

ADAMS STATE COLLEGE

TRUSTEE POLICY MANUAL

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TRUSTEE POLICY MANUAL

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INTRODUCTION

This *Trustee Policy Manual* (“*Policy Manual*”), is a publication with controlled circulation which will be distributed by Adams State College (“College”) to the Board of Trustees for Adams State College (“Board”) and made available to the College staff, in order to assure its availability to all concerned persons. The *Policy Manual* incorporates policies adopted by the Board pursuant to section 23-51-102, C.R.S. The Board may adopt changes to the *Policy Manual* which become immediately effective upon adoption by the Board. **Nothing in this *Policy Manual* is intended to create any rights enforceable by any employee of the College.**

CHAPTER 1: ADAMS STATE COLLEGE

Section 1.1: Role Statement of the Board of Trustees for Adams State College

As specified in § 23-51 C.R.S., (See Appendix), the Board of Trustees for Adams State College (“Board”) is the governing authority for Adams State College (“College”). To exercise its authority appropriately, the Board may establish policies designed to enable the College to perform its statutory functions in a rational and systematic manner. To assist the Board in meeting its responsibilities, the Board delegates to the President of the College the authority to interpret and administer the Board’s policies in all areas of operations.

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

Section 1.2: Board Role and Committee Structure

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

The Board will operate as a committee of the whole. The Board retains the option to adopt a committee structure, to assist the Board, if and when determined necessary.

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

Section 1.3: Maintenance and Distribution of the *Policy Manual*

The *Policy Manual* shall be maintained and kept current by the President of the College and the College staff. The *Policy Manual* shall include all official Board policies other than those contained in the *Adams State College Faculty Handbook* and the *Adams State College Professional Personnel Handbook* (collectively “*Personnel Handbooks*”). The President or College staff shall distribute approved amendments to the *Policy Manual* in a timely fashion to the following :

Trustees
Vice Presidents
College Library
Student Government Association
Faculty Senate
General Counsel

Section 1.4: Scheduling of Board Meetings

Regular Meetings

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

Seminar Meetings

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

Section 1.5: Submission of Board Meeting Agenda Items

The President or his/her designee shall review and analyze for suitability and completeness all matters submitted for inclusion on a Board Meeting agenda. The Board expects the President or his/her designee to submit the complete Board meeting agenda to the Board in a timely fashion for Board meetings.

Section 1.6: Official Functions in Connection with Board Meetings

Official functions held during Board meetings shall include the Trustees, the President, the Cabinet, faculty representative(s), and the spouses of all of the above. Others may be included at the discretion of the President or the Board.

Section 1.7: Shared Decision-making

General Philosophy

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

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

educational growth.

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

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

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

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

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

Section 1.8: Communication between 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 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 personnel to the Board should be accomplished only through an orderly and open process, it is Board policy that individual personnel wishing to be heard by the Board at an official meeting shall be required to submit a written request to the President at least ten (10) calendar days prior to the meeting. Such a request must include specific details demonstrating either campus institutional processes have been exhausted or the matter is one which should be of direct concern to the Board without recourse to institutional processes.

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

Section 1.9: College Citizens' Advisory Councils

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

Section 1.10: Collective Bargaining

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

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

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

CHAPTER 2: DIVERSITY AND AFFIRMATIVE ACTION

Section 2.1: Diversity Policy

RESOLUTION

WHEREAS, diversity is essential to the educational mission of Adams State College in preparing students for successful engagement in the social, political and economic communities in which they live and work,

WHEREAS, the focus of the Colorado Commission on Higher Education for 2006-2007 is access to higher education, especially for under-represented students, and

WHEREAS, the U. S. Department of Education recognizes the unique history and mission of Adams State College in the San Luis Valley and has conferred on Adams State College the designation as a Hispanic Serving Institution, and

WHEREAS, diversity represents the rich breadth of diverse ideas, perspectives and backgrounds, individual and group differences, and sustains open communication and

WHEREAS, the United States Supreme Court in *Grutter v. Bollinger et al* (2003) affirmed “a compelling interest in obtaining the educational benefits that flow from a diverse student body”, and

WHEREAS, the effective implementation of policies and practices that affirm diversity at ASC depends to a large extent on the systemic structures that reflect understanding and valuing of the educational benefits of diversity in an academic community, and

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

NOW, THEREFORE, BE IT RESOLVED that we, the Trustees of Adams State College affirm its commitment to the promotion of diversity in the Adams State College community in that diversity is a key element in the intellectual and interpersonal development of Adams State College students. Diversity enhances academic quality, strengthens communities, fosters and promotes citizenship, and strengthens economic prosperity. The administration at the College is mandated to develop and implement a Diversity Action Plan. This plan and its implementation will be reviewed annually.

Campus Diversity Action Plan

The College Administration shall assume the responsibilities required for the development of a comprehensive action plan for diversity, with extensive input from all constituencies in the campus and local communities, and which is consistent with state and federal statutes, executive orders, rules, and this resolution. Current copies of the diversity action plan, approved by the Board of Trustees, shall be kept on file in the President's office. Quotas, "set asides" and/or discriminatory practices must not be included in or inferred from campus diversity plans. The plan will call for Adams State College to promote diversity on its campus by:

1. Enhancing the diversity of the campus community through the recruitment and retention of historically underrepresented diverse populations.
2. Developing specific policies and practices that provide a safe and supportive campus environment for students, faculty, staff and administrators.
3. Diversifying leadership and management at Adams State College.
4. Monitoring and evaluating the achievement of campus-wide diversity strategies through quantitative and qualitative accountability measures.
5. Working with pre-K through 12th grade schools to impact the academic preparation of historically underrepresented students and to provide effective pathways for those students to move from other educational communities, especially community colleges, to the College.
6. Expanding programs and services designed to enroll, retain and graduate non-traditional and historically underrepresented students while also implementing policies and practices that will ensure the academic success of these students
7. Aligning human resource programs that include hiring, supervising, developing, evaluating, and rewarding faculty, administrators and staff as they engage in diversity initiatives, and to support research and service projects for historically underrepresented faculty that develop their expertise, teaching skills, and academic leadership.
8. Increasing the percentage of underrepresented tenured and tenure-track faculty and expanding opportunities for professionals at all levels to share their expertise and best practices related to diversity across the campus, including the development of curriculum that is inclusive of diversity in content and/or instructional practices.
9. Ensuring that historically underrepresented students at all levels are prepared to enter the workforce by expanding the number of partnerships with business, industry, government, community and other educational entities.
10. Promoting business, community, and cultural development activities designed to support diverse populations.
11. Providing financial and personnel resources to support implementation of an approved diversity plan.

Section 2.2: Anti-Discrimination Employment Policy

RESOLUTION

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

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

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

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

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

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

CHAPTER 3: PERSONNEL/WELFARE

Section 3.1: Honorary Degrees and Other Awards

I. Honorary Degrees

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

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

II. Awards Other Than Honorary Degrees for Persons Outside the Colleges

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

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

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

Section 3.2: Employment Contracts for Faculty and Professional Personnel

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

Section 3.3: Standard Personnel Recommendation and Information Forms

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

A. 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

B. 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

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

Section 3.4: Sexual Harassment

I. Policy

It is Board policy to maintain campus environments free from sexual harassment. Sexual harassment is regarded as unprofessional conduct, and the College shall take appropriate action against such behavior.

A. Definition

Sexual harassment means: Unwelcome advances, requests for sexual favors, verbal or physical conduct of a sexual nature (like name calling, suggestive comments, or lewd talk), or conduct directed to an individual because of his or her gender, when any one or more of the following

three factors is met:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of the individual's employment or academic status;
2. Submission to sexual activity or rejection of the request for sexual favors becomes a basis for a decision concerning an individual's employment or academic status; or
3. The conduct unreasonably interferes with the individual's work or academic performance, or is severe, persistent and pervasive so as to create an intimidating, hostile, abusive or offensive work or academic environment.

B. Implementation

The College shall review existing grievance procedures to determine if adaptations need to be made or new procedures need to be developed for handling complaints of sexual harassment filed by students, faculty, or administrators.

Section 3.5: Presidential Authority over Certain Personnel Matters

I. Delegated Powers.

A. Under the authority granted to it by § 23-5-117, C.R.S., the Board delegates the following powers over matters pertaining to both faculty and professional personnel to the President. For the purposes of this section, "faculty" means faculty as defined in the *Adams State College Faculty Handbook* and "professional personnel" means professional personnel as defined in the *Adams State College Professional Personnel Handbook*. ("Personnel Handbooks") and includes all personnel offered employment or employed as probationary faculty members, tenured faculty members, administrative personnel, administrative/regular personnel and temporary personnel as those expressions are defined in the *Personnel Handbooks*. Board approval shall not be necessary to give effect to personnel actions authorized by this subsection.

1. The power to appoint and to enter into employment contracts with temporary personnel is hereby delegated to the President. This power shall be exercised in conformity with the applicable *Personnel Handbook* and Board policies.
2. The power to renew employment contracts with probationary and tenured faculty members is hereby delegated to the President. This power shall be exercised in conformity with applicable the *Personnel Handbook* and Board policies.
3. The power to offer and enter into terminal sixth year contracts with probationary faculty members is hereby delegated to the President. This power shall be exercised in conformity with the *Faculty Handbook* and Board policies and shall include the authority to give any necessary notices.
4. The power to terminate administrators is hereby delegated to the President. This power shall be exercised in conformity with the applicable *Personnel Handbook* and Board policies.
5. The power to non-renew faculty members on probationary contracts is hereby delegated to the President. This power shall be exercised in conformity with the *Faculty Handbook* and Board policies, and shall include the authority to give notices of non-renewal. However, this delegation does not authorize the President to non-renew 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 sixth year contracts in accordance with the *Faculty Handbook*.

