SECTION 5
RIGHTS, PRIVILEGES AND BENEFITS

5.1 ACADEMIC FREEDOM

Colorado law vests the instructional power of CSM in its faculty. In carrying out their instructional responsibilities at CSM, faculty members enjoy the right of academic freedom as it is generally defined and accepted in the academic community. CSM's specific articulation of academic freedom is set forth below.

> Within the limits imposed by State law and CSM policy, and subject to the adequate performance of other assigned duties, all CSM faculty members enjoy the freedom to discuss in the classroom matters relevant to the educational mission, engage in scholarly activity, conduct research, and publish or disseminate the results of such work. All CSM faculty members are free to speak and write on matters of public concern, as well as on matters related to professional duties and the functioning of the university. However, faculty members should be mindful that their position in the community imposes special responsibilities. Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution, nor does one speak for CSM in his or her private capacity.

5.2 ELIGIBILITY FOR BENEFITS

In general, faculty employed in Tenured or Tenure-track, Teaching and Named Faculty positions, and Research, Administrative, Library, and Athletics Faculty are eligible for benefits in accordance with the plan documents or certificates of insurance for each benefit. These faculty are referred to in this Section 5 as "Benefits-eligible" faculty. Temporary Faculty (Adjunct Faculty, Affiliate Faculty, temporary Administrative Faculty, temporary Research Faculty, or temporary Athletics Faculty) generally are not eligible for CSM benefits, including leave benefits, except for participation in those benefits that CSM is required by law to provide. These mandated benefits include participation in the Public Employees Retirement Association (PERA), Unemployment Insurance, Medicare, and Workers' Compensation. In addition, Mines provides access to health insurance in accordance with the requirements of the Patient Protection and Affordable Care Act and its regulations for those faculty who are not Benefits Eligible as defined above. Non-remuneration faculty are not eligible for CSM benefits, except for liability insurance provided through the State Office of Risk Management, which CSM is required by law to provide.

5.3 ENROLLMENT IN CSM COURSES

5.3.1 Degree Candidates

Faculty members holding the rank of Teaching Assistant Professor or higher may not work toward degrees in their own department at CSM. The Dean of Graduate Studies may waive this rule for the benefit of doctoral candidates on a case-by-case basis. The Provost shall have the authority to grant other exceptions to this rule.

5.3.2 Tuition-Free Courses for Credit

A Benefits-eligible CSM faculty member, with his or her department head or equivalent director's approval, may apply to the Dean, or in the absence of a Dean, the Provost, for enrollment in CSM courses, not to exceed a total of six credit hours in any fiscal year, without payment of tuition. In considering such requests, the Dean or Provost may examine budgetary constraints, total available classroom space, and the potential benefit to CSM through improved professional development, employee morale, and employee motivation. No faculty or staff member shall be eligible for more than six credit

hours, whether for-credit or no-credit, or any combination thereof, in any one fiscal year.

5.3.3 Tuition-Free Courses for No Credit

Benefits eligible faculty members and their spouses may also take CSM courses on a space-available, no-credit, tuition-free basis, not to exceed six credit hours per semester, with the approval of the course instructor. Benefits-eligible faculty members must get the approval of their immediate supervisor in order to participate in a course. No faculty or staff member or their spouse shall be eligible for more than six credit hours, whether for-credit or no-credit, or any combination thereof, in any one fiscal year

5. 4 LEAVE BENEFITS

5.4.1 Sabbatical Leave

All sabbatical leave at CSM is governed by the CSM Sabbatical Leave Policy, which has been promulgated by the Board and is set forth in subsection 10.2 below.

5.4.2 Unpaid Leave

A Benefits-eligible CSM faculty member may request unpaid leave in writing through his or her department head or equivalent director. Such leave may be granted at the discretion of the Dean, or in the absence of a Dean, the appropriate Vice President. However, unpaid leave of more than twelve months will generally not be granted.

5.4.3 Annual Leave

Annual leave is equivalent to personal or vacation leave and may be utilized by a faculty member for any purpose with the approval of his or her supervisor. Only Benefits-eligible administrative faculty, athletics faculty, library faculty, and research faculty are eligible for annual leave. With the exception of Postdoctoral Fellows, this leave shall be paid according to the following formula:

Total Colorado State Service	Hours Earned Per Month	Maximum Carryover
1st month through 108th month	13 1/3 hours	320 hours
109th month and beyond	16 hours	384 hours

The change in accrual rates will occur beginning with the first day of the month following the month in which employment period reaches the 108th month.

