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Preface

AY 2026-2027

The Board of Trustees, hereinafter the "Board," is the legal employer of all employees of Colorado School of Mines, hereinafter "Mines," including those who have been designated as exempt from the State Personnel System. The Board has set forth the personnel policies, procedures and statements in this edition of the Mines Faculty Handbook, hereinafter the "Handbook," for the convenience of members of the university community. Although these policies, procedures and statements cover a wide variety of subjects, there are other important policies and procedures that should be consulted as the need arises. This Handbook is not intended to address all circumstances related to a faculty member's role in the institution. With the exception of sections addressing the conferral and termination of tenure, the information contained in the Handbook is not intended to constitute an express or implied contract of employment with the institution. This Handbook shall supersede all previous versions of the Mines Faculty Handbook.

The Board desires to establish a collaborative environment in which all participants work together for the ultimate welfare of the institution, the students, and the faculty. To that end, the Board intends the faculty to be active participants in the operation of the university. To achieve this objective, this Handbook contains policies and procedures intended to encourage consultation with the faculty on issues of mutual concern, such as program changes, employment policies, and other issues related to institutional operation.

Although Colorado law grants to the Board the right to amend this Handbook at any time, the Board intends to consult with the faculty to the maximum extent practicable prior to implementing a significant change to any employment policy or procedure contained in the Handbook. Furthermore, except in special cases requiring prompt action, the Board intends to consider amendments to the Handbook during the spring semester of each academic year and to make any such amendments effective at the conclusion of the academic year. The Board also recognizes that Colorado law grants the instructional power of Mines to its faculty.

The Board may not, and does not intend to, delegate any portion of its statutory management authority which is not delegable by law. In those areas where the Board is permitted to delegate its management authority, it intends to do so only through the use of clear and unambiguous language. Consistent with its statutory authority, the Board delegates to the Mines President the authority to implement non-material changes to the Handbook format or content.

Summary of Changes from Previous Year

Handbook Changes Approved by the Board of Trustees
May 1, 2026

Subject	Description	Handbook Sections
Preface and Various Sections	Remove Administrative Faculty throughout handbook, as the Faculty Handbook no longer covers Administrative Faculty. Left one section to cover faculty that may serve in administrative positions. Change Administrative Faculty to University Staff where applicable for sections that this position remains in the Faculty Handbook. Revised the following: Office of Legal Services to Office of General Counsel, Emeritus to Emeritus/Emerita, and Vice President for Research & Technology Transfer to Vice President for Research in various sections	Various
Process for Handbook Modification & Reporting Policy Violations or Procedural Non-Compliance	Removed section as Administrative Faculty, now known as “University Staff,” are no longer covered by Faculty Handbook. The University Staff Handbook is posted on the Human Resources website.	3.3
Faculty Positions	Visiting Scholar/ Faculty should only be mentioned once with specific definition. Currently, it allows a variety of qualifications and individuals to be titled in this manner. Various sections within section 4.	4
Faculty Ranks and Titles	4.1 - removes Research Associate (RA), which was intended to be a transitional appointment. All current RAs will move to either Research Administrative Professional or Research Technical Professional. 4.1.2 E 4,5, or 6. Remove section 4.1.2.E 3 - Research Associate. 4.1.2 E – remove the sentences that refer to the roles of affiliate faculty on thesis committees. Their potential roles are now better defined in section 4.3. Section 4.3 of the handbook defines who can serve as a full or associate graduate faculty member, and how they can establish this designation. The explicit purpose of the graduate faculty designation is to define the role they serve on a thesis committee. Section 4.3 has been carefully vetted by the Faculty Handbook Committee and approved by the Board of Trustees. 4.1.2 F - Adjunct Faculty - delete "or conduct other needed activities in the department". Other job titles are appropriate for non-teaching temporary workers. 4.1.3 D - this section was removed. The wording "Available to junior faculty" is not in practice and should be removed. 4.1.4 – the requirement for external letters for research faculty has been added to match Procedures Manual 6.2.	4.1
Faculty Definitions	Revised group definitions.	4.2

Minimum Qualifications for Faculty Ranks	Remove non-faculty research positions. These positions are covered by the University Staff Handbook. Also add wording to improve process for substitution of experience for Ph.D. (Terminal Degree), per HLC requirements.	4.4.2 E
Faculty Selection Process	Revised to remove non-faculty research positions, administrative faculty and temporary faculty.	4.5
Faculty Employment Contract and Offer Letter Process	Revised for clarity and to reflect current practice on hiring. Additional clarity on faculty serving in administrative positions. Wording change – “period of service” has been changed to “period of performance”. In section 4.7.2 - new employees provisioning date in Fall is 8/1 to allow new faculty access to Mines resources. With this update, the Faculty Handbook will align with campus practice. Wording change – “period of service” has been changed to “period of performance”.	4.7.1, 4.7.2
Eligibility for Benefits	Eligibility is based on federal and state law, and the plan documents. Removed reference to the Affordable Care Act (ACA). Added link for current eligibility for benefits and plan information and kept the language on currently offered plans.	5.2
Leave Benefits	Clarify administrative leave arrangements with campus.	5.4
Insurance Benefits	Removed Research Faculty and addressed role of CHEIBA trust. Eligibility is found on the HR website.	5.5
Faculty Responsibilities	Added IDA acronym after the initial description of Instructional Development Assignment (IDA) to make it easier to find in the Faculty Handbook. Also added wording for when faculty are on IDA that they are not to continue their Mines assigned work, except where authorized by the Provost in exceptional circumstances.	6.1.6
Faculty Ethical Obligations and Standards	Removed nepotism as it is no longer a standalone policy. It is incorporated into the newly named Personal (Familial and Amorous) Relationships Policy.	6.2.2 D
Performance of External Work and Professional Activities	Clarified the definition of Extra Mines Services for additional remuneration.	6.4 D
Performance Evaluations	Revised to be reviewed by Dean.	7.1.1.B 6
Performance Improvement Plans	Clarified Performance Improvement Plans (PIP) process including DH and Dean roles in the process.	7.3.1

Promotion and Tenure	Added a preamble to section 8 to address conflicts of interest in the P&T process, the role of the Vice Provost, and process clarification when the candidate is serving in the position of DH with the following items addressed: The Vice-Provost has no decision-making role in Promotion and or Tenure (P&T) cases and so acts as the independent referee in all P&T matters and where confusion or conflict arises should be involved by the relevant party as soon as possible in the process. While the Vice-Provost usually easily clarifies most issues of process, more complex issues involving legal or personnel matters will be referred to the General Counsel (GC) or Human Resources Leader (HRL) as appropriate. Where committee members have serious obvious conflicts of interest (COI), such as being the spouse or immediate family member or the terminal degree advisee or advisor of the candidate, they cannot serve on that candidate's departmental P&T committee and must recuse themselves from the discussion at the University level if serving on one of those committees. Any other serious COIs should initially be discussed with the relevant P&T committee chair, any that cannot be resolved by the committee chair should be discussed with the Vice Provost who will seek input from the GC or HRL as appropriate. Need to clarify process for DH promotion. When the Department Head is applying for Promotion, their Portfolio Dean issues the role of Department Head, and the other portfolio Dean assumes the role of Dean in the process. Revised language to explicitly allow various committee members to abstain from participating in decisions when an actual or perceived conflict exists. Added language in the preamble for when DH is promoted. Addressed Conflicts of Interest (COI).	8
Research Faculty	Revised to include external letters in the Research P&T process to be similar to tenure-line faculty.	8.3.4
Termination and Non-Renewal Appeal Procedure	Revised Hearing Panel Selection Criteria to limit the relevant employee group to Academic Faculty.	9.6.5
Intellectual Property Policy	Revisions to be made to reflect change in university administration of technology transfer activities. Specific edits include delegated authority from Board to President to manage all aspects of Mines' intellectual property, with authority to further subdelegate such responsibilities. No revisions to statements of ownership that were previously voted on by the Handbook Committee and approved by the BOT last cycle.	10.1

Sabbatical Leave Policy	Adding wording to clarify that while on Sabbatical, Mines faculty are not to continue their Mines assigned work, except where authorized by the Provost in exceptional circumstances.	10.2
University Committees	University Staff, titles and membership revisions were made throughout section 12.	12.3, 12.4, 12.5, 12.6, 12.7, 12.13, 12.14 and 12.15

Section 1 - Faculty Handbook Organization

Section 1 contains a summary of the organization and contents of the Handbook, which is divided into various parts and sections as outlined below.

Part I - Introductory Material

The material included under Part I, which is comprised of Sections 1 and 2, consists of introductory and explanatory matters regarding the Handbook and Mines. The Faculty Handbook Committee, hereinafter the "Handbook Committee," shall develop language for any proposed amendments to Section 1 of the Handbook for review and comment by the Faculty Senate for consideration by the President and the Board as set forth in Section 3. The Handbook Committee shall update the material included in Section 2 from time to time, as appropriate.

Part II - Employment Policies and Procedures

The material included under Part II, which is comprised of Sections 3 through 9 and 11, consists of employment policies and procedures adopted by the Board, which govern Mines' employment relationship with all of its employees who have been designated as exempt from the State Personnel System. If any provision contained in Part II of the Handbook is inconsistent with a provision of a Mines employment contract, the provision of the employment contract shall supersede the provision contained in the Handbook unless specified otherwise in the contract. The Handbook Committee shall develop language for any proposed amendments to Part II of the Handbook for review and comment by the Faculty Senate for consideration by the President and the Board as set forth in Section 3.

Part III - Miscellaneous Material Promulgated or Approved by the Board

The material included under Part III, which is comprised of Sections 10 and 12, consists of various policies of general application within the Mines community that have been promulgated by the Board and descriptions of the various university committees of Mines. The Handbook Committee shall update the material included under Section 10 from time to time, as appropriate. The Handbook Committee shall develop language for any proposed amendments to Section 12 of the Handbook for review and comment by the Faculty Senate for consideration by the President and the Board as set forth in Section 3.

Section 2 - Mines Organizational Structure

Mines Academic affairs Organizational Structure

Available on Academic Affairs Website

Section 3 - Process for Handbook Modification and Reporting Policy Violations or Procedural Non-Compliance

The Handbook modification process specified in this section shall apply to all amendments to the Handbook. Unless exceptional circumstances exist, the Board intends the following process to be utilized prior to its consideration of proposed Handbook modifications.

