

Section 12

Board of Trustees for Fort Lewis College

Other Approved Policies

AFFIRMATIVE ACTION POLICY AND PROCEDURES

Affirmative Action Goals and Reporting Procedures are administered by the College on the basis of the following procedures:

The Board and the College are firmly committed to equal opportunity policies and principles to recruit, hire, train, transfer, and promote persons in all job classifications, without regard to age, race, color, religion, sex, national origin, veteran status (disabled or Vietnam Era), or handicap except where sex is a bona fide occupational qualification; base decisions on employment, admission, housing, academic advising and participation in all programs at the College so as to further the principles of equal opportunity; assure that tenure, promotion, and salary decisions are in accordance with principles of equal opportunity; and, assure that all personnel actions such as compensation, benefits, transfer, reduction in force, reemployment, professional development, and that financial aid, health services, admissions, housing, tuition assistance, and social/recreational programs are administered without regard to age, race, color, religion, sex, national origin, handicap, or veteran status (disabled or Vietnam Era).

In order to assure uniform, timely, and adequate reporting of Affirmative Action efforts, the College is directed to submit annual reports by fiscal year period to the Board at its December meetings. The report shall include:

1. A profile of the College showing employment of protected classes at the beginning and at the end of the reporting period. Administrative/professional, teaching faculty, and state classified employees shall be reported separately.
2. Goals for increasing the employment of protected classes to have been accomplished during the reporting period.
3. Comparison of actual increased employment of protected classes to established goals for the reporting period with narrative analysis of results.
4. Goals for increasing the employment of protected classes proposed for the upcoming reporting period, with narrative describing the strategies for achieving same, and the anticipated constraints.
5. A profile of the student body showing enrollment of protected classes during the reporting period and during the immediate prior period.
6. If an enrollment diversity plan exists, goals of diversity plan for reporting period shall be stated with narrative analysis of results. Enrollment diversity goals for upcoming reporting period shall be stated, with narrative describing the strategies for achieving same, and the anticipated constraints. A summary (not including specific details of cases) statistical report of all grievances and complaints pending during the reporting period.
7. A narrative discussion of the institution's achievements and concerns regarding Title IX of the 1972 Educational Amendments.

8. Promotions and tenure granted during the reporting period by protected class, with discussion.

ALCOHOL AND DRUG POLICY

Board Alcohol and Drug Policy is administered on the basis of the following procedures.

The Board is responsible for the creation and maintenance of a campus environment that promotes education, research, service to the community, and the safety and welfare of its students and staff. In pursuit of these responsibilities, it is important to clearly state the Alcohol and Drug Policy in order that a positive educational environment can exist with due concern for the safety, health, and intellectual growth of all clientele associated with the College.

1. Board Policy

The Board, pursuant to its statutory authority, allows that the College may distribute for sale or gratis, alcoholic beverages both on and off campus, provided that it is done in a manner consistent with the law. The Board, in accepting both the authority and responsibility to promulgate rules and regulations for the safety and welfare of students, employees, and property, does not encourage alcoholic consumption or promotion, and condemns the misuse and abuse of such beverages, and condemns the use of illegal drugs.

All activities that involve the use of alcohol must be conducted in a manner that is lawful under applicable state, county, and municipal provisions as well as College guidelines for the use, distribution, and control of spirituous, vinous, and malt beverages. The sale, Manufacture, distribution, use, or possession of illegal drugs is strictly prohibited.

- A. The lawful use of alcohol on the College campus shall adhere to the following tenets:
- B. Each individual should make a personal and informed choice.
- C. If you choose to drink, drink responsibly and in moderation.
- D. Alcohol should not be the main focus for any campus event.
- E. It is acceptable not to drink, and alternatives to drinking should exist.

2. College Guidelines

The foregoing statements of policy serve as prerequisites to the development of College guidelines. The College shall establish its own internal alcohol and drug guidelines supporting the intent and spirit of the Board policy.

Issues of discipline, sanctions, et cetera, shall follow existing and/or internal procedures; likewise, referrals, treatment resources, educational programs and services.

College guidelines will be distributed to the faculty, staff, and students of the campuses.

The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illicit drugs, and alcohol is prohibited both on the property of the Board and College, and in connection with their respective activities. Under Federal Law, employees who are convicted under a criminal drug statute for an act in violation of this policy must report the conviction in writing to their immediate supervisor within five days. Sanctions which may be imposed for violations of the above policy shall include, without limitation, required rehabilitative treatment, referral for prosecution, and termination of employment or student status. Sanctions will be imposed through established procedures and subject to the requirements of applicable laws.