For Postdoctoral Fellows, leave shall be paid according to the following formula:

Total Colorado State Service	Hours Earned Per Month	Maximum Carryover
Any	6 2/3 hours	6 2/3 hours

Full-time Benefits-eligible faculty who work less than one full month and part-time Benefits-eligible faculty will earn annual leave on a *pro rata* basis. Faculty who wish to use annual leave must submit a request to their supervisor and receive approval. Supervisors may deny use of annual leave. Faculty members who use annual leave must report their usage monthly through the leave reporting system and submit their leave reports to their supervisor within the deadlines established by Payroll. Faculty may take paid annual leave only as earned or accrued. Faculty on paid leave will accrue annual leave at the normal rate. Faculty on unpaid leave will not accrue annual leave. Any leave

taken which has not been accrued will be treated as leave without pay. The maximum carryover limits set forth above shall be effective at the end of each fiscal year. A faculty member may accrue annual leave in excess of the applicable limit during the course of a fiscal year, but he or she must either use all leave accrued in excess of the limit during the fiscal year or forfeit the excess at the earlier of the end of the fiscal year or termination of employment. A faculty member will be paid in full at his or her current rate of pay for unused hours of annual leave, up to the applicable maximum carryover limit, upon change from twelve-month to nine-month contract status, upon termination of employment, or at the time of retirement or death. Upon the death of a faculty member, the estate of the deceased faculty member will be paid for the faculty member's accrued annual leave, up to the applicable maximum carryover limit.

5.4.4 Sick Leave

Sick leave provides CSM Benefits-eligible faculty with paid time off from work to attend to their health and medical needs, as well as the health and medical needs of their spouses, parents, minor children, adult children who are incapable of self-care, legal dependents, or persons in the household for whom the employee is the primary caregiver. Faculty are expected to utilize sick leave to cover their time off from work for preventive and diagnostic medical examinations, receipt of medical treatment, and recovery from illnesses and non-work-related injuries. Benefits eligible CSM faculty shall accrue sick leave at the rate of ten hours for each calendar month worked. The maximum carryover limit of paid sick leave shall be 720 hours. Full-time faculty who work less than one full month and part-time faculty will earn sick leave on a *pro rata* basis. Faculty on paid leave will accrue sick leave at the normal rate. Faculty on unpaid leave will not accrue sick leave. Sick leave shall be reported for any time away from CSM duties due to illness or medical appointments. It is improper to use sick leave for the sole purpose of extending available funds from research or other externally funded accounts. Department Heads or equivalent directors may require a physician's certificate for the use of sick leave. Faculty members who use sick leave must report their usage monthly through the leave reporting system and submit their leave reports to their supervisor within the deadlines established by Payroll. Faculty may take paid sick leave only as earned or accrued. Any leave taken which has not been accrued will be treated as leave without pay. The maximum carryover limit set forth above shall be effective at the end of each fiscal year. A Benefits-eligible faculty member may accrue sick leave in excess of the limit during the course of a fiscal year, but he or she must either use all leave accrued in excess of the limit during the fiscal year or forfeit the excess at the end of the fiscal year. If a faculty member separates from CSM service after becoming eligible to receive a full or reduced annuity pursuant to PERA guidelines, he or she shall be paid for one-fourth of his or her unused sick leave at his or her current rate of pay, up to the maximum carryover limit set forth above. If a faculty member dies prior to retirement, the estate of the deceased faculty member will be paid for the faculty member's unused sick leave within the limits set forth in this paragraph. A faculty member who returns to employment at CSM following an interruption of service shall have previously accrued sick leave restored, subject to the maximum carryover limit.

> **Note:** Faculty members who had accumulated over 720 hours of sick leave as of August 31, 1982, hereinafter referred to in this note as the "Excess Sick Leave Accumulation," shall be entitled to use their Excess Sick Leave Accumulation only in the case of a protracted illness. All use of sick leave since September 1, 1982, shall first be charged against the faculty member's more recent sick leave accumulation earned subject to the 720-hour limit. If this accumulation becomes exhausted, sick leave shall then be charged against the faculty member's Excess Sick Leave Accumulation. CSM shall not pay a faculty member for any portion of his or her Excess Sick Leave Accumulation upon retirement or death. Additional information regarding this subject may be obtained from the CSM Human Resources Office.

