

## 10. Grievance Review Policy

- 10.1. The Board will review decisions by the President or Provost made under Part II, Section 17 (Dismissal and Other Disciplinary Action) or Section 20 (Grievances), of the Faculty Handbook, pursuant to the following procedure:
  - 10.1.1. A faculty member subject to dismissal or other disciplinary action or who filed a grievance may initiate an appeal of the President's or Provost's decision by filing a written notice of appeal with the Secretary within fifteen (15) calendar days of the date of the President's or Provost's decision.
  - 10.1.2. The faculty member shall have the right to legal counsel in connection with his/her appeal at his/her sole expense.
  - 10.1.3. Within ten (10) calendar days after receiving a timely notice of appeal, the Secretary shall:
    - 10.1.3.1. Give notice to the faculty member and to the responsible administrator of the date of the meeting of the Board at which the appeal is expected to be reviewed (the "Review Proceeding"); and
    - 10.1.3.2. Provide them with a schedule of the deadlines for submission of written statements to the Board.
  - 10.1.4. If legal counsel to the Board has advised the College administration concerning the dismissal, other disciplinary action or grievance or matters giving rise to the dismissal, other disciplinary action or grievance, or has represented the responsible administrator in connection with the dismissal, other disciplinary action or grievance at any stage, the Board shall be advised by separate counsel during the Review Proceeding. Separate counsel shall be provided by the Colorado Department of Law.
  - 10.1.5. At least thirty (30) calendar days prior to the scheduled date for the Review Proceeding, the faculty member shall provide a written statement of not more than fifteen (15) double-spaced pages to the Secretary and the responsible administrator succinctly summarizing the bases for the appeal, identifying the specific parts of the record which support his/her arguments, and setting forth the specific action or relief being requested of the Board.
  - 10.1.6. If the faculty member fails to submit a statement in accordance with paragraph 10.1.5 above, the appeal shall be deemed abandoned and no further action by the Board will be required.
  - 10.1.7. Within ten (10) calendar days after receiving a copy of the written statement of the faculty member, the responsible administrator shall provide a written response of not more than fifteen (15) double-spaced

pages in length to the Secretary and the faculty member. The Secretary shall transmit copies of the statements of the faculty member and the responsible administrator to all members of the Board and to the Board's legal advisor immediately after receiving them and such members and legal advisor shall treat them as confidential, except as may otherwise be required by law.

- 10.1.8. The Secretary may, upon the written application of the faculty or the responsible administrator, permit exceptions to the statement deadlines or page limits, if the Secretary finds good cause for the exceptions.
- 10.1.9. A complete copy of the record of the dismissal, other disciplinary action or grievance shall be submitted to the Secretary. The Secretary shall maintain a copy of the record at his/her office and shall make such record available to the members of the Board, the Board's legal advisor, the faculty member and responsible administrator, upon request.
- 10.1.10. A faculty member shall state in his/her notice of appeal whether they want to present oral statements to the Board at the Review Proceeding. The Board, in its sole discretion, may grant or deny such requests. If a faculty member's request is granted, the responsible administrator shall be permitted to make an oral responsive statement. Even if no such request is made by the faculty member, the Board, on its own initiative, may ask the faculty member and the responsible administrator to make oral statements to the Board concerning the appeal. Therefore, both the faculty member and the responsible administrator should be prepared to make oral statements at the Review Proceeding. All oral statements made to the Board shall concisely set forth the speaker's position regarding the matter being heard and shall be confined to the record before the Board. No new evidence may be submitted. All oral statements shall be limited to ten (10) minutes, unless the Board chooses to establish a longer or shorter time period.
- 10.1.11. The Board shall base its decision upon the written statements submitted, the oral statements, if any, which are presented to it, and the record of the dismissal, other disciplinary action or grievance. The Board may deliberate in Executive Session.
- 10.1.12. The Board may:
  - 10.1.12.1. Adopt and affirm the President's or Provost's decision;
  - 10.1.12.2. Reverse or modify the President's or Provost's decision, if it is found to be arbitrary and capricious or unlawfully discriminatory; or

10.1.12.3. In the event the Board finds that the record of the dismissal, other disciplinary action or grievance is inadequate, remand the matter for such additional proceedings as the Board may deem necessary, with instructions as to how to proceed.