

Western Colorado University

Trustee Policy Manual

2021

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Table of Contents

INTRODUCTION

CHAPTER 1: WESTERN COLORADO UNIVERSITY

- 1.1 Role Statement of the Board of Trustees of Western Colorado University
- 1.2 Board Role and Committee Structure
- 1.3 Bylaws of the Board of Trustees of Western Colorado University
- 1.4 Student Trustee
- 1.5 Faculty Trustee
- 1.6 Maintenance and Distribution of the Trustee Policy Manual
- 1.7 Scheduling of Board Meetings
- 1.8 Calendar and Schedule for the Submission of Agenda Items
- 1.9 Shared Decision-making
- 1.10 Communication Between Professional Personnel and the Board and Between the University and External State Agencies
- 1.11 University Citizens' Advisory Councils
- 1.12 Collective Bargaining
- 1.13 Community and State Issues

CHAPTER 2: ANTI-DISCRIMINATION

- 2.1 Equal Opportunity and Affirmative Action Policy
- 2.2 Anti-Discrimination Policy

CHAPTER 3: PERSONNEL/WELFARE

- 3.1 Honorary Degrees and Other Awards
- 3.2 Employment Contracts for Professional Personnel
- 3.3 Standard Personnel Recommendation and Information Forms
- 3.4 Discrimination and Violence
- 3.5 Policy Prohibiting Sexual Misconduct
- 3.6 Presidential Authority Over Certain Personnel Matters
- 3.7 Drug-Free Workplace Policy
- 3.8 Unlawful Possession, Use or Distribution of Illicit Drugs and Alcohol by Students and Employees
- 3.9 Electronic Mail and Other Electronic Communications; Retention, Archiving and Destruction of Records Kept Only in Digital or Miniaturized Form
- 3.10 Background Checks
- 3.11 High Risk Information Confidentiality and Disclosure Policy
- 3.12 Data Protection and Security Policy
- 3.13 Amorous Relationships Policy

CHAPTER 4: BUSINESS/FINANCE AND PHYSICAL PLANT

- 4.1 Financial Authority
- 4.2 Tuition and Fees
- 4.3 Instructional Courses and Job-Related Training for Employees
- 4.4 Delegation of Signature Authority

- 4.5 Delegation of Authority for Budget Administration
- 4.6 Operating Budget Management System
- 4.7 Guidelines, Review Procedures, and Reporting Policies for the Provision of Goods and Services by Colorado Publicly Supported Institutions of Higher Education
- 4.8 External Communication on Financial Matters
- 4.9 Enrollment Reporting
- 4.10 Official Expense Allowance for Travel for Board and University Staff
- 4.11 Insurance Plan for Life, Health, and Long-term Disability
- 4.12 University Foundations: Acceptance and Management of Gifts and Donations
- 4.13 Naming of University Buildings
- 4.14 Approval of Memorials (Fountains, Monuments, Buildings, etc.)
- 4.15 Ceding Authority to Regulate and Control University Driveways
- 4.16 Fire and Safety Inspection Reports
- 4.17 Use of Tax-free Alcohol on University Campus
- 4.18 Processing Surplus Property
- 4.19 Criteria for Approval of Tax-Sheltered Annuity Programs
- 4.20 Leases of Real Property
- 4.21 Defined Contribution Pension Plan
- 4.22 University Officer Titles
- 4.23 Debt Management
- 4.24 Reporting Requirements for Tax Exempt Debt
- 4.25 Reserve Policy for the Education and General (“E&G”) Fund

CHAPTER 5: ACADEMIC AFFAIRS

- 5.1 Academic Planning
- 5.2 Approval, Modification, and Discontinuation Procedures for Degree and Submajor Programs
- 5.3 Review Procedures for Existing Programs
- 5.4 Academic Calendar of the University
- 5.5 Policy for Developing and Discontinuing Coordinated Academic Degree Programs
- 5.6 Admission Requirements of the University
- 5.7 Transfer of Earned Credits
- 5.8 Outreach Policies
- 5.9 International Education
- 5.10 University and College Press of Colorado
- 5.11 Division of Royalties from Copyrights and Patents
- 5.12 Summary of Copyright Law Fair Use Provisions and Agreement on Guidelines for Classroom Copying
- 5.13 Out-of-State Instruction
- 5.14 Remedial and Supplemental Academic Instruction (“SAI”) Education

CHAPTER 6: STUDENT AFFAIRS

- 6.1 Disciplinary Action Policy and Student Due Process
- 6.2 Intercollegiate Athletics
- 6.3 Recognition and Funding of Student Groups
- 6.4 Role of the Student Referenda

CHAPTER 7: UNIVERSITY PRESIDENT

- 7.1 Duties and Responsibilities of the University President

- 7.2 Evaluation of the University President
- 7.3 Terms of Appointment and Conditions of Employment for the University President
- 7.4 Policies and Procedures for Selection of the University President
- 7.5 University or Presidential Memberships in Clubs
- 7.6 Presidential Inaugurations
- 7.7 Distinguished Professorships for University Presidents
- 7.8 Designation of a Person to be Responsible in the Absence of the University President

APPENDIX

- A. Colorado Revised Statutes Title 23 Article 56: Western Colorado University
- B. Template Agenda for Regular BOT Meetings
- C. BOT Email Protocol

INTRODUCTION

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 University to the Board and University 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*.

CHAPTER 1: WESTERN COLORADO UNIVERSITY (the “University”)

Section 1.1: Role Statement of the Board of Trustees of Western Colorado University (the “Board”)

As specified in §23-56-101, et seq. C.R.S., the Board has full authority and responsibility for the control and governance of Western Colorado University, including such areas as finance, resources, academic programs, admissions, role and mission, and personnel policies.¹ To exercise its authority appropriately, the Board may regularly establish policies designed to enable the University 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 University (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 University, and to encourage the development of the distinctive role of the University 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 University to develop curricular arrangements with other Colorado postsecondary institutions as part of its normal operation in order to enhance program availability for students.

¹ A copy of the Act is located at Appendix A to the *Policy Manual*.

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 University and shall ensure that the activities of the University 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 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 University 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 body corporate 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 as 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 University 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 Colorado University

ARTICLE I Board of Trustees

Section 1. The affairs of the Board shall be governed and managed by the members thereof appointed or elected pursuant to the laws of the State of Colorado. Each Trustee shall, before assuming their duties of office, take and subscribe an oath or affirmation of office as provided by Section 24-12-101, C.R.S.

Section 2. The Annual Meeting of the Board shall be held prior to the end of the State's fiscal year at such time and place as may be designated by the Board in order to permit officers to begin service on July 1 as set forth in Article III, Section 3. 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 twenty-four (24) hours before the meeting date.

Section 4. Special meetings of the Board may be called at any time by the Chair of the Board (the "Chair") or shall be called by the Chair upon the written request of a majority of the Board. Meetings may be held in person, via telephone or video conference technology, or a combination of methods, congruent with the Board's needs.

- a.** Upon the call for a special meeting, the Secretary shall cause written notice to be delivered to each member, stating the time, place, and purpose of the meeting; such notice shall be issued 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.** A member may waive notice of a special meeting. Attendance at a special meeting is a waiver of the required notice.
- d.** In the event of an unforeseen circumstance requiring immediate action, the Chair 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, video conference, or other electronic means, with public amplification of the discussion either at a physical location set forth in the posted notice or via a video conference method. 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 either a majority of the Board (6 out of 11 Trustees) or “Quorum” (5 out of 9 voting Trustees) 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 (or their designee) shall maintain a list of people who, within the previous two (2) years, requested individual notice of either all meetings or of meetings about certain policies. Individual notice must be given reasonably in advance of a meeting. Unintentional failure to provide individual advance notice does not nullify actions taken at an otherwise properly published meeting.

A “Quorum” is defined as a majority of the voting Trustees (5 out of 9). The presence of a Quorum is required to transact business or to act.