5.4.5 Family Medical Leave

After one year of CSM service, a Benefits-eligible faculty member may utilize up to 520 hours of unpaid leave per fiscal year (1040 hours if used as a military caregiver), taken either continuously or intermittently, for the following purposes: (1) the birth and care of a child within one year of the birth; (2) the placement and care of an adopted child within one year of the placement; (3) the faculty member's treatment for and recovery from a serious health condition; (4) the faculty member's care for the serious health condition of his or her child, parent, or spouse; (5) when a faculty member's child, parent, or spouse experiences a qualifying exigency directly related to being called to or on active duty for a contingency operation during a declared war or; (6) when a faculty member is a military caregiver for a child, parent, spouse, or next of kin who suffers a serious injury or illness in the line of duty while on active duty in support of a contingency operation. The faculty member will be required to utilize all of his or her accumulated paid leave—in accordance with the applicable rules governing such usage set forth in other CSM leave policies—before he or she will be placed on unpaid family medical leave, but the use of paid leave will not extend the total period of time to which the employee is entitled to under this paragraph. The above is only a brief description of the complex rules concerning family medical leave. Please contact the Human Resources Office for more specific information on this subject.

5.4.6 Holiday Leave

CSM celebrates Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King Day, Memorial Day, and Independence Day as holidays. Other days will be designated annually by the President as school holidays not to exceed twelve days in total.

5.4.7 Administrative Leave

The President may grant administrative leave with pay to a Benefits-eligible faculty member for any purpose deemed by the President to be in the best interests of CSM, as long as the granting of administrative leave for such purpose is not prohibited by law.

5.4.8 Funeral Leave

A Benefits-eligible faculty member may request funeral leave through his or her department head or equivalent director. If the requesting party does not report to a department head or equivalent director, the request shall be made through the requesting party's immediate supervisor. A reasonable amount of such leave shall be granted for the purpose of attending the funeral of an immediate family member.

5.4.9 Jury or Court Leave

Upon request and presentation of a jury summons or a subpoena to appear in court, a faculty member shall be granted leave for the purpose of fulfilling jury or other court obligations.

5.4.10 Military Leave

Upon request, CSM shall grant an appropriate period of leave to its faculty for military service as mandated by U.S. and Colorado law.

5.4.11 Injury Leave

CSM shall grant up to sixty days of paid injury leave to a Benefits-eligible faculty member who has suffered a job-related injury, subject to the following conditions: (1) the faculty member must file a

timely First Report of Injury form for workers' compensation purposes with the Office of Human Resources; (2) CSM workers compensation insurer must certify that the injury is job-related or "compensable"; and (3) the faculty member must agree to assign his or her right to receive salary payments from the workers compensation insurer to CSM during the period when the employee is receiving paid injury leave.

5.4.12 Medical Disability Leave

CSM may grant up to six weeks of paid medical disability leave to a Benefits-eligible faculty member for the purpose of childbirth and medical recovery therefrom, or for the treatment of a disabling medical condition or non-work-related injury, subject to the following limitations: (1) the "disabling medical condition" may not be the result of elective surgery or a non-medically-necessary procedure; (2) the condition or injury must necessitate the faculty member's continuous absence from work for a period in excess of two weeks; (3) the faculty member must present to the Office of Human Resources a medical certification from the attending health care provider attesting to the disabling nature and the anticipated duration of the medical condition; (4) prior to receiving any paid medical disability leave, the faculty member must first exhaust 80% of his or her accrued sick leave; (5) in the case of a foreseeable event such as childbirth, the faculty member must give her immediate supervisor and the Office of Human Resources written notice of the anticipated need for this leave three months in advance of the date the leave is expected to begin, or as much notice as is practicable and reasonable in the faculty member's circumstances; (6) the aggregate usage of the faculty member's sick leave and medical disability leave granted hereunder shall not exceed three months; and (7) only that period of the disability leave that falls within the faculty member's term of appointment shall be paid.

5.4.13 Parental Leave

Benefits-eligible faculty members are eligible for the parental leave outlined below. A faculty member on paid parental leave must return to employment at CSM for at least six weeks after the conclusion of the parental leave period. A faculty member who does not fulfill this condition will be required to repay the full amount of compensation (salary plus employer-provided benefits) received from CSM during the paid parental leave period. During any paid portion of parental leave, benefit coverage under CSM's group health, dental, life, and long-term disability insurance plans shall continue in effect, consistent with the terms of the applicable insurance contracts and CSM policies regarding such benefits. During the unpaid portion of a parental leave, benefit coverage under CSM's group health, dental, life and long-term disability insurance plans shall continue in effect, consistent with the terms of the applicable insurance contracts and CSM policies regarding such benefits, provided that the premiums, including any amount normally contributed by CSM, are paid monthly by the faculty member.

