

CHAPTER 156

GOVERNMENT - STATE

HOUSE BILL 94-1050

BY REPRESENTATIVES Grampas, Acquafresca, Adkins, Agler, Allen, Anderson, Chlouber, Epps, Faatz, Fleming, Foster, George, Hagedorn, Hernandez, Kaufman, Lawrence, Martin, Moellenberg, Nichol, Owen, Pierson, Prinster, Reeser, Snyder, Taylor, and Tucker; also SENATORS Rizzuto, Blickensderfer, Johnson, Mutzebaugh, and Roberts.

AN ACT**CONCERNING ADOPTION OF FACULTY SABBATICAL POLICIES BY GOVERNING BOARDS OF INSTITUTIONS OF HIGHER EDUCATION.**

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

SECTION 1. Article 5 of title 23, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-123. Sabbatical leave - legislative declaration - policy - production of records. (1) THE GENERAL ASSEMBLY HEREBY RECOGNIZES THE NECESSITY OF MAINTAINING A HIGH CALIBER OF FACULTY WITHIN THE STATE SYSTEM OF HIGHER EDUCATION AND THE IMPORTANCE OF THE FACULTY'S CONTRIBUTION IN DELIVERING QUALITY EDUCATION WITHIN THE STATE SYSTEM OF HIGHER EDUCATION. THE GENERAL ASSEMBLY RECOGNIZES THAT FACULTY SABBATICALS PLAY AN IMPORTANT ROLE IN DEVELOPING AND ENHANCING FACULTY EXPERTISE, THEREBY SUPPORTING FACULTY EXCELLENCE IN TEACHING AND RESEARCH. THE GENERAL ASSEMBLY ALSO RECOGNIZES THAT A FACULTY SABBATICAL IS A PRIVILEGE, RATHER THAN A RIGHT, AND SHOULD BE GRANTED ONLY WHEN IT RESULTS IN ADDING VALUE TO THE INSTITUTION, THE STUDENTS' EDUCATION, AND THE STATE. THE GENERAL ASSEMBLY THEREFORE DECLARES THAT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION SHOULD JUDICIOUSLY GRANT FACULTY SABBATICALS THAT WILL IMPROVE EXCELLENCE WITHIN THE STATE SYSTEM OF HIGHER EDUCATION AND WILL THEREBY BENEFIT THE STATE.

(2) (a) ON OR BEFORE OCTOBER 1, 1994, THE GOVERNING BOARD OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL HAVE IN PLACE AND SHALL ENFORCE POLICIES REGARDING FACULTY SABBATICALS, INCLUDING BUT NOT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

LIMITED TO THE POLICIES SPECIFIED IN THIS SUBSECTION (2).

(b) EFFECTIVE OCTOBER 1, 1994, A GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION MAY NOT AUTHORIZE A SABBATICAL OR EXTENDED ADMINISTRATIVE PAID LEAVE FOR ANY PERSON HOLDING AN ADMINISTRATIVE POSITION AT A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION; EXCEPT THAT A GOVERNING BOARD MAY, FOR A REASONABLE PERIOD OF TIME, AUTHORIZE ADMINISTRATIVE PAID LEAVE FOR DISCIPLINARY OR INVESTIGATORY PURPOSES.

(c) A GOVERNING BOARD MAY NOT GRANT A SABBATICAL FOR ANY FACULTY MEMBER MORE OFTEN THAN ONCE EVERY SEVEN YEARS.

(d) PRIOR TO TAKING A SABBATICAL, A FACULTY MEMBER SHALL SUBMIT TO THE GOVERNING BOARD OF THE INSTITUTION THAT EMPLOYS THE FACULTY MEMBER A DETAILED SABBATICAL PLAN THAT:

(I) SPECIFIES HOW THE SABBATICAL ACTIVITY WILL RESULT IN THE FACULTY MEMBER'S PROFESSIONAL GROWTH, HOW IT WILL ENHANCE THE INSTITUTION'S REPUTATION AND THE STUDENTS' EDUCATIONAL EXPERIENCE AT THE INSTITUTION, AND HOW IT WILL INCREASE THE OVERALL LEVEL OF KNOWLEDGE IN THE FACULTY MEMBER'S AREA OF EXPERTISE;

(II) SPECIFIES THE GOALS THAT THE FACULTY MEMBER WILL ACHIEVE WHILE ON SABBATICAL.

