potential market for or value of the copyrighted work.

In 1976, the Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revisions, the Authors League of America, Inc. and the Association of American Publishers, Inc. entered into an agreement entitled "*Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions*" (the "Agreement") which states the minimum standards of educational fair use.

The Agreement provides that teachers may make or have made single copies of: a chapter from a book; an article from a periodical or newspaper; a short story, essay, or poem; or a chart, graph, diagram, drawing, cartoon or picture for scholarly research or use in teaching or preparation to teach a class. Multiple copying for classroom use cannot exceed the number of pupils in a class, must meet strict tests of brevity, spontaneity, and cumulative effect, and must include a notice of copyright. "Brevity" is defined as no more than two hundred fifty (250) words from a poem, no less than five hundred (500) but not more than one thousand (1000) words of an excerpt of prose and up to two thousand five hundred (2500) words of a complete article, story or essay. "Spontaneity" requires teacher inspiration and time pressures that make it unreasonable to request permission. "Cumulative effect" limits copying by each instructor of a given item to only one (1) course in the school, not more than nine (9) instances of multiple copying for one (1) course during one (1) class term, and not more than one (1) item from the same author nor three (3) from the same collective work or periodical volume during one (1) class term. In addition, copies may not be: 1) used as substitute for anthologies, compilations or collective works; 2) made of "consumables" such as workbooks; 3) a substitute for purchases, directed by higher authority, or repeated with respect to the same item by the same teacher from term to term; 4) the subject of a charge to the student beyond actual copying cost.

Video taping of television programs for classroom use from commercial television programming should be tested by the above statutory criteria for fair use. Before video taping television programs for classroom use from a public broadcasting agency, the College should contact the local public broadcasting station for a list of programs which schools may record off-the-air.

College faculty and employees desirous of using copies of material created by others are responsible for determining its copyright status and should obtain written permission from the copyright owner before using the material, except when the "fair use" criteria stated above have been met.

**Section 5.13: Out-of-State Instruction**

The Board will annually review any proposed courses offered by the College in the states of Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Utah, and Wyoming. These courses must satisfy the following stipulations:

**A.** Any credit course offered will be applicable toward credit for a degree or certificate at the College. The courses must be current catalog offerings. Any new non-catalog offering must be approved through the procedures established by the College for course inclusion in the catalog.

**B.** Any non-credit courses offered through a program will not be acceptable toward credit for a degree or certificate.

**C.** Existing College standards for selection of resident faculty and evaluation of credit and non-credit courses and programs will apply to out-of-state instruction.

**D.** Degree or certificate programs cannot be offered out-of-state without prior approval of the Board and CCHE.

**E.** Quality of on-campus programs must not be sacrificed for the out-of-state courses.

**1.** Current faculty FTE will not be used as faculty in the out-of-state courses.

**2.** The administration of the out-of-state courses will be carefully monitored so as not to interfere with the normal operations of the College.

**F.** Enrollments generated in out-of-state programs or courses will not be reported as FTE for state funding.

The Board will annually provide CCHE with a complete set of the policies and procedures of the Board regarding out-of-state instruction.

Prior to offering courses in states other than Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Utah and Wyoming, the Board will seek CCHE approval.

The Board will annually provide CCHE with a report describing all courses offered by the College outside the boundaries of Colorado.

# CHAPTER 6: STUDENT AFFAIRS

## Section 6.1: Disciplinary Action Policy and Student Due Process

### A. Disciplinary Action Policy

Acts by students which interfere with the rights of others, disrupt or impair the normal functioning of the College, damage property, impair the health or safety of others, or otherwise violate College regulations may be grounds for suspension or expulsion from the College pursuant to College disciplinary procedures.

### B. Student Due Process

The College shall establish procedures to provide due process to students against whom the College initiates disciplinary action.