The provisions of paragraph 5.4.12 (medical disability leave) and paragraph 5.4.13 (parental leave) are intended to be interpreted in conjunction with paragraph 5.4.5 (family medical leave). Family medical leave runs concurrently with other CSM-sponsored leave plans and may be with pay, unpaid, or a combination of both, depending on the circumstances. For a complete description of family medical leave and its relation to other CSM leave policies, please contact the Human Resources Office.

A. Paid Leave Following the Birth or Adoption of a Child

A benefits-eligible faculty member may take up to six weeks of paid parental leave for the purpose of caring for and nurturing his or her newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement. The leave will be paid at the faculty member's regular base rate of pay. Once starting paid leave, it must be taken consecutively and without

interruption; paid parental leave may not be used on an intermittent basis. Use of parental leave must occur and be completed within the twelve months immediately following the birth or adoption of a newborn or child.

For uses of parental leave due to the birth of a child, a faculty member's leave requests must be made to his or her immediate supervisor, with copy to the Benefits Office, at least sixty (60) days prior to the start of the anticipated leave period. Leave requests given with less than sixty (60) days notice will not be granted absent extraordinary circumstances. For uses of parental leave due to the adoption of a child, leave requests should be made to the immediate supervisor, copy sent to the Mines' Benefits Office, with as much notice as possible. Only that period of the leave that falls within the faculty member's term of appointment shall be paid.

If the requested leave interrupts, or is expected to interrupt a semester in which the faculty member is normally scheduled to teach, the faculty member may choose to request relief from teaching for one entire semester, which shall be granted. Such request must be made to the faculty member's immediate supervisor, in writing, at the same time as the request for Parental Leave. For the period of the semester that the faculty member is not on medical disability or parental leave (paid or unpaid), the faculty member is expected to resume non-teaching duties, such as committee work, administrative work, and academic advising.

B. Unpaid Leave Following the Birth or Adoption of a Child

A benefits-eligible faculty member may request unpaid parental leave (in addition to paid parental leave) for the purpose of caring for a newborn or newly adopted child to be used immediately following the paid parental leave provided for in Section A above. Such request must be submitted, in writing, to the faculty member's immediate supervisor and the Mines' Benefits Office as part of the request for paid Parental Leave. Taking into consideration the faculty member's needs and those of the departments or offices most affected by his or her absence, the employee and his or her supervisor may negotiate a mutually acceptable length of time for the unpaid leave. If the employee qualifies for leave under the Family and Medical Leave Act, he or she shall be entitled to take up to the amount of leave still available to the employee for the relevant twelve-month period.

C. Unpaid Parental Leave for Temporary Faculty (adjuncts, administrative, athletics, and research faculty)

While leave benefits are not normally part of a temporary faculty member's employment with Mines, recognizing the special needs and circumstances attendant to the birth or adoption of a new family member, faculty members may request unpaid parental leave for the purpose of caring for a newborn or a child placed in foster care as a pre-adoption requirement. Such leave, if granted, is to be used immediately following the birth or adoption (including a child placed in foster care as a pre-adoption requirement). To be granted this leave, the temporary faculty member must make his or her request in the same manner as required of benefits eligible faculty outlined in Section 5.4.13 A above.

5.5 INSURANCE BENEFITS

Benefits-eligible faculty employed in a position that requires service of at least 50% of full-time effort and whose contract or appointment period is anticipated to be at least a full academic year (or its equivalent period) are required to participate in all non-discretionary insurance programs (e.g., health insurance, disability insurance, dental insurance, life insurance and travel accident insurance), unless a specific exemption applies.

Research Faculty appointments are often affected by uncertain future funding conditions. If the Research Faculty appointment is for a period less than a full academic year (or its equivalent period), but the sponsoring department intends for the Research Faculty appointment to be of a continuing nature and has a reasonable expectation that future funding will be secured to provide continuous employment, the Research Faculty appointment is not considered to be temporary and may be Benefits-eligible. Even though a series of Research Faculty appointments may be linked to create at least an academic year equivalent for benefits eligibility purposes, the assignments must meet the 50% of full time effort requirement in order to retain benefits eligibility. If a Research Faculty member's assignment or assignments falls below the 50% threshold, the Research Faculty member's benefits eligibility will end.

