

**METROPOLITAN STATE COLLEGE  
OF DENVER**

**TRUSTEES POLICY MANUAL**

**UPDATED 11/09/2007**

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## INTRODUCTION

The Trustees Policy Manual incorporates the policies adopted by the Board of Trustees pursuant to C.R.S. § 23-54-102 (6)(2002), and changes thereto adopted by the Board of Trustees from time to time. **Nothing in this Policy Manual is intended to create any rights enforceable by any employee of the College, and the Board of Trustees may unilaterally change or delete any provision of this Policy Manual at any time, in its sole discretion.**

The Policy Manual, by which term this document will hereafter be known, is a publication with controlled circulation which will be distributed by the Board to certain administrators at Metropolitan State College of Denver (hereafter “the College”) in order to assure its availability to all persons identified in Section 1.7.

**CHAPTER 1:**

**COLLEGE GOVERNANCE**

## **SECTION 1.1: Operational Mission Statement**

The Metropolitan State College of Denver is a comprehensive, baccalaureate degree granting, urban, non-residential “College of Opportunity”. With its modified open admission policy, the College welcomes students from all walks of life and circumstances, including all levels of academic preparation consistent with statutory guidelines. In addition to degree-seeking students, non-degree students seeking opportunities for continuing education are welcomed.

The College is a teaching institution where excellence in teaching and learning is accorded the highest priority. The College seeks to attract and build long term relationships with a highly qualified faculty and staff with diverse interests and abilities. As partners in the College’s fulfillment of its mission, faculty, staff and student participation through shared governance is encouraged and valued.

Student success, supported in a collegial atmosphere of academic freedom, is of paramount importance and all members of the College community seek to inspire students to strive for the highest level of future achievement. The College seeks excellence in all programs and activities and evaluates the attainment of excellence utilizing measures focused on the knowledge, skills and understanding students gain during their educational experience with the College. A successful college experience enables students at Metro to achieve their specific educational goals.

The College offers programs and courses in the letters, arts, sciences, professional and business disciplines. The College is committed to a liberal arts foundation for all students by which each graduate develops the ability to communicate and reason effectively as a culturally and economically literate citizen in a multicultural, global and technological society. The College seeks to provide its programs and services to a diverse student body in an environment of quality, accessibility and affordability. Mutual respect, creative endeavor and scholarly inquiry, within and among all College constituencies, are expected.

The College provides students with an enriching education that leads to rewarding careers, prepares them for post graduate study, enhances the quality of their lives, and enables them to be well educated, critically thinking citizens who contribute and participate in meaningful ways in community and civic life. Partnerships with the College’s Foundation, Alumni Association, non-profit agencies and service organizations, corporations, businesses, civic and governmental agencies, as well as the community at large, assist the College in fulfilling its mission. Institutional priorities are established in accordance with the interests and needs of students, faculty, staff, employers and the citizens of Colorado.

## **SECTION 1.2: Shared Governance Statement**

Within the College’s statutory role and mission and the Board of Trustees’ operational mission, all constituencies have a role and a responsibility in assisting the College to achieve excellence in all areas of College activity. In pursuing excellence, the Board of Trustees welcomes and

expects the participation of faculty, students, staff, and other College constituencies in the decision-making process.

The Board of Trustees encourages a broad exchange of information and ideas. To facilitate the exchange of information and ideas, the Board of Trustees looks to the President of the College as its primary liaison with the College constituencies. To be effective in this role, the President must establish an open environment of communication with all members of the College community and establish avenues for consultation and recommendation by faculty, students, and staff regarding policy matters considered by the Board of Trustees.

The Board of Trustees delegates to the President, as the chief executive officer of the College, full authority and responsibility for administering the College within the policies and procedures established by the Board of Trustees. Within this delegation is the expectation that the President will elicit the participation and facilitate the fulfillment of the roles and responsibilities of the College's campus constituencies in the College's internal decision-making processes. It is through the initiative, participation, and effort of all the College's constituencies that excellence is achieved.

### **SECTION 1.3: Authority of the Board of Trustees**

As specified in C.R.S. § 23-54-101, *et seq.* (2002), the Trustees have full authority and responsibility for the control and governance of the College, including such areas as finance, resources, academic programs, curriculum, admissions, role and mission, personnel policies, *etc.* To exercise their authority appropriately, the Trustees regularly establish policies designed to enable the College to perform its statutory functions in a rational and systematic manner. To assist them in meeting their responsibilities, the Trustees delegate to the President the authority to interpret and administer their policies in all areas of operations.

### **SECTION 1.4: Board Role**

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

It is the policy of the Trustees to provide substantial administrative authority, to guarantee a minimum of external involvement in the affairs of the College, and to encourage the development of the distinctive role of the College as it strives to fulfill its mission of achieving academic excellence. At the same time, however, the Trustees' policies and procedures,

administered by the President and staff, are designed to ensure effectiveness, efficiency, and accountability.

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 determined at the time the groups are formed.

**SECTION 1.5: Bylaws of the Board of Trustees**

**ARTICLE I**

**BOARD OF TRUSTEES**

- A. The affairs of the Trustees shall be governed and managed by the Board of Trustees thereof selected and appointed pursuant to the laws of the State of Colorado. Each Trustee so appointed shall, before assuming the duties of office, take and subscribe to the oath of office provided by law.
- B. The annual meeting of the Board shall be held in June of each year or at such time and place as may be designated by the Board of Trustees by resolution adopted by majority vote. The annual meeting of the Board shall be for the purpose of electing officers and the transaction of such other business as may come before the meeting.
- C. 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 in accordance with Colorado's Open Meetings law.
- D. Special meetings of the Board may be called at any time by the Chairman of the Board or shall be called by the Chairman of the Board upon the written request of a majority of the Board of Trustees.
  - 1. Upon the call for a special meeting, the Secretary shall cause written notice thereof to be mailed or delivered to each member, stating the time, place and purpose of the meeting; such notice shall be received no later than twenty-four hours prior to the hour set for the meeting.
  - 2. 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.
  - 3. Any member may waive notice of the time, place and purpose of a special meeting at any time before, during or after such meeting and attendance thereat shall be deemed to be a waiver of the required notice thereof.
  - 4. In the event of an unforeseen circumstance requiring immediate action, the Chairman of the Board may convene an emergency special meeting of the Board



by giving notice of not less than one hour by telephone to members of the Board and the public. If the Board is unable to meet in person, such emergency special meeting may be conducted by conference telephone call, with amplification of the discussion at the location set forth in the notice. When this occurs, a written resolution embodying the action taken shall be reported to the Board for ratification at the next regular meeting and shall be incorporated into the minutes of that meeting.

E. Meetings of the Board of Trustees

1. All meetings of two or more members of the Board at which any public business is discussed or at which any formal action may be taken are open to the public. Any meetings at which the decision or adoption of any proposed resolution, rule, regulation, or other formal action occurs or at which a majority or quorum of the Board is in attendance, or is expected to be in attendance shall be held only after full and timely notice to the public in accordance with Colorado's Open Meetings law. This by-law does not apply to any chance meeting or to any social gathering at which the discussion of public business is not the central purpose.
2. The Secretary of the Board shall maintain a list of persons who request notification of all meetings when certain specified policies will be discussed, and shall provide advance notification in accordance with Colorado's Open Meetings law.
3. A majority of the duly appointed or elected members of the Board shall be necessary to constitute a quorum for the transaction of any business or the taking of any action.
4. Meetings of the Board shall be conducted in accordance with parliamentary rules and procedures provided by Robert's Rules of Order (Revised).
5. 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.
6. At any time during any regular or special meeting of the Board, upon the vote of two-thirds of the entire membership and after the Chairman announces the general topic, the Board may adjourn into executive session for the purpose of considering any matters or topics enumerated in C.R.S. § 24-6-402, as amended.
7. During any such executive session, only appropriate members of the Board and those persons invited by the Board to attend may be present. All discussion among those present and communications received during such executive session shall remain confidential.

8. Members of the public who desire to address the Board at any of its meetings shall request to do so by signing up prior to the meeting, specifying the topic to be discussed. The Chairman shall have the right to deny any such request.
9. Complete and accurate minutes of each meeting which shall constitute the official record of proceedings of the Board shall be promptly recorded and shall be made available for public inspection during reasonable hours. A written copy of the minutes for the last preceding meeting and for any special meetings held since the last regular meeting shall be furnished each member of the Board concurrently with delivery of the printed agenda for the next regular meeting.
10. Visitors to all open and public meetings are allowed to use tape recorders to record proceedings.

## **ARTICLE II**

### **OFFICERS OF THE BOARD**

- A. The officers of the Board of Trustees shall be Chairman of the Board, Vice Chairman of the Board, Secretary, and Treasurer.
- B. The officers of the Board of Trustees, as designated herein, shall perform such duties as may be prescribed from time to time by the laws of the State of Colorado, and such duties that are not inconsistent with such laws as may be prescribed from time to time by the Board of Trustees.
- C. Any officer of the Board of Trustees may be removed by the Board of Trustees whenever in its judgment the best interests of the Board of Trustees will be served thereby, 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 any contract rights.
- D. The Chairman of the Board shall be selected from among the members of the Board and shall perform all duties incident to the office of Chairman of the Board and all such other duties as may from time to time be assigned by the Board of Trustees. If present, the Chairman of the Board shall preside at all meetings of the Board.
- E. The Vice Chairman of the Board shall be selected from among the members of the Board and shall perform such duties as from time to time may be assigned to him or her by the Chairman of the Board or the Board of Trustees. In the absence or inability to act of the Chairman of the Board, he or she shall perform all duties of the Chairman.
- F. The Secretary, who shall not be a member of the Board, shall be responsible for the faithful handling and true accounting and delivery of all moneys and property of the Board of Trustees coming into his/her hands or control, and shall, before entering upon the duties of such office, give good and sufficient bond as provided by the laws of the State of Colorado.

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

The Secretary shall see that all reports, statements, and other documents required by law are properly kept and filed and, in general, shall perform all the duties incident to the office of Secretary and such other duties as may from time to time be assigned to such office by the Board of Trustees. The Board of Trustees may appoint Assistant Secretaries, who need not be members of the Board, to assist the Secretary in fulfilling his or her duties.