FINANCING MANAGEMENT POLICY FOR LONG-TERM DEBT OBLIGATIONS

The College cannot typically finance major construction and rehabilitation projects and large equipment purchases with existing cash reserves. Therefore, the Board periodically looks to external funding sources (“debt financing”) for certain projects. This Policy sets standards and establishes procedures to ensure that debt is used responsibly and obtained as cost-effectively as possible. For convenience of reference in this document, certificates of participation (discussed below), which are not multiple fiscal year obligations, are, nevertheless, referred to as debt.

This Policy is intended to provide principles to be used for substantially all debt issuance of the Board. The Policy primarily addresses tax-exempt debt. While the Policy cannot cover all types of projects and financings, it is intended that the Board will use the Policy as a set of general guidelines for the analysis and procedures to be used in financings not specifically covered by the Policy.

DEBT STRUCTURE

1. **Financing Instruments Available to the Board**
 - A. Revenue bonds are secured by and paid from a specific revenue stream.
 - B. Certificates of participation (COPs) are secured by (but not necessarily paid from) a pledge of annual appropriations and a lien on specific buildings and equipment.
 - C. Municipal leases are secured by the building or equipment being financed with a specific lease purchase agreement.
 - D. Vendor leases are arranged by the College and are secured by the equipment being financed.

2. Analysis of Financing Options

- A. The financing instrument chosen must be appropriate to the project financed. Only projects that are part of an enterprise may be financed with revenue bonds, and the revenue bonds must be secured by a specific stream of revenues. All other projects must be financed with COPs or municipal leases.
- B. Whenever possible, consideration should be given to financing multiple projects simultaneously with one issue to minimize costs of issuance. There may be no savings if projects are from different enterprises resulting in separate issues, or if certain projects are to be financed with revenue bonds and others with COPs.
- C. The State Board of Agriculture (the governing board of Fort Lewis College prior to September 2002) has historically issued fixed rate debt to eliminate concerns of a rising interest rate market that would increase annual debt service payments. Variable rate debt will be considered with great caution and used only when an appropriate interest rate hedge is available.

3. Bond and COP Rating and Credit Enhancement Features

- A. Historically, SBA's debt has exhibited the credit characteristics of public higher education institutions with ratings in the "A" range. Lower net interest cost may be realized if "Aaa/AAA" credit enhancement is utilized. All transactions should be reviewed for potential credit enhancement opportunities.
- B. Bond insurance will be purchased whenever covenants and other requirements of the insurer are reasonable and the cost of borrowing with insurance, taking into account the cost of the insurance, is less than the cost of borrowing without insurance.
- C. Assuming the purchase of bond insurance, ratings will generally be obtained from no more than two of the following rating agencies: Moody's Investors Service, Standard & Poor's Corporation and Fitch IBCA.
- D. An underlying rating will generally not be requested unless, in the opinion of the Vice President for Finance and Administration and based on recommendations from the financial advisor and senior underwriter, an underlying rating will result in a lower cost of borrowing.

- E. Investors and bond insurers will generally require some form of debt service reserve fund. A surety bond will generally be purchased in lieu of a cash-funded reserve, except in those cases in which (1) a surety bond is not available, (2) its cost does not justify its purchase, or (3) the Vice President for Finance and Administration determines that it is in the institution's best interest to have cash readily available for a debt service shortfall.
- F. A repair and replacement fund will generally be established for all projects involving the construction of new facilities. The amount required to be deposited in such fund will be appropriate for the specific project financed.
- G. Because debt service payments on COPs are subject to annual appropriation, COP purchasers expect that the property securing COPs will be of an essential nature. COPs issued by CSUS institutions will be secured by property essential to the institution's operations.
- H. Property financed with COPs will become Board property once the COPs have been repaid in full. The property constituting the security for COPs may not be owned by the Board while the COPs are outstanding, and monies of the Board may not be used to acquire an equity interest in such property.

4. **Other Features of Bonds and COPs**

- A. The use of proceeds to fund capitalized interest will only be considered for projects that will not immediately generate sufficient revenues to repay debt. Interest will not be capitalized for a period in excess of the construction period plus three months.
- B. The final maturity will not exceed the expected life of the project being financed.
- C. In revenue bond transactions, efforts will be taken to achieve debt service coverage typical of "A" rated bond issues.
- D. COP interest rates are higher than rates for revenue bonds. Therefore, COPs should only be issued for projects not eligible for revenue bond financing.