- b.** Meetings of the Board are generally conducted in accordance with parliamentary rules and procedures provided by *Robert’s Rules of Order* (Revised).
- c.** 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. The Board sets most of its agenda for a subsequent regular meeting at the conclusion of the prior regular meeting. Trustees may request to add additional topics by submitting the topic to the Chair and Secretary prior to the start of a meeting, or by moving to add a topic once a meeting begins, provided that a majority of voting Trustees approves the addition. For regular meetings, the Board will generally adhere to the draft template order of business set forth in Appendix B, to this Policy.
- d.** At any time during any regular or special meeting of the Board, upon the affirmative vote of two-thirds (2/3) of the voting Trustees and after the Chair announces the general topic, the Board may adjourn into executive session for the purpose of considering matters or topics enumerated in §24-6-402(3)(a)(I through V), (3)(a)(VIII), and (3)(b), C.R.S..

During executive session, only appointed (voting) Trustees, and those persons invited by the Board are entitled to attend. In their discretion, and to the greatest extent practicable, the appointed Trustees may invite the elected Trustees to attend executive session. The presumption is that elected Trustees will not attend executive sessions that pertain to either personnel or student conduct matters. All discussion among those present and communications received during such executive session shall remain confidential.

- e.** Members of the public who desire to address the Board at any of its regular meetings may do so by signing up to speak during the designated time for public comment. Members of the public can also submit comments to the Board at <https://western.edu/about/leadership/board-of-trustees/contact-board-of-trustees/>. Copies of electronic communications submitted to the Trustees’ are provided to the Board. The Board’s electronic communications response protocol is outlined in Appendix C.
- f.** Complete and accurate minutes of each meeting which shall constitute the official record of proceedings of the Board shall be promptly recorded. Minutes of the public session

proceedings shall be made available for public inspection during reasonable hours consistent with the Colorado Open Records Act. Once public session minutes are approved, they are also posted and available on the Board's webpage at <https://western.edu/about/leadership/board-of-trustees/>. 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 to each member of the Board concurrently with delivery of the agenda for the next regular meeting.

- g.** Visitors to all open, public meetings may record the proceedings, so long as the recordation does not interrupt the meeting.

ARTICLE II

Officers of the Board

Section 1. Officers of the Board shall be Chair of the Board, Vice Chair of the Board (the "Vice Chair"), Secretary, and Treasurer. Before entering office, the Secretary and Treasurer shall take and subscribe an oath or affirmation that they will faithfully perform the duties of their office.

Section 2. 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 Chair shall be elected by a majority of the voting Trustees and shall perform all duties incident to the office of Chair and all such other duties as may from time to time be assigned by the Board.

Section 5. The Vice Chair of the Board shall be elected by a majority of the voting Trustees and shall perform such duties as from time to time may be assigned by the Chair or the Board. At the request of the Chair or in the Chair's absence, or inability to act, the Vice Chair shall perform all duties of the Chair.

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

The Secretary, shall, if present, act as secretary at all meetings of the Board and keep the minutes. 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 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 by the Board.

Section 7. The Treasurer, who shall not be a Trustee, 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 Chair 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 by the Board. The same person may hold both the offices of Secretary and Treasurer.

Section 8. The Board 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 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 at the annual meeting of the Board.

Section 2. Officers 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, as required by the laws of the State of Colorado or by resolution of the Board not inconsistent with such laws.

Section 3. The Chair and Vice Chair shall serve a one (1) year term, beginning July 1 each year and will continue until their successors are elected. Beginning in 2021, Trustees who serve as officers may serve no more than three one-year terms in any particular office. The Secretary and the Treasurer shall hold their office at the pleasure of the Board.

Section 4. Officers shall be elected by concurring vote of a majority of the voting Trustees.

Section 5. Whenever a vacancy occurs in any office, it shall be promptly filled by concurring vote of a majority of the voting Trustees. If a vacancy occurs prior to the annual election, the officer shall serve the remainder of the unexpired term. Service of a partial term in this circumstance does not count towards the three one-year term limitation set forth for Trustees in Section 3.

ARTICLE IV Committees

The Board may appoint standing committees, whose duties and functions it shall define. The Chair may appoint temporary committees. The duties of temporary or ad hoc committees may be established by concurring vote of a majority of the voting Trustees. The temporary or ad hoc committee may refine their purpose within the scope of the duties established by the concurring vote establishing the committee. Elected Trustees may participate on committees at the discretion of the Board.

ARTICLE V Amendments; Repeal

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

1. Written notice of the proposed amendment or repeal shall be given to each member at least fourteen (14) 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) Trustee shall be a full-time junior or senior student at the University, elected by the members of the student body of the University. The term of the student Trustee shall be one (1) year, beginning July 1. The student member shall be advisory, without the right to vote and without the right to attend executive sessions of the Board.

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.
3. If a vacancy of this office should occur, it 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 §23-56-102(4), C.R.S.

The eleventh (11th) member of the Board shall be a member of the faculty of the University 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.

If a vacancy of the office should occur it 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 Faculty Senate shall conduct the election of the Faculty Trustee in accordance with this *Policy Manual* and as supervised by the President.

b. Eligibility for Elections:

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

(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 University 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 University 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 University staff and shall include all official Board policies other than those contained in the *Handbook for Professional Personnel*. The University 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

The *Policy Manual*, including approved amendments, will also posted and available on the Board's webpage at <https://western.edu/about/leadership/board-of-trustees/>.

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 first regular meeting of the calendar year. All amendments to the schedule require official Board action.

At this time an administrative calendar shall be provided to the Board by the President or their designee reflecting deadlines for Board action.

Seminar Meetings

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

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

This Section 1.8 was consolidated with Section 1.7.

Section 1.9: Shared Decision-making General Philosophy

Decision-making General Philosophy

Western Colorado University benefits from a system of Shared Governance including Faculty Senate, Mid-Managers Council, Liaison Council, and the Student Government Association. Shared governance in higher education refers to structures and processes through which faculty, professional staff, administration, governing boards and, sometimes, students and staff participate in the development of policies and in decision-making that affect the institution. 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 experience. At Western the pillars of Shared Governance include the Faculty Senate, Mid-Managers Council, Liaison Council, Student Government Association, and the Administration, all of whom the Board of Trustees consider valuable and important partners. The Trustees affirm the right of freedom of expression and the right to freely participate in University Shared Governance for these purposes.

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 University has considerable flexibility and latitude to provide programming to support its mission and vision. The Board has articulated its principal expectations in the Board Values statement and the strategic plans. 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 outcomes.

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

Central to shared decision-making are the quality and good faith in institutional collaboration between Faculty Senate, Mid-Managers Council, Liaison Council, Student Government Association, and the Administration. Decision-making in an academic institution will vary according to the situation. In some instances, as examples, 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 and follow the established procedures of the Faculty Senate, 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 best possible exchange of information and ideas, clearly understood channels of communication must be established, observed, and maintained by all concerned.

University-Level Policy

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

1. To supplement the Trustees *Handbook for Professional Personnel* (the “*Handbook*”), the University is required to maintain and post 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. When appropriate, the Board expects campus committees to be selected through the use of Shared Governance procedures.
3. The University shall post a current organizational chart identifying administrative and academic units and their relationships. All changes in structure at the department, division, school, center, institute, or University level shall be submitted to the Board.
4. In view of the sensitivity accompanying the assessment and use of student fees, the President or their designee should consult with the Student Government on the level and allocation of such fees prior to submitting them to the Board for action.
5. In keeping with the Board’s commitment to diversity, equity, and inclusion, all screening committees should be broadly representative of the University. The Board encourages and expects rigorous adherence to the principles of Affirmative Action, particularly as they apply to women and other underrepresented groups.
6. Institutional deliberations concerning strategic planning, educational policies, personnel policies, priorities, and other matters affecting faculty, staff, and students should include opportunity for participation by representatives of the faculty, staff, and student organizations. Shared Governance should have an active voice in development of campus committees for these purposes. The mechanisms for such participation, however, should recognize the rapidly changing circumstances confronting the University and the requirement for timely decisions.
7. Representative groups of the classified and administrative staff shall have appropriate and continuing access to decision-makers whose determinations have direct impact on their status and performance.
8. The Board expects an annual review of the functioning of shared decision-making to be addressed in its annual evaluation of the President. An accurate assessment of the state of shared governance at the institution will be developed and used annually

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

Open, ongoing, and honest communications is encouraged among all University constituents including the Board, administrators, faculty, staff, students, alumni, and others in the community. 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 University at least seven (7) 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 University personnel the ability to provide official information directly to external state agencies.