## Section 6.2: Intercollegiate Athletics

### A. Philosophy

#### 1. Preface

The Board of Trustees considers intercollegiate athletics an integral part of the role and mission of the College. Intercollegiate athletic programs are present in the College as part of the overall educational plan of the College. Participation in intercollegiate athletic programs contributes significantly to student development shall be available to any student in good academic standing.

#### 2. Level of Competition

The Board recognizes that the College should participate at the level of competition prescribed by affiliation with the Rocky Mountain Athletic Conference (RMAC).

#### 3. Student Fees

Student fees represent the primary source of revenue for the operation of intercollegiate athletic programs. The Board shall approve setting of all student fees, any portion of which is used to support any aspect of the College's intercollegiate athletics program. The College should have an athletic advisory body with student and faculty representatives.

#### 4. Drug and Substance Abuse

The Board recognizes that drug and substance abuse is a serious national problem. A program of education, awareness-building and counseling is required to address the problem vigorously and responsibly. The Board supports the establishment of such a program.

### B. Control of Intercollegiate Athletics

Consistent with the above stated policy the College shall establish a formal mechanism for overseeing, supervising, and evaluating athletic policy and programs. This formal mechanism, described in writing in the College procedure manuals required by the Board, will contain the following minimum features:

**1.** An athletic policy-setting board or committee with faculty and student representation.
**2.** Institutional policies governing intercollegiate varsity and club sports.
**3.** The assignment of responsibility for implementing the athletic policies of the institution.
**4.** A description of the sources and regulations for staffing and financing of the athletic program.
**5.** Reasonable provisions for the health and safety of participants in the athletic program.
**6.** Rules governing the eligibility of students.
**7.** A listing of the sports in which the College will participate and an indication of whether they are in a club or varsity program.
**8.** Rules requiring compliance with the regulation of conferences and athletic associations with which the College is affiliated.

**Section 6.3: Recognition and Funding of Student Groups**

Student groups have the right to petition for official organizational status if the policy and procedures governing recognition of student organizations are followed throughout the petitioning process. Furthermore, officially recognized student organizations have the right to petition for funding support from the student government of the College, providing the policies and procedures governing funding for student organizations are followed throughout the petitioning process.

## Section 6.4: Role of the Student Referenda

Whenever student referenda are included in the decision making process of student government, the referenda are to be advisory to the individuals or organizations charged with decision making responsibilities.

# CHAPTER 7: COLLEGE PRESIDENT

## Section 7.1: Duties and Responsibilities of the College President

The President of the College is responsible to the Board. Within the policies and regulations of the Board and of other state and federal authorities, the President as chief executive officer, has general authority and responsibility for the College and for keeping the Board informed regarding the College in a timely and appropriate manner.

The President is expected to demonstrate those leadership skills necessary for the dynamic pursuit of the goals and objectives embodied in the mission of the College. The President is also expected to understand the higher education needs of the College's service region, work with the Board to develop proposals for meeting those needs, and provide leadership to foster cooperation between the campus and the community in fulfilling the College's teaching, research, and public service responsibilities.

The President is expected to consult appropriately with faculty, students, classified staff and administrators in discharging the responsibilities of the office. The President is also expected to ensure that the policies, procedures and actions of the Board are communicated to appropriate constituencies of the College in a timely manner.

As chief executive of the College, the President is charged with the following specific responsibilities:

**A.** Exercising effective leadership in a joint effort with the Board to implement the mission of the College, as delineated in role and scope statements approved by the Board.

**B.** Providing effective leadership and support for an academic program that is consistent with the College mission, the needs of those being served, sound standards of quality, and available resources.

**C.** Providing effective leadership and support for a program of student life that complements the academic program and recognizes the diverse interests and needs of the student body.

**D.** Developing a competent administrative organization and staff to ensure effective and efficient management of the College.

**E.** Maintaining lawful, equitable and efficient personnel programs, including: appointment of qualified persons to the faculty and staff and promotion, retention or dismissal for cause of the same. These programs should function in accordance this *Policy Manual*, the *Handbook for Professional Personnel*, and with due regard for the best interests of higher education and the State of Colorado.