6. The powers to suspend professional personnel in accordance with the applicable *Personnel Handbook* and to dismiss or non-renew faculty members and regular/administrative personnel for cause in accordance with applicable the *Personnel Handbook*, is hereby delegated to the President. These powers 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 President. Resignations shall become irrevocable when accepted by the President in writing.

8. The power to reassign administrators to any other exempt position at the College is hereby delegated to the President.

9. Except as set forth in the *Personnel Handbooks*, the power to discipline professional personnel for violations of *Personnel Handbooks* and/or Board policies in accordance with the applicable *Handbook* is hereby delegated to the President. This power shall be exercised with due regard to any 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 President. This power shall be exercised in conformity with the *Faculty Handbook* and Board policies.

11. The power to grant administrative leaves, leaves without pay, sick leave and vacation leave is hereby delegated to the President. This power shall be exercised in conformity with the applicable *Personnel Handbook* and Board policies.

12. The power to approve transitional retirement applications and enter into transitional retirement contracts is hereby delegated to the President. This power shall be exercised in conformity with the applicable *Personnel Handbook* and Board policies.

13. The power to evaluate professional personnel, award performance-based salary adjustments and supplement salaries is hereby delegated to the President. These powers shall be exercised in conformity with the applicable *Personnel Handbook* and Board policies. All performance-based salary adjustments awarded hereunder must be consistent with the College's Board-approved annual operating budget guidelines.

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

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 faculty 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 or her/his designees are authorized to execute such contracts on the Board's behalf, subject to ratification by the Board.
4. The power to authorize a reduction in force at the College for one or more of the reasons listed in section XI.A.2 of the *Adams State College Faculty Handbook*.
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 *Personnel Handbooks* in connection with disciplinary actions, dismissals, non-renewals or suspensions of faculty or professional personnel (including terminations of faculty due to a reduction in force).
6. The power to dispose of grievances filed under applicable sections of the *Personnel Handbooks* in all cases in which grievances are heard and reports are filed by hearing officers
7. The power to confer emeritus status on retiring faculty.
8. The power to award honorary degrees.
9. The power to grant sabbatical leaves.
10. The power to make, adopt, review, approve, amend, modify, rescind or repeal any and all College personnel policies including, without limitation, policies in the *Personnel Handbooks*, 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 faculty and professional personnel powers not specifically delegated to the President by subsection 3.5.I are retained by the Board.

Section 3.6: Drug-Free Workplace Policy

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

A. As a term of his or her employment, every Adams State 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 5 days after such conviction.

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

Section 3.7: Unlawful Possession, Use or Distribution of Illicit Drugs and Alcohol by Students and Employees

I. The unlawful possession use of distribution of illicit drugs and alcohol undermine the mission of the College and will not be tolerated by the College. This policy is supplemental to and does

not supersede or repeal other related State, Board, or College policies concerning illicit drugs or alcohol.

A. 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. Sections 1308.11 - 1308.15 as they may be amended from time to time and §§ 18-18-203 through 18-18-207, C.R.S. as they 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 property owned, leased, chartered or occupied by the Board or the college including motor vehicles, boats and aircraft.

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

a. “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.

B. Standards of conduct. The Board hereby prohibits the unlawful possession, use or distribution of illicit drugs and/or the unlawful possession, use or distribution of alcohol by students and employees on the property or as part of the activities of Adams State College. It shall be a violation of the College’s standards of professional conduct for professional personnel to provide illicit drugs or alcohol to minors or be in the presence of minors using illicit drugs or drinking alcohol, regardless of location or activity. Such conduct may also give rise to civil or criminal penalties.

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

D. Implementation. The College shall implement drug and alcohol abuse prevention programs which, at a minimum, meet the requirements of the Drug-Free Schools and Communities Act

Amendments of 1989, 20 U.S.C. § 1145(g), and shall review the programs biennially to determine their effectiveness, implement changes if needed and ensure that the sanctions authorized by this policy are consistently enforced.

Section 3.8: Electronic Mail and Other Electronic Communications; Retention, Archiving and Destruction of Records Kept Only in Digital or Miniaturized Form

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

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

Section 3.9: Supervision of Immediate Family

It shall be deemed to be a conflict of interest for an employee to serve in a direct supervisory capacity over an immediate family member or audit, verify, receive, or be entrusted with moneys received or handled by such family member. Immediate family member includes spouses, children, parents, grandparents, grandchildren, brothers and sisters.

Section 3.10: Intellectual Property

I. Works Subject to Copyright. Copyright is the ownership and control of the intellectual property in original works of authorship which are subject to copyright law. It is the policy of the College that all rights in copyright shall remain with the creator unless the work is a work-for-hire (and copyright vests in the College under copyright law), is supported by a direct allocation of funds through the College for the pursuit of a specific project, is commissioned by the College, makes significant use of College resources or personnel, or is otherwise subject to contractual obligations. Patentable software is governed by section II, Patents.

A. Works for Hire (Books, articles, and similar works, including unpatentable software)

In accord with academic tradition, except to the extent set forth in this policy, the College hereby assigns to the author, its copyright ownership to pedagogical, scholarly, or artistic works for hire, regardless of their form of expression. Such works include student and employee works created in the course of their education or employment, such as dissertations, papers and articles. The College shall retain a non-exclusive, non-assignable license that is coextensive with the duration of the copyright, to use the work for educational and/or research purposes with appropriate

attribution to the author. The College reserves the right to use the work in teaching, scholarship and research, to control the use of the College's name and logo in conjunction with the work, to require acknowledgement of the College's institutional support in the creation of the work, to borrow portions of the work for use in compilations or composite works, to use the work to advance the mission of the institution, to require advance notice of dispositions of the copyrighted work by the author, and to make derivative works, subject to the time limitations of applicable copyright law. The employee shall be the owner of the work, subject to the College's license set forth above. In the case of joint works which are the product of more than one employee author in the employ of the College, the College's assignment of its rights hereunder controls only the relationship between the College and the individual employee and does not transfer the rights of one individual employee to another. The College retains and does not assign copyright ownership of Internet courses created by its employees and requires a written contract for the creation of any such courses in accordance with paragraph C of this policy.

B. Works Not for Hire. Works completed independently by an employee, without reduction in work assignment or with a reduction in work assignment which is accompanied by proportional reduction in salary, without diminution of employee responsibilities, and without use of substantial College assistance or resources, which are not created in the course and scope of a employee's employment by the College, such as, but not limited to, the preparation of a textbook under contract with a publisher, remain the sole property of the employee creator.

C. Commissioned Works. The College may enter into a written contract with an employee for the creation of a work, for example, an Internet course, using College and/or grant resources in which the College or the external source retains ownership of the copyright of the work. Such an agreement shall:

1. be entered into prior to the creation of the work,
2. explicitly describe the work as a deliverable product under the contract,
3. specify the source of funding, which shall be distinct from the author's regular compensation, and
4. be entered into at the option of the author and not as a condition of ongoing employment.

D. Enforcement of Copyright. The College has no duty to the author to enforce either the College's or the author's copyright in any work for hire.

II. Patent

A. The purpose of this policy is to provide a procedure for the placing in the public realm the fruits of research, while safeguarding the interest of the College, employees, students and sponsors.

1. Any patent rights to a device, product, organism, software, process invention of any sort, or any other patentable item created by a faculty member or student (herein after "inventor"), in the course and scope of employment with the College shall belong to the College, unless waived in accordance with this policy. The inventor must provide to the President promptly after the invention is reduced to practice, notice of the invention describing the circumstances under which the invention was conceived and reduced to practice and 1) any project or program sponsor, 2)

any agreements, whether formal or informal, with the sponsor and 3) the extent to which College equipment, resources or physical facilities were used in the work that resulted in the invention.

2. Upon such notice, the President shall execute a confidentiality agreement with the inventor. The President may seek opinions from faculty or other experts, also in confidence, as to the value or patentability of the invention. Within 120 calendar days of the date of the notice to the President, he or she shall notify the inventor if the College claims an interest in the invention and what steps, if any, it may take in the further exploitation of the invention. If the College claims no interest in the invention, the inventor shall be free to exploit the invention without College involvement, except for “shop rights.”

3. If the College waives its claim to any invention, it shall retain “shop rights” to use the invention, without payment of royalties or other costs.

4. If the College develops the invention, which may include, but is not limited to, securing the patent and the commercialization or licensing the invention, and unless the College and the inventor enter into a written contract that provides otherwise, the inventor and the College shall share equally in the profits or royalties after payment to the College of 15% to cover administrative overhead and payment to the College for any directly assignable development costs and expenses, including patent research, filing fees, marketing, legal and litigation expenses.

5. If the invention is wholly or partially the result of government funded research through the College, the rights to the invention shall be governed by the provisions of the grant or appropriate governmental regulations or laws to the extent they are different from and supersede this policy.

6. If the invention is the result of funding from industrial, philanthropic or other organizations or individuals, under contract or written agreement with the inventor and the College, rights to the invention shall be governed by the terms of such contract or agreement to the extent that they are different from and supersede this policy.

7. If the invention is the result of activities unrelated to use of the College facilities, supplies or otherwise outside the inventor’s scope of employment, the College shall claim no interest in the invention.

B. Modification by Contract. The provisions of this intellectual property policy may be modified by means of a written agreement signed by the parties which explicitly provides that the terms of such agreement modify the provisions of this policy, specified in what manner it is modified, and recites the consideration supporting such modification.

CHAPTER 4: BUSINESS/FINANCE AND PHYSICAL PLANT

Section 4.1: Financial Authority

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

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

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 Revised Statutes, particularly § 2-3-101 through 2-3-110 C.R.S., as amended, and in conformance with generally accepted auditing principles and practices.