- 3.1 Role of the Committee (p. 6)
- 3.2 Role of the Faculty Senate (p. 6)
- 3.3 Conciliation Committee (p. 7)
- 3.4 Board Approval Process (p. 7)
- 3.5 Reporting Policy Violations and Procedural Non-Compliance (p. 7)

3.1 Role of the Committee

Commencing at the beginning of the fall semester of each academic year, the Handbook Committee shall meet on a regular basis to review the Handbook and discuss possible revisions. The Handbook Committee shall consider proposed Handbook revisions suggested by individual committee members or any Mines-affiliated individual or group and make recommendations thereon to the President. All such suggestions from Mines-affiliated individuals or groups should be submitted in writing to the Office of Academic Affairs for distribution to Handbook Committee members. If the Handbook Committee regards a set of recommended Handbook modifications to be sufficiently comprehensive, it shall suggest to the President that a new edition of the Handbook be published. All proposed modifications to the Handbook that have been recommended by the Handbook Committee shall be forwarded to the President and the Faculty Senate for review and comment. If the Faculty Senate is opposed to any Handbook modification proposed by the Handbook Committee, the disputed issue shall be referred back to the Handbook Committee for discussion and reconsideration. If a consensus cannot be reached after appropriate discussion between the Handbook Committee and the Faculty Senate, a conciliation committee shall be appointed as set forth in Section 3.3 (p. 8). [The status, role, and membership of the Handbook Committee is defined in Section 12.4.]

3.2 Role of the Faculty Senate

All recommended modifications to the Handbook shall be forwarded by the Handbook Committee to the Faculty Senate for review and comment. The process of Faculty Senate review shall take place as soon as practicable, but in no case shall the entire process exceed thirty days.

If the Senate does not formally respond to the forwarded material within the above time frame, its acquiescence shall be presumed. If the Senate regards any proposed Handbook modification as unacceptable, it shall prepare a written statement containing its specific objections to the proposed material and deliver it to the Handbook Committee for discussion and reconsideration. If after further deliberations the Handbook Committee declares an impasse regarding the disputed issue, a conciliation committee shall be appointed as set forth in Section 3.4.

3.3 Conciliation Committee

3.3.1 Status, Role and Membership

A Conciliation Committee shall be appointed on an *ad hoc* basis to attempt to forge a compromise if the Faculty Senate regards a recommended modification to the Handbook as unacceptable and further informal discussion proves unfruitful. The Conciliation Committee shall consist of five members appointed as follows - three academic faculty members, who are not members of the Faculty Senate or the Handbook Committee, shall be appointed by the Faculty Senate and two members of the Handbook Committee shall be appointed by the Committee.

3.3.2 Operating Procedure

Conciliation Committee members shall meet among themselves, as well as with representatives of the Faculty Senate, and the Handbook Committee, as appropriate, to discuss the proposed Handbook modification(s) at issue and possible compromise provisions. If no acceptable compromise can be reached within seven days from the date of its appointment, the Conciliation Committee, by majority vote, shall issue its own recommendation to the President regarding the proposed modification(s). Any other affected individual or group who is dissatisfied with the Conciliation Committee's recommendation may submit an independent recommendation to the President on the subject of the proposed Handbook modification.

3.4 Board Approval Process

The President shall be responsible for submitting proposed Handbook modifications to the Board for its approval. The President, through the Handbook Committee, shall notify the Faculty Senate when any proposed Handbook modification is submitted to the Board for approval. Any individual or group affected by a proposed Handbook modification shall have the right to submit written comments or suggested alternatives to the Board for its consideration. Pursuant to Colorado law, the control and management of Mines is vested in the Board, which possesses the exclusive authority to approve all material contained in the Handbook. Therefore, no modifications to the Handbook shall be effective until Board approval is obtained.

3.5 Reporting Policy Violations and Procedural Non-Compliance

The University expects Mines' community members to adhere to applicable University policies and procedures, including those set forth in this Handbook. Many University policies provide internal mechanisms for reporting policy violations and procedural non-compliance. However, Mines community member who has reason to believe that University policies or procedures have been violated may also report such concerns through the confidential tool SpeakUP@Mines.

Section 4 - Faculty Positions

- 4.1 Faculty Ranks and Titles (p. 7)
- 4.2 Definitions (p. 10)
- 4.3 Graduate Faculty Status (p. 11)
- 4.4 Minimum Qualifications for Faculty Ranks (p. 11)
- 4.5 Faculty Selection Process (p. 13)
- 4.6 Probationary Positions (p. 15)
- 4.7 Faculty Employment Contract and Period of Performance (p. 15)

4.1 Faculty Ranks and Titles

4.1.1 Tenured and Tenure-Track Faculty

Professor, Associate Professor, and Assistant Professor Ranks
These ranks are assigned to tenured or tenure-track faculty members who are required to perform duties involving teaching, scholarship, and professional service.

4.1.2 Non-Tenure-Track Faculty

This paragraph provides a description of the basic characteristics of the faculty positions listed below. Specific details regarding the level of time commitment required, job duties, and the employment benefits associated with a particular position will be addressed in an employee's employment contract or employment offer letter; details about ranks eligible to request Graduate Faculty status are in Section 4.3 (p. 12).

A faculty member holding one of the ranks or titles listed below is not eligible for tenure while serving at that rank.

A. **Teaching Professor, Teaching Associate Professor and Teaching Assistant Professor Ranks**

These ranks are assigned to part-time and full-time instructional faculty members with assignments primarily devoted to teaching. These positions are anticipated to be at least one full academic year in duration. Faculty members holding these titles are expected to remain current with developments in their fields so as to deliver the highest quality of instruction and are encouraged to attend and participate in department activities and shared governance in keeping with the normal practices of the academic unit(s) that form the locus of their positions. They are required to fulfill all applicable requirements of the Faculty Handbook. Teaching faculty may serve as the principal investigator on Mines proposals. Teaching faculty are members of the Academic Faculty (Section 4.2).

Teaching Faculty are initially hired on one-year renewable contracts. Entering a faculty member's third year at Mines, Teaching Faculty contracts are extended to two-year contracts renewed annually. Non-renewal notification provisions for both types of contracts are defined in Section 9.2.1.

B. **Professor of Practice**

This position is appropriate for exceptional practitioners in fields aligned with Mines. Professors of Practice shall have terminal degrees in disciplines related to Mines' programs or equivalent professional experience and shall have achieved exceptional distinction as practitioners in such disciplines. Professors of Practice are selected on a year-to-year basis, contingent upon sufficient need and funding within the hiring department. Positions

may be part-time or full-time. Professors of Practice are members of the Academic Faculty.

Professors of Practice are generally expected to devote a substantial portion of their professional life to Mines. The Professor of Practice title is not appropriate for individuals whose external affiliation is or has been primarily academic. A Professor of Practice may not hold active, full-time positions elsewhere. An individual, however, may be on leave from a non-academic position for the duration of the Mines position.

Involvement by the Professor of Practice in institutional activities will vary according to programmatic needs. Duties and responsibilities may include teaching, research and service. Professors of Practice may have full responsibility for course instruction and may serve as principal investigators on Mines proposals.

C. **Librarian, Associate Librarian, Assistant Librarian**

These ranks are applied to Academic Faculty members whose assignments are primarily devoted to the practice of librarianship. Librarianship is an applied interdisciplinary field involving the selection, acquisition, organization and use of information in teaching, learning and research. Librarianship is an inherently collaborative field that requires expert understanding of information systems, policies and practices, as well as other disciplines and how they discover, disseminate and use information. Librarianship is a discipline guided by its own academic preparation, national and international information standards, and ethical constructs. Library faculty also conduct research that informs practice and advances the profession related to their area of librarianship and are expected to serve, appropriate to their rank, on Library, university and national and international committees.

D. **Research Professor, Research Associate Professor, and Research Assistant Professor**

The title "research" coupled with the appropriate rank is used to describe faculty members whose primary responsibilities are obtaining research funding, performing independent research equivalent to that required for Tenured and Tenure-Track Faculty of equivalent rank (Section 4.1.1), advising or co-advising graduate student research, and whose primary affiliation is Mines. Research faculty are expected to develop and maintain a funded research program and may engage in teaching and service by mutual agreement with their department head. Research faculty may serve as the principal investigator on Mines research proposals subject to Mines' policy and guidelines of the Office of Research Administration and the Vice President for Research. Research Faculty are members of the Academic Faculty.

E. **Other Research Related Titles**

The titles listed below are primarily responsible for supporting the institution's research enterprise by providing assistance and support to Academic Faculty in obtaining research funding and performing research. When remunerated, these positions are funded through grant or contract sources. Employees with these titles are not members of the Academic Faculty.

1. **Visiting Faculty**
   This title is used to describe faculty members with positions at other universities who are temporarily associated with Mines. The primary responsibilities of Visiting Faculty involve performing research and providing assistance in directing graduate student thesis projects. When remunerated, their salaries are generally paid from non-State funds. Visiting Faculty may hold their positions for up to two years and may serve with or without remuneration. Visiting Faculty are ineligible for tenure.
2. **Postdoctoral Fellow**
   This title is used to describe researchers who have a doctoral degree and who are expected to lead part of a project or research grant. The Postdoctoral Fellow may engage in teaching and provide assistance in directing graduate student thesis projects. Postdoctoral Fellows may serve as principal investigator of individual proposals if approved by their direct supervisor, Department Head, Dean, Vice President for Research, and the Office of Research Administration. The Postdoctoral Fellow must provide a clear description of how submitting this grant as principal investigator contributes to their professional development. The normal term of employment will be for up to two years, although the arrangement may be extended for a third year with the approval of the Dean and Provost.
3. **Research Staff**
   This title series is used to describe research support staff positions that are exempt from the State classified system based on the source of funding for the positions (grants, gifts, or revenues generated through auxiliary activities). These positions will perform general administrative or lab support functions related to a research project, center, or department.
4. **Research Administrative Staff**
   This title is used to describe a staff position that is exempt from the State classified system based on the funding source for the positions (grants, gifts, or revenues generated through auxiliary activities) A staff person in this position typically has director or managerial responsibilities.
5. **Research Technical Staff**
   This title is used to describe a staff position that is exempt from the State classified system based on the source of funding for the position (grants, gifts, or revenues generated through auxiliary activities). A staff person in this position provides high-level technical expertise in a particular discipline and performs duties at a senior level. Research Technical Staff may serve as principal investigator or co-principal investigator of individual proposals if approved by their direct supervisor, Department Head, Dean, Vice President for Research, and the Office of Research Administration. The Research Technical Staff must provide a clear description of how submitting this proposal as principal or co-principal investigator contributes to their professional development.
6. **Affiliate Faculty**
   This title is used to describe individuals with mutually beneficial ties to Mines in circumstances that warrant such a position. Such individuals may be employed elsewhere. Typically, Affiliate Faculty work directly with Mines faculty members and their research programs. Affiliate Faculty are not permitted to serve as the principal investigator or co-principal investigator on Mines proposals. Affiliate Faculty may hold their positions for up to three years, and

these appointments may be renewed by approval of the department head and appropriate dean. Affiliate Faculty relationships will be reviewed annually by the department head.