**F.** In addition to any budget formula established by the Board, recommending to the Board annual operating and capital budgets and other plans, financial and otherwise, for realizing the College mission, and providing sound management of the approved budgets and plans. Budgets should reflect priorities of the College and facilitate their achievement.

**G.** Communicating the needs of higher education to the governor, legislators, other state and local officials, and citizens of the State in concert with the Board.

**H.** Interacting with appropriate external bodies, including state and national accrediting groups, and professional and athletic associations, to achieve the mission of the College in a manner consistent with Board policy, statutory and regulatory provisions, and sound academic principles.

**I.** Development of an effective external relations and fund raising program for the College.

**J.** Undertaking assignments requested by the Board.

**K.** Demonstrating effective pursuit of the Board's goals and objectives for both the current year and the long term.

**Section 7.2: Evaluation of the College President**

Presidential evaluations seek to identify both areas of strength and those in which improvement is appropriate in order to assist the President in improving his or her effectiveness.

**I.** The basis for assessing Presidential performance shall be the "Duties and Responsibilities of the College President" listed in Section 7.1 of this *Policy Manual*. This performance evaluation shall be conducted every fourth year and shall be structured as follows:

The Board, after consultation with the President, shall establish a schedule for the performance evaluation activities. In no case shall the process exceed four (4) months. The on-site schedule shall be developed for a period during the regular academic year when the institution is in operation. However, preparatory activities may be completed during the summer months.

The President shall prepare and submit to the Board at least four (4) weeks prior to the on-site visit a "Statement of Presidential Assessment" consisting of his or her assessment of his or her performance as President in relation to each of the "Duties and Responsibilities of the College President." The statement shall be no longer than fifteen (15) pages. The President may append necessary and appropriate materials, including such documents as the President's annual report and the current North Central Association self-study report.

The Board shall contract for an external evaluation. The external evaluation shall consist of (2) evaluators for the initial evaluation and may consist of a single evaluator thereafter. The evaluator(s) shall be a college or university president, or comparably experienced peers selected by the Board after reviewing with the President the list of those considered. Such persons shall be from outside Colorado and be free from conflicts of interest. The Board may wish to use a consultant in some circumstances after consulting with the President.

The consultants shall be given the "Statement of Presidential Assessment" and such other documents deemed to be appropriate by the President.

The Board shall be responsible for arranging a schedule for the consultant(s), including interviews and meetings with campus personnel that will assure a careful assessment of leadership and condition of the campus.

To obtain an accurate and objective impression of the performance of the President, the consultant(s) shall visit the campus for up to two (2) days to talk with and receive the views of the President, and a representative number of administrators, faculty members, classified employees, students, alumni, and community leaders, including the elected leaders of each campus constituent group.

There shall be an oral report by the consultant(s) to the President and the Chair of the Board prior to leaving the campus. The Board will then write a report based on the information and discussions with the consultant(s).

The Board shall forward a copy of the report to the President, inviting the latter to offer comments within thirty (30) days of the date of the report.

A copy of comments received from the President shall be forwarded to the Chairman of the Board and to all members of the Board.

The President shall be invited to discuss the process and results of the evaluation with the Board, during which areas of strength and areas appearing to need improvement (if any) shall be identified for particular attention by the President prior to the next evaluation.

At all stages of the evaluation process, the President shall be involved and informed and be afforded an opportunity to respond as he or she deems appropriate. To the extent possible under State law, confidentiality will be maintained throughout the evaluation process.

## II. Annual Review

It is the responsibility of the Board to continually monitor and evaluate the performance of the President through campus visits, discussions, assessment of the quality of written information submitted to the Board assessment of the accomplishment of College goals, and discussions with members of the Board, as well as with students, faculty, staff, other administrators, legislators, and business and civic leaders associated with the institution. In addition, the President shall provide to the Board at the beginning of each fiscal year the President's goals and objectives for the ensuing twelve (12) months and the progress made on accomplishing the goals and objectives of the previous twelve (12) months.