II. The President is authorized to establish process, procedures, and timeliness in accord with such instructions, guidelines and formulas. The President is charged with recommending fiscal year budgets annually for all funds to the Board for review and action. Periodic status reports shall be presented for Board review and action.

Section 4.2: Tuition and Fees

I. The Board has the responsibility and authority to set tuition and fees in accordance with §23-1-123, C.R.S. and the policies established by the Colorado Commission on Higher Education (CCHE).

A. The President shall annually submit to the Board a recommended tuition and fee schedule for the upcoming fiscal year. 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 Board intends that the College consult with its student government in establishing rates and allocating funds related to student activity fees prior to submission to the Board. Increased academic fees should not be used to minimize tuition rate proposals by shifting tuition increases to special fee increases. New fees to cover administrative costs or for student purposes other than permanent student purposes or increases in such fees in excess of the rate of inflation may only be imposed if approved by a majority of the votes cast by the student body at a regularly scheduled election and must have an expiration date. The proposed distribution of funds among the various student activities and a comparison with previous year's budgets will be submitted to the Board for review and action.

C. The President is authorized to establish fees for the acquisition, construction and maintenance of parking facilities and debt service related thereto. Fees and related budgets are to be submitted to the Board for review and action.

D. Specific fees requiring Board approval are:

Application	Housing and Dormitory
Tuition	Meal Plans

Transcript	Bond
Placement Service	Student Activity
Drop/Add	Laboratory
Parking	Deposit

Section 4.3: Instructional Courses and Job Related Training for Employees

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

Section 4.4: Delegation of Authority for Budget Administration

I. Delegation of Contracting Authority. The Board delegates to the President full and complete authority to execute, on behalf of the Board, all lawful contracts, leases, and rental agreements or amendments thereto deemed necessary by the President for any academic or administrative function of the College, except as set forth below:

A. Exceptions

1. Capital construction contracts as defined in § 24-30-1301, 7 C.R.S. as now or hereafter amended;
2. Contracts for the purchase of real property or any interests therein;
3. Contracts, leases, rental agreements, licenses, easements, or other instruments selling or otherwise conveying any interests or rights in state-owned real or personal property to another party or parties;
4. Contracts under which the College’s or Board’s obligation for the payment of consideration and other costs exceeds \$250,000 in any one fiscal year; and
5. Leases and rental agreements under which the Board’s total obligation for the payment of rent under the lease exceeds \$100,000 or which are for a term exceeding three (3) years.

B. Subdelegation. The President may subdelegate to appropriate College officials so much of his/her authority hereunder as will facilitate the efficient administration of the College. Subdelegations shall be in writing and shall clearly state the limitations on the authority subdelegated including the limitations set forth herein and any additional limitations deemed

necessary or prudent by the President. Copies of any subdelegations shall be provided to the Board Treasurer at the time of the subdelegation. A current record of all accounts, signatories and dates of presidential subdelegation shall be kept on file at the College.

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

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

E. No contract, lease or rental agreement subject to the State Procurement Code, title 24, articles 101 to 112, 7 C.R.S. (2005) (as now or hereafter amended), or the State of Colorado Procurement Rules (as now or hereafter amended), shall be executed by the President or his/her subdelegate unless it was awarded in strict compliance therewith.

F. Delegation of Budget Authority. The Board delegates budget authority to the President as indicated below:

1. Operating Budgets for Appropriated Programs

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

b. Budget Transfers and Revisions. Authority is granted to the President to make changes to the budget approved by the Board when in his/her judgment it is advisable to do so. Any changes which exceed the threshold levels noted below must be approved by the Board.

i. Thresholds.

Revised total income/expenditure budgets of \$100,000.

Academic or administrative program changes of \$100,000.

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

ii. Cumulative Changes. Individual budget changes which are less than the above threshold levels but which, on a cumulative basis, exceed three times the above

threshold levels for any type of change must be approved by the Board.

iii. Regular Reporting to the Board. All budget changes authorized by the President will be reported to the Board at the regularly scheduled Board meetings. All budget changes will be reported to the Board in the periodic budget rewrite process.

2. Operating Budgets for Auxiliary or Other Self-Funded Activities

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

b. Regular Reporting to the Board. All budget changes will be reported to the Board in the periodic budget rewrite process.

3. Operating Budgets for Contract, Grant, and Gift Activities

a. Budget Allocation and Revisions. The President is given the authority to effect budgets for contracts, grants, and gifts previously approved by the Board. Initial allocations shall be made and approved before the beginning of the fiscal year. Revised allocations shall be made and approved by the Board at regular intervals throughout the year.

b. Regular Reporting to the Board. All budget changes will be reported to the Board in the periodic budget rewrite process.

4. Capital Construction

a. Definition. For purposes of this policy, capital construction is defined as any construction, demolition, reconstruction, remodeling or repair of any building or utility system, site development, or purchase, repair, or installation of equipment for instruction or scientific use the individual cost which equals or exceeds \$100,000 for appropriated, auxiliary, self-funded, contract, grant, or gift activities. Activities or equipment meeting the above capital construction definitions but costing less than \$100,000 will be considered as part of the operating budget and subject to the constraints of sections I, II, and III of this policy.

b. Project Approval: Prior to commencing any capital construction project as defined above, approval of the Board must be obtained for: Program plans, financial plan, and architect selection where required.

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

(a) The contract, grant or gift has been accepted by the Board, and

(b) Said equipment has been approved by the authority and criteria of the relevant contract, grant or gift.

c. Planning Documents:

- i.* The Five-Year Capital Improvements Program (CIP) schedule; and
- ii.* The Five-Year Controlled Maintenance Program (CMP) schedule'

Both of these planning documents are customarily submitted to the Colorado Commission on Higher Education (CCHE), the Office of State Planning and Budget (OSPB), and the State Buildings and Real Estate Programs (SBREP) during mid-August of each year, for the funding cycle which commences a full year hence. Accordingly, the CIP and CMP schedules shall be submitted by the President to the Board for approval on or before June 1 of each year.

Section 4.5: Operating Budget Management System

I. Budget Decision Rules

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

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

1. Revenue. If revenues are not meeting the budget plan, the President is obligated to make appropriate expenditure reductions to maintain a balanced budget. Exceptions to this operating rule may be considered by the Board.
2. Reporting lines. The points of control will be the state budget format lines most recently approved by the Board.
3. Transfers among budget reporting lines. The Presidents is authorized to make transfers among Board approved operating control lines as follows:
 - a. Transfers may not change the approved budget for any line by more than \$25,000 or two percent whichever is higher, up to a maximum of \$100,000 if two percent of a given control line exceeds that amount.
 - b. The combined line item transfers within the approved budget shall not exceed \$100,000.
 - c. The transfer limits apply to cumulative as well as individual changes for approved budget line items.
 - d. Transfers greater than these amounts will be proposed by the President for approval by the Board.
4. FTE Reporting. The number of FTE in the Administration state budget format shall not exceed the approved budget levels without Board approval. It is Board intent to limit increases for all administrative costs. FTE in other state budget formats may exceed the approved budget levels within the dollar restrictions established above.

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

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

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

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

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

Section 4.6: Guidelines, Review Procedures and Reporting Policies for the Provision of Goods and Services by Colorado Publicly Supported Institutions of Higher Education

I. Guidelines for the Provision of Goods and Services

A. Introduction

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

The purpose of these guidelines is to define the legitimate purposes of the provision of goods and services by institutions of higher education and to establish a mechanism for addressing complaints of unfair competition by private businesses. These guidelines were developed by CCHE in accordance with Colorado Revised Statutes Article 113 of Title 24.

B. Exclusions

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

1. Instructional charges

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

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

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

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

C. Guidelines

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

1. The good, service or facility is authorized by statute.
2. The good, service or facility offers a valuable educational or research experience for students as a part of their education.
3. The good or service fulfills the public service mission of the College.

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

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

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

E. Criteria for Sales to the External Community

In assessing the validity of providing goods or services to the external community, both 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 institution for the exclusive benefit of the College.
2. The price charged is sufficient to recover the full costs, including both direct and appropriate indirect costs, of the good and service. The price of such items in the private market place shall be taken into account in establishing the price or fee.

II. Guidelines for Grievance Review Procedures

A. 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 his/her designee.
2. If resolution is not reached as a result of the initial review, appeal may be made to the Board.

Section 4.7: External Communication on Financial Matters

All communication on financial matters with external agencies, individuals, or groups will be the responsibility of the President. Unless specifically requested to do so, College personnel are not to provide information directly to external agencies. When responding to a specific request for information from an agency, the College is required to provide copies of both the request and the proposed response to the President.

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

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

Section 4.8: Enrollment Reporting

Student FTE enrollment shall be reported according to the requirements of *Guidelines for Reporting FTE Enrollments for Statewide Budgeting* adopted and amended by the CCHE. The President or designee shall develop and verify all required data and be responsible for transmitting all such college enrollment data to external agencies (e.g., CCHE, Office of State Planning and Budgeting, Joint Budget Committee, etc.).

Section 4.9: Official Expense Allowance for Travel for the Board

I. Consistent with fiscal rules of the State of Colorado (Chapter 5, Section 1), all official travel by Board members must be for the benefit of the State. All travel should be completed at the most economical and reasonable cost.

A. Out-of-State Travel

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

B. Rental or Lease Car

Authorization to rent or lease a car from a private concern will be granted only by the President 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.

C. Types of Expenses That Are Reimbursed

Appropriate documentation (receipts) is required except where specified below:

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

Section 4.10: Insurance Plan for Life, Health, and Long-term Disability

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

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

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

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

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

Section 4.11: College Foundations: Acceptance and Management of Gifts and Donations

It is Board policy that the College shall have 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 the Board and are to be kept on file in the President's office.