5. **Tax Considerations**

- A. The College will attempt to schedule financings so as to minimize the time proceeds will be invested at a yield less than the cost of borrowing.
- B. The College will attempt to meet the federal "spend down" requirements. When a financing does not meet these requirements, project fund earnings

in excess of the bond yield must be rebated to the U.S. Treasury. Generally, 10% of bond or COP proceeds must be spent within six months of issuance, 45% within 12 months, 75% within 18 months and 100% within 24 months.

PROJECTS TO BE FINANCED

1. The College recognizes that debt financing is not available for all desired projects. Factors taken into consideration when prioritizing projects for financing are as follows:
 - A. How critical is the project to the institution's mission?
 - B. Does the project have implications for health and safety?
 - C. Is the project consistent with the institution's long-range capital plans?
 - D. Is the project self-supporting (i.e., will revenues cover debt service and operating costs)?

2. **Principal Amount of Financing**
 - A. When issuing revenue bonds, the College will not borrow for that portion of the project for which earmarked funds from private or other sources are currently available. The College will consider whether it is cost-effective to use available unrestricted funds to pay for any portion of the project in lieu of financing such portion of the project.
 - B. When issuing COPs, public monies may not be used to pay any cost of facilities that will serve as collateral for the COPs.

3. **Project Revenues**
 - A. Conservative revenue projections will be prepared for all financed projects. Projections will consider relevant historical data, internal projections and, as appropriate, data available from external sources. Projections and the assumptions upon which they are based will be reviewed by the Vice President for Finance and Administration and the department responsible for the project. Additionally, as deemed necessary by the Vice President for Finance and Administration, external consultants may be used.
 - B. Consideration will be given to cross-pledging revenues from the same enterprise when legally permissible.
 - C. If the primary revenue stream does not provide debt service coverage of at least 110% and a secondary stream of revenues is not available,

consideration will be given to using a cash-funded reserve, as opposed to a surety bond.

- D. In addition to paying debt service, projected revenues must be sufficient to provide adequate funds for operations and maintenance and to establish a major repair and replacement fund.

DEBT CAPACITY

1. Prior to proceeding with a financing, an the College will assess its financing capacity, taking into account state support, student enrollment, population of pre-college students, institution finances, position of the institution in the state's funding hierarchy, competitive position of the institution, position of student fees relative to other institutions, legal restrictions, revenue sources, revenue trends, debt service coverage requirements and competing needs for revenues.
2. The College will also give consideration to benchmark ratios for public universities published by rating agencies, recognizing that the appropriateness of such ratios will vary based on state laws and other factors specific to the universities rated by such rating agencies. Published ratios are less relevant to Colorado public universities today than they were historically due to restrictions imposed by State legislation and the State Constitution.
3. The determination of debt capacity will take into account the impact of both the project (including revenue generated and operating and maintenance expenses incurred) and the additional debt associated with that project.

REFINANCING

1. **Reasons for Refinancing Debt**
 - A. Refinancing may be advisable to save money, improve cash flow, eliminate restrictive covenants, free up reserves or shorten the final maturity of the debt.
 - B. A current refunding is one in which the old debt is completely repaid within 90 days of the issuance of the new debt. There are no limits on the number of times debt may be refunded on a current basis. In the case of a current refunding, refinancing will be considered any time positive present value savings is achievable. Small savings may not justify the staff time that must be invested in any refinancing.
 - C. An advanced refunding is one in which the old debt is not completely repaid within 90 days after the issuance of the new debt. With some very limited exceptions, tax-exempt debt may be advance refunded only once. In the case of an advanced refunding, refinancing will be considered any time present value savings of 3% or more is achievable.

- D. An advanced refunding may be considered in the case in which present value savings is less than 3% if, in the opinion of the Vice President for Finance and Administration and taking into consideration current and historical market conditions, it is the optimal time to refund the debt.
 - E. A taxable refunding may be considered in situations in which refunding with tax-exempt debt is not legally permissible.
 - F. When any refinancing is under consideration, the Vice President for Finance and Administration will review the savings analysis and the assumptions underlying the refinancing to determine that it is in the best interests of the institution to proceed.
2. Savings may be realized upfront, at the end, or throughout the term of the bond issue. The Vice President for Finance and Administration will select a savings strategy based upon specific factors associated with the project and any related transactions.