Section 1.11: University 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 with faculty until funds are appropriated by the Colorado General Assembly. If and when funds are appropriated for collective bargaining, the Board will reassess its position.

This Section 1.2 does not address or apply to collective bargaining with non-faculty positions and in particular does not apply to positions within the State's personnel system.

Section 1.13: Community and State Issues

The Board recognizes and appreciates the mutually supportive relationship between the University and the surrounding community of which the University is a part. The Board recognizes that there may be issues that may impact the University and 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 University, unless the Board determines otherwise by a confirming vote of a majority of the voting Trustees.

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 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 without regard to such extraneous factors as age (40 and over), color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation, or any other applicable status protected by federal, state, or local law, 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 Colorado University resolve that the hiring of professional personnel shall be done solely on the basis of merit, and we do hereby request Western Colorado University 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 age (40 and over), color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation, or any other applicable status protected by federal, state, or local law.

Campus Affirmative Action Plans

The University 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 University's affirmative action plans, approved by the Trustees, shall be kept on file in the Human Resources 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 email, hand delivery, or certified mail. The date of delivery shall be the date of mailing according to the records of the University by a postal certification form, or the date of hand delivery as evidenced by a receipt signed by the recipient. If the recipient does not accept a hand-delivery or refuses to sign a receipt, 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 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 formal 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 formal written Grievance.

12. “Party” means Complainant(s), Grievant(s), or Respondent(s).
 13. “Protected status” means age (40 and over), color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation, or any other applicable status protected by federal, state, or local law.
 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 Complaint or Grievance has been made or filed.
 16. “Retaliation” is a materially adverse employment action that would dissuade a reasonable employee from making or supporting a Complaint or Grievance and which is taken because of an employee’s participation in a Complaint or Grievance.
 17. “Sexual harassment”, as it pertains to employment, means unwelcome sexual advances, requests for sexual favors, or 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 by creating an intimidating, hostile, or offensive work or educational environment.
- Sexual violence and sexual assault are forms of sexual harassment. Sexual harassment shall also be defined to include “Retaliation” as defined in Section 2.2, I.16 against an individual for reporting sexual harassment or cooperating in a sexual harassment investigation.
- Sexual harassment as discrimination with respect to educational opportunities and student participation in University sponsored programs is further defined in the Title IX policy in Section 3.5.
18. “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 any action that violates federal, state, or local law or this Policy. The University prohibits and does not discriminate on the basis of age (40 and over), color, disability, gender identity, genetic information, military or veteran status, national origin, race, religion, sex, sexual orientation or any other applicable status protected by federal, state, or local law. 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, §24-34-301, C.R.S. *et seq.*

- B. **Compensation Disclosure.** Western Colorado University will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the University, or (c) consistent with the University's legal duty to furnish information.
- C. **Sexual Harassment.** Sexual harassment is a type of discrimination. 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 related to employment shall be handled under the procedures in this Section 2.2.

Complaints of sexual harassment affecting students' ability to participate in educational programs or activities shall be handled under Section 3.5.

Contact the Office of Human Resources, or the University's Title IX and Student Conduct Coordinator, for questions related to the applicable policy and the complaint procedure.

- D. **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 Complaint or 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.
- E. **Sexual Harassment Retaliation.** 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 retaliation related to employment shall be handled under the procedures in this Section 2.2.

Complaints of retaliation affecting students' ability to participate in educational programs or activities shall be handled under Section 3.5.

Contact the Office of Human Resources, or the University's Title IX and Student Conduct Coordinator, for questions related to the applicable policy.

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

III. Discrimination by or Against Persons Outside of 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 or the Affirmative Action Officer. 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 Enrollment and Student Success (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. Discrimination Complaints/Grievances initiated by Students against Students. Allegations of discrimination made by a student(s) against another student(s) shall follow the *Western Colorado University Student Handbook* complaint and conduct procedures.
- B. Sexual Harassment Complaints/Grievances initiated by Students against any member of the Campus Community are handled exclusively under Section 3.5 (regarding "Title IX").

C. All other discrimination Complaints/Grievances made by any member of the Campus Community against any other member of the Campus Community not subject to the procedures in IV.A. or IV.B. follow the procedures in this Section 2.2.

D. Time Limits.

1. In order to fall within the jurisdiction of this policy, a Complaint or Grievance must be initiated as soon as possible after the date on which alleged discrimination or retaliation occurred.

a. The Complainant/Grievant may choose to withdraw their 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.

2. The Affirmative Action Officer may extend or shorten any time periods prescribed in this policy for good cause 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.

E. Purposes of the Discrimination Complaint/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. 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.

F. 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/Grievance.

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 they deem 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 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*, or the *Western 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, and 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 Complaint/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 them; 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.

G. 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 listed below. Since the physical addresses for each agency may change more frequently than the *Trustees Policy Manual* is updated, current contact information for each agency may also be obtained from the Affirmative Action Officer.

Office for Civil Rights, Denver Office
U.S. Department of Education
https://ocrcas.ed.gov/contact-ocr?field_state_value=643
<http://www.ed.gov/ocr/complaintprocess.html>

U.S. Equal Employment Opportunity Commission
<https://www.eeoc.gov/>
<http://www.eeoc.gov/denver/index.html>

Colorado Civil Rights Division
<https://ccrd.colorado.gov/>
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.

- H. 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.

I. Reporting.

1. Process for an Employee or Volunteer to Report Discrimination/Retaliation. Any employee or volunteer who believes they have 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 a Student to Report Discrimination/Retaliation. Any Student who believes they have been discriminated against or retaliated against is encouraged to report the alleged discrimination/retaliation to the Dean of Students or the Affirmative Action Officer.
3. Duty to Report Discrimination/Retaliation. Any supervisory-level employee or faculty member who observes what they reasonably believe 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 Executive Vice President. Any Student Assistant Residence Director or Resident Assistant who, in the scope of their 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 Dean of Students or the Affirmative Action Officer. The matter will be referred for appropriate informal discussions as provided in subsection IV.J.

- a. 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 Dean of Students 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.
- b. 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.
- c. A supervisory-level employee, Faculty member, or Student Assistant Residence Director, or Resident Assistant shall not 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 2.2, IV.J.4.
- c. If the person reporting discrimination/retaliation is someone other than the alleged victim, the Affirmative Action Officer, the Dean of Students, or their 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 they deem appropriate under the circumstances.

J. 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/Grievant feels it is necessary to do so and provides written notice to the Affirmative Action Officer of their request to by-pass or terminate informal resolution.