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

Any gift or activity funded through the foundation that requires or is likely to require, the use of state appropriated program funds must have prior approval of the Board. In addition, consistent with § 23-1-106 C.R.S., as amended, any acquisition of real property by the College 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 foundation shall submit, by October 1 of each year, an audit report and a written annual report to the Board which shall include:

- A statement of sources and uses of funds for the prior fiscal year, and
- A report of projects funded by the foundation in the prior fiscal year.

Section 4.12: Naming of College Buildings

The Board shall approve the names of all College buildings.

Section 4.13: Approval of Memorials (Fountains, Monuments, Buildings, etc.)

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

Section 4.14: Ceding Authority to Regulate and Control College Driveways

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

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

Section 4.15: Fire and Safety Inspection Reports

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

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

Section 4.16: Use of Tax-free Alcohol on College Campuses

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 all applicable state and federal laws and regulations. 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 4.17: Processing Surplus Property

The College is authorized to process surplus property through the Colorado Surplus Property Agency. The President is delegated the authority to designate authorized representatives to obligate college funds and obtain property from the Colorado Surplus Property Agency, subject to the terms and conditions set forth in by the Colorado Surplus Property Agency.

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

Section 4.18: Tax Deferred Annuity (TDA) Plan

I. The College will extend to its employees as a benefit, the administration of a payroll deduction tax-deferred annuity plan in accordance with the Internal Revenue Service Code, 403(b). The Vice President of Finance and Administration for the College is the Plan Administrator.

A. Vendor Selection, Authority and Monitoring

1. Selected companies will be authorized to provide tax-sheltered annuity and investment products that conform to Internal Revenue Code Section 403(b) requirements (hereafter "Authorized TDA Vendors"). Additional vendors may be added from time to time by the Board.
2. Changes to the list of Authorized TDA vendors will be determined by the Plan Administrator, as deemed necessary, who will inform the Board of any changes before they become effective.
3. Companies selected as Fund Sponsors for the Board's Defined Contribution Pension Plan may, during the terms of their contracts as Fund Sponsors, be considered Authorized TDA Vendors, provided they comply with the same standards as other vendors (including entering into an administrative contract as specified in Section B below), except that they need not participate in the competitive bidding process in Section A.1 above, which will be considered as having been done by being selected as a Fund Sponsor.
4. Only Authorized TDA Vendors will be allowed to solicit employee participation in a 403(b) payroll deduction program. Solicitation will be governed by Section C. below.
5. The Plan Administrator will periodically review the financial stability and fund management practices of each of the authorized vendors and report to the Board the results of the review. The Plan Administrator may choose to terminate an administrative contract based on the findings of the review.
6. The Plan Administrator is authorized to suspend an administrative contract at any time if it appears that the funds invested in the accounts of an authorized vendor are in substantial jeopardy.

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

B. Administrative Contract Required

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

1. All products sold to College employees meet the requirements of Section 403 (b) of the IRS Code.
2. Front-end loads or charges will be limited to a fixed amount or percent as stipulated in the Contract.
3. If a front-end load is not charged, a back-end or surrender charges may be used but will be limited to a fixed amount or percent as stipulated in the Contract.
4. Yearly account maintenance fees, if any, will be limited to a fixed amount or percent as stipulated in the Contract.
5. Product contracts must allow for increases and decreases in premium payments (salary reductions) without penalty to the participant.
6. The College will be indemnified from suit and from liability arising from actions and/or inactions either of the Authorized TSA Vendor or its agents, or the employee-participant.
7. Authorized TDA Vendors will be required to supply the Plan Administrator financial reports, transaction information, sample annuity contracts or certificates, advertising and promotional materials, upon request or on a routine basis.
8. Failure to comply with the provisions of the Contract, misstatement of fact, misrepresentation to employees or employer, mismanagement of employee accounts, or any other actions deemed not to be in the best interest of participants or the State Colleges, that do not comply with the IRS code, or that may jeopardize the participant’s equity beyond the normal risks of any investment, may be cause to suspend or terminate the Contract.
9. Authorized TDA Vendors will assist participants in executing a Salary Reduction Agreement (SRA) when required by the College or the IRS, and vendors will prepare a Maximum Exclusion Allowance analysis when required by the College. Prior to the executing of an SRA, Authorized TDA vendors will prepare a Salary Reduction Contribution Limitation Analysis (SRCLA) which takes into consideration the impact of the employer match discussed in Section F below as well as all relevant variables that determine a participant’s maximum tax deferral for the year. This analysis will be summarized on a form provided by the Administrator. The completed SRCLA Summary Form must proceed or accompany the SRA.

C. Solicitation

Solicitation of new business will be limited by the following:

1. The Authorized TDA Vendor will not conduct solicitation during normal business hours time on College premises. This does not preclude visiting a college employee on campus by appointment during the college employee's free time, or during college-sponsored events such as benefits fairs.
2. The Authorized TDA Vendor will not have more than two representatives authorized to solicit the employees of the College. These representatives' names will be registered with the Human Resources Office.
3. Mass telephone solicitation of any kind will not be permitted. Telephone secretaries, professional calling services, professional appointment secretaries, or any other mass calling systems are not authorized. Only the registered account representatives, working on a referral basis, may make telephone calls for appointments.
4. Mailings to employees will subject to each college's policies regarding distribution of mailing lists and use of campus mail.

D. Payroll Deduction Procedures

1. All payroll deductions for 403(b) TDAs must be continued or initiated by the completion of a Salary Reduction Agreement (SRA).
2. New SRAs, changes and terminations are to be completed and filed with the College's Human Resources Office no fewer than five business days before the payroll completion deadline established by the College.

E. Implementation of Employer Match for some TDA Contributions

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

1. Any employer match must be invested with the same Authorized TDA Vendor in the same investment options as the employee contributions which are being matched.
2. The Authorized TDA Vendor will include the maximum allowed employer match amount in the calculations used to develop the Salary Reduction Contribution Limitation Analysis (SRCLA) required by Section B.8. of this policy. If this analysis shows that the maximum employer match would result in the employee's exceeding his salary reduction maximum for the Trustees' Plan.
3. "Over-deferring", the employee will adjust his salary reduction to conform by either lowering the amount or shifting a sufficient amount of the salary reduction to another authorized employer TDA Plan.
4. In each case where the employer match could result in an over-deferring situation as described above, the Authorized TDA Vendor will notify the Human Resources Director, in writing, immediately. In these cases, the College shall reduce the employee's salary reduction to an

amount that is equal to the maximum allowed employer match until such time as the employee corrects the possible over-deferring situation.

Section 4.19: Leases of Real Property

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

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

Section 4.20: Defined Contribution Pension Plan

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

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

The Plan Document may be amended from time to time by the Board. A copy of the Plan Document shall be maintained in the President’s office at all times.

II. DCPP Participation Criteria

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

1. Faculty and contract administrators who are exempt from the state personnel system and who have an employment contract of 0.5 FTE or greater and, upon their initial appointment with the Board, (a) were not permitted to elect membership in the Colorado Public Employees Retirement Association (“PERA”), or (b) were permitted to elect membership in PERA and elected to participate in the DCPP instead.
2. Employees who have been DCPP Participants in the past, but have a less-than-0.5 FTE contract.
3. PERA retirees and PERA Transitional Retirees who have 0.5-or-more FTE contracts and have not suspended their PERA retirement benefits.
4. DCPP retirees and DCPP Transitional Retirees with 0.5 or more FTE contracts.

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

1. Classified State Employees.

2. Faculty on a per-credit–per term contract.
3. Faculty and contract administrators who are exempted from the State Classified System, who are on a less-than-0.5 FTE contract, and have NEVER been DCPD participants.

Section 4.21 College Officer Titles

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

TITLE

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

Section 4.22: Debt Management

I. 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 the need for working capital or to finance an entrepreneurial activity, as examples.

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, 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.

II. Initial Bond Issues

A. Contemplated Debt Requirements

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

B. Preliminary Analyses

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

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

C. Preliminary Discussion for Proceeding with Debt Financing

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

D. Outside Approvals

A program plan, if and as required by CCHE, will then be assembled. The Board 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 Colorado Commission on Higher Education (CCHE); the Attorney General (AG); the Division of Purchasing; and, the student body.

E. Financial Plan

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

Lowest possible interest rates; The cost of issuance; The debt financing mechanism; The term of the debt; Acceptable projections for meeting debt service requirements; Repair and replacement and other reserve requirements; Insurance and surety bonds; Current and possible ratings for bond issuance; Ability to meet reasonable operating expenses after debt service and other requirements; 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 approval will be particularly helpful when market conditions are volatile and unpredictable or the timing is critical.

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

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

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

III. 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 has the authority to refinance debt for College, according to statutes.

Preliminary consideration of contemplated debt refinancing should be discussed at the President's Cabinet meetings.

A. 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:

Reason for seeking re-financing; Savings, cash flow, or increased funding; Method of calculation; Revised debt service, reserve, and insurance requirements.

B. Proceeding with Re-Financing

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

Section 4.23: Reporting Requirements for Tax Exempt Debt

I. Tax Exempt Debt

A. Reporting Requirements

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

CHAPTER 5: ACADEMIC AFFAIRS

Section 5.1: Academic Planning

I. Introduction

Section 23-1-108, C.R.S. and CCHE Policy I.O., require that academic planning occur on all campuses. CCHE policy specifies that “each higher education governing board shall ensure that all institutions under its authority have appropriate planning processes established, that governing board planning priorities and criteria, as appropriate, have been observed, and that institutions have developed planning documents.