- G. The Treasurer, who shall not be a member of the Board, shall keep a true account of all moneys received and paid on behalf of the Board, and shall pay all warrants duly signed by the Chairman of the Board and countersigned by the Secretary in the order of their presentation. Before entering upon the duties of such office, the Treasurer shall take and subscribe an oath that he will faithfully perform the duties of the Treasurer and shall give bond in such manner and in such amount as provided by the laws of the State of Colorado.

The Treasurer shall render a statement of the condition of the finances of the Board of Trustees at all regular meetings of the Board of Trustees and shall perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to such office by the Board of Trustees. The same person may hold both the offices of Secretary and Treasurer. The Board of Trustees may appoint one or more Assistant Treasurers, as it may deem advisable from time to time, who shall hold office at the pleasure of the Board.

- H. The Board of Trustees may engage such employees and agents as it may deem advisable from time to time, who shall serve at the pleasure of the Board. Assistant treasurers need not be members of the Board.

### **ARTICLE III**

#### **ELECTION OF OFFICERS**

- A. Officers shall be elected and appointed at the annual meeting of the Board.
- B. Those persons elected as officers of the Board shall possess those qualifications for their respective offices as may be prescribed from time to time by the laws of the State of Colorado and these By-Laws; and shall, before entering upon the duties of their respective offices, take and subscribe such oaths and provide such bonds in such form and amounts as may from time to time be prescribed by the laws of the State of Colorado or by resolution of the Board not inconsistent with such laws.

- C. The Chairman and Vice Chairman so elected shall hold their respective offices for a term of one year and until their successors shall have been elected and duly qualified. The Secretary and the Treasurer so elected shall hold such office at the pleasure of the Board.
- D. All officers of the Board shall be elected by the vote of a majority of a duly constituted quorum of the Board. Whenever a vacancy occurs in any office, the same shall be promptly filled by majority vote of a duly constituted quorum of the Board.

#### **ARTICLE IV**

#### **TRUSTEES' CONFLICT OF INTEREST POLICY**

The office of Trustee is a public trust, created by the confidence which the public reposes in the integrity of its appointed and elected public trustees. Each member of the board of Trustees shall, mindful of the importance of public confidence, carry out his or her duties with self-evident due care, for the benefit of the College as a public institution, and not for personal benefit.

In accordance with state law, a Trustee whose conduct departs from his or her fiduciary duty of due care and/or loyalty is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of trust. In accordance with section 24-18-101, Colorado Revised Statutes, the district attorney of the City and County of Denver may bring appropriate judicial proceedings on behalf of the people. Any moneys collected in such actions shall be paid to the Metropolitan State College of Denver fund in the state treasury. These civil sanctions are in addition to any criminal sanctions provided by law.

Without limiting the generality of the foregoing statements, state criminal law and this policy both prohibit Trustees from performing any official act which may have a direct economic benefit of a business or other undertaking in which such member has a direct or substantial financial interest. Members are required to notify the board verbally and in writing of the nature of their interest before such matters are considered.

In addition, no later than July 31 of each year, each board member will file a statement with the board Secretary identifying all businesses or other undertakings in which such member has a direct or substantial financial interest, that have or are likely to have contracts and/or proposals for contracts in place with the College, or certifying that to the best of his or her knowledge after diligent inquiry, no such financial interests exist.

Unless the context otherwise requires:

"Business" means any corporation, limited liability company, partnership, sole proprietorship, trust or foundation, or other individual or organization carrying on a business, whether or not operated for profit.

"Financial interest" means a substantial interest held by an individual which is:

- (a) An ownership interest in a business;
- (b) A creditor interest in an insolvent business;
- (c) An employment or a prospective employment for which negotiations have begun;
- (d) An ownership interest in real or personal property;
- (e) A loan or any other debtor interest; or
- (f) A directorship or officership in a business.

"Official act" or "official action" means any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

## **ARTICLE V**

### **AMENDMENTS; REPEAL**

Amendment or repeal of these By-Laws may be made at the Board's sole discretion at any meeting, either regular or special, upon the concurring vote of a majority of the entire membership of the Board, but subject to the following provisions:

1. Written notice of the proposed amendment or repeal shall be given to each member at least 15 calendar days prior to the meeting;
2. Such amendment or repeal shall not be inconsistent with the laws of the State of Colorado.

### **SECTION 1.6: Student Trustee**

In accord with C.R.S. § 23-54-102(3)(2002), the student body at large shall elect one of its eligible members to be the Student Trustee.

- A. The Student Trustee must be a full-time junior or senior student at the College.
- B. The term of the Student Trustee shall be one year, beginning July 1.
- C. The office shall be advisory, without the right to vote and without the right to attend executive sessions of the Board of Trustees.
- D. The Student Trustee shall have resided in the State of Colorado not less than three years immediately prior to election.

- E. “Full-time student” means the equivalent of the definition of “full-time equivalent student” used by the CCHE.
- F. The Student Trustee shall take and subscribe to the oath of office prescribed by the Constitution of this State before entering upon the duties of this office.
- G. Should a vacancy occur for any reason whatsoever, such vacancy shall be filled in the same manner as caused the student to be elected originally to said committee. The vacancy shall be filled for the remainder of the Student Trustee’s unexpired term.

**SECTION 1.7: Faculty Trustee**

In accord with C.R.S. § 23-54-102(4)(2002), the teaching faculty of the College shall elect one of its eligible members to be the Faculty Trustee.

- A. A Faculty Trustee shall be a full-time member of the teaching faculty of the College.
- B. The Faculty Trustee shall be advisory, without the right to vote and without the right to attend executive sessions of the Board of Trustees.
- C. The Faculty Trustee shall be elected for a term of one year beginning July 1.
- D. The Faculty Trustee shall take and subscribe to the oath of office prescribed by the Constitution of this State before entering upon the duties of this office.
- E. Any vacancy in this office shall be filled by election for the unexpired term.

**SECTION 1.8: Policy-Making Procedures**

The Board has the sole responsibility and authority to formulate policy for the College.

The President shall be responsible for establishing and distributing guidelines for the submission of policy proposals for consideration by the Board. No such proposal will be considered unless it is submitted in accord with these guidelines. The guidelines shall provide constituent groups, including the Faculty Senate, Student Government, and administrator/staff representatives, the opportunity to initiate and propose changes in policy to be considered by the Board.

**SECTION 1.9: Maintenance and Distribution of the Policy Manual**

The Policy Manual and all policies adopted and approved pursuant thereto shall be maintained and kept current by the President and the office staff. The office staff shall distribute approved amendments to the Policy Manual and all other statements of policy in a timely fashion, reflecting the most current revision date, to the following individuals and organizations:

- Trustees
- College President
- Vice President for Academic Affairs

- Vice President for Administration and Finance
- Vice President for Student Services
- Vice President for Institutional Advancement
- Director of Equal Opportunity
- General Counsel
- President of the Faculty Senate
- College library
- President of the Student Government Assembly

Amendments to the Policy Manual will be incorporated into the Manual as they are approved.

**SECTION 1.10: Scheduling of Board Meetings**

The Board shall hold no fewer than eight regular meetings per year.

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

**SECTION 1.11: Calendar and Schedule for the Submission of Agenda Items**

An administrative calendar will be provided no later than August of each year, which shall become the official schedule for the submission of items to the Board.

**SECTION 1.12: Policy-Making and Policy Implementation**

The Board distinguishes between its own responsibilities for policy-making and the implementation of those policies through administration, procedures development, and operation. Nevertheless, the Board has certain expectations as to policy implementation.

- A. The College is required to maintain a 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 Handbook, and any substantive changes thereto, must be submitted to the Board for approval.
- B. The College shall maintain a current organizational chart identifying administrative and academic units and their relationships. All changes in structure at the department, division, school, center, institute, or College level shall be submitted through the President to the Board for action.
- C. The classified and administrative staffs shall have appropriate and continuing access to decision-makers whose determinations have direct impact on their status and performance.

- D. In view of the sensitivity accompanying the assessment and use of student fees, the President should consult with the student government on the level and allocation of such fees prior to submitting them to the Board for action.
- E. In keeping with the Board's commitment to affirmative action, all screening committees should, to the extent appropriate and practicable, be broadly representative of the College. The Board encourages and expects rigorous adherence to the principles of affirmative action, particularly as they apply to women and minority groups.
- F. Institutional deliberations concerning long range planning, educational policies, personnel policies, priorities, and other matters affecting faculty and students should include opportunity for comment by representatives of the faculty and student organizations. The mechanisms for such comment, however, should recognize the rapidly changing circumstances confronting the College and the requirement for timely decisions.

**SECTION 1.13:      Communication Between Professional Personnel and the Board, and Between the College and External State Agencies**

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

Since access of professional personnel to the Board should be accomplished only through an orderly and open process, it is Board policy that individual faculty or administrators wishing to be heard by the Board at an official meeting shall request to do so by signing up prior to any such meeting, indicating the topic to be addressed. The Chairman shall have the right to deny any such request.

It is Board policy that the President be responsible for communicating with the legislature, the CCHE, and other state agencies on a regular basis. Other College officers, specifically the Provost and the Chief Financial Officer, may, if contacted about a matter within the scope of their responsibilities, communicate directly with such entities. Unless specifically requested to do so, other College personnel are not to provide official information directly to external state agencies. When responding to a specific request for information from such an agency, the President and other College officers are required to provide copies of the request and the response to the Board in a timely fashion.



**SECTION 1.14: College Representation on the Auraria Higher Education Center**

The College is entitled to two representatives on the governing board of the Auraria campus, the Auraria Higher Education Center. The Board of Trustees shall elect one of its members as a representative, and the College President shall be the other representative.

**CHAPTER 2:**

**EQUAL OPPORTUNITY**

**SECTION 2.1: Anti-Discrimination Policy**

It is the policy of the College to comply with all applicable federal and state anti-discrimination laws. The College will not engage in unlawful discrimination in employment opportunities or educational services against any person because of race, religion, gender, age, national origin, disability, veteran or marital status, or sexual orientation. The College shall have an Equal Opportunity Office to ensure adherence to this policy. The Equal Opportunity Office shall develop an affirmative action plan conforming to federal and state law, which shall be submitted to the Board for consideration and approval. The College will post in conspicuous places notices setting forth the provisions of the College's equal opportunity policy.

**CHAPTER 3:**

**PERSONNEL/WELFARE**

**SECTION 3.1: Honorary Degrees and Other Awards**

A. Honorary Degrees

In accord with C.R.S. § 23-2-102(2), 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.

