

9.5 Termination for Cause

Subject to the requirements specified below, any tenured, tenure-track, or teaching faculty members may be subject to termination for cause by Mines under this section. Termination of the employment of a tenured faculty member for cause does not require a separate, formal revocation of tenure by Mines; rather, tenure revocation is implicit in the termination for cause process.

9.5.1 Definition of "Cause"

The following shall constitute cause for termination of a tenured, tenure track, or non-tenure track teaching faculty member: (1) academic dishonesty; (2) a pattern of unfair or abusive treatment of Mines students; (3) consistently substandard performance; (4) pattern of failure to carry out contractual responsibilities or reasonable, employment-related duties assigned by a supervisor; (5) a violation of Mines' Policy Prohibiting Gender-Based Discrimination, Sexual Harassment and Sexual Violence, Unlawful Discrimination Policy, Amorous Relationships Policy, or Research Misconduct Policy; (6) a criminal conviction involving immoral or unethical conduct; (7) a serious violation of one or more of the faculty behavioral obligations set forth in Section 6.2 above; or (8) any other behavior or condition which significantly affects an employee's fitness to carry out his or her professional responsibilities.

9.5.2 Decision Making Standards

A termination for cause may be based upon one or more components of the definition of cause listed in paragraph 9.5.1 above. Termination of a tenured faculty member for cause for professional incompetence and/or significant substandard performance shall be based, in whole or in part, upon that individual's failure to complete a Performance Improvement Plan pursuant to Section 7.3.1 above in an adequate manner. However, if the individual willfully fails or refuses to cooperate in the preparation or execution of a Performance Improvement Plan, this requirement will be inapplicable. In deciding whether to grant or deny a request to terminate an employee for cause, the decision making official shall utilize the "preponderance of the evidence" standard as it is generally applied in civil cases to resolve disputed factual issues.

9.5.3 Initiation of Termination for Cause Process

A termination for cause may be initiated by the faculty member's immediate supervisor, or any higher-level supervisor within the applicable chain of authority including the President or Provost. If the affected faculty member reports directly to the President, the President shall be the initiating party. Once a termination for cause has been initiated, the affected faculty member shall receive written notification setting forth the applicable reason(s) for termination. If the termination for cause proceeding has been initiated by the Provost, the notification function specified above shall be performed by an uninvolved vice president selected by the President, who shall also preside over the remainder of the process specified in this section. If the termination for cause proceeding has been initiated by the President, the notification function specified above shall be performed by an uninvolved vice president selected by the Chairman of the Board, who shall also preside over the remainder of the process specified in this section. The affected faculty member may be suspended with pay for the duration of the process

specified in paragraph 9.5.4 below if, in the judgment of the President or Provost, the best interests of Mines would be served thereby.

9.5.4 Termination for Cause Process

Prior to rendering a decision on the matter, the presiding official shall provide the affected faculty member with an opportunity to reply in writing to the request for termination and to participate in a conference with the presiding official and the requesting supervisor. During this conference, the faculty member may be accompanied by a representative of his or her choosing in order to effectively present his or her position in the matter to the presiding official. After hearing a presentation from each side during the conference and examining all submitted written material, the presiding official shall render a written decision on the request for termination within a reasonable time and provide copies of the decision to the affected faculty member and the requesting supervisor. A faculty member who has been terminated for cause may appeal the decision pursuant to the Termination and Non-renewal Appeal Procedure set forth in Section 9.6.