A. Process

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

1. An academic master plan. The master plan should reflect State’s and Board’s goals and priorities. An essential component of the master plan shall be an analysis of all academic programs at the College. This analysis shall be linked to the college’s Crosswalk Budget process and delineated in the budget narrative provided to the Board (see calendar below) to indicate how institutional planning for academic programming, human resources, and physical resources are aligned. In addition, by September 1, the Office of Academic Affairs shall provide the Board a summary report on the ongoing status of the Academic Planning Process in accordance with Trustee Policy.
2. A set of College goals and objectives related to the academic master plan which provides a framework for implementing the academic master plan. These goals are to be updated and evaluated annually and submitted with the request budget narratives.
3. An annual report on the implementation of the academic planning process during the preceding academic year. The report is due to the Board on September 1 of every year. The report shall include the following:
 - a. A report summary or abstract.
 - b. A copy of the goals and objectives for the preceding academic year with a brief narrative of the status of each.
 - c. A description of how the College’s academic decisions were made in accordance with the Board’s priorities.
 - d. A description of the outcomes of those decisions.
 - e. A description of planning decisions that are projected to be reached in the year following the current reporting year.
 - f. A description of planning decisions projected to be reached over the next three years, including:
 - i* .Potential academic program adds and deletes.
 - ii* . Potential effects of academic planning decisions on campus technology and facilities.

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

I. New Degree Program Approval

A. Introduction

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

by the Board of Trustees, prior to submission to the CCHE.

B. Process

1. CCHE review.

The CCHE has statutory responsibility to insure that new programs are consistent with the institutional role and mission. A description of all new programs will be submitted to CCHE to ensure that the program is consistent with the institutions role and mission.

2. Board approval process

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

- a. General Description of the Request. A general and brief description outlining the request should be provided.
- b. Justification. Reasons for the request should be stated. Such reasons should include, but not necessarily be limited to: statements about need/demand; contributions to other programs; benefits; relationship to objectives; and, role and mission considerations.
- c. Impacts. The intended or forecasted impacts should be stated and supported by data an objective measures wherever possible. Such impacts should include, but not necessarily be limited to: enrollment, faculty, facilities, support staff, capital expenditures, library, computer, and other resources.

II. New Submajor Program Approval

A. Definitions

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

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

B. Process

1. CCHE approval is required for submajor ONLY IF the submajor will have a different CIP code from that of the primary degree program. If submajors require their own CIP code, or lead to different degrees (such as BA/BS distinction), or lead to Teacher Licensure they should be sent to the CCHE for review in regards to the college's role and mission.

III. Modifications to Existing Degree and Submajor Programs

A. Degree Programs

1. Substantive changes to degree programs must be forwarded to the Board for review and approval. Substantive changes in existing major programs should be sent to the CCHE for review in regards to the College's role and mission, after review within the institution. Substantive changes would be those that result in a change in the number of credit hours and those that involve a completely reworked major of the same name.

2. Those substantive changes involving consolidation of several existing programs or renaming a program must be forwarded to the CCHE for review in regards to the College's role and mission (Performance Contract ¶4 and CCHE Policy V).

3. Substantive changes that involve expanding the academic scope of an approved program, program restructuring or other substantive academic change shall be forwarded to CCHE for review in regards to the College's role and mission (Performance Contract ¶4 and CCHE Policy V).

B. Submajor Programs

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

2. Substantive changes will be reviewed by the Chief Academic Officer and reviewed and approved by the Board.

3. If submajors require their own CIP code, or lead to different degrees (such as BA/BS distinction), or lead to Teacher Licensure they should be sent to the CCHE for review in regards to the college's role and mission.

IV. Discontinuance of Degree and Submajor Program

A. Program Discontinuation by Institution, Board of Trustees or CCHE Action

1. The discontinuance of any approved degree program must be reported to the Board.

2. When degree programs are discontinued by institutional or Board action, a termination date for the granting of degree must be specified. This cannot exceed four years. Termination dates for degree programs discontinued by CCHE will be set by CCHE. Upon notification by CCHE of a degree program's discontinuance and termination date, the Board will notify the institution per CCHE guidelines.

3. When a degree program is discontinued by an institutional action, the President should transmit a letter to the Board that includes the following:

- a. The degree program to be terminated, number of students currently in the program, and date when the final degree will be granted.
- b. A phase-out plan (See IV.A.4)
- c. An indication that appropriate institutional and Board policies and procedures have been followed in leading to the discontinuation recommendation.

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

include procedures for the following:

- a. Notifying all affected students and faculty members of the program's change in status.
- b. Ceasing enrollment of new and transfer students in the program and notifying the admissions office of this action.
- c. Limiting enrollment only to continuously enrolled students.
- d. Counseling students into alternative programs when completion of the program is not feasible.
- e. Ensuring required courses are offered to the greatest extent possible before the termination takes place.
- f. Implementing institutional reduction in force plans, as appropriate.
- g. Reporting annually to the Board on the institution's progress toward the discontinuance of the identified program.

B. Submajor Programs

1. The discontinuation of a submajor program must be reported to the Board.
 - a. A termination date must accompany the notification to the Board.
2. The discontinuation of a submajor must be reported to CCHE only if the submajor had its own unique CIP code, lead to a certain degree (BA/BS), or lead to teacher licensure.

Section 5.3: Review Procedures for Existing Programs - (Policy and Procedures for Academic Program Review)

I. Review Procedures for Existing Programs

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

1. To improve the effectiveness of academic programs through self-study. Primary emphasis is placed on the analysis and criticism of programs by professionals responsible for the programs.
2. To assure that academic programs are responsive to the broad educational needs of the citizens of Colorado.
3. To avoid needless duplication of facilities and programs in institutions of higher education in Colorado.
4. To provide a sound base for long-range educational planning.
5. To assure the public that essential educational services are being effectively provided through the best utilization of available resources.

Each program under review is required to state its goals and objectives and the criteria by which attainment of them is measured. Comparisons and assessments can then be made on two levels:

- Are the goals and objectives of the program consistent with the mission and priorities of the College, and

- Are the goals and objectives being met effectively?

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

All programs will be reviewed on at least a five-year cycle. All newly approved programs will be scheduled for review no later than the fourth year of existence. The Board reserves the right to specify the review of certain programs at times other than those scheduled by the institution.

B. The Self-Study

1. Procedures of the Self-Study

- a. The self-study document should be prepared by individuals directly responsible for the operation of the program. External evaluators may be used. The decision to use external evaluators or consultants will be made by the President.
- b. The self-study should be developed over a period of at least one year in order to increase the clarity and accuracy of the analysis.
- c. The self-study will be analyzed and evaluated within the College following a process described under Section 5.3.I.C., below.

2. Elements of the Self Study

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

C. Institutional Evaluation of the Self Study

The intent of the Program Review process is to assess how well the program is being delivered and to make suggestions for improvements to the program. It is not intended to be threatening to any program under review but to enable all programs to strengthen their performance. Program reviews should be submitted electronically to the APAA's Office. They should not exceed 10-15 pages TOTAL.

Phase 1 – Preparation of Program Review Information

Address each of the categories listed below. This should be as brief and as concise as possible. The use of main points followed by bullets is acceptable.

I. Brief Overview of the Program (1-2 pages)

- Give a brief overview of Program highlights & changes since the last program review
- Identify degrees offered / population served
- Identify any special programs

II. Program Data Sheet

- Program Data Sheet from Institutional Research
- Note any discrepancies with Departmental data & explain
- Give a brief explanation of any anomalies or data of concern

III. Goals, Student Learning Outcomes, Assessment/ Measurement

- Indicate Goals (Goals are broad & comprehensive)
- Indicate learning outcomes supporting each goal (learning outcomes are narrower, measurable and specify who will accomplish them, how, and when)
- Indicate how achievement of the learning outcomes is assessed
- Indicate how assessment results are used to improve student learning / program delivery

IV. Strengths, Weaknesses & Recommendations

- Identify strengths & weaknesses in the program
- List recommendations for improvements

V. Appendix

- Include a list of faculty members and qualifications
- Include examples of assessment tests if not included under section III.
- Include any other evidence critical to evaluation of the program

IV. External Review

- Reports by External Reviewers will only be conducted when required by the Provost. While this could include low-enrolled programs it should not be limited to them. Highly enrolled programs may also benefit from review by an external source.
- Use of external reviews could be aligned with external visits already scheduled such as those required for accreditation

Phase 2 – Informational Meeting with CRC & Department or Graduate Council and Department

The Curriculum Review Committee (“CRC”) will meet with a representative or representatives of the undergraduate department / program in question. This group will discuss and clarify any questions the CRC has regarding the Program Review. The main purpose of this phase is to identify strengths and weaknesses in the program and ensure that the CRC has a full understanding of the program. The CRC will base their recommendations on the Program Review and this discussion. These recommendations will be forwarded to the department offering the program, the APAA and the Provost.

The Graduate Council will meet with a representative or representatives of the graduate department / program in question. This group will discuss and clarify any questions the Graduate Council has regarding the Program Review. The main purpose of this phase is to identify strengths and weaknesses in the program and ensure that the Graduate Council has a full understanding of the program. The Graduate Council will base their recommendations on the Program Review and this discussion. These recommendations will be forwarded to the department offering the program, the APAA and the Provost.

Phase 3 – Discussion of Recommendations

This phase will involve a meeting with the departmental representatives, the CRC or Graduate

Council and the Provost and/or APAA. This group will review the recommendations made by the CRC and the department. The main purpose of this phase is to find solutions to any weaknesses in the program. This discussion should focus on how well the goals & learning outcomes are being met, and assessment results. In addition they will discuss other recommendations and the feasibility of implementing them. It offers the department an opportunity to respond to, and act on the recommendations of the CRC or Graduate Council. The outcome of this discussion should form the basis of a plan for program improvement.

