

Policy and Procedures Manual

SUBJECT: GOVERNANCE

Policy 123: CSUS Board Appellate Review of Dismissal and Grievance Decisions Policy

Board Policy

The Board has delegated the responsibility for final review and determination of all grievance and disciplinary decisions to the campus Presidents, except for those grievance decisions involving dismissals of tenured or tenure-track faculty or grievance decisions where the President of any campus is a party. The following due process procedures apply for all appeals, with the Board fulfilling a quasi-judicial appellate function (See: CRS 23-5-117).

Procedures

- A. Appellant must submit a written request for appellate review to the Chancellor and the Chair of the Board, by certified mail or hand-delivery, within fifteen (15) working days after receipt of the dismissal determination, or final decision where the President is a party to the grievance. The written appeal must include:
 - 1. A copy of the dismissal or grievance decision;
 - 2. A statement of the grounds for the appeal, outlining the basis for Board appellate review; and
 - 3. A copy of a request to the campus President or Hearing Committee as appropriate to prepare and submit certified copies of the full record of the proceedings leading to the decision to 1) the appellant and 2) the Chancellor.
 - 4. The campus President or Hearing Committee shall submit the certified copies of the full record of the proceedings within ten (10) working days after receiving the request.
- B. The Board shall notify the parties of the appeal and allow fifteen (15) working days for the submission of a response to the appeal, with a copy to the appellant.
- C. The Board shall conduct an appellate review of the decision only, limiting its review to the information and materials contained in the record of the decision.
 - 1. The record shall consist only of the institutional record, including any tape recordings of the proceedings and all materials admitted during the disciplinary or grievance proceedings, along with any written submissions allowed in support of the appeal as identified herein.
 - 2. The Board shall not accept or consider any new evidence not submitted during the proceedings on the campus.

D. Upon receipt of the full record, including the appeal and response, the Board shall notify the parties and schedule time for the appellate review during a regular or special meeting of the Board, with appropriate notice to the public. In accordance with the Colorado Open Meetings Law, the Board and any of its standing or *ad hoc* Committees may conduct discussions and deliberations in Executive Session, with the advice and guidance of the CSUS General Counsel.

- At the discretion of the Chair of the Board pursuant to Article VII₇ of the Board By-Laws, the Board Chair may appoint an *ad hoc* Committee to review the record on appeal and present a recommendation to the Board.
- In its sole discretion, and with appropriate notice, the Board may permit oral argument by the parties, under time limits assigned by the Board, during the scheduled meeting time for the appellate review.
- The Board shall make and announce its decision on the appeal in open session.

E. Pursuant to its authority to conduct an appellate review, the Board shall:

1. Affirm the original decision; or
2. Reverse or otherwise modify the original decision if the Board finds it arbitrary, capricious, unlawful, discriminatory; or not supported by the record; or
3. Remand the matter to the campus with specific instructions to conduct additional proceedings or develop a supplemental record on specific issues, with all attendant appeal rights following those proceedings; or
4. Mandate any action the Board deems just and appropriate under the circumstances.

F. The CSUS General Counsel shall periodically review and approve all related campus policies and procedures to assure conformity with Board appellate review policy and procedures.

History: Last amended December 5, 2014 by Board Resolution
Amended August 2, 2017 by Board Resolution