7. **External Joint Faculty**
   This title is conferred upon a special category of Affiliate Faculty who have full or part-time positions with external entities where Mines has established a Joint Appointment Program and who have strong collaborations with Mines and Mines faculty. Joint Faculty may serve as principal investigator on Mines research proposals with a Mines co-investigator with appropriate approvals from their employer and from Mines. Since Joint Faculty are not Mines employees, they cannot have signature authority on research contracts and grants; this must be assigned to their co-principal investigator(s) who is a Mines employee. The Joint Faculty member may also engage in teaching with appropriate approvals from the Mines Department Head and their employer. Joint Faculty may hold their appointment for a mutually agreed upon timeframe, with the possibility of renewal.

F. **Adjunct Faculty**

The title "Adjunct Faculty" is used to describe temporary faculty members who are engaged on a semester-by-semester basis, contingent upon sufficient need and resources within the hiring department, to teach a course. Adjunct faculty status does not confer rights to serve as an advisor for graduate students, nor as the principal investigator or co-principal investigator on Mines' research proposals. Employees with this title are not members of the Academic Faculty.

G. **Visiting Scholars**

This title is used for scholars such as graduate students, postdoctoral fellows and researchers from other institutions who wish to associate themselves with Mines for a period of time. Visiting scholars may hold their positions for up to two years and may serve with or without remuneration. Employees with this title are not members of the Academic Faculty.

4.1.3 Named Faculty Distinctions

Faculty positions (Professor, Associate Professor, or Assistant Professor) made possible through endowments and other gifts enable the school to attract and support outstanding educators and scholars. The following are the categories of distinctions that can be named in response to a donor's wishes. The naming and rotation of such distinctions is the sole prerogative of Mines. The granting of tenured status at Mines does not grant or imply tenure rights in any named distinction.

A. **Distinguished Endowed Chair**

A distinguished endowed chair signals the highest honor Mines can bestow upon a faculty member. Funding from the endowment, in combination with funds from other sources, will be used to support the chair holder's compensation package and supply discretionary funds to support the teaching and scholarly activities of the chair. Although chairs are not normally rotated, circumstances may necessitate changing the holder of a chair, and Mines reserves the right to do so at any time for any reason.

B. **Endowed Chair**

An endowed chair recognizes teaching and research excellence of a Mines faculty member. Funding from the endowment, in combination with funds from other sources, will be used to support the chair holder's compensation package and supply discretionary funds to support the teaching and scholarly activities of the chair. Although chairs are not normally rotated, circumstances may necessitate changing the holder of a chair, and Mines reserves the right to do so at any time for any reason.

C. **Endowed Professorship**

An endowed professorship is awarded to professors in recognition of their outstanding teaching, research, and service. Income from the endowment or gift will be used in combination with other funds to partially support the teaching and scholarly activities of the recipients. Endowed professorships may be renewed or rotated within a department or among several departments at Mines.

D. **Developmental Professorship**

A developmental professorship provides support for the teaching and scholarly activities of the recipients. Developmental professorships may be renewed or rotated within a department or among several departments at Mines.

E. **Teacher-Scholar**

A teacher-scholar award will be utilized to recognize excellence in scholarly achievements by faculty members. The award will provide support for teaching and scholarly activities, such as travel to technical or professional conferences, summer support, and professional advancement activities.

4.1.4 Emeritus/Emerita Faculty Status

At the time of their retirement, in recognition of their years of dedication and service to Mines, tenured, teaching, library faculty and professors of practice who have completed 10 or more years of full-time service may be nominated for emeritus/emerita status. An individual is nominated for emeritus/emerita status by the department head of the department in which they held a faculty appointment, in consultation with the department's Professors and Teaching Professors and relevant Dean. Faculty not meeting the 10 years of service requirement can be approved for nomination by the Provost. The Provost's recommendation on nominations for emeritus/emerita status shall be submitted to the Board of Trustees for a final decision. If approved, the title of "emeritus" or "emerita" is coupled with their final academic rank at retirement.

Recipients of emeritus/emerita status shall receive special recognition at the annual April Awards Celebration. Additional privileges bestowed upon emeritus/emerita faculty members include the issuance of a permanent faculty identification card, a listing in the university catalog, continued use of their mines.edu email address and full continued use of library and athletic facilities. Mines emeritus/emerita faculty may be considered for nonremunerated adjunct roles when there is a clear mutual benefit to support such a position. From time to time, Mines may make other facilities, services, or amenities available for the use of emeritus/emerita faculty members. However, emeritus/emerita status does not confer tenure. Emeritus/emerita faculty remain subject to all university policies applicable to their continued use of Mines resources (including Mines-issued email address) and facilities.

4.1.5 Academic Faculty with Administrative Appointments

Academic Faculty may be qualified to apply for part-time or full-time administrative appointments. These positions require performance of specialized professional duties in addition to, or in partial or in whole replacement of, academic faculty responsibilities. The administrative appointments are designated by function or title, not by academic rank. Administrative appointments are at-will, terminable at any time, and are governed by the University Staff Handbook. Termination of an administrative appointment does not affect the underlying academic faculty appointment.

4.1.6 Non-Remunerative Volunteer Positions

Upon the review and positive recommendation of the Department Head and the Dean, an individual may be nominated for a non-remunerative, volunteer faculty position. For non-remunerative positions not involving faculty rank, nominations may be made upon the recommendation of the department head without the need for input from the Dean. Non-remunerative research faculty positions should be used for people transitioning in or out of academic faculty positions.

For non-remunerative positions in Academic Affairs, nominations are submitted to the Provost for approval.

Subject to applicable employment laws and regulations, non-remunerative positions may be approved for a maximum of two calendar years and may be renewable. These positions must provide clearly defined value to the department and Mines as well as to the individual, and specific responsibilities must be detailed. Like all other faculty, non-remunerative faculty are governed by the provisions of the Faculty Handbook. Non-remunerative faculty are ineligible to receive benefits with the exception of provisions set forth in Section 5.2 of this Handbook.

Non-remunerative research faculty positions must follow the process described in Section 4.5.2 C.

4.1.7 Special Positions and Titles

A. University Distinguished Professor

Colorado School of Mines University Distinguished Professor is the highest honorific title that can be conferred on a tenured faculty member at Mines. It is granted selectively to faculty who have brought great recognition to Mines through the impact of their teaching, mentoring, discovery, innovation efforts, and international recognition. At any given time, the distinction of being named a “University Distinguished Professor” will be accorded to a maximum of 15 tenured faculty members. Once selected, a faculty member will generally hold this title until retirement, subject to the discretion of and revocation at any time by the President. Faculty shall not hold this title concurrently with an endowed chair distinction.
Any Mines employee may submit a nomination. The Mines University Distinguished Professor Review Committee, which is formed and chaired by the Provost, will screen the nominations and identify the most competitive candidates. The Provost will recommend finalists to the President who has final authority to award these titles.

B. University Distinguished Teaching Professor or Professor of Practice

The Colorado School of Mines University Distinguished Teaching Professor or Professor of Practice will be the highest honorific title that can be conferred on a teaching professor or professor of practice faculty member at Mines. It will be granted selectively to faculty who have brought great recognition to Mines through the impact of their teaching, mentoring, pedagogical innovations, and scholarship. At any given time, the distinction of being names a "University Distinguished Teaching Professor or Professor of Practice" will be accorded to a maximum of eight (8) faculty members who hold the rank of Professor. Once selected, faculty will generally hold this title until retirement, subject to the discretion of and revocation at any time by the President. Faculty shall not hold this title concurrently with an endowed chair distinction.

Any Mines employee may submit a nomination. The Mines University Distinguished Teaching Professor or Professor of Practice Review Committee, which is formed and chaired by the two portfolio Deans, will screen the nominations, and identify the most competitive candidates who will then be forwarded to the Provost. The Provost will then recommend finalists to the President who has final authority to award these titles.

C. Honorary Titles

Special honorary titles may be conferred by the Provost in conjunction with non-remuneration positions on a case-by-case basis.

D. Mines Presidential Faculty Fellow

From time to time, the President may ask a faculty member to perform special duties in service to the institution and will recognize the faculty member’s broader institutional role by naming that faculty member a *Mines Presidential Faculty Fellow for (descriptive title)*. Typically, such honorary titles are limited to three years, but may be extended at the discretion of the President. Such honorary title may come with appropriate service, teaching, and research relief as negotiated by the President, faculty member, and the faculty member’s Department Head.

E. University Librarian

The position of University Librarian is open to any candidate holding the rank Librarian. The University Librarian articulates a vision of the Library that promotes and supports the University’s mission, and implements a strategic plan to advance that vision. The University Librarian integrates diverse resources and technologies, seeks new opportunities, collaborates with university constituents, and cultivates a vibrant research and learning community. The University Librarian fosters an organizational and educational climate that promotes diversity and provides effective leadership to collectively achieve our strategic initiatives. Overseeing management of the Library’s virtual and physical space, the University Librarian collaborates with Library faculty, staff, students, and external entities to identify, evaluate, and implement programs that provide services and facilities, enhancing the quality of resources, and increase operational efficiency within the Library. Providing leadership and facilitating library-wide communication, the University Librarian functions as the chief fiscal officer of the Library providing transparent reporting on the budget, supporting a balance between the student-centered library, research support, and the traditional core functions of the Library for the Mines community.

4.2 Definitions

As used in the Handbook, the following terms are intended to denote the listed groups of faculty:

A. **Academic Faculty** - Faculty whose role is to lead, develop, and deliver the institution’s instruction, and produce original scholarship and research. This is limited to the following faculty titles: Tenured

and Tenure-Track Faculty of all ranks, Teaching Faculty of all ranks, Professors of Practice, Research Faculty of all ranks (i.e., Research Professor, Research Associate Professor, and Research Assistant Professor), and Library Faculty of all ranks (i.e., Librarian, Associate Librarian, and Assistant Librarian). These Faculty are represented by the Faculty Senate.

B. **Additional Faculty** - This category includes all other faculty, such as Adjunct Faculty, Visiting Faculty of all ranks, and Emeritus/Emerita Faculty.