B. Awards Other Than Honorary Degrees for Persons Outside the College

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

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

Board approval is not required for any such award.

**SECTION 3.2: Employment Contract for Professional Personnel**

Employment contracts shall be uniform for faculty members at the College, except for part-time or temporary contracts.

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 Trustees 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 by the President on standardized forms approved by the President. The recommendations and information to be submitted include but are not limited to:

Recommendations:

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

Information:

1. Appointments of temporary faculty and administrators
2. Faculty promotions
3. Leaves without pay
4. Administrative leaves longer than 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

In order to assist the Trustees to better understand why employees are resigning and identify employment patterns, a “reason for resignation” statement will be requested of full-time employees who are resigning. Other actions which require Board approval will be handled on a case-by-case basis.

**SECTION 3.4: Reductions in Force**

A. Reasons Justifying a Reduction in Force and Termination of Employment or Reduction in Compensation.

1. A reduction in force is authorized in the event of either of the following: (a) a significant decline in state appropriations or other revenue creates a need to reduce expenses; or (b) the educational program or department in which the faculty member is employed is significantly reduced or eliminated. The President shall make the initial determination that either condition exists, after consulting with the academic administrative officers and the Faculty Senate President’s Council as required by this section. This determination is subject to approval by the Board of Trustees. If the President and the Board determine that faculty positions should be eliminated and/or that compensation (including salaries and benefits) should be reduced as part of a reduction in force, the employment and/or compensation of faculty members, including tenured faculty, may be terminated or reduced in accordance with the institutional procedures set out in subsection B below. Reductions in compensation shall be applied to all persons within a given class of faculty, and not on a faculty member-by-faculty member basis.

2. When it appears that revenues have declined and/or will decline significantly, or when the reduction or elimination of a program or department is contemplated, the President or his or her delegate shall first seek the advice and recommendations of the Provost and Vice President for Academic Affairs, who shall consult with the school deans, department chairs, and Faculty Senate President's Council before making their recommendations to the President.

B. Termination and Compensation Reduction Procedure.

1. Considerations in determining whose employment is to be terminated and/or whose compensation is to be reduced. In determining which faculty members' employment relationships are to be terminated or compensation is to be reduced, consideration shall be given to tenure status, years of service to the College, program needs, academic expertise, performance, teaching record, and other relevant factors. Political activities or views and ideological views will not be considered. Likewise, this policy shall be administered in accordance with the College's policy on academic freedom, set forth below in Section 5.1. The primary consideration shall be the maintenance of a sound and balanced educational program which is consistent with the educational mission and responsibilities of the College. In making these determinations, the President may decide on any combination of terminations or reductions in compensation which the President determines is in the best interests of the College.
2. Timely notice of termination or reduction in compensation.
  - a. When a faculty member's employment is to be terminated or compensation is to be reduced because of reduction or elimination of a program or department, and is not founded upon financial exigency, the faculty member shall be given notice as follows: (1) a faculty member who has tenure shall be given six months' notice; and (2) a faculty member who was appointed to a fixed term and does not have tenure shall be given two months' notice.
  - b. When a faculty member's employment is to be terminated or compensation is to be reduced because of a decline in revenue, the institution shall make a reasonable effort to give the same notice as set forth in the foregoing subsection. However, such notice is not guaranteed. The priority must be to maintain sound educational programs and financial conditions.
  - c. A faculty member shall not be terminated before completion of the academic semester during which a reduction in force is determined to be appropriate.
3. Type of notice to be given. The President, or his or her delegate, shall send the faculty member whose employment is to be terminated or compensation is to be

reduced a written statement of this fact by registered mail, return receipt requested. This notice shall include a statement of the conditions justifying termination of the faculty member's employment or reduction of the faculty member's compensation; a general description of the procedures followed in making the decision; a disclosure of pertinent financial or other information upon which the decision to was based; a statement of the faculty member's right, upon request, to a reconsideration of the decision if he or she alleges that the decision was arbitrary and capricious; and a copy of this procedure on termination of employment or reduction of compensation.

4. Termination or reduction in compensation if reconsideration not requested. If, within 10 days after he or she receives the notice required by the foregoing subsection, the faculty member makes no written request for a reconsideration hearing, his or her employment shall be terminated or compensation shall be reduced at the date specified in the notice, without recourse to any institutional appeal or complaint procedure.
5. Request for reconsideration hearing. Within 10 days after he or she receives the required notice, the faculty member may request by registered mail, return receipt requested, a reconsideration of the decision to terminate his or her employment or reduce his or her compensation if he or she alleges that the decision was arbitrary and capricious. The request shall be postmarked within the time limit and addressed to the President. The request shall specify the grounds upon which the faculty member contends that the decision was arbitrary and capricious and shall include a short, plain statement of facts that he or she believes support the contention.

Submission of such a request shall constitute on the part of the faculty member: (a) a good faith representation that he or she can prove the contention, and (b) an agreement by the faculty member that the institution may offer in rebuttal whatever relevant evidence it may have.

6. Reconsideration procedure. If the faculty member makes a timely written request for reconsideration of the decision and the President does not reverse the decision, the President, or his or her delegate, shall provide the faculty member with the names and resumes of three independent hearing officers retained by the Board of Trustees. The faculty member shall strike the name of one hearing officer and notify the President in writing within 24 hours of receiving the resumes. Then, the President shall strike the name of one hearing officer. The President shall provide the remaining hearing officer a copy of the faculty member's request for reconsideration and request that the officer hear the matter. The hearing shall be limited to resolution of the contentions made in the faculty member's request for reconsideration under the "arbitrary and capricious" standard. The reconsideration hearing shall be held promptly, but the hearing officer shall give the faculty member five days from the time he or she receives the President's written request for a hearing, to prepare.



7. Conduct of reconsideration hearing. The hearing shall be conducted informally and shall be closed to the public. The faculty member and the President shall have the right to be represented by legal counsel, to present the testimony of witnesses and other evidence, to confront and cross-examine adverse witnesses, and to examine all documents and other adverse demonstrative evidence. The faculty member and the hearing officer shall be given prompt access, upon request, to public documents that were used in making the decision. The hearing officer shall record the proceedings and the College shall, at its expense, provide a transcript at the faculty member's request. The hearing officer may consider only such evidence as is presented at the hearing and need consider only evidence that he or she considers fair and reliable.
8. Hearing procedures. The hearing shall begin with the faculty member's presentation of facts, limited to those that are relevant to the grounds specified in the request for hearing and supported by such evidence as he or she desires to offer. The President or his or her representative may then present evidence in rebuttal of the faculty member's contentions, or in general support of the decision.

At the end of this presentation, the hearing officer shall consider the matter and make written recommendations to the President within 10 days after the hearing concludes. The burden is on the faculty member to satisfy the hearing officer, by clear and convincing evidence, that the President's decision was arbitrary and capricious.

9. Procedure after hearing. If the hearing officer determines that the faculty member's contention has not been established, he or she shall, by a simple unelaborated statement, so notify the President and the faculty member.

If the hearing officer determines that the faculty member's contention has been established, the hearing officer shall so notify him or her and the President by a written statement that includes a recommendation for action by the President. The written statement shall also be provided to the Board, which may consult with the President to determine what action, if any, should be taken in response to the hearing officer's finding.

Within 10 days after he or she receives the hearing officer's recommendation, the President shall send written notice to the faculty member of what modification, if any, he or she will make with respect to the original decision. The President's decision is final, and is not subject to any complaint or further appeal procedure.

C. Assistance for Faculty Members Terminated due to Changes in Program or Financial Conditions.

The College, when requested in writing by an employee whose employment has been terminated, shall give him or her reasonable assistance in finding other employment.

### **SECTION 3.5: Harassment, Sexual Harassment and Violence**

#### **A. Harassment**

The College prohibits harassment against anyone (including any employee or student) based on the individual's race, color, gender, national origin, religion, disability, age, veteran or marital status, or sexual orientation, or based on those aspects in an individual's relatives, friends or associates. Harassment means threats, intimidation or hostile acts. Harassment also includes threats of violence against any individual or property of any individual. It is not the intent of this policy to inhibit the peaceful, free expression of ideas, which is an essential mission of the College.

Harassing an employee or student will lead to disciplinary action. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion.

#### **B. Sexual Harassment**

The College prohibits any person, including employees, invitees, and students, from making unwelcome sexual advances, or requests for sexual favors, or any other unwelcome verbal or physical conduct of a sexual nature where such advances, requests or conduct have the purpose or effect of: (1) unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or educational environment; or (2) when it is obvious or implied that submission to such conduct is a condition of an individual's employment or academic evaluation or will be used for the basis of any employment or academic decision (all such conduct is described in this policy as "Sexual Harassment").

The College does not tolerate Sexual Harassment in any form. No employee, invitee, or student should be subjected to unsolicited and unwelcome sexual overtures or behavior. No employee, invitee or student should be led to believe that any employment or academic opportunity or benefit will in any way depend on his or her cooperation with sexual demands or submission to an offensive sexual environment.

Members of the College community, whether faculty members or administrative staff, put academic and professional trust and ethics at risk when they engage in amorous romantic/sexual relationships with people whose academic and/or professional benefits and opportunities are, or appear to be, subject to their authority, supervision or influence. Accordingly, the College prohibits such relationships, as well as any attempt to initiate or engage in such relationships. Any faculty member or administrator who engages in, or attempts to engage in, an amorous relationship with a student or subordinate shall report any such relationship or attempt to the EEO Officer.

Sexual harassment of an employee or student will lead to disciplinary action. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion.

C. Violence

The College has zero tolerance for violence. Any employee or student who is violent or who threatens to be violent in the College, whether toward any employee, invitee, student, or member of the public, will be subject to discipline. In the case of employees, such discipline may include termination. In the case of students, such discipline may include expulsion. All such conduct shall be reported to appropriate law enforcement authorities.

D. Reporting Harassment, Sexual Harassment or Violence

Employees and students have an important responsibility in the effective implementation of the College policies against harassment, sexual harassment and violence. Any employee or student who believes that he or she has been subjected to harassment or sexual harassment, or who has witnessed anyone else connected with the College experience or commit such conduct, should promptly report such conduct to the appropriate office.