**Section 7.3: Terms of Appointment and Conditions of Employment for the College President**

**A. Terms of Appointment.** The College President is defined as administrative personnel. Under § 24-19, C.R.S., administrative personnel employed by the Board of the College are employees-at-will and may be terminated at any time, without cause or advance notice of termination.

**B. Rank and Tenure.** Rank and tenure will be awarded at the time an appointment is made. If the President has earned academic rank in a previous position, the Board, after consultation with the affected department, will award rank and tenure in the appropriate discipline. If, however, the President comes from a background where it was not possible to earn academic rank, the Board may grant rank and tenure in the discipline which matches the President's education and experience.

**C. Involuntary Termination of Presidential Appointments**. The President serves at the will and pleasure of the Board and may be terminated at any time with or without cause. Following the Board's adoption of a resolution of termination, the Chairman of the Board shall give written notice thereof to the President. The notice shall be hand-delivered or sent certified mail, return receipt requested (and shall be deemed to be given on the date of hand-delivery or mailing), shall specify the effective date of termination, and shall contain a copy of the Board's termination resolution.

A President who has been notified of termination shall receive his or her salary through the effective date of termination and shall be entitled to pay for up to forty (40) days of unused vacation time accruing through the date of termination. (However, the Board in its discretion may require the President to use some or all of such unused vacation time prior to the date of termination.) The President may also be awarded severance pay in accordance with State law and subsection C.2 of this section.

A president who has been terminated shall have no right to any compensation in addition to salary through the effective date of termination and vacation pay.

Payment of any post-employment compensation as defined in sections 24-19-102(5)(a) and (b), C.R.S. is strictly prohibited by State law.

*Calculation of Vacation and Severance Pay:* Vacation pay and severance pay (if any) shall be based solely on the salary payable to the President under the agreement in effect on the date of termination. Board-paid fringe benefits (including, without limitation, unused sick leave, insurance premiums, and PERA or other pension plan contributions; housing, utilities, telephone and housing maintenance allowances [including the cash value of any state-owned housing provided under paragraph f of this section]; automobile and automobile mileage, insurance and maintenance allowances [including the cash value of any state-owned automobile provided under paragraph F of this section]; expense reimbursements and all other compensation or benefits directly or indirectly received by the President, whether from the Board or third parties, shall be **excluded** from salary for the purpose of calculating vacation and severance pay.

1. **Vacation Pay**. Vacation pay shall be calculated using the following formula: (annual salary)(1/260) = 1 day of vacation pay.

2. **Severance Pay.** Notwithstanding the prohibition against paying unearned post-employment compensation to terminated administrators, section 24-19-103(2), C.R.S. authorizes the Board, at its option and in its sole discretion, to award severance pay consisting of (i) payment of up to a maximum of three (3) months of salary; and (ii) the provision of up to a maximum of three (3) months of employee benefits to terminated presidents who have been employed by the Board of

Trustees for fewer than five (5) years. Such severance pay must be approved at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle the President to severance pay or any other form of post-employment compensation shall be valid or enforceable against the State of Colorado, the Board, or any of the respective officers or employees of those entities.

Any severance pay expressed as a function of days, months or other units of time shall be calculated using the following formula: (annual salary)(1/365) = 1 day of severance pay.

**D. Resignation.** If the President chooses to resign, he or she is not entitled to compensation beyond the effective date of resignation approved by the Board other than payment for up to forty (40) days of unused vacation time accruing through the date of resignation. However, the Board in its discretion may require the President to use some or all of such accrued unused vacation time prior to the date of his or her resignation.

