

## **ACADEMIC FREEDOM INVESTIGATION PROCEDURES**

**Effective January 1, 2019**

### **A. Purpose**

This document outlines the process and procedures to investigate claims of alleged violation of student rights of academic freedom, and to remediate confirmed violations, in accordance with Regent Laws Article 7 Part C. Complaints by, or on behalf of faculty or staff, concerning academic freedom are not subject to these Procedures.

### **B. Introduction and Jurisdiction**

These procedures were created to address the associated rights afforded to students under University of Colorado Regent Policy 7.C.: Academic Freedom. The four associated rights recognized by the Policy are as follows:

(A) During a class discussion, students shall be free to raise questions and express reasoned opinions on the current subject, provided that students follow applicable campus policies and reasonable procedures established by the instructor to ensure orderly discussion and progress toward class and course goals.

(B) During faculty office hours, students shall be free to question, discuss, and express reasoned opinions on all subjects related to the course.

(C) Students shall be free to take reasoned exception to the views or the methods of data collection, analysis, and/or interpretation of data offered in any course of study.

(D) Students should have protection, through orderly procedures, against prejudiced or capricious academic evaluation.

These Procedures govern all complaints regarding alleged violations of academic freedom rights outlined in Regent Policy 7.C.

### **C. Reporting**

If students believe their academic freedom rights set forth under Regent Policy 7.C. have been violated, they are encouraged to first confer with the instructor of the course in which they believe their rights have been violated. If the allegation is based on academic evaluation, the student should first utilize the grade appeal process of their school and/or college.

If the student is unable to resolve the issue with the instructor, or by using the applicable grade appeal process, the student may contact the Office of Equity (OE) (<http://equity.ucdenver.edu/contact-us/>). Complainants will be asked to complete an online form and may be asked further questions by OE staff. Alternatively, complainants may also file a verbal complaint (303.315.2567).

Complaints submitted to OE concerning alleged violations of academic freedom under these procedures per Regent Policy 7.C. will be forwarded to a designated individual in the Provost's Office for review. If the Provost's Office determines the complaint does not meet the criteria for investigation under these procedures, the complaint may be referred to the appropriate University office, as applicable.

#### **D. Investigation and Resolution Procedures**

The Provost's Office will investigate the allegations. Each investigation will typically consist of the following steps: (1) the decision to move forward; (2) a formal investigation into the allegations, if determined necessary; and if applicable, (3) recommendation for sanction(s) against the instructor to that individual's supervisor.

1. The *decision to move forward*, or not, with a complaint is made by the Provost and /or their designee. This decision is final and may not be appealed. The complainant will be informed of this decision via email.
2. Should the Provost or their designee choose to *move forward, a formal investigation* will be launched and directed by the Provost or their designee. Other offices may be involved in the collection of evidence or review of the allegations; however these offices will not be involved in making any determinations or recommendations regarding the outcome. As a matter of course, the following principles will apply to each investigation:
  - a. Complainant(s) and Respondent(s) are interviewed separately;
  - b. Each party is provided with the opportunity to be heard and respond; and
  - c. Investigators may review additional evidence as available including, but not limited to, conducting witness interviews, gathering documentation, and reviewing video surveillance footage if available.
  - d. Timeline for Investigation  
Generally speaking, the investigation should take place in a prompt manner, with a decision being made and presented to both parties and relevant departments, such as the disciplinary authority, Provost, or other applicable administrative office.
  - e. Standard of Review/Burden of Proof

The “preponderance of evidence” standard shall be used when making findings of fact and conclusions as to whether violations of policy occurred.

f. Informal Resolution

Nothing in these procedures shall preclude the Provost or their designee from seeking alternative pathways to address a concern, such as through an informal resolution process.

g. Exhaustion of Administrative Remedies

This process does not replace the process for grade appeals or similar process available in each of the University schools and colleges.

Complainants must first, to the extent practicable, exhaust the applicable internal review processes for settling any dispute arising under Regent Policy 7.C.

3. Findings/Determinations/Sanctions

- a. In the event that no violation of Regent Policy 7.C. is found, there is no preclusion of discipline for other student misconduct under either the Student Code of Conduct, or other codes of conduct, standards, or policies specific to the Complainant or Respondent(s) applicable school or college.
- b. In cases where the investigation results in a policy violation against an employee Respondent(s), the Respondent employee’s hiring or disciplinary authority, or designee, shall be notified of the outcome. Only the employee’s hiring or disciplinary authority may impose sanctions for employees found to be in violation of Regent Policy 7.C., in order to remedy the misconduct.
- c. Sanctions must be reported to the Provost’s Office within one (1) month of issue. The Provost and/or their designee may make recommendations about sanctioning to the appropriate sanctioning/disciplinary authority.