In accordance with procedures developed by the President (which are subject to Board approval), the College will promptly investigate a complaint or report of harassment, sexual harassment or violence made in accordance with this subsection D. The College will make reasonable efforts to preserve the confidentiality of everyone involved with any harassment, sexual harassment or violence complaint and investigation. The College will protect complaining employees, students and witnesses against retaliation for making a harassment, sexual harassment or violence complaint or report in accordance with this subsection D. This policy shall not be used to bring frivolous or malicious charges. Disciplinary action may be taken under the appropriate College policy against any person bringing a charge of harassment, sexual harassment or violence in bad faith.

E. Implementation of Policy

The President shall develop a policy, consistent with the policy set forth herein, for inclusion in the Handbook, which shall govern the reporting, investigation and disposition of complaints of harassment, sexual harassment, and violence. That policy is subject to approval by the Board, and shall constitute a condition of every employee's contract of employment.

**SECTION 3.6: Presidential Authority Over Certain Personnel Matters**

- A. Delegated Powers. The Board of Trustees delegates the following powers over professional personnel matters to the President of the College. For the purposes of this section, "professional personnel" means professional personnel as defined in the Handbook for Professional Personnel 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 positions are defined in the Handbook.

Board approval shall not be necessary to give effect to personnel actions authorized by this subsection 3.6.A.

1. The power to appoint and to enter into employment contracts with temporary personnel is hereby delegated to the College President. This power shall be exercised in conformity with applicable Handbook, and Board policies.
2. The power to renew employment contracts with probationary and tenured faculty member is hereby delegated to the College and Board. This power shall be exercised in conformity with applicable Board policies, including those in the Handbook.
3. The power to offer and enter into terminal seventh year contracts with probationary faculty members is hereby delegated to the President. This power shall be exercised in conformity with the Handbook and applicable Board policies and shall include the authority to give any necessary notices.
4. The power to terminate administrators is hereby delegated to the College President. This power shall be exercised in conformity with the Handbook and applicable Board policies.
5. The power to nonrenew faculty members on probationary contracts is hereby delegated to the College President. This power shall be exercised in conformity with the Handbook and applicable Board policies, and shall include the authority to give notices of nonrenewal. However, this delegation does not authorize the President to nonrenew probationary faculty who are in the final year of their probationary periods. Probationary faculty in their final year of their probationary periods who are not awarded tenure shall be offered terminal seventh year contracts in accordance with paragraph C of this subsection of the Handbook.
6. The powers to suspend professional personnel in accordance with the Handbook and to dismiss or nonrenew faculty members and regular/administrative personnel for cause in accordance with Handbook, is hereby delegated to the College President. These powers shall be exercised in conformity with the Handbook and applicable Board policies, and shall include the authority to give all notices and take other actions which may be necessary to comply with such policies.
7. The power to accept the resignations of professional personnel is hereby delegated to the College President. Resignations shall become irrevocable when accepted by the College President in writing.
8. The power to reassign administrators to any other exempt position at a College is hereby delegated to the College President.
9. Except as set forth in the Handbook, the power to discipline professional personnel for violations of Handbook and/or Board policies in accordance with

the Handbook is hereby delegated to the College President. This power shall be exercised with due regard to the contractual, statutory and constitutional rights of the accused or the offender.

10. The power to promote faculty members in rank is hereby delegated to the College President. This power shall be exercised in conformity with the Handbook and applicable Board policies.
  11. The power to grant administrative leaves, leaves without pay, sick leave and vacation leave is hereby delegated to the College President. This power shall be exercised in conformity with the Handbook and applicable Board policies.
  12. The power to approve transitional retirement applications and enter into transitional retirement contracts is hereby delegated to the College President. This power shall be exercised in conformity with the Handbook and applicable Board policies.
  13. The power to evaluate professional personnel, award performance-based salary adjustments and supplement salaries is hereby delegated to the College President. These powers shall be exercised in conformity with the Handbook and applicable Board policies. All performance-based salary adjustments awarded hereunder must be consistent with the College's Board-approved salary administration plan and Board-approved annual operating budget guidelines.
- B. No Subdelegation. Unless authorized by the Handbook or other Board policies, the personnel powers delegated to the College President by this section may not be subdelegated to subordinate officers or employees of the College. Policies or procedures providing for peer or supervisory review, evaluations or recommendations shall not in any event be or be deemed to be subdelegations of the powers delegated to the College President.
- C. Retained Powers. The Board retains the following personnel powers:
1. All powers relating to the appointment, employment, compensation, evaluation and termination of the President.
  2. 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.
  3. The power to appoint and/or enter into initial employment contracts with all non-temporary faculty members and administrative personnel. The President is 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.

4. The power to authorize a reduction in force for one or more of the reasons listed in Section 3.4 of this Manual.
  5. The power to review and/or take action on the initial decisions of hearing officers in all cases in which hearings are authorized by and timely requested and conducted under applicable sections of the Handbook in connection with disciplinary actions, dismissals, nonrenewals or suspensions of professional personnel (including terminations due to a reduction in force).
  6. The power to dispose of grievances filed under the Handbook in all cases in which grievances are heard and reports are filed by hearing officers.
  7. The power to confer emeritus status on retiring professional personnel.
  8. The power to award honorary degrees and make other awards to persons outside the College.
  9. The power to grant sabbatical leaves.
  10. The power to make, adopt, review, approve, amend, modify, rescind or repeal any and all personnel policies including, without limitation, Handbook policies, College affirmative action plans or policies, College salary administration plans, College performance evaluation systems, College promotion policies, and College tenure policies. No personnel policy shall have any force or effect unless adopted or approved by the Board.
  11. All professional personnel powers not specifically delegated to the President are retained by the Board.
- D. Reporting and Accountability. Before each regularly scheduled meeting of the Board, the President shall report personnel actions occurring since the preceding regularly scheduled Board meeting on standardized personnel forms approved by the President.

### **SECTION 3.7: Drug-Free Workplace Policy**

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

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

1. Abide by the terms of this Policy Statement; and
2. Notify the appropriate personnel officer of any criminal drug statute conviction for a violation occurring in the workplace or a state-owned vehicle no later than five days after such conviction.

Any employee who violates the provisions of this Policy Statement shall be subject to appropriate disciplinary action which may include termination. This Policy Statement shall be included in the Handbook.

**SECTION 3.8: Policy Prohibiting the Unlawful Possession, Use or Distribution of Illicit Drugs and Alcohol by Students and Employees**

- A. Standards of Conduct. The Trustees hereby prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on the property or as part of the activities of the College, except as set forth in Section 4.9.
- B. 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 College, expulsion from the College, corrective action, a fine, temporary adjustment of pay to a lower step in the assigned pay grade, demotion, reassignment with or without a salary adjustment, suspension with or without pay, and termination. Disciplinary sanctions shall be consistent with local, state and federal law and shall be administered in accordance with applicable student disciplinary procedures, state personnel system rules and procedures, and Handbook for Professional Personnel policies. In addition to the foregoing disciplinary sanctions, violations shall be reported to law enforcement authorities for criminal prosecution.
- C. Definitions:
1. "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. §§ 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.
  2. "Alcohol" shall mean any beverage containing not less than 0.5% ethyl alcohol by weight.
  3. "Property" shall mean any real or personal property owned, leased, chartered or occupied by the or the College including, but not limited to, motor vehicles, boats and aircraft.
  4. "Activities" shall mean any act or event sponsored or participated in by the College; including its constituent administrative units and approved student organizations. Without limitation, "activities" shall include all intercollegiate and intramural athletic events; faculty, staff and student meetings, conferences; field trips; retreats and all other acts or events for which the College including approved student organizations) pays expenses, or provides facilities, services, supplies or transportation.

“Activities” shall not include incidental work- or study-related activities 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.

- D. Implementation. The College shall implement a drug and alcohol abuse prevention program which, at a minimum, meets the requirements of the Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. §1145(g), and shall review its program biennially to determine its effectiveness, implement changes if needed and ensure that the sanctions authorized by this policy are consistently enforced.
- E. Other Policies: This policy is supplemental to and does not supersede or repeal other related State policies, including the State of Colorado Substance Abuse Policy promulgated by the Governor.

**SECTION 3.9: Policy Governing Electronic Mail and Other Electronic Communications; Policy Regarding the Retention, Archiving and Destruction of Records Kept Only in Digital or Miniaturized Form**

The President shall develop policies pertaining to electronic mail and other electronic communications; use of College computers (including internet and intranet use); and the retention, archiving and destruction of records kept only in digital or miniaturized form. Such policies shall comply with the Colorado Public Records Act, C.R.S. §§ 24-72-201, *et seq.* Such policies shall be reviewed and approved by the Board. Once approved, such policies shall be posted on the College’s web site.



**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 subject to approval by the Board of each fiscal year's budget. This includes appropriated programs, auxiliary enterprise funds, student activity fees, sponsored programs, gifts, contracts and grants, capital construction, controlled maintenance, and other funds.

- A. All funds must be budgeted in conformance with instructions, guidelines, and formulas established by funding or coordinating agencies (e.g., the CCHE). The President is authorized to establish processes and procedures in accord with such instructions, guidelines and formulas.
- B. 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.
- C. The expenditure of all funds must be audited in accord with Colorado statutes, and in conformance with generally accepted auditing principles and practices.
- D. The President is charged with recommending fiscal year budgets annually for all funds to the Board for review and approval. The President shall submit periodic status reports to the Board for review and approval.

#### **SECTION 4.2: Tuition and Fees**

The Board of Trustees has the responsibility and authority to set tuition and fees in accordance with the policies established by the CCHE.

- A. The President shall annually submit a recommended tuition and fee schedule for the upcoming fiscal year to the Board for review and approval as part of the operating budget setting process. 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 President consult with the student government in establishing rates and allocating funds related to student activity fees prior to submission to the Board. Student fees cannot be used to support academic instruction; nor should increased academic fees be used to minimize tuition rate proposals by shifting tuition increases to special fee increases. Mandatory student fees shall be used to fund activities and services open to all students.

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. Fees and related budgets are to be submitted to the Board for review and action.

Specific fees listed shall include but not be limited to:

Application	Health Services
Tuition	Bond
Transcript	Student Activity
Placement Service	Laboratory
Drop/Add	Deposit

### **SECTION 4.3: Instructional Courses and Job Related Training for Employees**

Consistent with the September 1, 1995 revisions to the State of Colorado Fiscal Rules, Rule 2-8, *Miscellaneous Compensation and Other Benefits (Perquisites)*, the College may authorize its employees to enroll in job related and career enhancement courses at no cost or at a reduced cost. Only enrollment in courses that will benefit the State and enhance employees' performance is authorized by this policy and the Fiscal Rules.