Phase 4 – Final Report

The CRC or Graduate Council will submit a final report to the APAA & Provost based on the discussions in phases 2 & 3. This report will focus on achievable recommendations and plans for improving student outcomes.

Program Review Timeline

In the event that the deadline occurs on a weekend, the date of the following Monday will be used.

- Oct. 1 - APAA initiates Program Review Process
- Nov. 15 - Institutional Research provides data sheet to departments
- Jan. 15 - Program review is submitted to the APAA and CRC
- Feb. 1 - CRC or Graduate Council meets with departmental representatives for information meeting
- Feb. 15 - CRC or Graduate Council submits its' recommendations to the department in which the program is housed
- Mar. 1 - CRC or Graduate Council and departmental representatives meet with Provost and/or APAA to discuss Recommendations and performance outcomes
- April 1 - CRC or Graduate Council submits final report to APAA & Provost stressing performance outcomes and achievable recommendations

D. Board Approval

Any changes in the structure of an approved academic program at the College will require approval by the Board. The Board may: continue a program at its present level; diminish a program; or, eliminate a program. A time schedule for the College to report back to the BOT on actions resulting from the program review process will be developed by the College and approved by the BOT.

II. Review Procedures for Existing Programs with Low Demand

A. Introduction

CCHE has approved a program discontinuance policy, the goal of which is to identify potential programs for discontinuation based on graduation data. The CCHE low demand program criteria are defined as follows:

1. Baccalaureate degrees must graduate 10 students in the most recently reported year or a total of 20 students in the last three years.
2. A masters degree program must graduate 3 students in the most recently reported year, or a total of 5 students in the last three years.

Associate degree criteria are not specified by CCHE Policy. The State Colleges have established that Associate degree programs must graduate 10 students in the most recently reported year, or a total of 20 students in the last three years.

B. Performance Contract

The Provost working in conjunction with President and CFO will evaluate the potential of including the program discontinuance policy in the institutions Performance Plan.

C. Required Program Review for Two-Year Low Demand Programs

Upon notification by CCHE that an existing degree program has not met the minimum requirements for two consecutive years, the College will initiate a self-study and review of the program. The outcome of the self-study and review is to determine if the program should be continued, undergo an institutional or system-wide restructuring or be discontinued. The CCHE will use the institution's SURDS information to determine low-enrolled programs.

D. Exemption of Baccalaureate Programs.

1. As per CCHE policy I-G, 4.03.02., a maximum of 5 (five) baccalaureate degree programs identified as low demand by CCHE but central to the College's role and mission may be exempted from low demand program review and/or discontinuance by the Board and CCHE. Programs to be exempted must have graduated at least three students in the preceding three years.
2. The College may request program exemption from the Board on an annual basis. Approval or disapproval of exempt status shall be made by the Board.

E. The Low Demand Program Review

The low demand program review process is as follows:

1. an institutional program self-study;
2. an evaluation of the self-study at the institution; and
3. a recommendation to the Board for action.

F. The Self-Study for Low Demand Programs

The procedures, time lines and elements for the low demand program self-study are the same as those outlined for regular program review in Section 5.3.-I.B. The format and instructions for the

narrative analysis and basic program data reporting are in found in 5.3-Appendix A and 5.3-Appendix B. In addition, documentation to address the following questions may be required:

1. Is the program central to the role and mission of the College and the State of Colorado?
2. Is there a bona fide need for the program in terms of student and market demand?
3. Does the program assure access for students in the geographic areas the College seeks to serve?
4. Is the program unnecessarily duplicative of other programs in the statewide higher education system?
5. Is the program essential to other program offerings at the College?
6. Is the program of such quality that it brings recognition or particular benefits to the College and/or the State of Colorado?
7. Does the program provide unique opportunities in terms of its discipline, method of learning, academic level of competition, or size of constituency served?
8. Does the program attract external funds to College or state?
9. Is there a rational explanation for the low number of graduates in the program?
10. Is there a plausible remedy for this situation?

G. Evaluation of the Self-Study of Low Demand Programs

The low demand program will undergo an internal, on-campus evaluation as outlined for regular program review in Section 5.3-I.C., including the development of a formal critique of the self-study and a review of all internal program review documents by the President and Vice President for Academic Affairs. In addition to using the questions in 5.3-I.C., the questions in 5.3-II.F (above) will also be used to guide in the evaluation process.

H. Board Action

1. The Board may decide to exempt a program, continue a program at its present level, restructure a program or discontinue a program. The Board's actions will be communicated to CCHE in accordance with CCHE policy.
2. If a program is approved for continuance by the Board after the review process for low demand programs, and the program appears on the annual CCHE low demand programs list for a third consecutive year, additional reports and/or self-studies from the College may be required to address CCHE and Board concerns, and the program may be resubmitted to the Board for further action. As per CCHE policy, low demand programs that are not discontinued by Board action after the third consecutive year may be discontinued by CCHE action.

III. Academic Degree Program Discontinuance

A. Programs may be discontinued by Board or CCHE action in accordance with applicable provisions of Board policies, statutes, CCHE policies and the College's performance contract.

1. If a program is discontinued by Board action, a specific termination date will be specified by the Board and forwarded to CCHE, as per CCHE guidelines and statute.
2. Termination dates for programs discontinued by CCHE action will be set by CCHE.

B. A phase-out plan for discontinued programs shall be developed by the institution.

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

1. Notifying all affected students and faculty members of the change in status.
2. Ceasing enrollment of new or transfer students into the program and notifying the admissions office of this action.
3. Limiting enrollment only to continuously enrolled students.
4. Counseling students into alternative programs when completion of the program is not feasible.
5. Ensuring required courses are offered to the greatest extent possible before the termination or changes take place.
6. Implementing institutional reduction-in-force plans, as appropriate.

PROGRAM DATA SHEET – On Campus Programs							
<i>Program Productivity Measures</i>			2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
1. Program Majors:	<i>Total Program Majors</i>						
	<i>Total Program Minors</i>						
2. Credit Hour Production:							
	<i>Credits in Major</i>	Summer					
		Fall					
		Spring					
	<i>Credits in General Education</i>	Summer					
		Fall					
		Spring					
3. Total Program Graduates:							
4. Program Demographics:	<i>SLV high school graduates</i>						
	<i>Colorado high school graduates</i>						
	<i>Out-of-State high school graduates</i>						
	<i>Non-Traditional Students</i>						
	<i>Traditional Students</i>						
	<i>Male</i>						
	<i>Female</i>						
5. Faculty:							
	<i>Full-Time</i>						
	<i>Part-Time</i>						
	<i># Tenured Faculty</i>						
	<i>Rank</i>	Instructor					
		Assistant Professor					
		Associate Professor					
		Full Professor					
6. Support Staff:							
7. Program Costs:							

PROGRAM DATA SHEET – Off Campus Programs							
<i>Program Productivity Measures</i>			2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
1. Program Majors:	<i>Total Program Majors</i>						
	<i>Total Program Minors</i>						
2. Credit Hour Production:	<i>Credits in Major</i>	Summer					
		Fall					
		Spring					
	<i>Credits in General Education</i>	Summer					
		Fall					
		Spring					
3. Total Program Graduates:							
4. Program Demographics:	<i>SLV high school graduates</i>						
	<i>Colorado high school graduates</i>						
	<i>Out-of-State high school graduates</i>						
	<i>Non-Traditional Students</i>						
	<i>Traditional Students</i>						
	<i>Male</i>						
	<i>Female</i>						
5. Faculty:	<i>Full-Time</i>						
	<i>Part-Time</i>						
	<i># Tenured Faculty</i>						
	<i>Rank</i>	Instructor					
		Assistant Professor					
		Associate Professor					
		Full Professor					
6. Support Staff:							
7. Program Costs:							

Appendix B – Program Data Sheet

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

- 8 Fall Faculty Load**
 - a. Average Credit Hours
 - b. Average Contact Hours
 - c. Total Number of 'B' Hours

- 9 Student/Faculty Ratio**

- 10 Number of Courses Offered**
 - Lower Division
 - Upper Division
 - Total

- 11 Average Class Size (Type A courses)**
 - Lower Division
 - Upper Division
 - Total

- 12 Program Costs**
 - Instructional Cost / Credit Hr
 - Capital Expenditures/Credit Hr
 - Faculty Cost / Credit Hr
 - Chair's Administrative Cost / Credit Hr
 - Total Cost

- 13 Support Staff FTE**

Section 5.4: Academic Calendars

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 students and faculty. Innovative scheduling of mini-semester, short courses, and non-traditional programs is encouraged.

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

Section 5.5: Developing and Discontinuing Coordinated Academic Degree Programs

The President shall develop policies, subject to board approval, for developing and discontinuing coordinated academic degree programs. Such policies shall conform to all requirements of statute and CCHE, and shall be consistent with Board goals and priorities.

Section 5.6: Admission Requirements

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

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

Section 5.7: Transfer of Earned Credits

The College shall adhere to the “Statewide Transfer Policy” adopted by CCHE, Section I, Part L.

Section 5.8: Philosophical Position on State supported programs delivered off-campus

The Board supports the delivery of state supported programs to off-campus sites. Faculty assignments at off-campus locations should normally be considered part of load but could qualify for extra compensation if such assignments represented unavoidable overloads. Though on-campus resource requirements are diminished by off-campus instruction, equal funding is required to support rental charges and travel costs associated with off-campus delivery.

Section 5.9: Outreach Policies

The Board recognizes the College’s role as a regional education provider and supports the College in providing credit and non-credit educational programs under policies developed by CCHE.

Section 5.10: International Education

The Board subscribes to the values of international travel and study in foreign countries. The College is encouraged to provide international experiences for students that are both effective and economical.