APPLICABLE STATE REQUIREMENTS

1. TABOR Amendment

- A. Article X, Section 20 of the Colorado Constitution (commonly referred to as the "TABOR Amendment") restricts the ability of state and local governments to borrow money and to increase revenues and spending. Except for refinancings at a lower interest rate, prior voter approval is generally required for the issuance of any multiple-fiscal year obligations.
- B. The voter approval requirements and the revenue and spending limitations of the TABOR Amendment do not apply to "enterprises," which are defined to be government-owned businesses authorized to issue their own revenue bonds and receiving under 10% of annual revenue in grants from state and local governments.

2. Enterprise Status of Auxiliary Facilities

- A. The Board is authorized, by resolution, to designate any auxiliary facility or group of auxiliary facilities with similar functions as an enterprise, consistent with the requirements and procedures set forth in § 23-5-101.5, Colorado Revised Statutes, as amended.
- B. Auxiliary facilities, for purposes of such enterprise designation, generally include any student or faculty housing facility, student or faculty dining facility, recreational facility, student activities facility, child care facility, continuing education facility or activity, intercollegiate athletic facility or activity, health facility, college store, or student or faculty parking facility or

any similar facility or activity which has been historically managed, and was accounted for in institutional financial statements prepared for fiscal year 1991-92, as a self-supporting facility or activity.

- C. The Board has designated the following three enterprises: (1) Student and Faculty Operations and Activities; (2) Continuing Education; and (3) Research Building Revolving Fund. See § 23-5-101.5(4).
- D. Bonds issued on behalf of any auxiliary facility or group of auxiliary facilities, *other than* housing facilities, dining facilities, recreational facilities, health facilities, parking facilities, research facilities or designated enterprises listed in § 23-5-101.5(4), Colorado Revised Statutes, as amended, may be issued only after certain approvals by the general assembly and the governor.

3. **Restrictions on Imposition and Pledging of Certain Fees**

- A. Legislation adopted in 1997 placed restrictions on the imposition and pledging of certain user fees and general student fees. See § 23-1-123, Colorado Revised Statutes, as amended.
- B. Generally, fees related to bonds issued after July 1, 1997 may be pledged to the repayment of bonds issued on behalf of other auxiliary facilities only so long as the original bonds remain outstanding. Fees related to bonds issued prior to July 1, 1997 may be pledged to the repayment of bonds issued thereafter on behalf of other auxiliary facilities only so long as such bonds remain outstanding.
- C. After the repayment of the bonds to which such fees are pledged, the fees must be reduced as prescribed by statute to amounts necessary to operate and maintain the applicable auxiliary facility and to establish certain limited reserves.
- D. User fees of an enterprise may not be pledged to repayment of bonds or other obligations issued on behalf of an auxiliary facility not included within that enterprise.

FINANCING TEAM

1. **Identification of External Advisors**

- A. The core financing team includes bond counsel, the senior underwriter and the financial advisor. These advisors are expected to be available on an on-going basis to assist the institutions with financing-related matters.
- B. Other professionals that may be retained on a transaction-by-transaction basis include a bond trustee, paying agent, escrow trustee, verification

accountant, arbitrage rebate consultant, remarketing agent, specialty attorney and others. These professionals are hired as needed to assist with specific needs.

2. Financings will be transacted on a negotiated basis with an established core financing team for the following reasons:

- A. By working with the same core financing team over an extended period of time, the College is able to assure continuity of services. An established core financing team also has an in-depth understanding of the College's mission and particular needs.
- B. The core financing team members are available whenever needed and are in a position to address the College's needs quickly and efficiently.
- C. Market timing has been critical to the success of many of the College's financings; negotiated issues enable the financing team to control timing more effectively than can be accomplished with competitive issues.
- D. The complexity and distinctiveness of certain of the College's financings makes them inappropriate for competitive issue.

3. Roles and Responsibilities of the Core Financing Team

- A. The responsibilities of bond counsel include the following:
 - (1) Evaluating state law and federal tax law issues associated with proposed financings.
 - (2) Preparing financing documents, including authorizing proceedings.
 - (3) Assisting in preparation of primary disclosure and advising in connection with secondary market disclosure obligations.
 - (4) Delivering customary validity and tax opinions and comfort on disclosure matters.
- B. The responsibilities of the senior managing underwriter and financial advisor/co-manager include the following:
 - (1) Advising the College of financing opportunities, including new financing instruments and techniques.
 - (2) Advising the College of current rating and insurer issues and concerns.
 - (3) Advising the College of refinancing opportunities.