The President shall adopt procedures for review and approval of employee requests to enroll in instructional courses and job related training. 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: Guidelines, Review Procedures and Reporting Policies for the Provision of Goods and Services by the College**

- A. Guidelines for the Provision of Goods and Services

#### Introduction

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

The purpose of these guidelines is to define the legitimate purposes of the provision of goods and services by the College and to establish a mechanism for addressing complaints of unfair competition by private businesses.

## Exclusions

In recognition of the teaching, research, and public service missions of higher education Colleges, 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. Contracts with the University of Colorado Health Sciences Center, except in those cases where a prosthetic or medical device is provided without an accompanying surgery or medical procedure;
5. The provision of free medical services or equipment to indigent in association with a community service health program; and
6. Public service radio and television stations licensed to the College.

## Guidelines

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

1. The good or service is authorized by statute;
2. The good or service offers a valuable educational or research experience for students as a part of their education;
3. The good or service fulfills the public service mission of the College of higher education; or
4. The good or service is being provided other than through intergovernmental or interagency agreement with another agency of state government or unit of local government, which, if provided directly by the College would be in violation of these guidelines.

## Criteria for Provision of Goods and Services to Students, Faculty and Invited Guests

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

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

2. Whether the good or service is necessary or convenient for the campus community;
3. Whether the intended use of the good or service is for students, faculty, staff, or invited guests rather than the general public. Invited guests are defined as persons who enter a campus for an educational, research, or public service activity, and not primarily to purchase or receive goods and services not related to the educational, research, or public service mission of the campus;
4. Whether the price charged reflects the direct and indirect costs and overhead costs of the good, as well as the price in the private marketplace; or
5. Whether in establishing the price of the good or service, consideration was given to the price in the private marketplace.
6. Whether there is a demand by the general public for the good or service.

#### Criteria for Sales to the External Community

In assessing the advisability 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 College's educational mission, not commonly available or otherwise easily accessible, and for which there is a demand from the external community; the goods or services are byproducts of the College's instructional, research, or public service activities; the College has specific statutory authority to sell the good or service; or the good or service is produced from the business like management of the assets of the College for the exclusive benefit of the College; and
2. The price charged is sufficient to recover the full costs, including both direct and appropriate indirect costs, of the good or service. The price of such items in the private market place shall be taken into account in establishing the price or fee.

#### B. Guidelines for Grievance Review Procedures

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

1. The complaint shall first be heard by the President or the President's designee.
2. If resolution is not reached as a result of the initial review by the President, appeal may be made to the Board of Trustees.

## C. Reporting Procedures

The College shall submit, by February 1 and August 1 of each year, reports to the CCHE regarding the outcome of grievances received pursuant to these procedures.

### **SECTION 4.5: 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.

### **SECTION 4.6: Official Expense Allowance for Travel for Board of Trustees and Administrative Staff**

Consistent with fiscal rules of the State of Colorado (Chapter 1, Section 1), all official travel by Board members and administrative staff 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 Board Chair shall be responsible for granting prior written authorization for all out of state travel for Board members. The President or his or her designee shall be responsible for granting prior written authorization for all out of state travel for administrative staff. The Out of State Travel Request and Authorization form should be submitted with the travel reimbursement voucher.

#### Rental or Lease Car

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

#### Types of Expenses That Are Reimbursed

Appropriate documentation (receipts) of expenses for which reimbursement is sought is required for the following:

1. Registration fees for conferences and seminars
2. Official telephone calls
3. Commercial transportation costs
4. Rental car cost
5. Tips of more than 15 percent
6. Lodging

7. Meals (if charges exceed amounts authorized by state fiscal rules), including tips
8. Other appropriate expenses

Documentation is not required for the following:

1. Mileage for use of a private vehicle
2. Tips up to 15 percent
3. Meals (if charges do not exceed amounts authorized by state fiscal rules), including tips

**SECTION 4.7: Insurance Plan for Life, Health, and Long Term Disability**

The College may provide life, health, dental and long-term disability insurance to its employees. Such insurance shall be obtained and administered in accordance with procedures authorized by the President.

**SECTION 4.8: College Foundations: Acceptance and Management of Gifts and Donations**

It is Board policy that the College shall establish and operate a nonprofit, independent corporate foundation for the purpose of accepting, controlling, and managing funds and other gifts received as donations to the College. Articles of incorporation are to be reviewed by Board of Trustees.

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

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

The College 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 4.9: Use of Tax-free Alcohol on College Campus**

The College shall be permitted to procure and use tax-free alcohol for instructional purposes provided such procurement and use are in strict compliance with Title 12, Chapter 3, 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 4.10: Processing Surplus Property**

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

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

#### **SECTION 4.11: Trustees Tax Deferred Annuity (TDA) Plan**

The College may offer to its benefits-eligible employees, the administration of a payroll deduction tax deferred annuity plan in accordance with Internal Revenue Code § 403(b).

#### **SECTION 4.12: Leases of Real Property**

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

“Real property” is defined as land any interest therein, and generally whatever is erected or growing upon or affixed to land.

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

#### **SECTION 4.13: Defined Contribution Pension Plan**

The College may offer to its benefits-eligible employees a Defined Contribution Pension Plan in accordance with C.R.S. §§ 24-54.5-101, *et seq.*



#### **SECTION 4.14: College Officer Titles**

For purpose of exempting some of the professional staff members of the College from the State Personnel System, pursuant to Article XII, Section 13 (2) of the State Constitution, and C.R.S. § 24-50-135(a), the following position titles at the College are designated as “Officer of the College.” It is the intention of this policy to allow a position to have a “working title” that is different than its official title.

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

#### **SECTION 4.15: Debt Management**

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

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

##### A. Initial Bond Issues:

##### 1. Contemplated Debt Requirements:

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

##### 2. Preliminary Analyses:

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

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

3. Preliminary Discussion for Proceeding with Debt Financing:

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

4. Outside Approvals:

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

5. Financial Plan:

After program plan approvals have been obtained and external financial and legal advisors have helped the Vice President for Administration and Finance and the Board 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
- 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 and may be, if required, subsequently submitted to CCHE. The Board may, at this time, approve the issuance of bonds or the continuation of the particular debt financing structure selected. Early Board of Trustees approval will be particularly helpful when market conditions are volatile and unpredictable or the timing is critical.

6. Policies over the Life Cycle of Debt Instrument(s):

Within six months after the issuance of debt, the College will, through the Vice President for Administration and Finance, submit to the Board an initial report and include a plan which addresses the following issues:

- Closing of the debt instrument:
  - Final interest rate
  - Premiums, discounts and costs of issuance
  - Insurance
- Debt service reserve
- Covenant and other reporting requirements

B. Refinancing of Existing Debt:

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

1. Preliminary Analyses:

Preliminary analyses will be provided by the Vice President for Administration and Finance to the Board 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
- Revised debt service, reserve, and insurance requirements

2. Proceeding with Re-Financing:

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

**SECTION 4.16: Reporting Requirements for Tax Exempt Debt**

Any tax exempt debt, including bank qualified debt, incurred by the College must be approved by the Board prior to the issuance of the debt instrument (*e.g.*, bonds, lease purchase agreements, *etc.*).

**CHAPTER 5:**

**ACADEMIC AFFAIRS**

### **SECTION 5.1: Academic Freedom**

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

### **SECTION 5.2: Academic Planning**

The President shall develop policies, subject to Board approval, for short and long-term academic planning. Such policies shall conform to all requirements of statute and the CCHE, and shall be consistent with Board goals and priorities.

### **SECTION 5.3: Approval of Curricular Items**

The Board recognizes that while it has the ultimate authority for approving curriculum, the faculty should play a proactive role in formulating curriculum for the Board's consideration. The President shall develop policies and procedures for the approval of curricular items. Such policies shall conform to all requirements of statute and the CCHE, and shall be consistent with Board goals and priorities. The following curricular actions must be approved by the Board of Trustees of Metropolitan State College of Denver before becoming effective:

- New degree programs (Major)
- New or additional degree titles (B.A., etc.)
- New licensure programs
- New majors for a teacher licensure program
- Consolidation of two or more existing programs into one
- Renaming an existing program
- Changing the title, e.g., B.A. to B.S., of a degree along with changes in the accompanying degree requirements
- Substantive changes in teacher licensure
- New minors, concentrations, and certificates of completion
- Discontinuation of all programs
- New study abroad courses
- Changes that increase students' requirements to graduate
  - Increasing the credit hours in major, minor, certificate, and licensure programs.
  - Increasing the ancillary requirements.
- ◇ Changes in the goals and distribution of credit requirements for the General Studies Program (see Section VI.B. of the MSCD Curriculum Guidelines – p. 38)
- ◇ Additions, deletions, or changes in the goals of other general college requirements that specify types of courses students must take to complete a degree.

The Board delegates approval of all other curriculum changes to the President. It also delegates to the President approval of internal policies and procedures for curriculum approval.

#### **SECTION 5.4: Review Procedures for Existing Programs - (Policy and Procedures for Academic Program Review)**

Metropolitan State College of Denver's program review process is designed to evaluate the educational programs offered by MSCD in a consistent, thorough way for the purpose of maintaining or enhancing the academic quality, efficiency, and accountability of the programs. The results of the reviews should aid the Board in making decisions regarding program expansion, re-structuring, contraction, consolidation or discontinuance, and the possible re-allocation of resources.

All academic programs and some college-wide instructional programs under the Provost will be evaluated on a seven-year cycle or more frequently if circumstances warrant. Academic programs are programs that offer majors or minors or both, or which prepare students for certification by an outside agency. College-wide instructional programs are instructional programs that are multidisciplinary and do not lead to a degree, e.g., the Honors Program.

The program review process will be coordinated by the Office of Academic Affairs.

##### A. Information Collected for the Review

At a minimum the following information and data should be provided for the review.

1. The program's role and mission and goals.
2. The results of surveys of graduates, employers of graduates, and seniors.
3. The number of majors, minors, and graduates during each of the previous five years, and the credit hour production of the courses offered by the program for each of the five years.
4. An analysis of the scheduling of courses for the previous five years.
5. A course analysis showing how many times a course was taught by part-time, full-time, or full-time temporary faculty during the previous five years.
6. The full-time equivalent faculty assigned to the program and a breakdown by full-time, full-time temporary, and part-time.
7. Graduates' positions and places of employment or, if they continued their education, information about the institutions attended and the degrees obtained.
8. Basic data on the cost of the program for each of the previous five years.
9. Student learning outcomes and the annual assessment reports for the previous five years.
10. Up-to-date faculty resumes.