Section 5.11: University Press of Colorado

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

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

I. Fair Use.

A. Federal Copyright Law Revision of 1973, 17 USC § 107, provides that “fair use” of a copyrighted work, including use by reproduction in copies, for purposes such as “teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.” 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 purposes;
2. The nature of the copyrighted work;

3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

B. The 1976 Congressional Ad Hoc Committee of Educational Institutions and Organizations on Copyright Law Revisions, the Authors League of America, Inc., and the Association of American Publishers developed guidelines for the minimum standards of educational fair use.

The agreement specifies that teachers may make or have made single copies of a chapter from a book; an article from a periodical or newspaper; a short story, essay, or short poem; or a chart, graph, diagram, drawing, cartoon or picture, for scholarly research or use in teaching or preparing to teach a class. Multiple copying for classroom use cannot exceed the numbers of pupils in a class; must meet strict tests of brevity, spontaneity, and cumulative effects; and must include a notice of copyright. "Brevity" is defined in strict 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 criteria for fair use. Before video taping television programs for classroom use from a public broadcasting agency, the institution should contact the local public broadcasting station as to the list of programs which the College may record off-the-air.

College 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.

Section 5.13: Out-of-State Instruction

I. The Board will annually review any proposed courses offered by the College in any state outside of Colorado. These courses must satisfy the following criteria:

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

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

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

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

Board and CCHE.

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

1. Current faculty FTE will not be used as faculty in the out-of-state courses.
2. The administration of the out-of-state courses will be carefully monitored so as not to interfere with the normal operations of the College.

F. Enrollments generated in out-of-state programs or courses will not be reported as FTE for state funding. No state general fund monies shall be expended in connection with out-of-state courses.

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

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

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

CHAPTER 6: STUDENT AFFAIRS

Section 6.1: Disciplinary Action Policy and Student Due Process

I. Disciplinary Action Policy

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

II. Student Due Process

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

Section 6.2: Intercollegiate Athletics

I. Philosophy

A. Preface

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

2. Level of Competition

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

3. Student Fees

Student fees represent a major source of revenue for the operation of intercollegiate athletic programs. The Board must approve setting of all student fees, any portion of which is used to support any aspect of the College's intercollegiate athletics program.

4. Drug and Substance Abuse

The Board recognizes that drug and substance abuse is a serious national problem. A program of education, awareness-building and counseling is required to address the problem vigorously and responsibly. The Board supports the establishment of such a program as part of the College's mechanism for overseeing, supervising, and evaluating athletic policy and programs.

B. Control of Intercollegiate Athletics

Consistent with the above stated policy, the College shall establish a formal mechanism for overseeing supervising, and evaluating athletic policy and programs. This formal mechanism will contain the following minimum features:

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

Section 6.3: Sale and Possession of Alcoholic Beverages

I. Sale of Beer and Wine

The Board accepts in principle the right of the College administration to permit the controlled sale or use of beer or wine on the College campus in accordance with the provisions of existing state and local laws.

All licenses for the sale of beer or wine on the College campus shall be obtained in the name of the Board. The following guidelines are to be in effect:

A. The College must ensure that the sale and use of beer or wine is in accordance with all federal, state, and local laws relating thereto, including the description and subsequent use of the licensed premises.

B. The College must ensure that the sale and use of beer or wine is restricted to those who are legally eligible.

C. There shall be no sale of packaged beer or wine.

D. There shall be no consumption off the premises.

II. The Sale of Beer and Wine at Special Events

The sale of beer and wine at special events is authorized by the Board provided the proper permits are obtained from the local licensing authority and provided the guidelines for the control and sale of beer and wine listed below are strictly adhered to. The Board delegates to the President the authority to sign applications for special events beer and wine permits on behalf of the Board.

A. Costs. Each event must be planned to assign responsibility for costs incurred for beer, wine, cups, licenses, clean-up, damage, security, etc.

B. Special Events License. On each occasion that beer or wine is to be served, a special events liquor license will be obtained for that event only.

C. Security. Police officers will be hired to maintain order and insure student safety if required by law or deemed necessary by the President.

D. Identification. An identification with picture must be presented upon request by each person who purchases beer or wine to demonstrate that the purchaser is 21 years of age or older.

E. Approval. All student interest groups wishing to serve beer or wine at a special event must obtain approval from the President and from the recognized student government body.

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 governing recognition of student organizations are followed throughout the petitioning process. Furthermore, officially recognized student organizations have the right to petition for funding support from the student government of the College, provided the policies and procedures governing funding for student organizations are followed throughout the petitioning process.

Section 6.5: Role of the Student Referenda

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

CHAPTER 7: COLLEGE PRESIDENT

Section 7.1: Duties and Responsibilities of the College President

I. The President of the College is responsible to the Board. The President, as chief executive officer, has general authority and responsibility for the College and for keeping the Board informed regarding the College in a timely and appropriate manner.

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

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

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

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

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

E. Maintaining lawful, equitable and efficient personnel programs, including: appointment of qualified persons to the faculty and staff and promotion, retention or dismissal for cause of the same.

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

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

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

I. Developing an effective external relations and fund raising program for the College.

J. Undertaking assignments requested by the Board.

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

Section 7.2: Relationship of the College President to the Board

The most important single responsibility of the Board is the cultivation and maintenance of an effective presidency in the college.

The College president is under the supervision of the Board. The President is accountable to the Board and therefore is not subject to the general complaint and grievance procedures contained in section XIII of the Professional Personnel Handbook and section XI of the Faculty Handbook. The President serves as the Chair of the President’s Cabinet.

The President’s Cabinet acts as a consultative body on campus decisions, issues and policy development, and joins the Board in the accomplishment of the role and mission of the College and the goals and objectives of the Board. The President attends meetings of the Board and meets individually with the Trustees on a regular basis.

The following principles further define the relationship of the college president to the Board:

- A cooperative and consultative relationship shall exist between the College president and the Board.
- The College president takes active, consultative roles in the formulation of College policies, mission, goals, and objectives.
- The president supports and assists the Board in accomplishing the goals and objectives of the Board.
- The Board transmits issues and concerns to the college president through the Chair of the Board and generally avoids responding directly to various campus or community constituent groups.
- The President conveys to the college community the views and decisions of the Board and communicates college positions and views to the Board as appropriate. The president is the official spokesman for the College.
- Each year, in consultation with the Board, the President establishes goals and objectives for developing and managing the College.
- Periodically during the year, the Board discusses with the President the progress made in meeting agreed upon goals. This procedure is part of the evaluation process set forth in section 7.3.

Section 7.3: Evaluation of the College President

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

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

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

College is in operation. However, preparatory activities may be completed during the summer months.

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

The Board shall contract for an external evaluation to be performed by one or two evaluators. The evaluator(s) shall be college or university presidents, or comparably experienced peers selected by the Board after reviewing with the President the list of those considered. Such persons shall be free from conflict of interest.

The evaluator(s) shall be given the "Statement of Presidential Assessment", a performance rating form listing the Duties and Responsibilities of the College President set forth in Section 7.1, and such other documents deemed to be appropriate by the Board.

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

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

The evaluator(s) shall complete the performance rating form and submit it to the Board. There shall also be an oral report by the evaluator(s) to the President and the Chair of the Board prior to leaving the campus. The Board will then write a candid report based on the oral evaluation.

The Board shall forward a copy of the performance rating form and a copy of the report to the President, inviting the latter to offer comments within thirty (30) days. The report will be maintained in the President's confidential personnel file. The performance rating form will be maintained as a public record.

A copy of comments received from the President shall be forwarded to the Board and shall be maintained in the President's confidential personnel file.

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

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

II. Annual Review

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

Section 7.4: Terms of Appointment and Conditions of Employment for the College President

I. Terms of Appointment. The College President is defined as administrative personnel. Under Article 19 of Title 24 of the Colorado Revised Statutes, administrative personnel employed by the Board are employees-at-will and may be terminated at any time, without cause or advance notice of termination.

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

III. Involuntary Termination of Presidential Appointments. The College President shall serve at the will and pleasure of the Board and may be terminated at any time with or without cause. Following the Board's adoption of a resolution of termination, the 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 40 days of unused vacation time accruing through the date of termination. (However, the Board in its discretion may require the President to use some or all of such unused vacation time prior to the date of termination.) The President may also be awarded severance pay in accordance with subsection C.2 of this section.

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

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

IV. The Board Chair may suspend a president from office temporarily when it is judged to be in the best interest of the College and the Board to do so. Subsequently the Chair may recommend to the Board that the College president be terminated.

V. Calculation of Vacation and Severance Pay. Vacation pay and severance pay (if any) shall be based solely on the salary payable to the College President under the agreement in effect on the date of termination. 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.

A. Vacation Pay. Vacation pay shall be calculated using the following formula: $(\text{annual salary}) \times (1/260) = 1 \text{ day of vacation pay.}$

B. Severance Pay. Notwithstanding the prohibition against paying unearned post employment compensation to terminated administrators, section 24-19-103(2), C.R.S. authorizes the Board, at its option and 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 to terminated presidents who have been employed by the College for fewer than five years. Such severance pay must be approved at the time of termination. No pre-termination promise, contract or other agreement purporting to entitle a President to severance pay or any other form of post-employment compensation shall be valid or enforceable against the State of Colorado, the Board, or any of their 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: $(\text{annual salary}) \times (1/365) = 1 \text{ day of severance pay.}$

VI. Resignation. A president who chooses to resign is not entitled to compensation beyond the effective date of resignation approved by the Board other than payment for up to 40 days of unused vacation time accruing through the date of resignation. However, the Board in its discretion may require the President to use some or all of such accrued unused vacation time prior to the date of his or her resignation.