- (4) Assisting in the development of financing plans.
 - (5) Providing information on current market conditions.
 - (6) Coordinating and underwriting bond and COP issues.
- C. The core financing team has responsibilities relating primarily to revenue bonds and COPs. In certain circumstances, bond counsel also has responsibilities related to municipal leases financed through CSURF.

FINANCING PROCEDURES

1. Staff Roles

- A. The Vice President for Finance and Administration will have primary responsibility for any debt financing and will be responsible for coordinating the actions of other departments.
- B. The legal counsel will have primary responsibility for all legal actions relating to any debt financing, including reviewing all documents and legal opinions, and determining the role of external legal counsel.
- C. The staff of other specific departments will have responsibilities as assigned by the Vice President for Finance and Administration.

2. Procedures and Approvals for New Projects

- A. The department responsible for a given project will provide the Vice President for Finance and Administration the following information:
 - (1) Project cost and funds, other than debt, available to pay a portion of the cost.
 - (2) Project time schedule.
 - (3) Estimated revenues and expenses, and the basis for these projections.
 - (4) A statement of the significance of the project to the College's mission.
 - (5) Other information, as requested.
- B. The Vice President for Finance and Administration must determine that for any project to be financed revenues will provide sufficient debt service coverage as well as pay for operating and maintenance expenses and permit funding of a major repair and replacement fund, as appropriate.

- C. The Vice President for Finance and Administration will determine what approvals, including CCHE and the State Legislature, may be necessary for proposed projects, and will be responsible for obtaining such approvals.
 - D. The Vice President for Finance and Administration will prepare a program plan for approval by the President of the College, the Board and CCHE, as necessary.
 - E. The Board will approve the program plan and the financing plan at a meeting prior to the printing of the preliminary official statement.
3. **Procedures and Approvals for Refinancing**
- A. The Vice President for Finance and Administration will review any refinancing plan presented by the senior underwriter and financial advisor and the assumptions upon which the plan is based, and determine whether it is in the best interests of the College.
 - B. The Vice President for Finance and Administration will work with departments affected by the refinancing to determine the best method for allocating savings.
4. **Procedures and Approvals for All Financings**
- A. The Vice President for Finance and Administration will assure that any issuance of debt is structured cost-effectively and in the best interest of the College, taking into consideration the Debt Management Policy.
 - B. The legal counsel will assure that all legal opinions, bond documents, disclosure documents and any other required legal materials are satisfactory.
 - C. The Vice President for Finance and Administration will assure that all materials necessary for the Board to complete its review of the financing are provided to the Board in a timely manner.
 - D. The Board will approve the bond or COP purchase agreement and other financing documents.

GRIEVANCE REVIEW POLICY

The Board will review Grievance Decisions pursuant to the following procedure:

1. Grievants shall file Appeals of Grievance Decisions with the Secretary of the Board ("Secretary") in the manner and within the time period specified in the Faculty Handbook.