4.3 Graduate Faculty Status

4.3.1 Qualifications of Graduate Faculty

Full Members of the Graduate Faculty at Mines are those qualified to be the primary advisor for a student conducting research toward a graduate degree and to serve as a graduate student's committee chair. Associate Members of the Graduate Faculty are those qualified to serve as a co-advisor or one of the required or additional voting members of a student's thesis committee. Academic units may choose to further specify the privileges and responsibilities granted to Full and Associate Graduate Faculty in the areas of student supervision, teaching assignments, voting rights, etc. Such unit-level policies should be expressed in writing.

4.3.2 Criteria for Selection to the Graduate Faculty

It is assumed that all Colorado School of Mines faculty in full-time, tenured or tenure-track positions who serve in academic departments or programs offering graduate degrees are qualified to be Full Members of the Graduate Faculty. Hence, they will be appointed as such upon joining Mines until their tenure/tenure-track appointment ends. Tenure/tenure-track faculty in departments that do not offer graduate degrees, Teaching Faculty, Research Faculty, Professors of Practice, and Emeritus/Emerita Faculty, who meet the minimum requirement in 4.3.2(A) may be given Associate Member status and are eligible to become members of the Full Members of the Graduate Faculty. External Joint Appointees, and qualified University Staff are eligible to apply to become Associate Members of the Graduate Faculty, but not Full Members. Postdoctoral fellows are not eligible to be members of the Graduate Faculty. Candidates for Full and Associate Graduate Faculty status are subject to the following minimum requirements:

A. All Full Members of the Graduate Faculty must hold a terminal degree appropriate to their academic field or discipline. All Associate Members of the Graduate Faculty must hold a terminal degree appropriate to their academic field or discipline or show a comparable level of expertise.
B. If not in a full-time, tenured or tenure-track position, selection to Full Graduate Faculty status must be requested by the eligible candidate and supported by a two-thirds majority of the Full Members of the Graduate Faculty in an academic department. If not already an Associate Member of the Graduate Faculty, such status must be requested by the eligible candidate and supported by a two-thirds majority of the Full Members of the Graduate Faculty in an academic department.
C. The proposed candidate for either Full or Associate Graduate Faculty status must meet any other criteria established by the approving department and must be endorsed by the Department Head and the Graduate Dean.

Reflecting the University's interest in encouraging interdisciplinary research and scholarship, faculty who have requested and received Full Graduate Faculty status in one department may request permission to serve as primary advisor to graduate students in another department or interdisciplinary program. Such requests shall be approved by the Department Head or interdisciplinary Program Director and forwarded to the Graduate Dean for approval.

4.3.3 Procedure for Selection to the Graduate Faculty

Selections to the Graduate Faculty are made and approved by an academic department and the Graduate Dean. Full-time faculty in tenured or tenure-track positions will be appointed as Full Members of the Graduate Faculty upon joining Mines. All other selections to the Graduate Faculty (Full or Associate) must be initiated by the individual requesting such status.

To request Full or Associate Graduate Faculty status, the eligible faculty member should complete the Graduate Faculty request form and submit it with appropriate documentation to the chair of the approving department's Promotion and Tenure committee. The department's Promotion and Tenure Committee Chair should then bring the case to the Full Members of the Graduate Faculty in said department for a vote. A positive vote of at least two-thirds of faculty with Full Graduate Faculty status is required. The Chair should then submit the results of the vote to the Department Head who should provide a letter of support that includes the results of the vote to the Graduate Dean. The Graduate Dean will then give final approval. Once an individual has been approved as Graduate Faculty, that member will retain graduate faculty status for five years. At the end of the five-year period, the individual may reapply for graduate faculty status. The Department Head, with the input and advice of the Full Graduate Faculty in the department, may decide to terminate the graduate faculty status.

4.4 Minimum Qualifications for Faculty Ranks

Any faculty member who is appointed to a position with instructional duties, must possess an academic degree relevant to what they are teaching and at least one level above the level at which they teach, except in programs for terminal degrees. In terminal degree programs, an instructor must possess the same level of degree. Equivalent experience can be substituted for the degree as long as the Department Head or Program Director has a testable and documented process to evaluate the experience, the equivalent experience cannot be teaching experience alone. For the substitution of equivalent experience, the Department Head or Program Director must additionally have approval from the Dean and the Provost.

4.4.1 Tenured and Tenure-Track Faculty Positions

While a doctoral degree is usually required for selection to the professorial ranks at Mines, in exceptional cases as may be determined by the Provost, the needs of Mines may dictate that professional experience and/or accomplishments beyond the attainment of a baccalaureate degree may be substituted as the equivalent of a doctoral degree.

A. **Assistant Professor**
   1. Doctoral degree; and
   2. Demonstrated potential for successful teaching, scholarship, and services

B. **Associate Professor**
   1. Doctoral degree;
   2. Documented success in teaching, scholarship, and service; and
   3. Potential for national and international professional recognition

C. **Professor**
   1. Doctoral degree;
   2. Record of excellence in teaching, scholarship, and service; and
   3. National and international professional recognition

4.4.2 Non-Tenure-Track Faculty Positions

A. **Teaching Faculty**
An individual must possess at least the minimum specified academic degree in order to be considered for any of the instructional faculty positions listed below. However, upon the recommendation of the Department Head, and with the approval of the Dean, and the Office of the Provost, modifications to the professional experience and/or accomplishments and/or a different academic degree may be approved as substitutions to the minimum academic degree specified for each title.

   1. **Teaching Assistant Professor**
      a. Either a terminal degree (e.g., a doctoral degree) or a Master's degree along with professional or academic experience and accomplishments; and
      b. Demonstrated potential for successful teaching

   2. **Teaching Associate Professor**
      a. Either a terminal degree (e.g., a doctoral degree) or a Master's degree along with professional or academic experience and accomplishments; and
      b. Documented success in teaching as instructor of record and relevant service.

   3. **Teaching Professor**
      a. Either a terminal degree (e.g., a doctoral degree) or a Master's degree along with professional or academic experience and accomplishments; and
      b. Record of excellence in teaching; and
      c. Demonstrated excellence in pedagogy, which may be evidenced by course innovation, publications, or success in attracting pedagogical research support

B. **Professor of Practice**
An individual must possess at least the minimum specified academic degree in order to be considered for Professor of Practice. However, upon the recommendation of the Department Head, and with the approval of the Dean, and the Office of the Provost, modifications to the professional experience and/or accomplishments and/or a different academic degree may be approved as substitutions to the minimum academic degree specified for each title.
   1. Either a terminal degree (e.g., a doctoral degree) or equivalent professional experience; and
   2. Substantial professional experience with a national or international reputation demonstrating achievement as a distinguished practitioner of the discipline.

C. **Library Faculty**
A master's degree from an American Library Association-accredited program is generally the minimum requirement for selection to a library faculty position. The University Librarian may waive this requirement if a library faculty position requires an advanced degree in another appropriate field. Additional qualifications and experience may be required, depending upon the nature of the position.

   1. **Assistant Librarian**
   Demonstrated potential for achieving success in the performance of professional librarianship, scholarship, and service.

   2. **Associate Librarian**
      a. Evidence of success in the performance of professional librarianship;
      b. Evidence of professional contributions in the areas of research and scholarship which demonstrate an impact on librarianship or other academic disciplines; and
      c. Evidence of significant service within the academic community.

   3. **Librarian**
      a. Evidence of excellence in the performance of professional librarianship;
      b. Evidence of professional contributions in the areas of research and scholarship which are of significance to librarianship or other academic disciplines and which provides recognition to the individual and the institution; and
      c. Evidence of significant service within the academic community and the library profession.

D. **Research Faculty**
While a doctoral degree is usually required for selection to the research faculty ranks at Mines, in exceptional cases as may be determined by the Provost, the needs of Mines may dictate that professional experience and/or accomplishments beyond the baccalaureate degree may be considered the equivalent of a doctoral degree.

   1. **Research Assistant Professor**
      a. Doctoral degree; and
      b. Demonstrated potential for success in scholarship.

   2. **Research Associate Professor**
      a. Doctoral degree; and
      b. Documented success in scholarship.

   3. **Research Professor**
      a. Doctoral degree; and
      b. Record of excellence in scholarship.

E. **Affiliate Faculty**

a. Terminal degree;
b. Record of excellence in scholarship;
c. National or international professional recognition; and
d. Strong collaboration with Mines faculty

F. **External Joint Faculty**
a. Doctoral degree;
b. Record of excellence in scholarship;
c. National or international professional recognition; and
d. Strong collaboration with Mines faculty

G. **Adjunct Faculty**
Adjunct Faculty must possess the qualifications for the position to which they are selected. If appropriate to the position, preference will be given to advanced degrees and proven teaching ability.

H. **Visiting Titles**
Education and experience closely related to the job duties of the position.

4.5 Faculty Selection Process

It is the responsibility of each department head and administrative director to recruit faculty for new or vacant positions and to recommend their selection to the President. In discharging this responsibility, department heads and administrative directors should consult with appropriate Mines personnel and knowledgeable persons in other academic, governmental, and business institutions. All hiring shall be done in accordance with Mines' Affirmative Action Plan and other appropriate legal requirements.

4.5.1 Mines Recruitment and Selection

Mines' recruiting and selection process abides by all applicable state and federal laws, including the Colorado Equal Pay for Equal Work Act. Refer to the Mines Human Resources webpage for additional information.

4.5.2 General Outline of Faculty Recruitment and Selection Process

A. **Tenured Faculty, Tenure-Track Faculty, Teaching Faculty, Library Faculty, and Professors of Practice**
1. The Dean in partnership and collaboration with the Department Head shall obtain authorization from the Provost regarding the availability of a departmental position as well as the rank and the salary that can be offered. The salary range and final offer amount will be determined in conjunction with Mines Human Resources.
2. The vacancy shall be advertised in one or more professional journals or other appropriate publications.
3. Applications will be considered in accordance with the rules established for each search. A departmentally selected faculty committee, which shall not include the head of the hiring department, shall be utilized as a part of the applicant screening process.
4. The finalists shall be personally interviewed by appropriate members of the department and the administration.
5. A summary of departmental observations of all interviewed candidates shall be included in the Department Head's written hiring recommendation.
6. The Dean in partnership and collaboration from the Department Head shall submit a recommendation to the Provost in writing, together with all required administrative forms, letters of recommendation, resumes and transcripts. [If an offer of tenure is being considered for a new faculty member, the departmental promotion and tenure committee shall be involved in the decision as set forth in subparagraph 8.1.7 (p. 27).]
7. The Provost, upon the written recommendation of the Dean and Department Head, can determine that following this process would not be in the best interests of Mines. In such cases, the Provost, after consultation with Mines Human Resources, may provide written authorization to modify this process as necessary and appropriate.
8. The selected candidate shall be recommended by the Provost to the President for approval. No employment, or other type of contractual relationship, shall arise between Mines and the candidate until the written employment contract or offer letter has been executed by the President, or the President's delegate, on behalf of Mines.
9. Following discussions with the Provost and contingent upon the approval of the President, the Dean and Department Head shall verbally negotiate salary and other terms of employment with the candidate. However, because benefits are determined by employment category, the terms of employment may not modify any benefits programs offered by Mines.
10. Once negotiations between the Department Head and the candidate have concluded, an appropriate Mines employment contract or offer letter shall be prepared for the selected candidate.