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

VIII. In addition to salary fixed annually, the President is entitled to the following:

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

B. Housing. The College President and family shall occupy a residence provided by the Board or, in the absence of such, receive a housing allowance. In the case of a Board-provided residence, utilities, telephone charges for College -related business, and maintenance are to be provided by the Board.

C. 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 College-related business. For a state-owned or leased car, attendant automobile expenses such as insurance and maintenance are to be provided by the Board Expenses for College-related business shall also be provided by the Board on a per diem basis as provided by the fiscal rules of the state.

D. Official Functions. Official functions will be underwritten within the limit of College resources and in keeping with state fiscal rules.

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

Section 7.5: Policies and Procedures for Selection of the College President

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

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

B. Appointment of Acting Campus Presidents, Interim Presidents, and Defined Term Appointments. In the event that a President shall be absent from the position for a period of 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 not to exceed a total of four (4) years. A search shall be conducted to fill the presidency at the end of the defined term(s). The President who was appointed for the defined term(s) shall be eligible to be a candidate for the presidency.

Section 7.6: College or Presidential Memberships in Clubs

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

1. The welfare and development of the Colleges will be enhanced as a result of the membership.
2. The membership will make available to College personnel facilities and services not readily or conveniently available through the College or public facilities.
3. The memberships are not to be used for the exclusive benefit of the President.
4. Funding for the memberships is approved by the Board.
5. The clubs do not discriminate on the basis of race, color, religion, sex, national origin, age, or handicap.

Section 7.7: Presidential Inaugurations

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

Section 7.8: Distinguished Professorships for the College President

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

The Board may offer appointment as Distinguished Professor to any outgoing president even though he/she may have fewer than ten years of service as a President. In such instances, the appointment will be for a specified period of time with its circumstances to be designated by the Board.

Section 7.9: Designation of a Person to be Responsible in the Absence of the College President

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

Approved by the Adams State College Board of Trustees: August 25, 2006

Amended: April 6, 2007, Section 3.9 revised.

Amended: April 4, 2008, Section 4.2(1)(B) revised; Section 7.2 revised.

APPENDIX: 23-51-101 et. seq. Colorado Revised Statutes (2003)

§ 23-51-101. College established--role and mission

There is hereby established a college at Alamosa, to be known as Adams state college, which shall be a general baccalaureate institution with moderately selective admission standards. Adams state college shall offer undergraduate liberal arts and sciences, teacher preparation, and business degree programs, a limited number of master's level programs, and two-year transfer programs with a community college role and mission. Adams state college shall not offer vocational education programs. Adams state college shall receive resident credit for two-year course offerings in its commission-approved service area. Adams state college has a significant responsibility to provide access to teacher education in rural Colorado. Adams state college shall also serve as a regional education provider. In addition, Adams state college shall offer programs, when feasible, that preserve and promote the unique history and culture of the region.

§ 23-51-102. Board of trustees--creation--members--powers--duties

(1)(a) There is established the board of trustees for Adams state college, referred to in this article as the "board of trustees", which shall consist of eleven members and shall be the governing authority for Adams state college. The board of trustees shall be, and is hereby declared to be, a body corporate and, as such and by the names designated in this section, may:

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

(b) The board of trustees and its successors shall have perpetual succession, shall have a seal, may make bylaws and regulations for the well-ordering and governance of Adams state college, and may conduct the business of the college in a manner not repugnant to the constitution and laws of this state. The board of trustees shall elect from the appointed members a chairperson, whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The board of trustees shall also elect a secretary and a treasurer, who are not members of the board and whose duties and responsibilities shall be prescribed in the duly adopted bylaws of the board of trustees. The staff of Adams state college shall provide staff support for the board of trustees.

(2) The governor shall appoint, effective July 1, 2003, with the consent of the senate, nine members of the board of trustees. Members appointed to the board of trustees shall have the authority to act on behalf of the board of trustees prior to obtaining confirmation by the senate. The members first appointed to the board of trustees shall take office on July 1, 2003. Appointments of members to take office on July 1, 2003, shall be made so that three members of the board have terms expiring on January 1, 2005, two members of the board have terms expiring on January 1, 2006, two members of the board have terms expiring on January 1, 2007, and two members of the board have terms expiring on January 1, 2008; thereafter, the terms of the nine appointed members of the board of trustees shall be four years. Of the nine members appointed by the governor, at least two shall reside in Alamosa, Conejos, Costilla, Huerfano, Mineral, Rio Grande, or Sagauche counties. Each trustee shall hold office for the term for which the trustee has been appointed and until the trustee's successor is appointed and qualified.

(3) The tenth member of the board of trustees shall be a full-time junior or senior student at Adams state college, elected by the members of the student body of Adams state college. The term of the student member shall be one year, beginning July 1, 2003, and beginning July 1 each year thereafter. The student member shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S. The student member shall have resided in the state of Colorado for not less than three years prior to the student's election.

(4) The eleventh member shall be a member of the faculty of Adams state college elected by other members of the faculty for a term of two years, beginning July 1, 2003, and beginning July 1 every odd-numbered year thereafter. The faculty member shall be advisory, without the right to vote and without the right to attend executive sessions of the board of trustees, as provided by section 24-6-402, C.R.S.

(5) A vacancy of an appointed member of the board of trustees shall be filled by appointment by the governor for the unexpired term. A vacancy of either of the elected members of the board of trustees shall be filled by election for the unexpired term. Each member of the board of trustees shall take and subscribe to the oath of office prescribed by the constitution of this state before entering upon the duties of the office, which oath shall be placed and kept on file in the office of the secretary of state.

(6) Except as otherwise provided in this subsection (6), the powers, duties, and functions formerly performed by the trustees of the state colleges in Colorado with respect to Adams state college are hereby transferred to the board of trustees. Policies, resolutions, procedures, and agreements previously approved by the trustees of the state colleges in Colorado and applicable to Adams state college shall remain in force and effect unless and until changed by the board of trustees.

(7) In addition to those powers conferred elsewhere in this article, the board of trustees has the power to:

- (a) Appoint a president of Adams state college;
- (b) Appoint such other executive officers of the college as may be required;
- (c) Appoint faculty and employees as may be required;
- (d) Determine the compensation to be paid to the president, executive officers, faculty, and professional staff;
- (e) With the advice of the faculty, prescribe the degree programs for the college; and
- (f) Prescribe the student admissions qualifications.

§ 23-51-103. Board of trustees for Adams state college fund--creation-- control--use

(1) There is created in the state treasury the board of trustees for Adams state college fund, referred to in this section as the "fund", which shall be under the control of and administered by the board of trustees in accordance with the provisions of this article. Except as otherwise allowed by state law, including but not limited to section 24-36-103(2), C.R.S., all moneys received or acquired by the board of trustees or by Adams state college shall be deposited in the fund, whether received by appropriation, grant, contract, or gift or by sale or lease of surplus real or personal property or by any other means, whose disposition is not otherwise provided for by law. All interest and income derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated to the board of trustees and shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of a fiscal year.

(2) The moneys in the fund shall remain under the control of the board of trustees and shall be used for the payment of salaries and operating expenses of the board of trustees and of Adams state college and for the payment of any other expenses incurred by the board of trustees in carrying out its powers and duties.

(3) Moneys in the fund that are not needed for use by the board of trustees may be invested by the

state treasurer in investments authorized by sections 24- 36-109, 24-36-112, and 24-36-113, C.R.S. The board of trustees shall determine the amount of moneys in the fund that may be invested and shall notify the state treasurer in writing of the amount

§ 23-51-104. Lease of grounds--construction

For the purpose of providing dormitories, living and dining halls, or cottages and equipment for the use of the school, to enable the construction, financing, and ultimate acquisition thereof, and to aid in improving undeveloped portions of the grounds of Adams state college, the board of trustees is empowered to lease grounds under its control to private persons or corporations for a term not exceeding fifty years and subject to such regulations as it may prescribe, and upon the condition that private persons or corporations shall construct and equip on the leased grounds buildings or improvements as the board of trustees designates or approves and secure reimbursement for money invested therein from the rentals of such buildings or from their sale to the board of trustees acting for the state.

§ 23-51-105. No authority to create state obligation

Nothing in this article constitutes authority to enter into a contract which shall in any way create a debt or obligation upon the state on account of the construction of buildings or improvements; except that buildings and improvements erected on lands under the control of the board of trustees and devoted to the uses of Adams state college under the terms of this article and the leasehold interest shall be exempt from taxation so far as permitted by the state constitution.

§ 23-51-106. Board of trustees to control buildings

The management of buildings erected and equipped under the terms of this article, and the scale of rentals thereof, shall be subject to the approval of the board of trustees.

§ 23-51-107. Board of trustees may rent buildings

The board of trustees is authorized to lease or rent buildings constructed under the provisions of this article from the private persons or corporations constructing the buildings upon such terms as it deems satisfactory as to current rental, maintenance, and ultimate purchase, paying therefore out of the revenues derived from the operation of the buildings by the board of trustees or from other funds under its control that are available for general maintenance purposes.

§ 23-51-108. State property at lease end

Upon the termination of a lease or contract executed under the terms of this article providing for the construction and equipment of buildings, the buildings shall become the property of the state, together with all equipment, furnishings, or appurtenances therein contained or thereto attached; except that personal goods or effects of an occupant may be removed.

§ 23-51-109. Leasehold interest may be sold

Nothing in this article shall prevent the transfer or sale of the leasehold interest prior to its expiration, subject to the approval of the board of trustees.

§ 23-51-110. Board of trustees may rent rooms

Upon the termination of a lease or contract executed with private persons or corporations for the construction of buildings under the terms of this article, the board of trustees is empowered to rent rooms or quarters in buildings erected under the leases or contracts for reasonable compensation as it may deem best in relation to current operation, maintenance, and upkeep costs.