

SECTION I

PART K POLICIES AND PROCEDURES FOR CONFLICT RESOLUTION ON THE AURARIA CAMPUS

1.00 Introduction

With the passage of HB 1187, the Commission has been statutorily charged with certain responsibilities in the resolution of disputes on the Auraria campus. The specific citation is 23-70-106.5 which follows:

23-70-106.5. Resolution of disputes at the Auraria campus. (1) After notification to the affected chief executive officers, which notification provides for a deadline of not more than ten days for the resolution of a dispute, the chief executive officer of any governing board at the Auraria Center, including the Auraria board, may request the Colorado Commission on Higher Education to resolve a conflict concerning an academically related issue at the Auraria Center. The Commission shall have the authority to make the final decision to resolve the issue presented to it or may delegate its responsibility and authority for the final decision of the issue to the Auraria board. The decision of either the Commission or the Auraria board shall be binding on all of the governing boards and institutions and on the Auraria board. It is the policy of the general assembly that the Commission is encouraged to delegate to the Auraria board, to as great an extent as possible, its authority for making final decisions at the Auraria Center.

(2) The chief executive officer of any governing board at the Auraria Center, including the Auraria board, may request the Auraria board to resolve a conflict concerning the operation, administration, or use of the physical facilities at the Auraria Center. The Auraria board shall have the authority to make the final decision to resolve the issue presented to it, and such decision shall be binding on all of the governing boards and institutions and on the Auraria board.

(3) All issues involving interinstitutional disputes at the Auraria Center shall be considered as either academically related or operationally related, and the Commission is authorized to determine whether it or the Auraria board shall have jurisdiction in regard to the resolution of the dispute.

There are certain sections within the Auraria statute that also apply to the question of dispute resolutions. These follow.

23-70-101 (c) Facilitate the execution and performance of the constitutional and statutory responsibilities of the governing boards of the constituent institutions.

23-70-101 (e) Provide a system for facilitating cooperation among the constituent institutions, their governing boards, and the governing board created by this article.

23-70-104 Duties of the Auraria board. (d) To determine and designate the non academic and non vocational joint programs or joint activities of the constituent institutions to include but not be limited to security and fire protection, maintenance, and purchasing

(e) To continually develop, review, and update annually a long range plan for operation of the center. There shall be a five year forecast of the operational costs and capital construction costs, which shall be submitted to the General Assembly no later than January 1 of each year, commencing January 1, 1975.

(f) To decide interinstitutional disputes presented to the Auraria board by any one or more of the constituent institutions.

(g) To investigate supplementary or alternative methods for the delivery of selected higher education services through the use of existing campuses and facilities in the Denver and metropolitan area.

There are a number of points of interpretation that are critical to the implementation of this statute. These are listed and defined as follows:

1. The Commission's interpretation of 23-70-106.5 (1) is that
 - only the chief executive officer of the board concerned may request the Colorado Commission on Higher Education to resolve a conflict. These individuals are the President of the University of Colorado, the President of the Consortium of State Colleges of Colorado, the Director of Community Colleges of the State Board for Community Colleges and Occupational Education, and the Executive Director of the Auraria Higher Education Center.
 - Before a request is made to the Colorado Commission on Higher Education to resolve a conflict, notification of the conflict must be provided to all of the chief executive officers of the boards operating on the Auraria campus. After this notification, there is a ten day deadline for the resolution of the conflict. If within these ten days the conflict is resolved, the Commission is not notified and does not become involved.
 - The AHEC board is provided the authority to resolve academic issues if the Commission directs it to do so.
 - Without Commission involvement, the AHEC board has the authority to resolve conflicts on issues concerning the operation, administration, or use of the physical facilities at the Auraria Center.

- The Commission has the authority to define disputes as academic or operational and to set policy guidelines for defining an academic vs. an operational issue.

The balance of the paper presents the policies and procedures for resolution of conflicts among the four governance entities on the Auraria campus.

2.00 Principles for Conflict Resolution

The principles the Commission will adhere to in resolving conflicts on the Auraria campus are listed below.