**E. Exercise of Tenure.** If tenure was previously granted upon leaving office through termination or resignation, the President can choose to remain at the College as a professor with a tenured appointment. The initial salary shall be no less than the salary of the highest paid full professor in the affected department. The President will forfeit this tenured status unless he or she begins full-time teaching at the College within two (2) calendar years after leaving office.

**F.** In addition to salary fixed annually, the President is provided with the following:

**1.** The President shall accrue vacation, shall receive sick leave and other leave and shall participate in the insurance and retirement programs in accordance with the *Handbook for Professional Personnel.*

**2. Housing.** The President and family may occupy the residence provided by the Board or, receive a housing allowance. In the case of a state-owned residence, utilities, telephone charges for state-related business, and maintenance are to be provided.

**3. Automobile.** There is to be available to the President either a state-owned or leased car, a fixed rate automobile allowance, or a mileage reimbursement on a private car for state-related business. For a state-owned or leased car, attendant automobile expenses such as insurance and maintenance are to be provided. Expenses for state-related business shall also be provided on a per diem basis as provided by the fiscal rules of the State.

**4. Official Functions.** Official functions will be underwritten within the limit of institutional resources and in keeping with State Fiscal Rules.

**5.** Limited professional and consulting assignments may be accepted by the President provided such assignments do not interfere with the operation of the College.

**Section 7.4: Policies and Procedures for Selection of the College President**

The selection of the President is solely the responsibility of the Board. The Board will seek the advice and participation of the campus and community in identifying and evaluating presidential candidates.

**A. Search and Selection Procedures**. When the position of President becomes vacant, the Board shall adopt search and selection procedures appropriate for filling the vacancy. Presidential searches will comply with Board affirmative action policies and Colorado State statutes.

**B. Appointment of Acting Campus Presidents, Interim Presidents, and Defined Term Appointments**. In the event that a president shall be absent from the position for a period of thirty (30) days or longer, but *is expected to return*, the Board may appoint an **acting** President with the authority to administer the College during the period the President is absent.

If the position of president is to be vacant while a search for a new president is proceeding, the Board may appoint an **interim** President to serve until the new President takes office.

The Board, in its discretion, may fill a presidential vacancy without a search by appointing a President for a defined term or series of defined terms of such length as it may choose. At the end of the defined term(s) the Board may conduct a search to fill the presidency, or continue to fill a presidential vacancy without a search by appointing a President for a defined term or series of defined terms of such length as it may choose. The President who was appointed for the defined term(s) shall be eligible to be a candidate for the presidency.

**Section 7.5: College or Presidential Memberships in Clubs**

Organizational memberships for the College or individual memberships for the President in private clubs or athletic clubs may be approved by the Board if the following criteria are judged to be satisfied:

**1.** The welfare and development of the College will be enhanced as a result of the membership.

**2.** The membership will make available to College personnel facilities and services not readily or conveniently available through the College or public facilities.

**3.** The memberships are not to be used for the exclusive benefit of the President.

**4.** Funding for the memberships is approved by the Board.

**5.** The clubs do not discriminate on the basis of race, color, religion, sex, national origin, age, or handicap.

## Section 7.6: Presidential Inaugurations

Formal inauguration ceremonies to celebrate and publicize the installation of newly appointed presidents shall not be held.

**Section 7.7: Distinguished Professorships for College Presidents**

Upon leaving office, any president who has served at least ten (10) years as President shall be appointed Distinguished Professor, if it is that person's wish. In this capacity, the person becomes a professor serving the College, or the Board and will perform assignments in keeping with the professor's interests and the needs of the College. The professor shall be accorded the same rights and privileges as a faculty member, shall acquire time toward retirement, and shall participate in the faculty fringe benefits program. A person so appointed may serve for an indefinite period of time. The Board will arrange the funding for this professorship and will set salary for it annually. The Board may choose to grant administrative leave to a President moving to such a professorship in order to assure a satisfactory transition.