B. **Adjunct Faculty and Visiting Faculty**
1. The Department Head shall confer with the Provost to confirm the availability of a departmental position as well as the salary that can be offered. The salary range and final offer amount will be determined in partnership with Mines Human Resources.
2. All new and vacant Adjunct and Visiting Faculty positions must be posted and a search must be conducted prior to selection.
3. All existing adjunct faculty who have previously gone through the selection process at Mines may have adjustments made to their position without posting the job if the following conditions apply:
a. The change is a contract extension to continue employment beyond the original end date; or
b. The assignment is being modified to have the incumbent teach a different course.

C. **Research Titles**
1. **Research Professor, Research Associate Professor, and Research Assistant Professor**
a. The Department Head in partnership with the Dean will determine the availability of a research faculty position and of institutional or departmental resources that will be required to support the position. The salary range and final offer amount will be determined in partnership with Mines Human Resources.
b. Departments must advertise vacancies for Research Faculty in accordance with Section 4.5.1 above. The search process

outlined for Academic Faculty in Section 4.5.1 will be followed.

c. For Research Professors, Research Associate Professors, and Research Assistant Professors the curriculum vitae of the candidate should be circulated to the department faculty and the candidate should be asked to give a seminar and afforded the opportunity to meet with as many of the department faculty as possible. Subsequently, a minimum of two-thirds of the department tenured and tenure-track faculty must vote in favor of the selection. In the situation where the candidate is a tenured faculty member at Mines, the distribution of the curriculum vitae, seminar presentation and meeting with department faculty members is not required. After appropriate approval at the department level, the Department Head will submit the position to the Dean for approval.

2. **Visiting Scholar and Affiliate Faculty**
   The Principal Investigator requests a position. Positions require approval from the Department Head, Human Resources, Dean, and Office of International Student and Scholar Services.
3. **External Joint Faculty**
   Conferral of this status requires the approval of two-thirds of departmental or program tenured and tenure-track faculty, approval of the Department Head or Program Director, Dean, and Provost, and appropriate approvals from the laboratory/employer supporting the Joint Faculty member.

D. **Teaching Faculty**
   The selection process for tenured/ tenure-track faculty set forth in Section 4.5.2 A above shall also be followed for the position of teaching professors, teaching associate professors, and teaching assistant professors in academic departments and University Honors and Scholars Programs (UHSP).

4.5.3 Locus of Position

Each academic faculty member shall have a locus of position in one or more academic departments of Mines or University Honors and Scholars Programs (UHSP), which shall be stated in the faculty member's employment contract or offer letter.

If a formal locus of position is distributed over multiple departments (i.e., if faculty FTE and formal responsibility is shared across departments), or if faculty FTE and formal responsibility is 100% within UHSP, one department or UHSP shall be designated as the faculty member's primary locus of position. The faculty member's annual evaluation and promotion review shall be conducted by the primary department, with input solicited from the secondary department(s). Tenure is held in the primary department. Beyond how evaluations and promotion reviews are conducted, faculty members splitting loci of position across multiple departments shall have all of the rights, privileges and responsibilities enjoyed by faculty in each department.

If a faculty member wishes to change their primary locus of position, the process for doing so is defined in Section 4.5.5 below.

4.5.4 Internal Joint Faculty Appointments

Internal joint faculty appointments may be made when the professional activities of a faculty member fall within the purview of two or more Mines departments. A Joint Faculty member shall have a formal locus of position in one or more departments.

If the appointment in a second department is zero FTE, the appointment is a courtesy appointment that is supplemental to the faculty member's primary position. In this case, input on annual evaluation and promotion review is not required from the other Department(s). Courtesy appointees who are members of the Graduate Faculty (Section 4.3) in their home department, also have Graduate Faculty status in the Department granting the courtesy appointment. Rights and privileges of the courtesy appointment shall be determined by the granting department. Courtesy appointments do not confer tenure in the granting department. A faculty member with a courtesy appointment may indicate affiliation with the Department(s) in which they have an appointment.

A Joint Faculty member and the relevant Department Heads shall, by mutual agreement, determine the type of joint appointment and, if appropriate, the Joint Faculty member's FTE distribution. If a consensus decision cannot be reached among the affected parties regarding loci of position, the Provost shall decide the issue. In Joint Faculty appointments with multiple loci of position, a written agreement addressing the expectations of the faculty member in each department shall be developed by the relevant Department Heads, reviewed by the faculty member, and approved by the Provost. The Department Head(s) shall notify the Provost in writing and provide a copy of the written agreement reflecting the rights and responsibilities of the Joint Faculty member, signed by the Department Head(s) and the faculty member.

4.5.5 Changing Primary Locus of Faculty Position

On occasion, the professional activities of a faculty member, tenured or teaching, may evolve such that the faculty member's primary locus aligns with the purview of a Mines department other than the faculty member's current locus. In that case, subject to the process described herein, the locus of position can be changed. Such a change must be codified by a letter or new employment contract.

Tenure-track faculty may not change locus of position through this process. Further, the intent of this policy is to provide a process for realignment of existing positions, not a process for creating new joint positions, which are governed by Section 4.5.4.

In determining whether the requested department change is appropriate, the elements of the faculty member's record to be considered include, but are not limited to the following:

a. academic credentials,
b. previous instructional activities, potential instructional overlap with or contribution to the proposed new department, and recent student teaching evaluations at Mines,
c. if appropriate, previous research activities, and potential research overlap with or contribution to new department,
d. internal service record at Mines,
e. professional society affiliations and external service record,
f. if appropriate, graduate student advising history at Mines, and
g. collaborations with and other potential contributions to the department to which the faculty member desires to be aligned.

The process for reviewing such a change is as follows:

1. The faculty member should first informally confer with both their current Department Head and the proposed new Department Head to explore the possibility and desirability of a change in position locus.

2. To formally request a change in position locus, the faculty member should prepare a dossier for submission to both their current Department Head and the proposed new Department Head . The dossier should follow the format of a faculty promotion dossier, with the exclusion of external letters of recommendation. The candidate should also include as part of “other information” a clear rationale why their professional activities align with the purview of the new department.
3. The Departmental Promotion and Tenure Committee for tenured faculty or Departmental Promotion Committee for teaching faculty in the proposed new department shall review the dossier and provide a letter of recommendation.
4. The Department Heads in the old and proposed new departments shall individually supply letters of recommendation to the package, and the Department Head in the proposed new department shall supply the cover memorandum for the package.
5. For all position changes, the appropriate Dean(s) has/have final authority to approve the change in locus of position. The Dean(s) shall review the package and render a decision. With an affirmative decision, the Dean(s) shall 1) work with the respective Department Heads on a transition plan for the position; 2) notify the Provost of approval of the change in position locus; and 3) work with the Office of the Provost to revise the faculty member’s contract and issue a new letter confirming the change in position locus..
6. Decisions rendered by the Dean(s) or Provost, whichever is appropriate, are final and may not be appealed.

4.6 Probationary Positions

Only tenure-track positions at Mines are probationary in nature. Exempt employees in non-tenure track positions are employees at-will and, as such, are subject to termination at any time, with or without cause. However, in the case of teaching faculty whose positions are non-renewed, such terminations are subject to the notice requirements and appeal rights provided in Section 9.

A tenure-track position is inherently probationary in nature for the full term of the position described in the faculty member’s employment contract. At the conclusion of the tenure-track period, which under normal circumstances may last up to seven years, the employee has usually either achieved tenure or been terminated for failing to achieve tenure. After the Preliminary Tenure Review has been performed, a tenure-track faculty member may be terminated for failing to demonstrate sufficient progress toward tenure. However, tenure-track faculty members possess full grievance rights and retain their appeal rights in all cases of termination for cause other than insufficient progress toward tenure. [The subjects of academic tenure and the tenure review process are discussed in Section 8.1 (p. 27).]

4.7 Faculty Employment Contract and Period of Performance

4.7.1 Faculty Employment Contract

Each newly hired faculty member shall receive an offer letter reflecting the new hire’s academic appointment and rank, all financial commitments (including salary and startup, as applicable), and the standard terms and conditions governing the new hire’s employment with Mines (variations from the standard employment terms, if any, are also reflected in the offer letter). In subsequent years, each continuing academic faculty member shall be notified in writing before the next period of performance of their salary for that upcoming period of performance, and such letter shall also reflect any changes in the faculty member’s title or rank.

Academic faculty who are also appointed to an administrative position (including, but not limited to, Department Head, Associate Department Head, and Director) shall receive a supplemental letter regarding the additional position, and in subsequent years they shall be given salary update information concerning the additional position in the salary notification letter. Faculty who are appointed to a 12-month, full-time administrative position (such as Dean or Provost) do not relinquish their academic rank or tenure status. Upon the expiration or termination of the faculty member's administrative appointment, the faculty member has the right to return to academic faculty duties in their former academic position. Other arrangements with Mines, such as performance of extra duties for additional remuneration that are outside the period of performance and outside the scope of the faculty member’s employment responsibilities, shall be reflected in a separate offer letter or term-limited contract, as appropriate.

4.7.2 Period of Performance and Payment of Academic Year Salary

A. **Tenured and Tenure-Track Faculty, Teaching Faculty, and Professors of Practice**

The period of performance for Tenured and Tenure-Track Faculty, Teaching Faculty, and Professors of Practice normally runs from the date of the annual Faculty Conference to the date of spring Commencement for each academic year. For first-year faculty, provisioning for campus access begins August 1. Any exception to these dates shall be noted on the offer letter or salary notification letter tendered annually by Mines to the faculty member. Academic year salary is generally paid to faculty members in ten equal installments on the last business day of each month from August through May. Faculty may request to receive their academic year salary in twelve equal installments. To do so, a deferred pay agreement must be completed in the Payroll office prior to the first day of work in the fall semester and is irrevocable for the academic year to which it applies. If the period of actual service does not equal a full academic year, salary will be earned in proportion to the fraction of the academic year in which services were actually rendered.

B. **Other Non-Tenure-Track Faculty**

Subject to their legislatively mandated employment-at-will status, the position renewal period for non-tenure-track faculty will vary according to the duration of the funding which has been secured to support the faculty member's position. Salary shall be paid in monthly installments on the last business day of each month. If the period of actual service does not equal the full length of the position, salary will be earned in proportion to the fraction of the position period in which services were actually rendered.