3. The Complainant/Grievant, appropriate supervisory personnel, in some cases the Dean of Students, 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 Dean of Students after discussions with the Complainant and others; or 2) a written agreement between the Parties.
 5. If a Complainant/Grievant is dissatisfied by an informal remedy determination issued by the appropriate supervisory personnel or the Dean of Students, the Complainant/Grievant 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, non-appealable 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.
- K. Filing a Grievance. Any Campus Community member may file a formal written Grievance when they believe they have been discriminated against or retaliated against, whether or not the matter has been reported in accordance with Section 2.2, I. 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 Executive Vice President (for employees and volunteers) or the Dean of Students (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 who the Grievant believes may possess information about the alleged discrimination/retaliation and a description of the information that each witness is believed to possess; and
 - vii. the signature of the Grievant.
- b. If the formal grievance is filed more than 30 calendar days after the alleged discrimination/retaliation took place, the grievant should also submit a statement showing good cause why the grievance was not filed without delay.
 - 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 promptly,
 - 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 a lack of 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 number, 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.J above.
 - j. At any time, the Grievant may 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;
 - 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 investigate 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 they deem necessary.
- b. The interview provides the Respondent with an opportunity to be heard by a fair and impartial factfinder 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 a written report summarizing the investigation that includes factual observations that lend themselves to decisions as to the 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 shall review the report and take action as they deem necessary. The President 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(8) C.R.S., 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 University

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

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

Although the University 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 non-temporary 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 University 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 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, and §24-34-301, C.R.S. *et seq.*
 - II. Violence. The University 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 University property or while engaged in University business, university activities or university 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 University strongly urges employees and students to report any violence to the Affirmative Action Officer, any member of the Human Resources staff, or any University 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 University'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 Misconduct

I. Sexual Harassment is Prohibited

The Board of Trustees and Western Colorado University (“WCU” or the “University”) intend to maintain a campus community free from all forms of sexual harassment, which includes hostile environment, sexual assault, domestic violence, dating violence, and stalking, as defined below. It is the University’s policy that all forms of sexual harassment are prohibited and will not be tolerated. This policy is promulgated pursuant to Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §§ 1681-88 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).

A. Addressing Sexual Harassment

The University will take all necessary measures to deter sexual harassment, 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.

B. Training and Education

The University shall continue to provide training and education programs to promote awareness of sexual harassment and sexual assault/violence. These may include, but are not limited to, required online education programs for students and employees, dissemination of educational materials to incoming students and new employees, and periodic training programs for students and staff.

C. Retaliation

Retaliation means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulation, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Such retaliation shall be dealt with as a separate instance of sexual harassment.

II. Scope of Policy

This policy applies to all students and employees, regardless of their sex. This policy also applies to all third parties who have access to or use of any University facilities and/or grounds for any reason.

This policy applies to the University’s educational program or activity within the United States, including University–sponsored programs and events, whether on or off campus. This may include, but is not limited to, field trips, conferences, camps, classroom activities, residence halls and all academic and student facilities and events.

Incidents that fall outside the scope of this policy and Title IX will be addressed utilizing the Western *Student Handbook* Sexual Misconduct Prohibition Policy and subsequent conduct procedures.

III. Reporting Sexual Harassment

The University encourages victims of sexual harassment to talk to somebody about what happened – so that victims can get the support they need, and the University can respond appropriately, including coordinating supportive measures. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available to them so that they can make informed choices about where to turn should they become a victim of sexual harassment.

A. University Reporting

The University can only respond to allegations of sexual harassment or violence if they are reported. Reporting enables the University to promptly provide support to the impacted students, employees or third parties, and to take appropriate action to prevent a recurrence and protect the campus community. Any student, employee, or third party who believes they may be the victim of sexual harassment or violence is encouraged to report to the University through one or more of the following resources:

1. Title IX Coordinator

Shelby Schuppe
Taylor Hall 301
970.943.2616

tixadministrator@western.edu

2. Responsible Employees

Certain employees are required to report the details of an incident (including the identities of both the victim and the alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “Responsible Employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

A “Responsible Employee” is a University employee who has the authority to institute corrective measures on behalf of the University. The following categories of employees are the University’s Responsible Employees: Faculty, Academic Affairs Administrators, Student Affairs Administrators, and certain Residence Life Staff including the Director and Assistant Director of Residence Life and Resident Advisors, Coaches, supervisors, the Director of Human Resources, the President and Vice Presidents of the University. These Responsible Employees are required to report all the details of an incident (including the identities of both the Complainant and the alleged Respondent) to the Title IX Coordinator. A report to these Responsible Employees constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

3. On Campus Confidential Reporting of Sexual Harassment

If the Complainant requests confidentiality or asks that the complaint not be pursued, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation consistent with its obligation to provide a safe and nondiscriminatory environment. If a Complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the University will inform the Complainant that its ability to respond may be limited.

B. Confidential Reporting

1. On-Campus Confidential Resources

Should a Complainant wish to speak with an individual in confidence, they are encouraged to speak with the University's Counseling Center. Prior to making a report, the individual is encouraged to speak with a counselor about their reporting obligations. Counselors generally will only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these individuals will not trigger a University investigation into an incident against the victim's wishes.

Individuals may report confidentially to the following campus resources that provide support and guidance:

Campus Counseling Center
Tomichi Hall 104
970.943.2484
After Hours: 970.252.6220

Campus Health Clinic
Tomichi Hall 104
970.943.2707

2. Gunnison Community Confidential Resources

Center for Mental Health
710 N. Taylor Street
970.641.0229

Gunnison Valley Hospital
711 N. Taylor Street
970.641.1456

Project Hope of the Gunnison
Valley 24/7 Helpline:
970.275.1193
Office: 970.641.2712
www.hope4gv.org

C. Non-Confidential Reporting

1. Local Law Enforcement Reporting

Gunnison Police Department
Emergency 911
970.641.8299

Gunnison Victim Advocate
970.641.8200

IV. Amnesty for Alcohol, Drug & Other Conduct Associated with Sexual Harassment

In those cases where individuals have been involved in incidents of sexual harassment while under the influence of alcohol and/or drugs, the University will not pursue disciplinary actions against those

involved (or against a witness) for their improper use of alcohol or drugs (e.g. underage drinking). Amnesty is intended to support the practice of individuals reporting incidents of prohibited discriminatory harassment, sexual harassment, and other violations of this policy, and to protect an individual's safety. Individuals experiencing or witnessing violations of this policy while themselves violating another University policy (for example, the University policy concerning alcohol and other drug use), are encouraged to report the violations of this policy that they experienced or witnessed.

V. Definitions

A. Sexual Harassment

Sexual Harassment is:

- An employee of Western conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Western's education program or activity; or
- Sexual assault as defined in 20 U.S.C. § 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. § 12291(a)(1), domestic violence as defined in 34 U.S.C. § 12291(a)(8) or stalking as defined in 34 U.S.C. 12291(a)(30).

1. Sexual Assault

Sexual assault means:

- Rape, which is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.
- Fondling, which is the touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity;
- Incest, which is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; OR
- Statutory Rape, which is sexual intercourse with a person who is under the statutory age of consent.

2. Dating violence means violence committed by a person –

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship,
 - The type of relationship

- The frequency of interaction between the persons involved in the relationship.
- 3. Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Colorado, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- 4. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - Fear for their safety or the safety of others; or
 - Suffer substantial emotional distress.

B. Consent

Affirmative, knowing, and voluntary words or actions that create a mutually understandable and clear agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have affirmative consent of the other or others to engage in the sexual activity. Silence, lack of protest, or resistance, by themselves cannot be interpreted as consent. Consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, by itself cannot be interpreted as consent. Consent is not effectively given if force, threats, intimidation, or coercion were involved, or if a person is incapable of giving consent due to use of drugs or alcohol, or due to intellectual or other disability.

C. Incapacitation

With incapacitation, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

D. Complainant

Complainant is a person who has been subjected to the alleged sexual harassment or related retaliation. For purposes of this policy, a Complainant can be a University employee, student, authorized volunteer, contractor, guest, or visitor.

E. Respondent

A Respondent is a person whose alleged sexual harassment is the subject of a complaint. For purposes of this policy, a Respondent can be a University employee, student, authorized volunteer, contractor, guest, or visitor.

F. Preponderance of Evidence

The standard of proof is the amount of evidence needed to establish a violation of policy has occurred. The Sexual Harassment policy uses a “preponderance of evidence” standard, which means that the evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

VI. Clery Act Obligations

The University participates in federal student financial aid programs and is subject to the requirements of the Clery Act. The Clery Act requires institutions of higher education to provide current and prospective students, employees, the public and the Department of Education with crime statistics and information about campus crime prevention programs and policies annually. (See the Annual Security Policies Report on Western’s Security Services web page.)