If the Board chooses to do so, they may offer appointment as Distinguished Professor to any outgoing president even though he or she may have fewer than ten (10) years of service as a president. In such instances, the appointment will be for a specified period of time with its circumstances to be designated by the Board.

**Section 7.8: Designation of a Person to be Responsible in the Absence of the College President**

The President shall formally designate a specific person who will regularly be the responsible professional when the President is not available. The name of the individual so designated shall be made known to the College community.

# Colorado Revised Statutes
# Title 23 Higher Education and Vocational Training
# Article 56 Western State College of Colorado

**23-56-101. College established - role and mission.** There is hereby established a college at Gunnison, which shall be known as Western state college of Colorado. Western state college of Colorado shall be a general baccalaureate institution with moderately selective admission standards. Western state college of Colorado shall offer undergraduate liberal arts and sciences, teacher preparation, and business degree programs and a limited number of graduate programs. Western state college of Colorado shall also serve as a regional education provider.

**23-56-102. Board of trustees - creation - members - powers -duties.** (1) (a) There is established the board of trustees for Western state college of Colorado, referred to in this article as the "board of trustees", which shall consist of eleven members and shall be the governing authority for Western state college of Colorado. The board of trustees shall be, and is hereby declared to be, a body corporate and, as such and by the names designated in this section, may:

(I) Acquire and hold property for the use of Western state college of Colorado;

(II) Be a party to all suits and contracts; and

(III) Do all things necessary to carry out the provisions of this article in like manner as municipal corporations of this state, including but not limited to the power to demand, receive, hold, and use for the best interests of Western state college of Colorado such money, lands, or other property as may be donated or devised to or for the college.

(b) The board of trustees and its successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and governance of Western state college of Colorado, and may conduct the business of the college in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The board of trustees shall also elect a secretary and a treasurer, who are not members of the board and whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The staff of Western state college of Colorado shall provide staff support for the board of trustees.

(2) The governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members initially appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to said board shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007, and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. Notwithstanding any other provision of this section, the term of each member serving on the board of trustees as of May 26, 2006, shall be extended to expire on December 31 of the calendar year in which the member's appointed term would otherwise expire. Members appointed on or after January 1, 2007, shall serve terms of up to four years, expiring on December 31 of the third calendar year following the calendar year in which the member is appointed. For terms ending on or after December 31, 2006, the governor shall appoint a succeeding member on or before March 1 immediately following the expiration of the term. Of the nine members appointed by the governor, no more than five members shall be from the same political party. Of the nine members appointed by the governor, at

least two shall reside in Gunnison county. Each trustee following the initial appointments shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and confirmed by the senate.

(3) The tenth member of the board of trustees shall be a full-time junior or senior student at Western state college of Colorado, elected by the members of the student body of Western state college of Colorado. The term of the student member shall be one year, beginning July 1, 2003, and beginning July 1 each year thereafter. The student member shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S. The student member shall have resided in the state of Colorado for not less than three years prior to the student's election.

(4) The eleventh member shall be a member of the faculty of Western state college of Colorado elected by other members of the faculty for a term of two years, beginning July 1, 2003, and beginning July 1 every odd-numbered year thereafter. The faculty member shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S.

(5) A vacancy of an appointed member of the board of trustees shall be filled by appointment by the governor for the unexpired term. A vacancy of either of the elected members of the board of trustees shall be filled by election for the unexpired term. Each member of the board of trustees shall take and subscribe to the oath of office prescribed by the constitution of this state before entering upon the duties of the office, which oath shall be placed and kept on file in the office of the secretary of state.

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado with respect to Western state college of Colorado are hereby transferred to the board of trustees. Policies, resolutions, procedures, and agreements previously approved by the trustees of the state colleges in Colorado and applicable to Western state college of Colorado shall remain in force and effect unless and until changed by the board of trustees.