2. Within five calendar days after receiving a timely Appeal that is in compliance with paragraph 1 above, the Secretary shall (a) give notice to the Grievant and to the Responsible Administrator of the date of the meeting of the Board at which the Appeal is expected to be reviewed (the "Review Proceeding") and (b) provide them with a schedule of the time periods for submission of written statements to the Board.
3. If legal counsel to the Board has advised the College concerning the Grievance or matters giving rise to the Grievance, or have represented the College in opposition to the Grievance at any stage, the Board shall be advised by separate counsel during the Proceedings. Separate counsel shall be provided by the Colorado Department of Law, or, if the Department is not able to provide counsel, by a private attorney retained by the Board.
4. At least thirty calendar days prior to the scheduled date for the Review Proceeding, the Grievant shall provide a written statement of not more than ten single-spaced pages to the Secretary and the Responsible Administrator. In this statement, the Grievant shall succinctly summarize his or her position, identify the specific parts of the record which support this position, and set forth the specific action being requested from the Board.
5. If the Grievant fails to submit a statement in accordance with paragraph 4 above, the Grievance shall be deemed abandoned and no further action by the Board will be required.
6. Within ten calendar days after receiving a copy of the written statement of the Grievant, the Responsible Administrator shall provide a written response of not more than ten single-spaced pages in length to the Secretary and the Grievant. The Secretary shall transmit copies of the statements of the Grievant and the Respondent to all members of the Board and to the Board's legal advisor immediately after receiving them and such members and legal advisor shall treat them as confidential, except as may otherwise be required by law.
7. The Secretary may, upon the written application of the Grievant or the Responsible Administrator, permit an exception to the 30-day time period and/or ten-page limit, if the Secretary finds good cause for the exception.
8. The College Grievance Officer shall submit a complete copy of the record of the Grievance to the Secretary. The Secretary shall maintain a copy of the complete record relating to the Grievance Decision at his/her office and shall make such record available to the members of the Board, the Board's legal advisor, and the Grievant, upon request.
9. Grievants shall state in their Appeals whether they want to present oral statements to the Board at the Review Proceeding. The Board, in its sole discretion, may grant or deny such requests. If a Grievant's request is granted, the Respondent shall also be permitted to make an oral responsive statement. Moreover, even if no such request is made by the Grievant, the Board, upon its own initiative, may ask the Grievant and the Respondent to make oral statements to the Board concerning the Appeal. Therefore, both the Grievant and the Respondent should be prepared to make oral statements at the Review Proceeding. All oral statements made to the Board shall concisely set forth the speaker's position regarding the matter being heard and shall be confined to the record before the Board. No new evidence shall be submitted. All such statements shall be limited to ten minutes, unless the Board chooses to establish a longer or shorter time period.

10. The Board shall base its decision solely upon the record, the written statements submitted, the oral statements, if any, which are presented to it, and the advice of legal counsel. The Board shall deliberate in Executive Session, upon the required affirmative vote by the Board, from which the parties to the Appeal shall be excused. The Board may: (1) adopt and affirm the Grievance Decision; (2) reverse or modify the Grievance Decision if it is found to be arbitrary, capricious, or unlawfully discriminatory; or (3) in the event the summary record is found to be inadequate, remand the Appeal for such additional proceedings as the Board may deem necessary, with instructions as to how to proceed.

HAZARDOUS MATERIALS MANAGEMENT POLICY

The Board is committed to safe and environmentally responsible hazardous materials management. The Hazardous Materials Management Policy is designed to protect the safety and health of students, employees, visitors, staff and the community; protect the environment; minimize or prevent generation of hazardous wastes; comply with federal, state and local regulations; minimize liability and reduce waste disposal costs. Specific objectives of the Policy include:

1. Developing, where appropriate, guidelines for chemical purchasing.
2. Developing and maintaining a chemical inventory tracing and redistribution system where feasible and cost effective, including appropriate security and records retention.
3. Sharing material safety data sheet databases.
4. Providing hazardous waste training and educational materials.
5. Developing waste minimization programs where appropriate.
6. Encouraging optimization of chemical use, including use of least hazardous chemicals appropriate to fill educational and research needs, minimization of use of hazardous substances and implementation of acceptable waste management and disposal techniques, all in a manner consistent with College education, research and service missions.
7. Developing contracts for hazardous waste storage, transportation and disposal where feasible and cost effective.
8. Encouraging development and utilization of cost-effective and environmentally responsible pollution prevention and waste reduction technologies or methods, which will assure compliance with applicable regulations and minimize liability.
9. Encouraging coordination of Hazardous Materials Management Policy with its emergency response and evacuation plans and procedures.

10. Requiring assessment of environmental conditions in connection with acquisition of real property by purchase, gift or lease.

The President of the College shall designate a qualified individual as Hazardous Materials Manager who shall be responsible for developing and carrying out programs and policies that achieve and implement the objectives of the Board Hazardous Materials Management Policy and assure compliance with applicable laws and regulations. These programs and policies shall be consistent with the CCHE Policy Outline.

All employees and appointees of the Board are directly responsible for compliance with the College programs and policies on a day-to-day basis.

This Hazardous Materials Management Policy shall be posted in several conspicuous locations on the campus and shall be available for inspection in the office of the Hazardous Materials Manager.

PRESIDENTIAL LONGEVITY INCENTIVE PROGRAM

The Board authorizes the Chairperson of the Board to institute a Presidential Longevity Program to encourage the employment longevity of the President of the College. Such a program shall have an additional objective of achieving competitive compensation for the College President. Such enhancements may be granted on a contingency basis, available after a specified period of time.

