



The Faculty Council EPUS & Personnel Committees recommend that the following resolution be submitted for approval by the Board of Regents.

WHEREAS the 1940 American Association of University Professors "Statement of Principles on Academic Freedom and Tenure," adopted by the Regents resolution of 1966, contains the following language:

"Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution." and,

WHEREAS the term "moral turpitude" has been difficult to apply and its definition changes as social mores change over time; and,

WHEREAS clarity in the provisions of Regents Law 5.C.1 is important to the faculty and leaving it as is makes the language about severance pay and grounds for dismissal ambiguous; and,

WHEREAS the term "insubordination" as a reason for dismissal is not well defined and could be inferred in the proposed language "gross or repeated neglect of duties;" and,

WHEREAS Faculty Council has been asked by the Board of Regents to review the language for dismissal for cause cases from Regents Law 5.C.1; and,

WHEREAS the proposed new language retains the concept of severance pay in cases of dismissal for cause and allows for Regent authority while considering recommendations from the Faculty Senate Committee on Privilege and Tenure; and,

WHEREAS CU faculty have an employment agreement wherein the university restricts employees from outside work during the academic year and subject to the CU policies on conflicts of interest and commitment; and,

WHEREAS the Faculty Council strongly believes that the Faculty Senate Committee on Privilege and Tenure should have a voice on whether severance pay in cases of dismissal for cause should be denied;

RESOLVED that Regents Law 5.C.1 be amended as follows (noted in bold and strikethrough):

A faculty member may be dismissed **for cause** when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, **gross or repeated** neglect of duties, ~~insubordination,~~ conviction of a felony ~~or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere,~~ sexual harassment, or other conduct ~~which~~ **that** falls below minimum standards of professional integrity. **The Board of Regents may vote to deny one year of severance pay in cases of dismissal for cause. In so doing, the Board shall consider any recommendation from the Faculty Senate Committee on Privilege and Tenure.**

#### Revised Regents Law 5.C.1 would read as follows:

A faculty member may be dismissed for cause when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, gross or repeated neglect of duties, conviction of a felony, sexual harassment, or other conduct that falls below minimum standards of professional integrity. The Board of Regents may vote to deny one year of severance pay in cases of dismissal for cause. In so doing, the Board shall consider any recommendation from the Faculty Senate Committee on Privilege and Tenure.