

9.1 Non-Renewal of Appointment

Non-renewal of appointment is a type of "no-fault" employment severance action that requires Mines to provide a specified advance notification to the affected employee. In general, Colorado law provides that all exempt Mines employees, except tenured and tenure-track faculty, are employees at-will, who may be terminated at any time for any lawful reason. Colorado law also permits term employment contracts for certain categories of non-tenure track faculty and higher education employees under conditions prescribed in Colorado Revised Statutes §24-19-104. Consistent with state law, only those categories of faculty members specified in Sections 9.1 and 9.2 may be subject to non-renewal of appointment.

9.1.1 Tenure-Track Faculty

Mines may decide to non-renew the appointment of a tenure-track faculty member without cause. Tenure-track faculty member whose contract will be non-renewed for the subsequent academic year by Mines shall be notified of that fact in a letter from the Provost delivered according to the timetable set forth below:

Years of Service	Non-Renewal Notification Requirements
During first year of Mines appointment	Written notice will be provided no later than 2 months before the completion of the current year
During second year of Mines appointment	Written notice will be provided no later than December 15 permitting the completion of the current academic year
Third year and beyond	One year written notice will be provided

A tenure-track faculty member's employment contract may be rendered unenforceable and is subject to termination without advance notice if, during the term of the faculty member's appointment, Mines:

- A. Ceases to be an enterprise, as defined in Section 20(2)(d) of Article X of the State Constitution; and
- B. Lacks present cash reserves sufficient to pledge irrevocably to satisfy the terms of the contract.

9.1.2 Tenured Faculty

Mines may decide to non-renew the appointment of a tenured faculty member only for reasons of financial exigency or academic program termination.

A. Definitions

1. Financial Exigency

A financial exigency may exist if Mines faces a critical and urgent need to reorder its fiscal priorities to relieve a state of emergency created by its inability to fund required monetary expenditures.

2. Academic Program Termination

An academic program at Mines may be terminated on account of a change in Mines' statutory role and mission, lack of sufficient student interest, failure to achieve required accreditation, or the operation of law. Any Mines academic program termination

shall be accomplished in accordance with applicable regulations, policies, or guidelines promulgated by the Colorado Commission on Higher Education, or any other State regulatory body vested with rule-making authority over this subject.

B. Implementation Procedures

Before any tenured faculty members are non-renewed on account of any of the reasons listed in this paragraph, the applicable procedure listed below shall be followed. The Faculty Senate shall represent the faculty in administrative procedures relating to academic program curtailment or termination. The faculty shall not, however, be entitled to representation in individual personnel decisions.

1. Financial Exigency

If a precipitous decline occurs in the financial fortunes of Mines, the President, after appropriate consultation with the Board, may declare that a state of financial exigency exists at Mines. In such a case, the President shall take the following steps:

- a. Formulate a draft Financial Exigency Plan;
- b. Meet jointly with the Faculty Senate and appropriate administrators to review the data and discuss the plan;
- c. Provide the Faculty Senate with at least sixty days to address the problem and respond to the plan with agreement or constructive alternatives;
- d. Decide upon a final Financial Exigency Plan;
- e. Secure Board approval of the plan; and
- f. Implement the plan utilizing existing faculty or university committees, as appropriate.

2. Academic Program Termination

If the President, after appropriate consultations with the Board, the Provost and affected department heads, determines that an academic program at Mines should be terminated, the appointments of both tenured and tenure-track faculty members in the affected program may be non-renewed. Tenure-track faculty members shall be non-renewed prior to tenured faculty members within a given program. Decisions regarding non-renewal of individual faculty members shall be made by the Provost and the department head, after appropriate consultation with the Faculty Senate. Such decisions shall be primarily based upon the criteria of maintaining the integrity of retained programs and minimizing the overall disruption to the Mines curriculum.

To the extent possible, Mines shall provide early warning of such non-renewal decisions, so that affected faculty members may seek other employment opportunities. Once a preliminary decision to terminate an academic program has been made, the President shall take the following steps:

- a. Formulate a draft Academic Program Termination Plan;
- b. Meet jointly with the Faculty Senate and appropriate administrators to review the data and discuss the plan;
- c. Provide the Faculty Senate with at least sixty days to address the problem and respond to the plan with agreement or constructive alternatives;
- d. Decide upon a final Academic Program Termination Plan;
- e. Secure Board approval of the plan; and
- f. Implement the plan utilizing existing faculty or university committees, as appropriate.
- g. Consider offering the options listed in paragraph 9.1.3 below to affected faculty members.

C. Time Limitations

A tenured faculty member whose contract will be non-renewed for the subsequent academic year by Mines for reasons of financial exigency or academic program termination shall be notified of that fact in a letter from the Provost not later than September 1.

9.1.3 Tenured Faculty Non-Renewal Options

The following options may be offered by Mines to tenured faculty members as alternatives to non-renewal of their appointments in appropriate situations.

A. Departmental Transfer

If Mines has terminated an academic program, or is contemplating such an action, Mines may offer a faculty member a transfer to another Mines department or academic program if the faculty member is qualified by teaching background and scholarship interests. Faculty member qualifications will be evaluated by the Provost, the appropriate Dean, the new department head, and the tenured members of the department to which the transfer is being contemplated. If the faculty member has requested a Retraining Support Plan, it shall be analyzed as part of the qualification evaluation process.

1. Retraining Support Plan

If a faculty member has transferred to another department or academic program on account of an academic program termination, he or she may submit a written request to the Provost for approval of a Retraining Support Plan in which he or she may request reasonable assistance from Mines to permit retraining or further development of his or her academic skills to a level necessary to permit a successful transfer to another department or a more viable academic program. A Retraining Support Plan shall not exceed one calendar year in duration and shall outline appropriate goals, milestones, and timetables. It may also contain requests for paid leave and/or financial support to acquire books or equipment, attend seminars or short courses, etc.

2. Trial Period

If a faculty member has transferred to another department or academic program on account of an academic program termination, he or she should not be non-renewed prior to the expiration of a three-year trial period, which shall include any period of leave requested and granted as part of a Retraining Support Plan.

3. Departmental Review

If a faculty member has transferred to another department or academic program on account of an academic program termination, he or she should not be non-renewed unless the new department head and a majority of the tenured faculty members of the new department agree that the transfer has not been successfully accomplished by the faculty member.

B. Financial Incentives for Resignation or Early Retirement

Financial incentives for voluntary resignation may be offered to affected faculty members. Alternatively, Mines may offer affected faculty members financial incentives for early retirement, if the faculty member is eligible for retirement pursuant to PERA criteria.

C. Temporary Leave

Mines may offer a faculty member temporary leave with or without pay and benefits.

9.1.4 Reemployment Assistance

During the final year of service tendered by a non-renewed faculty member, Mines may provide reasonable assistance in seeking alternative employment opportunities. Such assistance may be in the form of resume and application letter preparation assistance, resume and application letter printing service, and long-distance telephone use.