B. Narrative Written for the Review

Program faculty should write a narrative that minimally covers the following:

1. How the program meets the needs of metropolitan Denver, the state, and society as a whole and how those needs are determined.
2. The strengths or distinguishing features of the program compared with other programs in the state.
3. A report on the actions taken as a result of the concerns expressed and recommendations made during the prior program review.
4. How the assessment results obtained over the last five years have been used.
5. The motivation for any significant changes in the curriculum, either changes that have been made or are being planned.
6. Strengths or specialties of current faculty and needed strengths or specialties.
7. Strategies the program has developed to recruit and retain students, including special advising and tutoring services, co-curricular activities, and special scheduling.
8. Strengths and concerns about resources, both personnel and equipment, available to the program.
9. Outside support and funding sought and obtained.

C. Reviewers

The program will be reviewed by an outside reviewer and a faculty program review committee. The reviewers will be provided with the information/data and narrative described above.

1. The process of choosing the outside individual will be developed by the college. The person should be knowledgeable about the field and ideally from an institution similar to MSCD. If the program has an accrediting organization, the report of the accrediting team may be used in lieu of a consultant's report if the timing is appropriate.
2. The college will establish a College Program Review Committee, consisting primarily of faculty, that will review each academic program.

D. Evaluation by the Reviewers



The reviewers will study the narrative and the information/data provided for the review. Their report should cover five major topics, identifying strengths and weaknesses and making recommendations for improvement.

1. Role and Mission: Is the program consistent with the role and mission of Metropolitan State College of Denver? Do the program's goals align with the college's role and mission and its strategic plan?
2. Curriculum: Is the curriculum up-to-date and appropriate? Are the desired student outcomes clear and reasonable and does the curriculum support attainment of the desired outcomes? Do assessment results show that students have obtained the desired learning outcomes for the program? Are graduates, employers, and seniors satisfied with their education and preparation for employment or graduate or professional school?
3. Students and Student Satisfaction: Are courses scheduled at times, locations, and frequencies to meet students' needs? Do the enrollment, number of majors, and number of degrees awarded show a need for the program? Is there adequate academic and career advising?
4. Faculty: Is there a critical core of faculty? Are the areas of faculty specialization and competence appropriate for the program? Is the use of part-time faculty appropriate? Are faculty as a whole involved in curriculum revision, advising, professional development, and service? Program review is not a review of the performance of individual faculty.
5. Resources/Institutional Support: Are resources adequate for achieving the goals and objectives of the program? Does the review indicate that the program should be expanded, sustained at the same level, or contracted?

E. Internal Responses to the Results of the Review

The reports of the outside reviewer and the College Program Review Committee will be summarized and issues identified by the individual coordinating the program review process. The issues will be discussed at a meeting of the chair and director of the program, the dean, the Provost, and others selected by the Provost. Plans to address the concerns will be made. Recommendations resulting from the reviews will be considered in planning and the allocation of resources.

F. Report to the Board of Trustees

Annually the Board of Trustees will be informed of the results of the review. The report will be presented to the Academic and Student Affairs Committee of the Board prior to its submission to the Board. The report will contain a short statement of the program's goals, information about the assessment of student learning outcomes, selected survey results, and strengths and weaknesses identified by the review process. Weaknesses will be followed by recommendations and actions taken. Pertinent data will be provided.

Board members may want to specify that certain actions be taken in addition to those listed in the report.

G. Follow-up Report to the Board

Approximately a year after the program review results are presented to the Board, a follow-up report will be given describing the progress being made on implementing the needed changes.

H. Program Review Schedule

The Office of Academic Affairs will determine the program review schedule that will be presented annually to the Board for approval. The Board may ask for a change in the schedule if there are concerns about a particular program. The Colorado Commission on Higher Education will be provided the program review schedule.

**SECTION 5.5: Academic Calendar**

The College shall operate on a semester system during the academic year.

The period and duration of summer terms are to be scheduled by the College to respond to the distinctive needs of the College and its clientele. Innovative scheduling of mini-semester, short courses, and non-traditional programs is encouraged.

**SECTION 5.6: Policy for Developing and Discontinuing Cooperative Programs**

The CCHE has statutory authority for the approval of new programs for all public Colleges; therefore, if circumstances appear to justify independent degree-granting status for a cooperative program, the normal new program approval policy of the CCHE will be followed. Further, the CCHE has statutory authority to discontinue programs; therefore, if circumstances appear to justify discontinuance of a cooperative program arrangement, the CCHE will act using its discontinuance policy as a guide.

**SECTION 5.7: Admission Requirements of the College**

The Board has the responsibility and authority to establish the admission requirements for the College, provided that such requirements do not include admission standards lower than those set by the CCHE. The admission requirements may not be changed in any way without prior approval of the Board.

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

As the need arises, the President will monitor admission practices of the College to assure compliance with published admission requirements.

## **SECTION 5.8: Transfer of Earned Credits**

The College adheres to the “Statewide Transfer Policy” adopted by the CCHE.

## **SECTION 5.9: Policy on Intellectual Property**

### A. Copyright Policy

1. Encouragement of Scholarly and Creative Work. In the course of teaching and professional development duties and other intellectual and administrative activity at the College, faculty, staff, student employees and others may create works that are protected by copyright. Federal copyright law provides that most original works of authorship are protected by copyright automatically when they are fixed in tangible form. Copyrightable works or authorship include, among other categories, books, articles and other written works; musical and dramatic works; pictures, sculpture and other works of art; computer software; and electronic chip designs. Works created by faculty, staff, and student employees in the course of their responsibilities may be found in any of these categories. As a matter of fundamental policy, the Board of Trustees encourages the wide dissemination of scholarly and creative work produced by members of the College community, including copyrightable works.
2. Ownership: Under the Copyright Act, the copyright to work created by a person in the course of his or her employment belongs to the employer rather than to the individual creator. The Act provides, therefore, that works created by faculty members in the course of their teaching and professional development activities, and works created by staff members in the course of their jobs, are property of the College. In addition, policy has previously provided that works created by employees using institutional resources are the property of the State Colleges Trustees. However, to encourage members of the academic community to write and to publish what they wish, most colleges and universities have not asserted their claims of ownership to certain scholarly works. Instead, books, articles, lecture notes and outlines, computerized “courseware” and other forms of scholarly writing intended to fulfill the regular classroom teaching and professional development responsibilities of faculty have traditionally been treated as the property of the author, who is entitled to determine how the works are disseminated and to keep any income they produce. In recognition of this longstanding academic tradition, the College disclaims ownership of works by faculty, staff, and students, whether in traditional or nontraditional forms except in the following cases:
  - a. Assigned Tasks. The College will own the copyright to works created (i) by administrative /professional or classified staff members of the College in the course of their assigned duties or employment; (ii) by student employees in the course of their assigned duties (“student employees” includes students who work on a college-funded project, with or without

academic credit), or (iii) by faculty members as part of an agreed assignment, when the assignment explicitly states that the work will be owned by the College.

- b. **Outside Agreements and Consultant Agreements.** When copyrighted materials are developed by an investigator in the course of sponsored research funded by an outside agency or organization pursuant to an agreement approved by the College, ownership of the copyright will be determined by the applicable terms of the funding agreement if the agreement addresses the issue. When College resources are sued to retain the services of a consultant or independent contractor for the specific purpose of creating a copyrightable or patentable work, the contract shall provide that the consultant will assign the work to the College unless the College Provost or Vice President for Academic Affairs approves other terms.
- c. **Patentable Works** When a copyrighted work is also patentable, such as certain computer software source code among other categories of work, the College's patent policy will apply to it, notwithstanding any inconsistent provisions of this policy.
- d. **Online and Other Distance Learning Course Materials.** Online and other distance learning course materials (including course materials delivered over the Internet or a campus intranet, by TV or radio broadcasts, or fixed in machine-readable digital storage media, videotape, or audio tape) cannot be treated as traditional works because of the legal and business consideration that affect them. The College devotes significant material and technical resources to the design, development and distribution of these course materials. Also, contracts involving display, reproduction, or distribution of copyrighted material commonly require assurances as to ownership as protection against infringement claims. The College must retain sufficient rights in online and distance learning course material to provide such assurance if they are to pursue distance education opportunities that may arise in an uncertain business environment. Also, the College must retain sufficient rights in online and distance learning materials to enter appropriate and mutually acceptable relationships with external organizations. Because the terms of such relationships cannot be foreseen, it is not possible to provide specific guarantees of any kind as to what the College may be able to provide faculty members the form of compensation and terms. However, the Trustees recognize that College ownership and use of academic work that is created by faculty may involve important consideration of academic integrity. Before entering a contract with an external public or private organization that would involve such academic consideration, the college will consider the faculty member's interest in using and protecting the integrity of the work, including but not limited to interests in : (1) using the work in future

scholarly activity and employment; (2) controlling the use of the faculty member's name in association with the work; and (3) revise the work to assure that it is current. Unless otherwise agreed in writing, the College will retain ownership of scholarly or creative work that is delivered, transmitted, or fixed as provided in this subparagraph. However, the Trustees encourage joint ownership agreements with faculty members who create online or other distance learning courses, which agreements would grant the institution the exclusive right to license the work to others for a specific period of time, allow each party to retain a nonexclusive right to use the work for non-commercial educational purposes, and address the issues of attribution and revision. The Trustees authorize the President to establish institutional contract terms and revenue sharing policies for distance learning courses that as may be, in the President's judgment, financially prudent and consistent with the College's commitments and objectives.

- e. Special Circumstances. Where the College makes an unusual and significant commitment of resources to a project, the College may retain ownership of any works created. The President or Provost/Vice President for Academic Affairs will determine whether such commitments exist in a particular case and whether the College will retain ownership of such works. When feasible, the President or Provost/Vice President for Academic Affairs will make this determination before the work is created and at the beginning of this project, and will so inform the principal investigator or other responsible party.

Although sabbatical leave involves such an unusual significant commitment of resources, works created by faculty members on sabbatical leave traditionally have been treated as the property of the author. Except as provided in subparagraphs a, b, c, and d of this policy, the College disclaims ownership of works by a faculty member on sabbatical leave.