4.7.3 Oath or Affirmation of Allegiance

Pursuant to the mandate of Colorado Revised Statutes, §22-61-104, all Mines faculty and staff members who teach, with the exception of non-tenure track faculty and staff members who are employed to teach in a temporary capacity and are citizens of a nation other than the United States, are required to take the following oath or affirmation:

I solemnly (swear) (affirm) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter.

This oath or affirmation must be signed and completed prior to the faculty or staff member's commencement of teaching duties. The faculty or staff member's employment is contingent upon satisfying this statutory requirement. A copy of the signed oath or affirmation will be retained in the employee's personnel file.

Section 5 - Rights, Privileges, and Benefits

- 5.1 Academic Freedom (p. 16)
- 5.2 Eligibility for Benefits (p. 16)
- 5.3 Enrollment in Mines Courses (p. 16)
- 5.4 Leave Benefits (p. 16)
- 5.5 Insurance Benefits (p. 17)
- 5.6 Mandated Benefits (p. 18)
- 5.7 Payroll Office Requirements and Information (p. 18)

5.1 Academic Freedom

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

> Within the limits imposed by State law and Mines policy, and subject to the adequate performance of other assigned duties, all Mines 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 Mines 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 Mines in his or her private capacity.

5.2 Eligibility for Benefits

Eligibility will be determined annually in accordance with applicable plan documents, state requirements and federal law as described on Human Resources – Eligibilty and Rates page.

Plans are provided to advance the health and well-being of our employees. Mines contributes towards the cost of several benefit plans. Qualified faculty will have 31 days from the date of their hire date to enroll in a benefit plan. The effective date of coverage will be retroactive to the first day of employment.

Health benefit plans for faculty currently appointed at the Golden, CO campus include:

- Medical insurance and prescription drug coverage
- Dental and vision
- Long-term disability insurance
- Flexible spending or health saving accounts
- Basic term life insurance and voluntary term life insurance
- Employee assistance program
- Travel accident insurance

Mines group health benefit plans information and the rules that govern the plans are available at Faculty & University Staff Benefits - Human Resources.

5.3 Enrollment in Mines Courses

5.3.1 Degree Candidates

Academic Faculty may not work toward degrees in their own department at Mines. 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 Mines faculty member, with their supervisor's approval, may apply to the Dean, or in the absence of a Dean, the Provost, for enrollment in Mines 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 Mines 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 Mines courses on a space-available, no-credit, tuition-free basis, not to exceed six credit hours per fiscal year, 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 Mines is governed by the Mines Sabbatical Leave Policy, which has been promulgated by the Board and is set forth in Section 10.2.

5.4.2 Unpaid Leave

A benefits-eligible Mines faculty member may request unpaid leave in writing through their 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 their supervisor. Only Benefits-eligible library faculty and research faculty are eligible for annual leave.

5.4.4 Sick Leave

Sick leave provides Mines 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. Employees are expected to utilize sick leave to cover their time off from work for preventive care and diagnostic medical examinations, receipt of medical treatment, and recovery from mental or physical illnesses, non-work-related injuries, and health conditions.

5.4.5 Family Medical Leave and Family and Medical Leave Insurance

In accordance with federal requirements, after one year of Mines service, a faculty member working 1250 hours over the prior 12 months may be eligible for up to 520 hours of unpaid Family Medical Leave, taken either continuously or intermittently, for specific purposes. Eligible employees in the state of Colorado may receive up to 12 weeks of Family and Medical Leave per year to assist in specific circumstances. Mines works with a third party plan administrator for this program. Please notify your direct supervisor if you are applying for leave to give them the opportunity to prepare for your possible time away.

5.4.6 Holiday Leave

Mines observes Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, the birth of Dr. Martin Luther King Jr., Memorial Day, Juneteenth, and Independence Day as holidays. Other days will be designated annually by the President as school holidays.

5.4.7 Administrative Leave

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

While on Administrative Leave, faculty are relieved of all institutional duties, unless the communication notifying the faculty member of placement on administrative leave specifies an alternative arrangement. During the period of administrative leave, IT may remove access to email, Canvas, or other university systems, and the faculty member should not report to campus.

5.4.8 Bereavement Leave

A benefits-eligible faculty member may request bereavement leave through their immediate supervisor. A benefits-eligible faculty member will be eligible for up to five business days of paid Bereavement Leave for the death of an immediate family member. Time off in excess of five business days may be possible with Colorado's Healthy Families and Workplace Act, upon the approval of the faculty member's immediate supervisor and shall be subject to the current Annual Leave rules.

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, Mines shall grant appropriate leave to its faculty for military service as mandated by federal and Colorado law. Supporting documentation may be requested by their direct supervisor.

5.4.11 Injury Leave

Mines shall grant up to 480 hours of paid injury leave to a benefits-eligible faculty member who has suffered a job-related injury.

5.4.12 Medical Disability Leave

Mines 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 specific limitations.

5.4.13 Parental Leave

Benefits-eligible faculty members are eligible for the parental leave.

5.4.14 Instructional Development Assignment

The Colorado School of Mines recognizes and supports the efforts of its non-tenure track faculty in delivering high quality instruction to its students. Instructional Development Assignments are available to eligible faculty. Reference Faculty handbook section 6.1.6 (p. 20) for complete information, including eligibility and terms.

Information on the various leaves offered at Mines, can be found at Human Resources – Leave of Absence for Faculty and Staff page.

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.

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.

Mines is a participating member in the CHEIBA trust (Colorado Higher Education Insurance Benefits Alliance). The CHEIBA trust is responsible for negotiating insurance benefits and reviewing annual coverage options on behalf of its participating member institutions. Benefits are offered and administered based on direction from the Trust. Human Resources shall initiate a discussion of proposed changes with affected faculty groups in advance of implementation whenever possible.

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.

Visit BeneCenter to access the faculty benefit information.

5.5.1 Health and Disability Insurance

Mines 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 Mines Human Resources Office.

5.5.2 Dental Insurance

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

5.5.3 Vision Insurance

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

5.5.4 Life Insurance

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

5.5.5 Travel-Accident Insurance

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

5.6 Mandated Benefits

5.6.1 Workers' Compensation Insurance

Mines provides Workers' Compensation Insurance for any injury or illness incurred by its faculty members in the regular performance of their duties. Additional information regarding this benefit may be obtained from the Mines Human Resources Office.

5.6.2 Comprehensive Liability Insurance

Mines carries liability coverage for itself and its faculty members, while acting in the course and scope of their employment. Such liability is limited by the Colorado Governmental Immunity Act, C.R.S. Section 24-10-101, et seq. Decisions about coverage are made by the insurance carrier on a case- by-case basis, based on the pertinent facts and circumstances. 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 Mines' Risk Manager.

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

Mines faculty members are paid on the last working day of each month. 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 retirement system contributions. Current information regarding Mines payroll requirements and procedures may be obtained from the Mines Human Resources Office or the Mines Payroll Office.

5.7.2 Proof of Employment Eligibility

Mines 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 Mines of his or her ability to legally work in the United States. This evidence must be provided not later than the third business day after the start date of employment. Individuals who do not provide such evidence in a timely manner cannot be allowed to work and their employment will be terminated.

Section 6 - Ethics, Responsibilities, Conflicts, and External Activities

- 6.1 Faculty Responsibilities (p. 19)
- 6.2 Faculty Ethical Obligations and Standards (p. 21)
- 6.3 Conflict Disclosure (p. 22)
- 6.4 Performance of External and Extra Work and Professional Activities (p. 22)

6.1 Faculty Responsibilities

The general responsibilities of academic faculty members fall into three major categories: (1) teaching or librarianship; (2) scholarship; and (3) service. In discharging their responsibilities, faculty members shall report directly to their department heads or equivalent directors. Authority for assigning particular duties within the three major categories rests solely with Mines.

6.1.1 Distribution of Effort

Distribution of effort among the three major categories for each faculty member is determined through an annual goal-setting discussion described in Section 7.1.1.A (p. 24). The expected distribution of activities by faculty category is normally:

A. Tenured or tenure-track faculty members are expected to balance their efforts almost equally between teaching (40%) and scholarship (40%), with the service component (20%) being weighted at a level approximately one-half of the levels of the other two components.
B. Teaching faculty members are expected to distribute their efforts between teaching and service, with both components defined below in Section 6.1.2, although distributions of effort that include scholarship are possible.
C. Library faculty members are expected to prioritize professional responsibilities in librarianship (80%). In addition, they are expected to participate in scholarship (10%) and service (10%). Professional responsibilities vary depending on the faculty member's role within the library and include the range of activities that facilitate access to high-quality information.
D. In the case of research faculty, the teaching and service categories may not apply.

Because of the importance that Mines places on teaching, teaching assignment guidelines have been established for all tenured, tenure-track, and teaching faculty, as set forth in the following paragraph.

6.1.2 Teaching Assignment Guidelines

The following table sets forth guidelines for the teaching assignments per semester applicable to tenured, tenure-track, and teaching faculty members and should be utilized in conjunction with annual goal setting. Significant deviations from these guidelines must be agreed upon in writing by the faculty member and his or her Department Head and be approved by the Department's Portfolio Dean.

Total Assignment	Recommended Teaching Component
Teaching Only	12 credit-hours per semester
Teaching and Service	9 credit-hours per semester
Teaching, Scholarship, and Service (no AYC [1])	6 credit-hours per semester
Teaching, Scholarship, and Service (maximum AYC)	3 credit-hours per semester

[1] Academic Year Chargeout

Faculty may meet their teaching expectations by delivering courses via a variety of course delivery modalities. Many combinations of courses, labs, senior design sections, special problems, and load rearrangements can be used to meet the teaching assignment guidelines, and special consideration may be given to new faculty members as part of their Professional Growth Plans, as explained in Section 7.2.1 (p. 25). Supervision of graduate research does not satisfy this teaching guideline.

6.1.3 Specific Faculty Responsibilities

The following faculty responsibilities, while not an exhaustive list, are particularly noteworthy.

A. **Teaching:**
   1. Present assigned classes in a timely manner and arrange for appropriate alternative presentation of course material in the event of necessary absences from class.
   2. Prepare and provide to students, at the beginning of a course, information about the course, or syllabus, which shall include, at a minimum: course description; course objectives; course outline; textbooks and reference materials; expectation of students (exams, problem sets, quizzes); and grading criteria.
   3. Provide students reasonable access through regular and clearly posted office hours, and email communications, personal consultations, etc.
   4. Submit all final course grades by deadlines set by the Registrar.
   5. Advise undergraduate and graduate students, consistent with any formal departmental guidelines.