(7) In addition to those powers conferred elsewhere in this article, the board of trustees has the power to:

(a) Appoint a president of Western state college of Colorado;

(b) Appoint such other executive officers of the college as may be required;

(c) Appoint faculty and employees as may be required;

(d) Determine the compensation to be paid to the president, executive officers, faculty, and professional staff;

(e) With the advice of the faculty, prescribe the degree programs for the college; and

(f) Prescribe the student admissions qualifications.

**23-56-103. Board of trustees for Western state college of Colorado fund - creation - control - use.**
(1) There is created in the state treasury the board of trustees for Western state college of Colorado fund, referred to in this section as the "fund", which shall be under the control of and administered by the board of trustees in accordance with the provisions of this article. Except as otherwise allowed by state law, including but not limited to section 24-36-103 (2), C.R.S., all moneys received or acquired by the board of trustees or by Western state college of Colorado shall be deposited in the fund, whether received by appropriation, grant, contract, or gift or by sale or lease of surplus real or personal property or by any other means, whose disposition is not otherwise provided for by law. All interest and income derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby

continuously appropriated to the board of trustees and shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of a fiscal year.

(2) The moneys in the fund shall remain under the control of the board of trustees and shall be used for the payment of salaries and operating expenses of the board of trustees and of Western state college of Colorado and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

(3) Moneys in the fund that are not needed for use by the board of trustees may be invested by the state treasurer in investments authorized by sections 24-36-109, 24-36-112, and 24-36-113, C.R.S. The board of trustees shall determine the amount of moneys in the fund that may be invested and shall notify the state treasurer in writing of the amount.

**23-56-104. Status and control.** The buildings and premises of the Western state college of Colorado shall form a part of the school system of the state and shall be controlled and managed by the board of trustees.

**23-56-105. Board of trustees empowered to lease grounds.** For the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of Western state college of Colorado, and to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of the Western state college of Colorado, the board of trustees is empowered to lease grounds under its control to private persons or corporations for a term not exceeding fifty years and subject to regulations as it may prescribe, and upon the condition that the private persons or corporations shall construct and equip on the leased grounds buildings or improvements as the board of trustees designates or approves and secure reimbursement for money invested therein from the rentals of the buildings or from their sale to the board of trustees acting for the state.

**23-56-106. No authority to obligate state.** Nothing in this article shall constitute authority to enter into a contract which in any way creates a debt or obligation upon the state on account of the construction of buildings or improvements; but buildings and improvements erected on lands under the control of the board of trustees and devoted to the uses of Western state college of Colorado under the terms of this article and the leasehold interest shall be exempt from taxation so far as permitted by the state constitution.

**23-56-107. Buildings - control of.** The management of buildings erected and equipped under the terms of this article and the scale of rentals thereof shall be subject to the approval of the board of trustees.

**23-56-108. Board of trustees may rent buildings.** The board of trustees is authorized to lease or rent buildings constructed under the provisions of this article from the private persons or corporations constructing the buildings upon such terms as it deems satisfactory as to current rental, maintenance, and ultimate purchase, paying therefor out of the revenues derived from the operation of the buildings by the board of trustees or from other funds under its control available for general maintenance purposes.

**23-56-109. To be state property at lease end.** Upon the termination of a lease or contract executed under the terms of this article providing for the construction and equipment of buildings, the buildings shall become the property of the state, together with all equipment, furnishings, or appurtenances therein contained or thereto attached; except that personal goods or effects of an occupant may be removed.

**23-56-110. Leasehold interest may be sold.** Nothing in this article shall prevent the transfer or sale of the leasehold interests prior to their expiration, subject to the approval of the board of trustees.

**23-56-111. Board of trustees may rent rooms.** Upon the termination of a lease or contract executed with private persons or corporations for the construction of buildings under the terms of this article, the board of trustees is empowered to rent rooms or quarters in buildings erected under leases or contracts for reasonable compensation as the board deems best in relation to current operation, maintenance, and upkeep costs.

Updated July 3, 2007 from http://www.leg.state.co.us/