- 2.01 Issues should be resolved at the lowest possible level. The Commission will directly involve itself in the resolution of conflicts as infrequently as possible.
- 2.02 For issues that cannot be resolved among the four campus administrators or the chief executive officers of the boards, the Commission will request that the Auraria boards resolve those issues except for major policy questions.
- 2.03 Decisions directed by the Commission to the AHEC board or resolved directly by the Commission are not subject to appeal within Commission policies. Alternatives for appeal exist only within the General Assembly or the legal system.

3.00 Procedures for Conflict Resolution

- 3.01 Before an issue can be accepted for resolution by the Colorado Commission on Higher Education, the following steps must have been taken in order to resolve that issue locally.
 1. The Auraria Executives Council must discuss the issue with all four institutions represented and have failed to reach a resolution.
 2. The chief executive officers of each of the boards of institutions and AHEC operating on the Auraria campus must have been notified of the agreement on the resolutions of the issue. There are ten days from the point of initial notification in which to reach this resolution.
 3. A letter must be sent by one of the chief executive officers of the boards, specifically, the President of the University of Colorado, the President of the Consortium of State Colleges, the Director of Community Colleges of the State Board for Community Colleges and Occupational Education or the Executive Director of the Auraria Higher Education Center, to the Executive Director of the Commission stating the specifics of how each of the aforementioned steps have been taken and that resolution has still not been reached. This letter needs to identify the issue, describe it from the perspective of the chief executive officer submitting the letter, describe the appropriate resolution from the perspective of the chief executive office submitting the letter, and identify the amount of any fund transfers which would be required consistent with the

proposed resolution. A copy of this letter to the Executive Director of the Commission must be sent to each of the four campus chief executive officers at the time it is sent to the Executive Director of the Commission.

4. If all four campus chief executive officers concur that the issue is an operational issue, the question can be sent directly to the AHEC board for resolution without Commission involvement.

3.02 Upon receipt of the letter from one of the chief executive officers indicating the unresolved issue, the Executive Director of the Commission under delegated authority from the Commission will make a determination as to whether the issue will be resolved by the AHEC board or by the Commission. Section IV of this paper outlines the criteria the Executive Director will use in making this decision.

3.03 If the issue is presented to the AHEC board for resolution, the AHEC board must assure that there is an open hearing on the issue at a meeting prior to the meeting where the decision is made. If fiscal resources must be transferred as the result of the decision, a description of the transfer and the amount must be a part of the official AHEC board decision and must be forwarded to the Commission where it will be incorporated into Commission budget actions. Other procedures and criteria for arriving at a decision will be adopted by the AHEC board.

3.04 If the issue comes to the Colorado Commission on Higher Education, the Commission will schedule, at its next regularly scheduled meeting, a presentation by each of the effected parties on the definition of the issue and their proposed resolution. Based on this testimony, Commission staff will develop a recommendation for action by the Commission at its next regularly scheduled meeting.

4.00 Policies for Evaluating Issues

The following policies will be followed by the Executive Director of the Commission in determining whether an issue is academic or operational on the Auraria campus.

4.01 Operational Issues

Issues falling primarily in any of the following areas will be considered operational for the purpose of Auraria dispute resolution.

1. Management of any aspect of the facilities and grounds of Auraria
2. Issues surrounding the assignment of space among the three academic institutions
3. Issues surrounding the assignment of classroom space
4. All issues involving student service functions or career planning and placement, international student services, handicapped student services, and housing and pre-admissions services
5. Issues involving auxiliary services (bookstore, childcare center, student center, parking, printing, etc.)

6. Any issues involving purchasing
7. Issues involving the use of specialized facilities for equipment
8. Issues involving the statutorily required common calendar
9. Issues involving the physical education facilities

4.02 Academic Issues

1. Issues involving the transfer or commonality of courses
2. Issues involving the merged or consolidated academic departments
3. Issues involving major shared academic resources except the funding support of the academic library
4. Issues involving the use of academic personnel
5. Issues involving the curriculum of the academic degree programs
6. Issues involving the support of the Auraria library by the three constituent institutions