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 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 University 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 University. 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 University.
- 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 or enter into **initial** employment contracts with all non-temporary faculty members and administrative personnel. The President or their 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 University for one or more of the reasons listed in section 3.09 of the *Handbook*.

- E.** The power to review 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, nonrenewal, 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 University 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 University 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 University is prohibited.

As a term of their employment, every University 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 seven (7) 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 University including motor vehicles, boats, and aircraft.
- D. “Activities” shall mean any act or event sponsored or participated in by the Board or the University 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 University (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 University.

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 the University, expulsion from the University, 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 University 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 University 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 University 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, §24-72-201 *et seq.*, C.R.S., and may be subject to public inspection under §24-72-203 of the Act.

- II. Retention, Archiving, and Destruction of Records Kept Only in Digital or Miniaturized Form.** The University 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 §24-72-203(1)(b), C.R.S. and other provisions of the Colorado Archives and Public Records Act, §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 Colorado University 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 University is a safe and secure environment for students, faculty, staff, and visitors.

Western Colorado University 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 University 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 University.
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 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 University driving policy may also require driving record checks.

II. Responsibilities

- A. **Human Resources:** The Western Colorado University 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 University, 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 or candidate before background checks are conducted. The University 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 Colorado University 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 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 University 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 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 or 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 Office of Human Resources 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 Colorado University 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 Colorado University collects information from prospective and enrolled students and parents, employees and their 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 University 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 university 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 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 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 Colorado University collects information from prospective and enrolled students and parents, employees and their dependents, alumna, and donors for administrative, management, or business purposes. This policy establishes requirements on data security and protection of high-risk confidential information.

The same definition of HRCI as set forth in Section 3.11, applies in this Section 3.12.

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 University 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 not working.
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 not working. 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, including a combination of alpha, numeric, and other characters.
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 Cabinet prior to implementation.

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

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

Section 3.13 Amorous Relationships Policy

I. Definitions

“Amorous Relationship” refers to any relationship which is romantic, intimate, or sexual in nature and to which both parties’ consent. This definition includes marriage and civil union.

“Professional Relationship” refers to any evaluative, instructional, advisory, directive, mentoring, coaching, supervisory, or administrative activity, either directly or indirectly, an employee may undertake relative to a student or another employee.

“Supervisor,” for the purpose of Section 3.13 and the Amorous Relationships Policy, refers to any employee in a position to exercise power over another employee or a student employee in a Professional Relationship. Faculty members may have responsibilities to one another that are supervisory in nature, such as when a faculty member serves as department chair, or when tenured faculty members evaluate a candidate for promotion.

II. Purpose

Students should be free to develop relationships that supplement formal classroom instruction and employees should be free to develop friendships and engage in social contact with students. Likewise, employees should be free to develop friendships and engage in social situations with coworkers. In most cases, social interaction between members of the campus community is beneficial by promoting the interchange of ideas, building mutual trust and respect, facilitating communication, and reducing misunderstandings.

However, when a person in a position of power and authority abuses or appears to abuse that position, mutual trust and respect are lost and the academic environment suffers. Western employees exercise power and authority over Western students with whom they have a current or potential Professional Relationship. This inherent power imbalance makes consent to any Amorous Relationship between a Western employee and a student suspect and may impede the real or perceived freedom of the student to thereafter terminate or otherwise alter the Amorous Relationship. The Amorous Relationship may create real or apparent impropriety, loss of objectivity, and a conflict of interest in any evaluative, supervisory, advisory, instructional, or other professional activities which Western employees may undertake relative to the student.

Similarly, there is a power imbalance in a Professional Relationship between a Supervisor and subordinate employee. Concurrent Professional Relationships and Amorous Relationships between a Supervisor and subordinate employee create conflicts of interest, call into question the objectivity of the Supervisor and may negatively affect the work environment for other employees. Issues such as whether concurrent Professional and Amorous Relationships are genuinely consensual and conflicts surrounding the termination of either the Professional or Amorous Relationship can also arise.

Sexual harassment situations can occur when Amorous Relationships are not genuinely consensual, when such relationships are terminated, or when such relationships impair any student’s education opportunities or when such relationships create a hostile work environment for any employee. Sexual Harassment is prohibited under Sections **XX** and 3.5 of the Trustees Policy Manual. Therefore, to avoid the breakdown of mutual trust and respect, which may result within the campus community from such Amorous Relationships, the following policies apply.

III. Policy regarding Amorous Relationships between employees and students

1. Concurrent Amorous Relationships and Professional Relationships between Western employees and Western students are prohibited.
2. The prohibition policy notwithstanding, an employee engaged in an Amorous Relationship with a student with whom they have a concurrent Professional Relationship must immediately report the concurrent Amorous Relationship and Professional Relationship to the employee's Supervisor and to the Director of Human Resources. It is the responsibility of the employee, in coordination with their Supervisor and the Director of Human Resources, to remove themselves from the Professional Relationship, and from any actual or apparent activity or decision affecting the student, and to otherwise take appropriate action to minimize any potential preferential or adverse consequences to any student. Reasonable arrangements shall be made to prevent interference with the student's educational opportunities. A student shall not be subject to retaliation for such an Amorous Relationship. Likewise, retaliation is prohibited against any student complaining of sexual harassment precipitated by such an Amorous Relationship.
3. Amorous Relationships between an employee and a student with whom the employee does not have a current Professional Relationship are strongly discouraged. Because a student's interests may change over time, and because the nature of Amorous Relationships may change or end, Western employees cannot assure relationships with students will not result in conflicts.

IV. Policy regarding Amorous Relationships between Supervisors and subordinate employees

A Supervisor who is engaged with a subordinate employee in concurrent Amorous and Professional Relationships must immediately notify their supervisor and the Director of Human Resources. The Supervisor, their own supervisor, and the Director of Human Resources will work together to ensure that the Supervisor no longer has authority to evaluate or make decisions affecting the subordinate employee with whom they are involved. Options for resolution of this conflict of interest may include, but are not limited to, the following: Supervisors may be reassigned, responsibilities for evaluation and decisions related to the subordinate may be reassigned to another Supervisor, or the subordinate employee may be transferred to a position with equal status and pay for which they are qualified. Retaliation is prohibited against any employee complaining of sexual harassment precipitated by such an Amorous Relationship.

V. Policy regarding Amorous Relationships between University co-workers

Amorous relationships between co-workers may not involve an immediate and direct conflict of interest or appearance of impropriety. However, each employee must refrain from participating in institutional decisions that affect the other's career. Co-workers involved in Amorous Relationships are required to exercise discretion in order to maintain a professional and productive work and educational environment.

VI. Sanctions

Any employee violating these policies shall be subject to prompt and appropriate corrective or disciplinary action, up to and including termination of employment.

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 University 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 increase 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 University 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 University 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 Colorado University, all lawful contracts, leases, and rental agreements or amendments thereto deemed necessary by the President for any academic or administrative function of the University, except the following:

- 1) Capital construction contracts as defined in §24-30-1301, C.R.S. (2019) 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 University'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 Section 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 University, for ratification at the next regular Board meeting.

The President may subdelegate to appropriate University officials so much of their authority hereunder as will facilitate the efficient administration of the University. 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 University.

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

Pursuant to §24-30-202, C.R.S. (2019) and the State of Colorado Fiscal Rules (as amended), all contracts, leases, and rental agreements or amendments thereto executed by the President or their subdelegate which require the expenditure of state monies must be approved by the State Controller or their designee and, in certain cases, by the Attorney General's Office or other state agencies as required by law. The President or their 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 Colorado University Procurement Rules (as amended), created in accordance with §24-101-105(1)(b), C.R.S. (2019) shall be executed by the President or their 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 University 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 their 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:** All 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 all policies within the Trustees Policy Manual, and in particular for Section 4.5, “Capital Construction” is defined as in §24-30-1301(2), C.R.S. (2019) 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 subsections I, II, and III of Section 4.5.