Works that do not meet the criteria stated in subparagraphs a through e above, and works created by a College employee outside the scope of employment and without the use of institutional assistance, support, facilities or resources shall be the exclusive personal property of the employee.

In any case in which there is a question about the ownership of a work, the President or Provost/Vice President for Academic Affairs will decide the issue.

- 3. Students. Because students who are not College employees may work with faculty members or other College employees on intellectual property in which the College claims an interest as provided herein, the Copyright Act does not automatically grant the College ownership of the copyright to student work. However, to assure fairness, students who serve on College-funded projects, with or without salary and with or without academic credit, are covered by this policy

as student employees. Students acting such capacity are subject to this policy as a condition of their enrollment, employment, or association with the College-funded project. Students will be the sole owners of works that they create solely in their capacity as students or individuals, and not as “student employees” as that term is defined above.

4. Use of Income from College-Owned Works
  - a. Division. Any income which the College receives from the commercial licensing, sale, lease, or other commercial use of copyrighted works owned by the College pursuant to this copyright policy will be shared as determined by the College in its sole discretion. The College will ordinarily share fifty percent of net revenues from such commercial uses with the individual employees who created the work.
  - b. Disposition of College Shares. The portion of net income that is not paid to the creator of creators of a work will be used as determined by the College in its sole discretion.
5. Assistance from the College. A faculty member, staff member, or student employee who has created and under this policy owns a copyrighted work, and who wishes to engage the resources of the College for assistance in licensing or otherwise exploiting the copyright, may request such assistance from the Office of Academic Affairs or other office designated by the Board. If the College provides such assistance, all net income from its licensing efforts will be shared between the College and the creator(s) as provided in paragraph 4 above.
6. Authors are Responsible for Registering and Defending their Copyrights. Except as provided in paragraph 4 of this policy, faculty members, staff, and students are solely responsible for identifying, registering and taking any other legal action necessary to protect and defend their copyrights and any related rights to or arising from work in which the College has disclaimed ownership interests.
7. Modification: Effective Date. This policy is subject to modification or revocation by the Board Trustees at any time, in its sole discretion. This policy is effective from the date of approval by the Board of Trustees with respect to works created after that date and shall remain in effect until modified or revoked.

## B. Patent Policy

1. Encouragement of Patents. In the course of teaching, professional development, and other intellectual and administrative activity at the College, faculty, staff, student employees (as defined above), and others may make discoveries or inventions both patentable and practical. Encouraging such inventions in appropriate ways both supports the public interest and is consistent with the advancement and dissemination of knowledge, the primary purpose of teaching

and professional development. The College's patent policy establishes the procedure to be followed in the administration of inventions which result from teaching, professional development, and other intellectual activity performed under College auspices as defined and clarified in paragraph 6 below.

2. Purpose of Patent Policy. The purposes of this patent policy are (1) to help assure, in the public interest, that the patentability (or other means of protection) and practicality of inventions will be evaluated by qualified persons, and that the income from inventions will be used to support professional development or other desirable College activities; and (2) to allocate remuneration between the inventor or inventors (hereinafter the "inventor") and the College if the invention produces Net Revenues from commercial use.
3. Procedure as to Inventions.
  - a. Patent Applications. All inventions described in paragraph 1 shall be reported promptly in writing to the President or Provost/Vice President for Academic Affairs. The President or Provost/Vice President for Academic Affairs, with the advice of legal counsel, shall conduct an initial screening followed, if appropriate, by a detailed evaluation of the invention. The evaluation may be conducted internally or referred to an external organization. After the evaluation, the College, with or without the assistance of an external organization, may make application for letters patent or other means of protecting and marketing the invention. At the President's or Provost/Vice President for Academic Affairs' request, the inventor shall execute assignments or other documents assigning to the College all rights in the invention and any patent applications or resulting patents on the invention. The College will retain title to all such patent applications and resulting patents. If the College decides that it does not wish, and/or has no obligation to participate in patenting or licensing an invention, the College may release the College's interest in the invention to the Inventor, and the Inventor shall then be free to dispose of the invention as he or she wishes.
  - b. License Agreements.
    - (1) If the College decides to participate in patenting or licensing an invention, the College will seek to enter into appropriate licensing arrangements to commercialize the invention. The College's objectives are to assure the development of its technology in furtherance of its own educational mission and to the benefit of society in general. Therefore, as a general policy, the College will establish license terms that further these objectives. Exclusive licenses will be granted if it appears to the College that this is the most effective way of ensuring that development will proceed to the point that the public will benefit. Any exclusive license

agreement will protect against the licensee's failure to develop and market the invention within a specified time.

- (2) Grants or contracts sponsored by government agencies and private businesses typically include a section covering patents on future inventions, if any. When deemed appropriate, the sponsor may be granted a license to any inventions developed during the term of the grant or contract in accordance with the policies outlined in (1) above.

4. Division of Net Revenues.

The Net Revenues as defined below shall be divided between the Inventor(s) (as defined under the patent law) and the College as follows:

50% to the inventor(s), 50% allocated to College purposes pursuant to paragraph 5.

As used in this document, the term "inventor" may represent two or more individuals. These individuals will be expected to agree among themselves on the fractional distribution of the "inventor" share of any Net Revenues. A written agreement must be signed by all the individuals involved, and deposited for the record in the President or Provost's office. If no written agreement has been deposited at the time of a distribution of Net Revenues, the inventors' share of such distribution shall be divided equally among the inventors.

5. College Use of Net Revenues. The College's share of Net Revenues will be used for such college purposes as the President shall determine.
6. Inventions Not Under College Auspices. Inventions by College employees usually result from teaching, professional development, or other intellectual activity involving College facilities or personnel.

Accordingly, all inventions by College employees must be reported to the President or Provost/Vice President for Academic Affairs' Office. If the College determines that an invention by a College employee is unrelated to the activities for which the individual is employed and has not involved the use of College facilities, property, or personnel, the College will make no claim to such an invention. All inventions made or conceived under circumstances involving College facilities, property or personnel are the property of the College.

An invention made by a faculty member in the course of a paid consulting engagement for a company may be assigned to the company only if it is unrelated to the activities for which the faculty member is employed by the College and it was not made or conceived under circumstances involving College facilities, property, or personnel. Such an invention will be considered unrelated to the activities for which the faculty member is employed by the College if the



invention arises directly out of consulting activity paid for by the company, and, for example, it is made in response to a problem posed by the company or is based on nonpublic information provided by the company to the faculty member for use in the consulting engagement. All inventions made by College faculty members in the course of consulting, and any assignments of rights to such inventions, must be reported promptly to the President or Provost/Vice President for Academic Affairs' Office. The College will agree to abide by reasonable confidentiality restrictions for disclosures of inventions and assignments made in the course of consulting.

An invention will be considered not to have involved the use of College facilities if no college facilities or resources (including but not limited to space, computers, laboratory equipment and supplies), no College-administered funds, no College property and no College personnel other than the faculty member himself or herself, are involved in the conception or reduction to practice of the invention.

7. **When Arrangements with Outside Organizations Override this Policy.** Arrangements with outside people and organizations that propose terms which are exceptions to this policy must be submitted to the President or Provost for review. If approved by the College the terms shall be binding upon all members of the faculty, staff, and employees of the College conducting such projects or utilizing such facilities, and will supersede the provisions of this patent policy to the extent that the terms are inconsistent herewith.
8. **Inventions by Staff Resulting from Performance of the Responsibilities of Their Employment.** If administrative/professional or classified staff make commercially valuable discoveries or inventions in the course of carrying out their assigned duties (e.g. the employee received a salary or wage for the purpose of developing the discovery or invention or for work which directly resulted in the discovery or invention), there is no presumption that the College will share any resulting net revenues with the employee. The College does not share revenues with such staff except in cases where it appears that the invention or commercially valuable property has not resulted from the performance of assigned duties. However, the President or Provost/Vice President for Academic Affairs may decide to share revenues on any basis.
9. **Governmental Rights in Certain Inventions.** Current governmental regulations permit educational institutions to retain rights and title to patentable inventions which results from federally funded experimental, developmental and research work. Retention of rights by a college is contingent upon the satisfaction of a number of obligations by the college and the inventor(s). These obligations must be met to protect the parties' interests. Though the College may retain rights and title to such patentable inventions, the federal government retains a royalty free license and places certain other restrictions upon the ultimate disposition of the patent(s). Details of the implementing regulations may be obtained from the office of the President or Provost. Members of the College community who apply

for and receive federal funding to support research or who use federal monies in the conduct of their research must execute a written agreement that they will promptly disclose patentable inventions to the College and will execute all instruments necessary to protect the rights of the government and/or the College. Forms for this agreement will be provided to all faculty and will be available for other participants from the office of the President or Provost/Vice President for Academic Affairs.

10. Revocation or Amendment. This patent policy is subject to revocation or amendment by the Board of Trustees in its sole discretion. In case of doubt as to the interpretation of this patent policy, a definitive interpretation will be provided by the President or Provost/Vice President for Academic Affairs. This patent policy is effective as to all inventions/discoveries made on or after the date of adoption.

### C. Definitions

For purposes of this policy:

1. “Intellectual property” means a work, creation, invention or idea that can be owned, protected or controlled under the laws of the United States, the state of Colorado, or other governments, concerning copyrights, patents, and similar legal interests.
2. “Copyright” is the exclusive right of the owner to reproduce a work, prepare derivative works, distribute the work by sale or otherwise, and display or perform the work publicly. Copyright subsists in “original works of authorship” as defined by law, which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. In contrast to a patent, which protects an “idea,” copyright protects the “expression” in the particular work.
3. A “patent” is a grant issued by the U.S. Patent and Trademark Office or a similar right granted by a foreign country. Generally, in the United States, a patent gives an inventor of a novel, useful, and nonobvious creation, invention, or idea the right to exclude all others from making, using or selling the invention within the United States, its territories and possessions for a period of 20 years after the U.S. Filing Date of the parent patent application. Patent procedures, criteria for patentability, and terms in foreign countries vary considerably from country to country.
4. “Creator,” “Inventor,” and “Author” are used in this policy to describe any person who possesses or claims any legal rights to intellectual property through conception, creation or other lawful means of acquisition.