B. **Scholarship/Research:**
   1. Engage in scholarly activities appropriate to the faculty member's specific discipline or field.
   2. Complete in a timely manner, and within budget, all contractual responsibilities set forth in research grants and contracts for which the faculty member is responsible.
   3. Comply with all required health and safety practices and policies, as well as current procedures concerning regulation and disposal of hazardous waste developed by the Mines Environmental Health and Safety Office and the Mines Safety Committee.
   4. Conduct research activities in compliance with all pertinent state and federal law and Mines policies and procedures.
   5. Notify and obtain the approval of the Vice President of Research in advance of performing any animal or human subject research, which must be conducted in strict compliance with applicable state and federal regulations.

C. **Service:**
   1. Faculty members play an important role in the administration of the University and in the formulation of its policies both through

formal and informal shared-governance processes as well as various service contributions to their professions, the University, their departments as well as other campus units and student groups.

2. Attend the annual Campus Conference in August and December or May Commencement exercises as assigned by their Department Head.

D. **Miscellaneous:**

1. Comply with all relevant institutional policies and state and federal law including, but not limited to, those governing the use of Mines and state funds and accounts, performance of additional work, acquisition, utilization, transfer and disposal of Mines property, Mines institutional computing networks and other infrastructure and equipment, procurement of goods and services for approved academic and other university purposes; and the hiring, management and supervision of staff, as well as undergraduate and graduate student employees.
2. Perform other duties as assigned.

6.1.4 Faculty Travel

While attendance at professional meetings is encouraged, any faculty member planning to travel on Mines-related business must obtain the necessary approvals a minimum of one (1) week prior to the travel. Pursuant to Section 6.3.4 the faculty member must also disclose any consulting or financial interests that relate to the travel.

Faculty must comply with all relevant institutional policies and state and federal laws while traveling including, but not limited to, acceptance of gifts, conflicts of interest, use of alcohol, and the unauthorized use of Mines' name, logo, trademarks or seal.

6.1.5 Summer Services

All tenured and tenure-track faculty members may be required to render professional service during the summer field sessions of the summer academic semester. Additional compensation shall be paid for such summer service at a faculty member's normal salary rate. Early in the spring, the Provost shall request the department heads to nominate members of their staffs for summer employment. These nominations will take into account the desires of individual faculty members to the greatest extent possible, but Mines is obligated to offer an effective summer program and individual faculty members are obligated to staff this program. Mines will make every effort to inform faculty members of their summer appointments on or before April 1st of each year. The quality of instruction and attention to duty expected for summer services shall be identical to that required during the regular academic year.

6.1.6 Instructional Development Assignment (IDA)

The Colorado School of Mines recognizes and supports the efforts of its non-tenure track faculty in delivering high-quality instruction to its students. Providing opportunities for faculty to improve instructional delivery is in the best interest of all of Mines constituencies. As such, Mines supports the provision of opportunities for non-tenure track faculty for the purpose of enhancing the faculty member's ability to implement state-of-the-art instructional methods at Mines. During the IDA the faculty member should suspend all service and instructional assignments, except as authorized elsewhere in the Faculty Handbook or by the Provost.

Eligibility requirements for Instructional Development Assignment are as follows:

A. Only full-time, Teaching, Professors of Practice, and Library faculty members who have instruction responsibilities or course section coordination/leadership responsibilities of 0.5 FTE or more are eligible for this Assignment;
B. A faculty member must have actively served no fewer than twelve (12) academic (i.e., fall and spring) semesters at Mines, or no fewer than twelve (12) academic semesters since completion of last approved Instructional Development Assignment; time spent on unpaid leave is not counted as fulfilling this requirement;
C. To avoid significant disruption of its operations, Mines may delay, for up to one academic year, the taking of an Assignment; when Mines requires a delay in an Assignment the faculty member will be eligible to seek an additional Assignment after twelve (12) academic semesters of active service as counted using the originally approved Assignment; and
D. The Assignment may be approved only when a demonstrable case of significant benefit to Mines and its students has been made.

Terms of the Instructional Development Assignment include:

A. The term and duration of the Assignment shall be granted for one academic semester (fall or spring);
B. Faculty on Assignment shall retain her/his full compensation, benefits, and terms of her/his existing employment agreement.

Upon completion of Assignment, the faculty member must complete the following requirements:

A. Faculty members are required to provide a formal written report of the outcomes of their Assignment;
B. Faculty members must implement changes to their instruction as documented in the report; and
C. Faculty must maintain employment at Mines for at least two (2) academic semesters following the Assignment. If faculty does not return to Mines for at least two (2) semesters, the faculty member is obligated to reimburse Mines for the full cost (i.e., salary and benefits) incurred by Mines as a result of granting the Assignment to the faculty member.

The process by which faculty may request Instructional Development Assignment and by which Assignment requests are approved is set forth in the Academic Affairs Procedures Manual.

Instructional Development Assignment at Mines is a privilege, rather than a right, and should be granted only when it directly benefits Mines and the education of its students. As such, requests for Instructional Development Assignment will be evaluated and granted at the discretion of Mines based on current institutional needs and a determination that the requested Assignment will promote teaching excellence.

6.2 Faculty Ethical Obligations and Standards

6.2.1 Academic Fraud

All faculty members are professionally bound to adhere to the highest ethical standards and to foster ethical behavior in their students. In particular, academic fraud in its numerous forms, including, but not limited to, plagiarism, fabrication, and/or falsification of research data or results, cannot be tolerated and when suspected must be reported to the Department Head and the Provost. Research misconduct at Mines is governed by the Mines Policy for Research Integrity and Procedures for Addressing Research Misconduct, which has been promulgated by the Board and is set forth in Section 10.3. A complaint lodged against a faculty member alleging academic fraud of a type not covered by Section 10.3 shall be investigated and handled in the manner outlined in Section 11.1.

6.2.2 Ethical Standards and Obligations

The ethical standards and obligations of an employee embody the spirit of the law, the values of Mines, and the highest levels of professionalism. Specific expectations are defined within this section. A complaint lodged against a faculty member that alleges a violation of an obligation set forth in this section shall be investigated and handled in the manner outlined in Section 11.1.

Resources for reporting law and policy violations, or identifying potential ethical concerns are available to faculty through many avenues, including, but not limited to: Human Resources; Office of General Counsel; Compliance and Policy Office; and the appropriate Vice President's office. Additionally, Mines' Ethics Hotline is available to all Mines employees for anonymous inquiries or reporting. Mines does not tolerate retaliation against an employee for reports of misconduct.

A. **Ethical Standards for Colorado State Government Employees**
Mines adheres to the Code of Ethics for state employees promulgated by the Colorado General Assembly in Article 18 of Title 24 of the Colorado Revised Statutes, and Mines adopts the following specifics standards of ethical behavior for its employees:
   1. Mines employees shall not use Mines employment to bestow any preferential benefit on anyone related to the employee by family, business, or close social relationship.
   2. Mines employees shall not disclose, use, or allow others to use confidential information acquired by virtue of Mines employment for private gain.
   3. Mines employees shall not engage in outside employment unless the outside employment is disclosed to and approved by the employee's immediate supervisor and the outside employment does not interfere with the performance of Mines duties. [The topic of faculty members engaging in additional professional work is also addressed in Section 6.4]
   4. Mines employees shall not accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which the acceptance may result in: (a) an undertaking to give preferential treatment to any person; (b) any loss of complete independence or impartiality; or (c) the making of an official decision outside official channels.
   5. Mines employees shall not use Mines time, property, equipment, or supplies for private gain.
   6. The holding of state employment is a public trust, and Mines employees must carry out their fiduciary duties for the benefit of the people of Colorado. A Mines employee who departs from their fiduciary duty is liable to the people of the state for such breach of the public trust and may be held responsible for repayment of funds. Departure from fiduciary duties may include fraud, mismanagement, embezzlement, and the unauthorized commitment of funds.

B. **Unauthorized Use of Mines' Name, Logo, Trademarks, or Seal**
The name of Mines may not be used in connection with the private activities of any Mines employee, and no intimation may be given by a Mines employee that Mines has sanctioned any personal undertaking. Further, Mines letterhead, stationery, and business cards may not be used for personal endeavors, nor may the name of Mines, the Mines logo, Mines trademarks, or the official State of Colorado seal be used on personal stationery. However, direct dialing office telephone numbers may be shown on personal letterhead or stationery.

C. **Personal Relationships**
The subject of nepotism and personal relationships between teachers and students and/or between supervisors and subordinates at Mines is governed by the Mines Personal (Familial and Amorous) Relationships Policy, which is accessible at the online Policy library.

6.2.3 Workplace Standards of Conduct

A. **Mines employees shall comply with all laws, Standards for Colorado State Government Employees and Mines policies and procedures.**
Mines hereby adopts the following standards of workplace behavior for its employees:
   1. Mines employees shall serve students, employees, contractors, volunteers, and visitors with respect, courtesy, and responsiveness.
   2. Mines employees shall demonstrate the highest standards of personal integrity and honesty.
   3. Mines employees shall foster a collegial environment where our students, employees, contractors, volunteers, and visitors are respected.
   4. Mines employees shall expose corruption in State government wherever discovered.

B. **Prohibited Discrimination**
Mines prohibits sexual misconduct, as well as discrimination and harassment on the basis of age, ancestry, creed, marital status, race, color, ethnicity, religion, national origin, sex (including gender-based stalking, intimate partner violence, non-consensual sexual contact, non-consensual penetration, sexual exploitation, and sexual harassment), pregnancy and parenting status, gender, gender identity, gender expression, disability, sexual orientation, genetic information, veteran status, or military service within any of its education programs or activities (including admissions and employment). This prohibition applies to all students, employees, contractors, visitors, and volunteers. This policy is promulgated by the Board of Trustees and can be found in the Policy Library at https://www.mines.edu/policy-library/policy-prohibiting-sexual-

misconduct-discrimination-and-retaliation/. All inquiries about sexual misconduct, discrimination or harassment may be directed to Mines' Title IX Coordinator:

Mines Title IX Coordinator
Office: Office of Institutional Equity, 1706 Illinois Street, Golden, Colorado 80401
Email: titleix@mines.edu
Phone: 303.273.3260
Website: https://www.mines.edu/institutional-equity-title-ix/

C. **Minors on Campus.**
Mines strongly supports the protection of minors on and off campus and has adopted a policy to protect minors on campus. See the Mines Policy on the Protection of Minors which is accessible at the online Policy library.

D. **Workplace Violence**
Mines prohibits workplace violence as defined in the Mines Workplace Violence policy accessible at the online Policy library.