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 University set of accounts. Initial operating budgets will be recommended by the President of the University 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 \$25,000 or two (2%) percent whichever is higher, up to a maximum of \$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 \$100,000.
 - 3. The transfer limits apply to cumulative and 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 University 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 Public Postsecondary Institutions

I. Guidelines for the Provision of Goods and Services

A. Introduction

The primary mission of postsecondary institutions such as the University is to create and disseminate knowledge. To perform this mission, it is often necessary to provide, and charge fees for, goods and services that enhance, promote, or support the University's teaching, research, and public service functions. The University is mindful that the provision of goods and services may be in competition with private businesses and is sensitive to the interests of private businesses.

The purpose of Section 4.7 is to define the legitimate purposes of the provision of goods and services by the University and to establish a mechanism for addressing complaints of unfair competition by private businesses. The guidelines adopted in Section 4.7 were developed by CCHE in accordance with §24-113-101 *et seq.* C.R.S., in consultation with governing boards for each public postsecondary institution and modified as applicable to the University by the Board, October 10, 2003.

B. Exclusions

In recognition of the teaching, research, and public service missions of postsecondary 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 students 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 University 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 University.

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 University;
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 the University’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 University’s instructional, research, or public service activities; or the University 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 University for the exclusive benefit of the University; 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 marketplace shall be taken into account in establishing the price or fee.

F. Circumvention of Guidelines

The University 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 University 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 University or their 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 subsection II of these Section 4.7 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, University 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 University shall provide copies of both the request and the proposed response to the Board in a timely fashion.

The President of the University or their 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 Office of the Attorney General prior to execution, requests for action shall be made by the President or their 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 their designee shall develop and verify all required data and shall be responsible for transmitting all such University enrollment data to external agencies (e.g., CCHE, OSPB, Joint Budget Committee, etc.).

Section 4.10: Official Expense Allowance for Travel for Board and University 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 University 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 will be granted only by the President or their 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 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 University 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.

Trustees, 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 University 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 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: University Foundation: Acceptance and Management of Gifts and Donations

It is Board policy that the University 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 University. 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 University 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, any activity requiring capital construction or renewal for a public postsecondary institution should be approved by the CCHE, consistent with §23-1-106, C.R.S. (2019) unless it is exempt under §23-1-106(9), C.R.S.

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 University Buildings

The Board shall approve the names of all University 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 University Driveways

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

RESOLVED: That the Trustees of Western Colorado University, 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 Colorado University 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 University shall appoint an administrator who is responsible for safety and for fire inspections. This person 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 University Campus

The University 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 §44-4-101 *et seq.*, C.R.S., and the Colorado Liquor Code, §44-3-101 *et seq.*, 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 University is authorized to process property through the Colorado Surplus Property Agency consistent with §§17-24-106.6 and 24-82-401 *et seq.*, C.R.S. 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 Administrative Regulation 450-03 (eff. 3/1/20), of the Colorado Surplus Property Agency. Disposal of qualified University surplus property should proceed consistent with Administrative Regulation 450-03, Form 450-03(D) and Form 276.

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 University 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 Executive Vice President and Chief Operating Officer, who shall be known as the “Plan Administrator.”

A. Vendor Selection, Authority and Monitoring

1. Selected companies – known as “Authorized Vendors” – will be authorized to provide tax-sheltered annuity (“TSA”) 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 Part B, below), except that they need not participate in the competitive bidding process in Paragraph 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 University. 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 A.5 and A.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 Part A above, the company must enter into a formal administrative contract (“Contract”) with the University. 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 University 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 University will be indemnified from suit and from liability arising from actions or inactions either of the Authorized TSA Vendor or its agents, or the employee-participant.
7. Authorized TSA Vendors 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 University, 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 TSA Vendors will assist participants in executing a University's Salary Reduction Agreement ("SRA") when required by the University or the IRS, and Vendors will prepare a Maximum Exclusion Allowance analysis when required by the University. Prior to the executing of an SRA, authorized TSA vendors will prepare a Salary Reduction Contribution Limitation Analysis ("SRCLA") which takes into consideration the impact of the employer match discussed in Part 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.

C. Solicitation

Solicitation of new business will be limited by the following:

1. The Authorized TSA Vendor will not conduct solicitation during normal business hours on University premises. This does not preclude visiting an employee on campus by appointment during the employee's free time, or during University-sponsored events such as benefits fairs.
2. The Authorized TSA Vendor will not have more than two (2) representatives authorized to solicit the employees of the University. These representatives' names will be registered with the Human Resources Office of the University.
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 University'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 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 University.

F. Implementation of Employer Match for some Tax-Deferred Account Contributions

In accordance with §24-51-408.5 C.R.S., beginning January 1, 2001, Tax-Deferred Account ("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. A member of certain Defined Contribution Plans may be ineligible for the match under §24-51-408.5(1-2), C.R.S. (2019). It is the Board's intent to implement this employer match in a manner that ensures 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 Board approval.

1. Any employer match must be invested with the same Authorized Vendor in the same investment options as the employee contributions which are being matched.
2. The Authorized Vendor will include the maximum allowed employer match amount in the calculations used to develop the SLCRA. If this analysis shows that the maximum employer match would result in the employee's exceeding their salary reduction maximum for the Trustees' Plan.
3. Over-deferring. The employee will adjust their salary reduction to conform by either lowering the amount or shifting a sufficient amount of the salary reduction to another employer authorized plan.
4. In each case where the employer match could result in an over-deferring situation as described above, the Authorized 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

Acquisition or use of real property by a state-supported institutional of higher education shall proceed congruent with §§23-1-106 and 23-1-106.3, C.R.S. (2019) (as amended). When approval of CCHE is necessary is should be sought consistent with CCHE Policy and Procedure, Section III, Capital Assets, except that where there is a conflict between the statute and the policy, the statute controls.

“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 \$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 §24-54.5-101 *et seq.*, C.R.S. (2019) (as amended). The conditions, restrictions, and operation of the DCPP are to be specified in the Plan Document. The Plan Administrator shall be the University’s Executive Vice President and Chief Operating Officer, 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 Human Resources Officer at all times.

DCPP Participation Criteria

A. Participation in the DCPP is required for the following 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, who upon initial appointment by 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.
4. DCPP retirees and DCPP Transitional Retirees with 0.5-or-more FTE contracts.

B. Participation in the DCPP is not permitted 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 Personnel System, who are on a less-than-0.5 FTE contract, and have NEVER been DCPP participants.

Section 4.22 University Officer Titles

For purpose of exemption from the State Personnel System some of the professional and administrative staff of the University, pursuant to Article XII, Section 13 (2) of the State Constitution and §24-50-135(1)(a), C.R.S., the following position titles are designated as “Officers of the University.” It is the intention of Section 4.22 to allow, but not require, that the University designate positions with these titles as University Officers. It is also the intention of Section 4.22 to permit a position to have a “working title” that is different than its official title.

TITLE

President
Executive Vice President
Vice President
Associate Vice President
Assistant Vice President
Dean
Associate Dean
Assistant Dean
Business Manager
Controller
Chief Executive Officer
Chief Financial Officer
Executive Director

Section 4.23: Debt Management

The University may incur debt financing for a variety of reasons. Debt can be 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 a primary source of debt financing for the University, but gifts and investments are also sources of funds. Each involve certain financial responsibilities and, at the same time, potential risk. Section 4.23 provides guidelines 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 University staff 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 favor seeking debt financing, a preliminary discussion agenda item will be prepared for the Board and the appropriate University staff. The Board can approve, disapprove, postpone, or table the preliminary proposal. If the proposal is approved, the Cabinet, with help from University staff, will oversee a Request for Proposals ("RFP") process to select an outside investment banker to structure the financial arrangements for the debt financing. If necessary, the University can seek bond counsel through the Colorado Department of Law, consistent with §24-31-101, C.R.S. to implement 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 constituencies: the General Assembly (or corresponding committees); the CCHE; the Attorney General at the Colorado Department of Law; the Division of Purchasing; and, the student body of the University through its Student Government Association.

