

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0741.01 Jane Ritter

HOUSE BILL 06-1284

HOUSE SPONSORSHIP

King,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE TENURE PROCESS FOR FACULTY MEMBERS AT STATE
102 INSTITUTIONS OF HIGHER EDUCATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

On or before January 1, 2007, requires the governing board of each state institution of higher education to adopt a post-tenure review policy for periodic review of all tenured faculty members employed by the institution. Specifies the minimum requirements of the post-tenure review policies. Requires each governing board to file its post-tenure review policy with the Colorado commission on higher education.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 5 of title 23, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **23-5-133. Tenure - post-tenure review policies - filing -**
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "ADEQUATE CAUSE" MEANS ACTIONS, INCLUDING BUT NOT
8 LIMITED TO PROFESSIONAL MISCONDUCT, NEGLIGENCE OF DUTY, FAILURE TO
9 COMPLY WITH STATE OR FEDERAL LAWS OR REGULATIONS, FAILURE TO
10 COMPLY WITH STATE PERSONNEL POLICIES, FAILURE TO COMPLY WITH THE
11 POLICIES OF THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER
12 EDUCATION, INSUBORDINATION, NEGATIVE PEER OR STUDENT REVIEW,
13 PLAGIARISM, RESEARCH MISCONDUCT, CONVICTION OF A FELONY OR CRIME
14 OF MORAL TURPITUDE, SEXUAL HARASSMENT, MISREPRESENTATION, OR
15 POOR STUDENT ACHIEVEMENT OR ANY OTHER CONDUCT THAT FALLS
16 BELOW MINIMUM STANDARDS OF PROFESSIONAL INTEGRITY.

17 (b) "COMMISSION" MEANS THE COLORADO COMMISSION ON
18 HIGHER EDUCATION.

19 (c) "GOVERNING BOARD" MEANS A GOVERNING BOARD OF A STATE
20 INSTITUTION OF HIGHER EDUCATION.

21 (d) "TENURE" MEANS THE CONTINUING ANNUAL APPOINTMENT OF
22 A FACULTY MEMBER UNTIL RELINQUISHMENT OR FORFEITURE BY THE
23 FACULTY MEMBER OR TERMINATION FOR ADEQUATE CAUSE, FINANCIAL
24 EXIGENCY, OR ACADEMIC PROGRAM DISCONTINUATION BY A GOVERNING
25 BOARD.

26 (2) ON OR BEFORE JANUARY 1, 2007, THE GOVERNING BOARD OF

1 EACH STATE INSTITUTION OF HIGHER EDUCATION SHALL ADOPT A
2 POST-TENURE REVIEW POLICY FOR PERIODIC REVIEW OF ALL TENURED
3 FACULTY MEMBERS EMPLOYED BY THE INSTITUTION. EACH POST-TENURE
4 REVIEW POLICY SHALL INCLUDE AT A MINIMUM:

5 (a) AN EVALUATION OF THE TENURED FACULTY MEMBER WITHIN
6 THREE YEARS AFTER TENURE IS GRANTED AND EVERY FIVE YEARS
7 THEREAFTER, WHICH SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

8 (I) THE TENURED FACULTY MEMBER'S PERFORMANCE IN TEACHING
9 AND HIS OR HER STUDENTS' LEVEL OF ACHIEVEMENT;

10 (II) THE TENURED FACULTY MEMBER'S RESEARCH AND SCHOLARLY
11 ACTIVITY;

12 (III) THE TENURED FACULTY MEMBER'S CONTRIBUTIONS IN THE
13 AREA OF PUBLIC SERVICE TO THE INSTITUTION OF HIGHER EDUCATION AND
14 THE COMMUNITY;

15 (b) THE CREATION OF A PERFORMANCE PLAN FOR EACH TENURED
16 FACULTY MEMBER WHO IS DEEMED TO HAVE UNSATISFACTORY
17 PERFORMANCE; AND

18 (c) THE TERMINATION OF TENURE OR EMPLOYMENT OF A TENURED
19 FACULTY MEMBER IF STANDARDS SET IN A PERFORMANCE PLAN ARE NOT
20 MET OR IF A TENURED FACULTY MEMBER HAS TWO UNSATISFACTORY
21 REVIEWS WITHIN A TEN-YEAR PERIOD.

22 (3) EACH GOVERNING BOARD SHALL FILE ITS POST-TENURE REVIEW
23 POLICY WITH THE COMMISSION.

24 **SECTION 2. Effective date - applicability.** This act shall take
25 effect upon passage, and the policies adopted pursuant to this act shall
26 apply to tenure contracts entered into on or after the effective date of this
27 act.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.