5. “Contractor” is any person or entity that receives payment for goods and/or services that is reported by the College to the Internal Revenue Service on form 1099.
6. “Net revenues” or “net income” means gross income received from the commercial uses of intellectual property (including but not limited to earnings, gains, investments, license fees, rents, royalties, or sales) less all direct or indirect costs of producing, protecting, and enhancing the value of, the intellectual property (including but not limited to personnel costs and overhead, consulting fees, legal fees, and the other costs associated with securing the copyright or patent, for defending it against claims of infringement, and for licensing, marketing, or otherwise using the work for commercial purposes).
7. “Commercial,” when used in this policy to describe the transfer, sale and/or other use of intellectual property owned by the College, shall refer to a use that is intended to produce profit or net revenues in the commerce of intellectual property. The word shall not include uses of intellectual property for the education of students duly enrolled in the College, or for other non-profit educational purposes. The College will not share net revenues with the creator or inventor for such non-profit educational uses.

**SECTION 5.10: Summary of Copyright Law Fair Use Provisions and Agreement on Guidelines for Classroom Copying**

Section 107 of the Federal Copyright Law Revision of 1973, 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.” The four statutory criteria used to determine whether the use made of a work in any particular case in a fair use include:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for non-profit educational uses;
2. The nature of the copyrighted work;
3. The amount and substantially 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.

An agreement between an Ad Hoc Committee and an author-publisher group entitled “*An Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions*” states the minimums that may be copied without infringement as to single copies for teachers, multiple classroom copies, and contains prohibitions applicable to both.

In summary, the agreement specifies that teachers may make single copies of these items: a chapter from a book; an article from a periodical or newspaper; a short story, essay, or poem; or a chart, picture, etc., may be copied. Multiple copying for classroom use cannot exceed the numbers of pupils in a class; must meet strict tests of brevity, spontaneity, and noncumulative effect; and must include a notice of copyright. "Brevity" is defined in strict and arbitrary volume terms; e.g., no more than 250 words from a poem, between 500-1000 words of prose but up to 2500 words of a complete article, "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 course in the school, not more than nine instances of multiple copying for one course during one class term, and not more than one item from the same author nor three from the same collective work or periodical volume during one class term. Under the guidelines copies may not: 1) be used as substitute for anthologies, compilations or collective works; 2) be made of "consumables" such as workbooks; 3) be a substitute for purchases, be directed by higher authority, or be repeated with respect to the same item by the same teacher from term to term; 4) be the subject of a charge to the student beyond actual copying cost.

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

Institutional 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 are met.

**CHAPTER 6:**

**STUDENT AFFAIRS**

## **SECTION 6.1: Student Conduct, Disciplinary Action, and Student Due Process**

Subject to approval by the Board of Trustees, the President shall develop policies establishing standards for student conduct, sanctions for violations of such standards, and procedures for administering sanctions. Meetings and hearings conducted pursuant to those procedures shall not be considered meetings of the Board, or any committee thereof, and shall not be open to the public unless all participants agree otherwise.

## **SECTION 6.2: Intercollegiate Athletics**

### A. Philosophy

#### 1. Preface

The Board of Trustees considers intercollegiate athletics an integral part of the role and mission of the College. Intercollegiate athletic programs are part of the overall educational plan of the College.

#### 2. Level of Competition

NCAA-Division II status is appropriate for the College.

#### 3. Athletic Fees

Athletic fees represent the primary source of revenue for the operation of intercollegiate athletic programs at the College. The Board of Trustees must approve setting of all athletic fees, any portion of which is used to support any aspect of the College's intercollegiate athletics program. Athletic fees must be determined in accordance with applicable CCHE procedures and guidelines.

### B. Control of Intercollegiate Athletics

The Athletic Department of the College shall be administered by an Athletic Director, who shall report to the Vice President for Administration and Finance. The Trustees endorse the continuation of the Athletic Advisory Council to monitor (1) academic performance of student athletes and their progress toward graduation; and (2) the commitment of the athletic program to NCAA compliance, academic integrity, fiscal integrity, and equity.

## **SECTION 6.3: Sale and Possession of Alcoholic Beverages.**

Policy concerning the sale and possession of alcoholic beverages on campus shall be determined by the Auraria Higher Education Center.

#### **SECTION 6.4: Recognition and Funding of Student Groups**

Student groups have the right to petition for official organizational status if the policy and procedures of the College 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 Club Funding Committee or the Student Affairs Board, provided the policies and procedures of the College governing funding for student organizations are followed throughout the petitioning process.

**CHAPTER 7:**

**COLLEGE PRESIDENT**



## **SECTION 7.1: Duties and Responsibilities of the College President**

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

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

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

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

1. Exercising effective leadership in a joint effort with the Board to implement the mission of the College, as delineated in role and scope statements approved by the Board.
2. Providing effective leadership and support for an academic program that is consistent with the College mission, the needs of those being served, sound standards of quality, and available resources.
3. Providing effective leadership and support for a program of student life that complements the academic program and recognizes the diverse interests and needs of the student body.
4. Developing a competent administrative organization and staff to ensure effective and efficient management of the College.
5. 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 Board policies and Handbook with due regard for the best interests of higher education and the State of Colorado.
6. In addition to any budget formula established by the Board, recommending to the Board annual operating and capital budgets and other plans, financial and otherwise, for realizing the College mission, and providing sound management of

the approved budgets and plans. Budgets should reflect priorities of the College and facilitate their achievement.

7. Communicating the needs of higher education to the governor, legislators, CCHE, other state and local officials, and citizens of the state in concert with the Board.
8. Interacting with appropriate external bodies, including state and national accrediting groups, and professional and athletic associations, to achieve the mission of the College in a manner consistent with Board policy, statutory and regulatory provisions, and sound academic principles.
9. Development of an effective external relations and fund raising program for the College.
10. Undertaking assignments requested by the Board.
11. Demonstrating effective pursuit of the Board's goals and objectives for both the current year and the long term.

The President is appointed by the Board and is an at-will employee of the College.

### **SECTION 7.2: Evaluation of College President**

Presidential evaluations seek to assess the overall performance of the President in light of Board goals and priorities and to identify areas of strength, and areas in which improvement is appropriate in order to assist the President in improving his or her effectiveness. The Board will review the President's performance at least annually, using whatever process and criteria the Board deems appropriate.

### **SECTION 7.3: Terms of Appointment and Conditions of Employment for College Presidents**

- A. Terms of Appointment. College Presidents are defined as administrative personnel. Under article 19 of title 24 of the Colorado Revised Statutes, administrative personnel employed by the Board of Trustees are employees-at-will and may be terminated at any time, without cause or advance notice of termination.
- B. Rank and Tenure. Rank and tenure may be awarded at the time an appointment is made, in the Board's sole discretion. If the President has earned academic rank in a previous position, the Board, after consultation with the affected department, may award rank and tenure in the appropriate discipline, in the Board's sole discretion. If, however, the President comes from a background where it was not possible to earn academic rank, the Board may, in its sole discretion, grant rank and tenure in the discipline which matches the President's education and experience.

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

A President who has been notified of termination shall receive his or her salary through the effective date of termination and shall be entitled to pay for up to 30 days of unused vacation time accruing through the date of termination. However, the Board in its discretion may require the President to use some or all of such unused vacation time prior to the date of termination. The President may also be awarded severance pay in accordance with subsection C.2 of this section, in the Board's sole discretion.

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

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

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

1. **Vacation Pay.** Vacation pay shall be calculated using the following formula:  
 $(\text{annual salary}) / (1/260) = 1 \text{ day of vacation pay.}$
2. **Severance Pay.** Notwithstanding the prohibition against paying unearned postemployment compensation to terminated administrators, C.R.S. § 24-19-103(2) authorizes the Trustees, at their option and in their sole discretion, to award severance pay consisting of (i) payment of up to a maximum of three months of salary; and (ii) the provision of up to a maximum of three months of employee benefits. Such severance pay, if any, must be approved at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle President to severance pay or any other form of post-employment compensation shall be valid or enforceable against the State of Colorado, the Trustees, the College or any of the College's officers or employees.

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

- D. Resignation. A President who chooses to resign is not entitled to compensation beyond the effective date of resignation approved by the Trustees other than payment for up to 30 days of unused vacation time accruing through the date of resignation. However, the Board in its discretion may require the President to use some or all of such accrued unused vacation time prior to the date of his or her resignation.
- E. Exercise of Tenure. Upon leaving office through termination or resignation, a President who has been awarded tenure by the Board may choose to remain at the College as a professor with a tenured appointment. The initial salary shall be no less than the salary of the highest paid full professor in the affected department. The President will forfeit this tenured status unless he or she begins full-time teaching at the College within one calendar year after leaving office. A President who has not been awarded tenure by the Board will not receive tenure upon termination.
- F. Other Benefits.

In addition to salary fixed annually, the College President is provided with the following:

1. Vacation and Leave. The President shall accrue vacation, shall receive sick leave and other leave and shall participate in the insurance and retirement programs in accordance with the Handbook .
2. Automobile. There is to be available to the College President either a state-owned or leased car, a fixed rate automobile allowance, or a mileage reimbursement on a private car for state-related business. For a state-owned or leased car, attendant automobile expenses such as insurance and maintenance are to be provided. Expenses for state-related business shall also be provided on a per diem basis as provided by the fiscal rules of the state.
3. Official Functions. Official functions will be underwritten within the limit of institutional resources and in keeping with state fiscal rules.
4. Outside Compensation. Limited professional and consulting assignments may be accepted by the College President provided such assignments do not interfere with the operation of the College.

#### **SECTION 7.4: Policies and Procedures for Selection of the President**

The selection of the President is solely the responsibility of the Board of Trustees. 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 of Trustees shall adopt search and selection procedures appropriate for filling the vacancy. Presidential searches will comply with Trustee equal employment opportunity policies and Colorado state statutes.
- B. Appointment of Acting President, Interim President, and Defined Term Appointments. In the event that a President shall be absent from the position for a period of 30 days or longer, but is expected to return, the Board may appoint an acting President with the authority to administer the College during the period the President is absent.

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

The Board, in its discretion, may fill a Presidential vacancy without a search by appointing a President for a defined term or series of defined terms. A search shall be conducted to fill the Presidency at the end of the defined term(s), if the appointment is not renewed. The President who was appointed for the defined term(s) shall be eligible to be a candidate for the Presidency.

**SECTION 7.5: Designation of a Person to be Responsible in the Absence of the President**

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