(e) A GOVERNING BOARD MAY NOT GRANT A SUBSEQUENT SABBATICAL TO ANY FACULTY MEMBER WHO DOES NOT MEET THE GOALS STATED IN THE FACULTY MEMBER'S SABBATICAL PLAN.

(f) THE GOVERNING BOARD OF EACH INSTITUTION SHALL APPROVE ANY SABBATICALS TAKEN BY FACULTY AT THE INSTITUTION IN ADVANCE. IN APPROVING A SABBATICAL, THE GOVERNING BOARD SHALL CONSIDER THE QUALITY OF THE FACULTY MEMBER'S PROPOSED ACTIVITIES WHILE ON SABBATICAL, THE INDIVIDUALS WHO WILL BE INVOLVED IN SUCH ACTIVITIES, AND THE BENEFITS TO BE RECEIVED FROM SUCH ACTIVITIES BY THE FACULTY MEMBER, THE INSTITUTION, AND THE STUDENTS AT THE INSTITUTION.

(g) UPON COMPLETION OF A SABBATICAL, THE FACULTY MEMBER SHALL SUBMIT A FINAL SABBATICAL REPORT TO THE GOVERNING BOARD OF THE INSTITUTION THAT EMPLOYS THE FACULTY MEMBER, INCLUDING A SUMMARY OF THE FACULTY MEMBER'S ACTIVITIES WHILE ON SABBATICAL AND THE BENEFITS DERIVED BY THE FACULTY MEMBER. FINAL SABBATICAL REPORTS NEED NOT INCLUDE SPECIFIC DETAILS OF THE FACULTY MEMBER'S RESEARCH CONDUCTED WHILE ON SABBATICAL. FINAL SABBATICAL REPORTS ARE OPEN RECORDS PURSUANT TO SECTION 24-72-203, C.R.S., AND MAY NOT BE INCLUDED IN THE FACULTY MEMBER'S PERSONNEL FILE.

(h) EACH PARTICIPANT IN THE SABBATICAL PROCESS IS RESPONSIBLE FOR ENSURING THAT EACH SABBATICAL MEETS THE REQUIREMENTS OF THIS SECTION AND ANY OTHER REQUIREMENTS THAT MAY BE INCLUDED IN THE APPROPRIATE GOVERNING BOARD'S SABBATICAL POLICY. EACH GOVERNING BOARD SHALL SPECIFY A MECHANISM TO HOLD EACH PARTICIPANT IN THE SABBATICAL PROCESS ACCOUNTABLE FOR MEETING

THE SABBATICAL POLICY REQUIREMENTS.

(3) EACH GOVERNING BOARD SHALL PRODUCE ALL SABBATICAL RECORDS FOR ALL APPROVED SABBATICALS AND A LIST OF ALL DISAPPROVED SABBATICALS FOR INSPECTION BY THE JOINT BUDGET COMMITTEE, THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND THE COLORADO COMMISSION ON HIGHER EDUCATION UPON REQUEST. IN ADDITION, EACH GOVERNING BOARD SHALL DISTRIBUTE COPIES OF THE SABBATICAL POLICIES DEVELOPED BY EACH GOVERNING BOARD PURSUANT TO THIS SECTION, WITH AMENDMENTS AS NECESSARY, TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES AND TO THE COLORADO COMMISSION ON HIGHER EDUCATION.

SECTION 2. 24-72-202 (4.5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-72-202. Definitions. (4.5) "Personnel files" means and includes home addresses, telephone numbers, financial information, and other information maintained because of the employer-employee relationship, and other documents specifically exempt from disclosure under this part 2 or any other provision of law. "Personnel files" does not include applications of past or current employees, employment agreements, any amount paid or benefit provided incident to termination of employment, performance ratings, FINAL SABBATICAL REPORTS REQUIRED UNDER SECTION 23-5-123, C.R.S., or any compensation, including expense allowances and benefits, paid to employees by the state, its agencies, institutions, or political subdivisions.

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

Approved: April 28, 1994