Exemptions to the requirement to participate in all non-discretionary insurance programs may be granted to eligible faculty if: (1) the faculty member is also eligible for military health benefits; (2) the faculty member holds *bona fide* religious beliefs that are in conflict with the requirements of the insurance program; (3) the faculty member is covered by another group health insurance plan, or (4) the plan documents or certificates of insurance that control each benefit provide for such exemption.

Prior to approving any significant change in the insurance benefits package provided to exempt CSM employees, the CSM administration shall initiate a discussion of such proposed changes with affected faculty groups in advance of the time frame for making a final decision regarding such changes. Subject to the discussion process specified above, the Board reserves the right to make the final decision regarding changes to its exempt employee insurance package, including the types of coverage provided and the employer-employee cost allocation. CSM currently provides the following types of insurance coverage to its Benefits-eligible faculty.

In the event of any conflict between a statute, law, regulation, Trust document, or benefit plan document (collectively termed "Documents') and this Handbook, the terms of the Documents shall control.

5.5.1 Health and Disability Insurance

CSM provides a group health and long-term disability insurance plan designed to cover faculty and their dependents. Current information regarding this program and enrollment forms may be obtained from the CSM Human Resources Office.

5.5.2 Dental Insurance

CSM provides a group dental insurance plan for faculty. Current information regarding this program and enrollment forms may be obtained from the CSM Human Resources Office.

5.5.3 Vision Insurance

CSM provides a voluntary group vision insurance plan for faculty. Current information regarding this program and enrollment forms may be obtained from the CSM Human Resources Office.

5.5.4 Life Insurance

CSM provides a group life insurance plan for its faculty. Current information regarding this program and enrollment forms may be obtained from the CSM Human Resources Office.

5.5.5 Travel-Accident Insurance

CSM provides a travel-accident policy to insure all faculty members while traveling on CSM business. Current information regarding this benefit may be obtained from the CSM Human Resources Office.

5.6 MANDATED BENEFITS

5.6.1 Workers' Compensation Insurance

CSM is covered by Workers' Compensation Insurance furnished through the State of Colorado for any injury or illness incurred by its faculty in the regular performance of their duties. Additional information regarding this benefit may be obtained from the CSM Human Resources Office.

5.6.2 Comprehensive Liability Insurance

CSM and its faculty are covered by Colorado Risk Management in accordance with the provisions of the Colorado Governmental Immunity Act, C.R.S. Section 24-10-101, et seq., and the Colorado Risk Management statutes, C.R.S. Section 24-30-1501, et seq., while acting in the course and scope of their employment. Decisions about coverage are made by Risk Management on a case- by-case basis. There is no coverage for personal property or the operation of a state vehicle while on personal business. Current information regarding this subject may be obtained from the Office of Legal Services or the Human Resources Office.

5.6.3 Retirement System Membership

All non-student employees of Mines are required to participate in the retirement system for which they are eligible. Current information regarding these programs may be obtained from the Mines Human Resources Office.

5.6.4 Unemployment Insurance

All faculty are covered by unemployment insurance as required by law and administered by the State of Colorado. Additional information about unemployment insurance is available from the Human Resources Office.

5.6.5 Medicare

All faculty hired on April 1, 1986, or later are subject by law to Medicare withholding taxes. Additional information about the current Medicare payroll tax rate is available from the Human Resources Office.

5.7 PAYROLL OFFICE REQUIREMENTS AND INFORMATION

5.7.1 General Payroll Procedures

CSM faculty members are paid on the last working day of each month. All newly hired faculty are required to provide evidence of citizenship or appropriate documentation of eligibility and permission for employment in the United States. (See paragraph B below.) Faculty shall have their pay deposited directly with a financial institution of their choice. Federal income tax regulations require that all employees sign a Federal Form W-4, indicating the number of withholding exemptions to which they are entitled. If a completed Form W-4 is not received, the Payroll Office will compute payroll deductions as if the employee were single, with no withholding exemptions. State employee paychecks are also subject to Colorado State Withholding Tax and PERA contributions. The amount to be withheld for state income tax shall be determined in accordance with the number of withholding tax exemptions claimed for federal income tax purposes. Current information regarding CSM payroll requirements and procedures may be obtained from the CSM Human Resources Office or the CSM Payroll Office.

5.7.2 Proof of Employment Eligibility

CSM is required to comply with the Immigration Reform and Control Act (IRCA) and its associated regulations. IRCA requires that every person hired must provide satisfactory evidence to CSM of his or her ability to legally work in the United States. This evidence must be provided to the Human Resources Office not later than the third business day after the start date of employment. Individuals who do not provide such evidence in a timely manner must have their employment terminated.