POLICY ON SEEKING PUBLIC OFFICE

Any employee contemplating candidacy for elective political office or appointment to public office shall so advise the College President. The employee and President should focus on the question of whether or not temporarily suspending some portion of the employee's responsibilities can be accommodated without serious impairment of the functions of the department or unit that is involved. Prior approval of the Board will continue to be required for all full-time or part-time leaves of absence and other change in conditions of employment.

No political campaigning activities shall be engaged in during hours when an employee is expected to be performing his or her regularly scheduled College duties.

When an employee is elected to a political office, e.g., to office in the State Legislature, that requires absencing himself or herself from College duties for continuous periods of time less than one year, it is anticipated that normal leave of absence procedures for a portion, or portions, of the year will accommodate the need to temporarily suspend the employee's responsibility to the College.

When an employee is elected to political office, e.g., such as Governor, U.S. Representative, or U.S. Senator, it is expected that he or she will contact the appropriate administrator to request a leave of absence or arrange termination of employment. Service as an elected or appointed official

on off-hour demand activities, e.g., school boards, city councils, or on local, state, or national commissions, would not normally require a reduced appointment or leave of absence.

UNFAIR COMPETITION APPEAL PROCESS

The Board will review Appeals pursuant to the following procedure:

1. Within five calendar days after the receipt of a Notice of Intent to Appeal a decision of the College, the Secretary shall (a) give notice to the Claimant and to the Respondent of the date of the meeting of the Board at which Claimant's Appeal is expected to be reviewed (the "Review Proceeding") and (b) provide them with a schedule of the time periods for the submission of written statements and other materials to the Board, as more fully set forth below.
2. The Claimant shall have the right to assistance from private legal counsel in connection with Board review, at the Claimant's expense. The College's legal counsel shall advise the Respondent concerning the Appeal. The Board shall be advised by separate counsel during the Proceedings. Separate counsel shall be provided by the Colorado Department of Law.
3. The Claimant and the Respondent shall provide a written statement of not more than five single-spaced pages to the Secretary and to each other no later than 20 calendar days before the meeting of the Board at which the appeal is to be heard. In this statement, the Claimant and the Respondent shall succinctly summarize their respective positions, identify the specific parts of the record which support their positions, and set forth the specific action being requested from the Board.
4. If the Claimant fails to submit a statement in accordance with paragraph 3 above, the Appeal shall be deemed abandoned and no further action by the Board will be required.
5. Upon receipt of the statements from the Claimant and the Respondent, the Secretary shall transmit copies of each statement to all members of the Board and to the Board's legal advisor immediately and such members and legal advisor shall treat them as confidential, except as may otherwise be required by law.
6. The Secretary may, upon the written application of the Claimant or the Respondent, extend the above deadlines and page limitation, if the Secretary finds good cause for the exception.
7. Within ten days after the receipt of a Notice of an Intent to Appeal, the Respondent shall submit a complete copy of the record of the Appeal to the Secretary. The record shall consist of all written submissions and written decisions of the College administration. The Secretary shall maintain a copy of the complete record relating to the Appeal at his/her office and shall make such record available to the members of the Board, the Board's legal advisor, and the Claimant, upon request.
8. The Board, in its sole discretion, may request that the parties make oral presentations or be available to respond to questions. In that event, the Secretary will so notify the parties no

later than five calendar days before the Board meeting at which the Appeal is scheduled to be considered.

9. The Board shall base its decision upon the written statements submitted, the written record, oral statements, if any, including those made in response to questions posed by members of the Board, and the advice of legal counsel. The Board shall deliberate in Executive Session, upon the required affirmative vote by the Board, from which the parties to the Appeal shall be excused. The Board may: (1) adopt and affirm the Respondent's findings and conclusions; (2) reverse or modify the Respondent's findings and conclusions if they are found to be not in accordance with the law; or (3) remand the Appeal for such additional proceedings as the Board may deem necessary, with instructions as to how to proceed.