E. Financial Plan

After program plan approvals have been obtained and external financial and legal advisors have helped the University 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, if required, may subsequently be 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 University will submit to the Board an initial report and include a plan which addresses the following issues:

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

II. Refinancing of Existing Debt

Under federal law, tax-exempt revenue bonds issued after 1986 can only be refinanced one (1) time in advance of the call date, which 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 University and the Board receive maximum benefits from this single refinancing opportunity. Only the Board has the authority to refinance debt for the University.

A. Preliminary Analyses

Preliminary analyses will be provided by University 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

Procedures for refinancing existing debt will parallel the procedures for issuing new debt and will require the full analyses required for the issuance of new debt financing.

Section 4.24: Reporting Requirements for Tax-Exempt Debt

Any tax-exempt debt incurred by the University, including bank qualified debt, must be approved by the President or their 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 University’s financial resources to the maximum benefit of the University’s students, faculty, and staff, and the State of Colorado. Accordingly, the Board establishes Section 4.25 on reserves for the educational and general (“E&G”) fund.

The University 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”). The Reserve goal shall be periodically reviewed and adjusted by the Board, in its discretion.

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

- A. The University 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 Reserve 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 Reserve expenditure.

If the University cannot establish or maintain a Reserve, the University shall develop a plan to achieve a Reserve. The Board must review and approve any Reserve plan, which shall not extend beyond three (3) years.

For the purposes of Section 4.25, 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 University 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 University. 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 University’s role and mission; and, the University’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 University 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 University 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 university 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 University 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 University *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 University 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 University. 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 University'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 University 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 University 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 University 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 University 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. University Evaluation of the Self Study

The University 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 University? Are the program goals and objectives compatible with the planning priorities of the State and the University?
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 University 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 University to report back to the Board on actions resulting from the program review process will be developed by the University 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 University 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 University 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 University 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, timelines 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 University 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 University 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 University?
6. Is the program of such quality that it brings recognition or particular benefits to the

University 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 University 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 “University 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 University 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 University'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 University 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 University for discontinuance, a copy of the phase-out plan.

Appendix B— Academic Program Review Worksheet

1. Number of Majors

Number of Majors (1st and 2nd)

Total Fall Majors

Fall Majors by Class

- Freshman
- Sophomore
- Junior
- Senior
- Other

2. Credit Hours Produced

Fall Term

-
- Lower Division
 - Upper Division
 - Total

Spring Term

-
- Lower Division
 - Upper Division
 - Total

Summer Term

-
- Lower Division
 - Upper Division
 - Total

Total Academic Year

V. Annualized Student FTE

VI. Number of Program Graduates

1. Total
2. Native

VII. Total Program Graduates as a Percent of Total Program Majors

1. Total

VIII. Credits to Graduation

1. Total
2. Native

Program Efficiency Measures

IX. Faculty FTE

1. Instructional Full Time Part Time
2. Non-Instructional
3. Total
4. % Tenured

X. Fall Faculty Load

1. Average Credit Hours
2. Average Contact Hours
3. Total Number of 'B' Hours

XI. Student/Faculty Ratio

XII. Number of Courses Offered

Lower Division Upper Division Total

XIII. Average Class Size (Type A courses)

Lower Division Upper Division Total

XIV. Program Costs

Instructional Cost / Credit Hr Capital Expenditures/Credit Hr Faculty Cost / Credit Hr
Chair's Administrative Cost / Credit Hr Total Cost

XV. 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 University

The University shall operate on a semester system during the academic year. The period and duration of summer terms are to be scheduled by the University to respond to the distinctive needs of the University 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 University

The Board has the responsibility and authority to establish the admission requirements for the University 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 University 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 University, 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 University, provided the student meets the admission requirements of, and is admitted to, the University.
- B. The University 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 University *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 University or the Board.
- C. The University 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 University 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 University 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 University and departments reserve the right to select the most qualified applicants for admittance into the University and/or its programs. Criteria for admittance must be stated in the University's official publications and be on file with the CCHE.

Section 5.8: Outreach Policies

The Board recognizes the University's role as a regional education provider as determined by the statutory definition of its role and mission and supports the University 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 University 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 University.

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 University.

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 University to the extent that the University has assisted or supported such effort or to the extent that University 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 University or developed with the use of University 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.

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

University 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 University 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 University. The courses must be current catalog offerings. Any new non-catalog offering must be approved through the procedures established by the University 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 University 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 University.
- 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 University outside the boundaries of Colorado.

Section 5.14: Remedial and Supplemental Academic Instruction (SAI) Education

In accordance with *Colorado Revised Statutes* 23-1-113.3 and the Colorado Department of Higher Education's Statewide Remedial Education Policy, the University may offer cash funded remedial curriculum in Mathematics and English and Supplemental Academic Instruction, defined as co-requisite coursework in college gateway courses for students with limited academic deficiencies.

In order to provide this, the University will:

1. Ensure that each first-time undergraduate student has been assessed in English and mathematics prior to enrolling in their first semester, and that a secondary evaluation process is in place to allow students who test below college-ready scores to be placed in appropriate course work.
2. Ensure that each first-time undergraduate whose assessment score indicates inadequate college preparation in English and/or mathematics has the appropriate advising information regarding the necessity to enroll in remedial skills or SAI courses during the first semester following a placement test, and that students needing remediation are informed of the responsibility to complete the coursework within the first 30 semester hours.
3. Specify the test administration policy, its practices for informing students regarding the availability of remedial courses, and the practices for determining how students are diagnosed as needing remedial or SAI courses have satisfied the remedial requirements.
4. Offer remedial and SAI coursework on a regular basis so as to ensure the timely completion of Essential Skills courses.

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 University, damage property, impair the health or safety of others, or otherwise violate University policies may be grounds for suspension or expulsion from the University pursuant to University disciplinary procedures.

B. Student Due Process

The University shall establish procedures to provide due process to students against whom disciplinary action is initiated.

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 University. Intercollegiate athletic programs are present in the University as part of the overall educational plan of the University. Participation in intercollegiate athletic programs contributes significantly to student development and shall be available to any student in good academic standing.

2. Level of Competition

The Board recognizes that the University 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 University’s intercollegiate athletics program. The University 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 philosophy the University shall establish a formal mechanism for overseeing, supervising, and evaluating athletic policy and programs. This formal mechanism, described in writing in the University 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 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 University will participate and an indication of whether they are a club or varsity program.
- 8.** Rules requiring compliance with the regulation of conferences and athletic associations with which the University 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 University, 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: UNIVERSITY PRESIDENT

Section 7.1: Duties and Responsibilities of the University President

The President of the University 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 University and for keeping the Board informed regarding the University 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 University. The President is also expected to understand the higher education needs of the University'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 University'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 University in a timely manner.

As chief executive of the University, 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 University, 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 University 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, as well as the diversity of the student body.
- D.** Developing a competent administrative organization and staff to ensure effective and efficient management of the University.
- 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 with 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 University mission, and providing sound management of the approved budgets and plans. Budgets should reflect priorities of the University and facilitate their achievement.
- G.** Communicating the needs of higher education to the governor, legislators, other state and local officials, and residents 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 University 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 University.
- 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 University President

Presidential evaluations assess the performance of the President in achieving goals and metrics as established by the Board in concert with the President, as well as performance criteria as set forth in Section 7.1, Duties and Responsibilities of the University President.

I. Annual Review

The Board will hold an annual meeting with the President to review its evaluation of the President's progress toward achievement of annual goals and metrics.

II. Expanded Review

The Board may conduct a more comprehensive evaluation with the input of an external evaluator every three years, or more or less frequently as it deems necessary. Ideally, such expanded review should take into account feedback from faculty, staff, and students.

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

- A. Terms of Appointment.** The University President shall be appointed by the Board. The position shall be exempt from the State Personnel System.
- B. Rank and Tenure.** If the President has earned academic rank in a previous position, the Board, after consultation with the impacted department, will award rank and tenure in the appropriate discipline. If 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 that matches the President's education and experience.
- C. Involuntary Termination of Presidential Appointments.** Following the Board's adoption of a resolution of termination, the Chair of the Board shall give written notice thereof to the President.

A President who has been notified of termination shall receive their 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.

- D. Resignation.** If the President resigns, they are 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.
- E. Exercise of Tenure.** If the President has tenure, upon leaving office through termination or resignation, the President may remain at the University as a professor with a tenured appointment. Any such tenured appointment is subject to the terms of the *Handbook for Professional Personnel*. The initial salary shall be no less than the salary of the highest paid full professor in the impacted department.
- F. In addition to salary, the President is provided with the following:**
- 1.** The President shall accrue vacation, sick, 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 their 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 State Fiscal Rules.
 - 4. Official Functions.** Official functions will be underwritten within the limit of University 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, or conflict with the operation of the University.

Section 7.4: Policies and Procedures for Selection of the University 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 the Colorado Revised 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 University 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, congruent with Colorado Law. The President who was appointed for the defined term(s) shall be eligible to be a candidate for the presidency.

Section 7.5: University or Presidential Memberships in Clubs

Organizational memberships for the University 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 University will be enhanced as a result of the membership.
2. The membership will make available to University personnel facilities and services not readily or conveniently available through the University 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, ethnicity, religion, gender, sexual orientation, national origin, age, or disability.

Section 7.6: Presidential Inaugurations

The University will not hold formal inauguration ceremonies to celebrate and publicize the installation of a newly appointed President.

Section 7.7: Distinguished Professorships for University Presidents

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

At the Board's discretion, it may offer appointment as Distinguished Professor to any outgoing President even though they may have fewer than ten (10) years of service as 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 University President

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

Appendix A

Colorado Revised Statutes

Title 23 Higher Education and Vocational Training Article 56 Western Colorado University

§23–56–101. University established—role and mission

There is hereby established a university at Gunnison, which is known as Western Colorado university. Western Colorado university is a general baccalaureate institution with selective admission standards. Western Colorado university offers undergraduate liberal arts and sciences and professional degree programs, developmental education courses receiving resident credit pursuant to section 23–1–113.3, and a limited number of graduate programs. Western Colorado university also serves 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 Colorado university, referred to in this article 56 as the “board of trustees”, which consists of eleven members and is the governing authority for Western Colorado university. The board of trustees is, 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 Colorado university;

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

(III) Do all things necessary to carry out the provisions of this article 56 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 Colorado university such money, lands, or other property as may be donated or devised to or for the university.

(b) The board of trustees and its successors have perpetual succession, have a seal, may make bylaws and regulations for the well-ordering and governance of Western Colorado university, and may conduct the business of the university 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 are 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 are prescribed in the duly adopted bylaws of the board of trustees. The staff of Western Colorado university 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 is a full-time junior or senior student at Western Colorado university, elected by the members of the student body of Western Colorado university. The term of the student member is one year, beginning July 1, 2003, and beginning July 1 each year thereafter. The student member is 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. 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 is a member of the faculty of Western Colorado university 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 is 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.

(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 an oath or affirmation in accordance with section 24–12–101.

(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 Colorado university 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 Colorado university 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 56, the board of trustees has the power to:

- (a) Appoint a president of Western Colorado university;
- (b) Appoint such other executive officers of the university 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 university; and
- (f) Prescribe the student admissions qualifications.

§23–56–103. Board of trustees for Western Colorado university fund—creation—control—use—repeal

(1) There is created in the state treasury the board of trustees for Western Colorado university fund, referred to in this section as the “fund”, which is under the control of and administered by the board of trustees in accordance with the provisions of this article 56. Except as otherwise allowed by state law, including but not limited to section 24–36–103(2), all money received or acquired by the board of trustees or by Western Colorado university must 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 money in the fund is credited to the fund. The money in the fund is continuously appropriated to the board of trustees and remains 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 money in the fund remains under the control of the board of trustees and must be used for the payment of salaries and operating expenses of the board of trustees and of Western Colorado university 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.

(4) Repealed by Laws 2012, Ch. 254, § 4, eff. July 1, 2013.

(5) Repealed by Laws 2020, Ch. 400 (H.B. 19–1178), § 3, eff. July 1, 2020.

§23-56-104. Status and control

The buildings and premises of the Western Colorado university form a part of the school system of the state and are 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 Colorado university, and to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of the Western Colorado university, 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 56 constitutes authority to enter into a contract that 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 Colorado university under the terms of this article 56 and the leasehold interest are 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.

Appendix B

This Appendix B provides the preferred draft agenda for the Board of Trustees' Regular meetings. The Board may revise the order or omit items from the agenda on an as necessary basis. This template is meant to provide University staff a general outline for preparing the Board's agendas. The Board prefers to discuss the contents of its subsequent regular meetings at the conclusion of the preceding regular meeting.

Proposed Meeting Agenda

DATE

TIME

Information regarding how the public may observe the meeting.

- | | | |
|------|-------|--|
| 0:00 | I. | Call to Order |
| 0:00 | II. | Attendance |
| 0:00 | III. | Approval of the Agenda |
| 0:00 | IV. | Approval of the Minutes from DATE |
| 0:00 | V. | Review of Previous Action Items Listed in Minutes |
| 0:00 | VI. | Oral Reports (limit to 5 minutes) |
| | A. | Board Chair |
| | B. | President |
| | C. | Student Trustee |
| | D. | Faculty Trustee |
| | E. | Faculty Senate Chair |
| | F. | Mid-Managers |
| | G. | Foundation Executive Director |
| | H. | Legal |
| | I. | Legislative |
| 0:00 | VII | Public Comment |
| 0:00 | VIII. | Action Items |
| 0:00 | IX. | Discussion Topics |
| 0:00 | X. | Written Reports |
| 0:00 | XI. | Set Next Meeting's Agenda (DATE) |
| 0:00 | XII | Executive Session, appropriate under Section 24-6-402(3), C.R.S. |
| 0:00 | XIII. | Other Business |
| 0:00 | XIV. | Est. Adjournment |

Appendix C

This Appendix C provides the protocol and standards of use for the Joint Trustees' Email Account and comments submitted through the website comment function (jointly "Electronic Communications").

1. Electronic Communications are staffed by a University Designee, either the Assistant to the President or the Director of Human Resources.
2. Either the Designee or the President will provide copies of all received Electronic Communications to the Board. If the communications involve personnel matters or individual privacy these will be provided to voting Trustees only. The President's office or an appropriate University administrative designee will act on these inquiries in a timely manner. Presidential personnel matters will be referred to the Human Resources Department.
3. Anonymous electronic communications will not receive a response. If a response will not be given, the President's office may, nevertheless, bring forth a recommendation for the Board to review and approve.
4. When contact information is provided, and the inquiry does not involve a personnel matter or individual privacy, a reply from the Board may be considered. In this case, the President's office may draft a response on the Board's behalf and seek the Board's input and approval.
5. Inquiries to the Joint Trustees' Electronic Communications will receive the following automatic bounce back response:

The Western Colorado University Board of Trustees has received your inquiry and we appreciate your input. Please know that this account is not checked daily. By law, the Board must make decisions together as one body, which occurs during scheduled Board meetings. To ensure a timely response to your inquiry the President's office or a designee may contact you. Anonymous inquiries will not be responded to, nor will those involving personnel matters given their confidential nature. If appropriate, any response to your inquiry by the Board will be considered at the next regularly scheduled meeting. You may attend the Board's regular public meetings in person. A copy of the Board's meeting schedule can be found at <https://western.edu/about/leadership/board-of-trustees/#>. For further assistance, please contact Human Resources Director Kim Gailey at KGailey@western.edu or (970) 943-3142.

Thank you for your inquiry,

Western Colorado University's Board of Trustees

6. No individual Trustee will respond unilaterally or substantively to any electronic communications, unless asked to do so by majority vote of the Board, after consideration of the same during a duly noticed public meeting.