DELEGATION OF AUTHORITY TO PRESIDENT TO APPROVE AND EXECUTE LEGAL INSTRUMENTS

Except as otherwise provided herein and subject to such reviews and approvals of other state agencies as may be required by state statutes and fiscal rules, the College President is authorized to approve and execute all contracts, agreements, grants, warrants, and other binding legal instruments presented in the name of the Board for the state of Colorado, which are either: (1) expressly approved by resolution of the Board, or; (2) usual, necessary, and appropriate to the normal operation of the College and within the budgeted expenditures as approved of the Board. The College President may, in writing, authorize other administrators to negotiate and execute instruments so long as such authorization is limited to instruments, which are usual, necessary and appropriate to the normal operations of the College, and within the budgeted expenditures for the College.

Neither the College President, nor the delegates are authorized to approve and execute the following without the express prior approval of the Board:

1. Leases of real property where the Board is lessor.
2. Contracts to purchase or sell real property.
3. Agreements requiring the expenditure of \$10,000 or more to resolve lawsuits, grievances, or other civil claims against the Board, the College, or their agents and employees.
4. Agreements which conflict with, or require modification of this resolution or any resolution of the Board.
5. Personnel matters, which are reserved to the Board, except the College President is authorized to accept resignations when tendered and to perform such duties as, prescribed by law.

6. Initial budgets.
7. Bond matters and such other fiscal matters requiring bond counsel opinion related to issuance.
8. Degrees conferred by the Board.
9. Bank resolutions and related signature authority.
10. Parking and traffic regulations.
11. New academic degree programs, creation of academic units or departments, schools, or change of names of the foregoing.
12. Establishment of tuition.
13. Program plans and capital construction projects.

PERSONNEL POWERS DELEGATED TO THE COLLEGE PRESIDENT

For purposes of this delegation, non-classified employees subject to this delegation are referred to as “Personnel.” All such power shall be subject to the provision of legally required due process and compliance with applicable procedural provisions of the Faculty Handbook and the Exempt Staff Handbook. This delegation does not divest “Personnel” of any right established by either of the Handbooks.

1. Personnel Powers Delegated to the President

- A. The power to appoint and enter into employment relationships with all Personnel other than Vice Presidents and Personnel reporting directly to the President who have been separately identified to the Board in writing by the President as having senior administrative status—collectively (“Senior Administrators”). The President shall maintain a summary of all personnel actions taken pursuant to this power and make it freely available to any person, subject to the limitations imposed by federal or state law.
- B. The power to renew or not renew employment contracts with all Personnel having such contracts.
- C. The power to make final determinations with respect to performance-based adjustments of compensation and payment of supplemental salary to Personnel.
- D. The power to grant or deny applications and recommendations for tenure and/or

promotions.

- E. The power to approve transitional retirement applications and to enter into transitional retirement agreements with eligible employees.
- F. The power to terminate all Personnel having “at will” status and to make final decisions with respect to the termination of contractual and tenured employees consistent with procedures set forth in the Faculty Handbook and Exempt Staff Handbook.
- G. The power to establish such procedures as may be necessary to afford Personnel appropriate due process were legally required if procedures set forth in the Faculty Handbook and Exempt Staff Handbook are not sufficient to meet such requirements. Such power shall include the right to establish procedures for providing due process prior to the threatened denial of any constitutional right, notwithstanding the existence of rights in the handbooks to grieve actions after they have been taken. Such procedures shall be reviewed with the Board prior to implementation.
- H. The power, concurrently with and in addition to existing inherent power, to impose disciplinary sanctions upon Personnel for violations of established College policies, including, but not limited to, power to suspend, demote and reassign.
- I. Notwithstanding the delegation of the powers set forth above, the President shall inform the Board of all matters that may reasonably be expected to have a materially positive or negative impact upon the College.

2. **No sub delegation**

None of the powers set forth above shall be further delegated by the President to any person.

3. **Specific powers not delegated, but retained by the Board:**

- A. The power to make final decisions on all appeals from grievances initiated under procedures established by the Faculty Handbook and the Exempt Staff Handbook.
- B. The power to appoint and enter into employment relationships with all Senior Administrators.
- C. The power to declare a financial exigency or reduction of force provided in the Faculty Handbook and Exempt Staff Handbook.
- D. The power to make determinations as to sabbaticals and other forms of leave by Personnel.

- E. The power to confer emeritus status on retiring Personnel.
- F. The power to award honorary degrees.
- G. The final power to approve any and all personnel policies of the College including, without limitation, handbooks and policies within handbooks, affirmative-action plans and policies, salary administration plans, performance evaluation systems, performance evaluation arrangements, and promotion and tenure policies. No institutional policy shall have any form or effect unless adopted or approved by the Board.