6.3 Conflict Disclosure

6.3.1. General Policy Statement

As public employees, Mines faculty and staff members have a fiduciary obligation and statutory duty to the people of the State of Colorado to adhere to ethical principles of conduct (C.R.S. §§24-18-103, 104). Specifically, the holding of employment at a state university such as Mines is a public trust and any effort to realize personal gain through official conduct, other than as compensation set through established processes, or by inappropriate disclosure of confidential information is a violation of that public trust. Accordingly, the employee's external obligations, financial interests and activities must be conducted in a manner that does not create an actual conflict of interest, result in the appearance of impropriety, or interfere with the employee's primary obligation and commitment to Mines.

Conflicts of interest arise from time to time and are not necessarily unethical or illegal, as long as they are appropriately disclosed and managed. However, failure to be transparent and fully disclose conflicts or potential conflicts of interest is unethical and may be illegal in certain circumstances. The Mines Conflict of Interest Policy, accessible at the online Policy Library, provide a means for disclosing actual and potential conflicts so that these may be managed, reduced, or eliminated, to the extent possible, without detriment to the reputation, integrity, or position of Mines and the employee, and to avoid, whenever possible, compromising the employee's appropriate scholarly and professional pursuits.

6.4 Performance of External and Extra Work and Professional Activities

Mines recognizes that professional consulting by its faculty members can foster professional growth and lead to the development of potentially valuable external contacts for Mines. Mines also realizes that non-professional, external commitments may be a desirable or necessary activity. Mines is also aware that the performance by faculty of extra Mines services for additional remuneration can be, under appropriate circumstances, a mutually beneficial arrangement. Accordingly, faculty may undertake external commitments or activities, subject to the applicable conditions and requirements set forth in the Academic Affairs Procedures Manual. All external commitments and activities or extra Mines services must be approved prior to the work being performed.

6.4.1 Categories of External and Extra Work and Activities Subject to the Conflict of Interest Policy or the Academic Affairs Procedures Manual

A. **Professional Consulting**
Professional consulting is the provision of professional advice or services to external constituents with or without remuneration. Opportunities for such work commonly arise when a faculty member is asked to provide scientific analysis, testing, or expertise in another form to an outside party where it may not be feasible or appropriate to provide such service in the context of sponsored research in the university setting, for example, when a faculty member is asked to serve as an expert witness in litigation. The opportunity for employees to accept occasional professional consulting engagements is recognized as a traditional privilege accorded by Mines. If undertaken in moderation, Mines considers such activities to be a desirable and legitimate means for promoting the professional development of its employees, facilitating the flow of information between academia and external entities, and fostering the development of valuable professional relationships, which can benefit both the employee and Mines. Employees must disclose and obtain institutional approval of any professional consulting pursuant to the procedure outlined in the Conflict of Interest Policy.

B. **External Employment and Other Paid Services**
Any external employment or services undertaken by a faculty member for compensation from an individual or entity outside Mines during the period in which the faculty member's Mines assignment is being performed must be disclosed and approved pursuant to the procedure outlined in the Conflict of Interest Policy. Such external employment and services include, but are not limited to arrangements whereby the employee provides goods or services to external businesses or individuals, paid board appointments, paid speaking engagements, etc.

C. **Non-Remunerative External Commitments**
Any faculty member who seeks to undertake any continual external commitment during the period in which the faculty member's Mines assignment is being performed and during the traditional work week schedule must disclose and obtain institutional approval pursuant to the procedure outlined in the Conflict of Interest Policy. For purposes of this section, the term "continual" shall mean more than sporadically. Such commitments may include, but are not limited to volunteer service, and external professional service or development activities such as participation in professional societies or organizations, participation in review boards or accreditation efforts for other institutions, etc.

D. **Extra Mines Services for Additional Remuneration**
From time to time, a faculty member may seek or be asked to perform services for Mines including but not limited to, instructional and other professional services beyond their regular employment duties. Any faculty member who seeks to perform such additional services for remuneration must obtain institutional approval prior to performing the extra services pursuant to the procedure outlined in the Academic Affairs Procedures Manual.

Section 7 Performance and Evaluation

- 7.1 Performance Evaluations (p. 23)
- 7.2 Professional Growth and Development (p. 24)
- 7.3 Performance Improvement Plans (p. 24)

7.1 Performance Evaluations

The annual evaluation of faculty performance is critical to the professional development of individual faculty members. General guidelines and requirements for evaluations of various faculty are provided below:

A. For academic faculty the evaluation focuses on performance during the evaluation period in the areas of teaching, scholarship, and service, as appropriate. The faculty performance evaluation is the primary source of information for employment decisions regarding compensation, promotion, tenure, appointment renewal and other performance-related employment actions. All annual evaluations will be submitted to the appropriate Dean for review and approval.

B. For tenure-track assistant professors, a Preliminary Tenure Review, in accordance with Section 8.1.4, shall be conducted by the department promotion and tenure committee and the Department Head.

C. For all tenure-track faculty, the Department Head's comments concerning the candidate's progress toward promotion and tenure shall be included on the candidate's annual evaluation form.

D. Ranked research faculty are required to complete the same faculty performance evaluation process as other academic faculty. The performance evaluation is the primary source for employment decisions regarding compensation and promotion. A research faculty member who has received less than 25% remuneration, has not published in the peer-reviewed literature with a Mines affiliation, has had no proposal submissions as principal investigator, or has not advised or co-advised any graduate students in an annual evaluation period should be (a) changed to Affiliate Faculty, or (b) terminated effective 30 days after evaluation. If the faculty member disagrees with the performance evaluation or decision, they may appeal the review/decision to the appropriate Dean. Remunerated research faculty positions that are not ranked are evaluated in accordance with the process established by Mines Human Resources. All evaluations are to be reviewed by the next-level supervisor.

7.1.1 General Outline of the Evaluation Process for Academic Faculty [1]

[1] For library faculty, replace “Department Head” with “University Librarian” and omit references to Deans.

The following is a general outline of the academic faculty evaluation process at Mines. Complete details concerning the process, such as applicable time schedules and due dates, may be found in the *Academic Affairs Procedures Manual*, which is available on Mines’ website.

A. **Goal Setting**

1. During the spring semester of each year, the Department Head shall confer with department faculty to develop department goals. The Department Head will convey to and discuss with the Dean the departmental goals. The Dean will discuss proposed goals with the Provost.
2. The Department Head shall meet with each faculty member in a timely manner each calendar year to discuss individual goals and assignments for the upcoming evaluation period. At this meeting, the distribution of effort among the three evaluation categories (see Sections 6.1.1 and 6.1.2) shall be discussed to determine whether any change in this distribution is appropriate. In the case of research faculty who are supported over a multi-year period on continuing and new grants, the annual meeting should address the faculty member’s goals for research directions and grant procurement in the upcoming year. The meeting should include the department head and research supervisor, if appropriate. This meeting is not required for research faculty having short-term or intermittent contract appointments such that year-to-year goal setting is unrealistic.
3. Goals and effort distribution should be placed in writing and can be revised with the mutual consent of the faculty member and the Department Head, and research supervisor as appropriate.

B. **Evaluation**

1. At the end of the evaluation period, the faculty member shall complete a Faculty Data Report and submit it to the Department Head.
2. The Department Head shall review the Faculty Data Report and assemble student ratings, peer evaluations, external evaluations, and other appropriate data. Based on the Faculty Data Report and the assembled data, the Department Head shall conduct an evaluative analysis and a formative analysis using the Faculty Evaluation Form.
3. For the evaluative analysis, the Department Head shall assign only a performance rating of "exemplary," “exceeds expectations,” "meets expectations," “needs improvement,” or "unsatisfactory" for each of the applicable categories teaching, scholarship, and service.
4. The formative analysis shall consist of an overall performance rating and a narrative summary of the evaluation, including a summary of progress toward tenure (if applicable), a summary of progress toward promotion, and areas for improvement, which can include the workplace standards of conduct as outlined in Section 6.2.3 (p. 22), as appropriate. In cases where performance of a tenured faculty member is deemed unsatisfactory, a Performance Improvement Plan is mandated as outlined in Section 7.3.
5. The Department Head shall meet with the faculty member to discuss the evaluation. Both shall sign the Faculty Evaluation form. The faculty member's signature acknowledges the discussion, but it does not necessarily indicate his or her agreement with the evaluation. The faculty member may also attach a rebuttal statement to the evaluation.
6. The Faculty Data Report and the Faculty Evaluation Form shall be submitted to Academic Affairs for review and acknowledgement by the Dean. A signed copy shall be returned to the faculty member. If the Dean has questions about the evaluation, it shall be returned to the Department Head for discussion and further review. The Dean will alert the Provost to any especially noteworthy faculty evaluations during each evaluation cycle. The Dean shall annually provide the Provost with a report summarizing the faculty evaluation ratings from each department.

C. **Rating Concepts**
The descriptions below are intended to convey general guidance regarding the characteristics of the various performance ratings defined in Section 7.1.1 B.

1. *Exemplary* - Performance that is consistently far above expectations, and clearly distinctive. This level of performance occurs rarely. Such “outstanding performance” often results in significant positive impact on community members, departments, or the university, and implies substantial contributions well beyond basic job responsibilities.
2. *Exceeds Expectations* - Performance that is consistently above expectations. It is representative of excellent work having substantial impact beyond the individual. Performance reflects contributions beyond basic job responsibilities.
3. *Meets Expectations* - Performance that represents satisfactory work. Faculty member’s work is effective, reliable, and of good quality. The faculty member meets obligations and performance expectations.
4. *Needs Improvement* - The faculty member does not meet performance expectations in one or more of his/her basic job responsibilities. Improvement in performance is needed.
5. *Unsatisfactory* - Performance consistently fails to satisfy basic job responsibilities, and urgent efforts on the part of the faculty member are required to improve performance.

An overall ranking of unsatisfactory performance requires a faculty member to participate in the formal performance improvement process set forth in Section 7.3.

7.1.2 Effect of Extended Leave on Evaluation

If an exempt employee has taken an extended period of leave, they may request that their evaluation goals be temporarily redefined and evaluation process be adjusted to reflect a reasonable performance expectation for the affected evaluation period. When a request for amended evaluation goals is submitted, the employee and their supervisor shall attempt to negotiate appropriate evaluation goals for the affected evaluation period. If the employee and their supervisor cannot agree upon the need for, or the specific content of, amended evaluation goals, the Dean shall review the matter and make a final decision on the issue of amended evaluation goals.

7.2 Professional Growth and Development

Mines is mindful of the important goal of attracting, supporting, promoting, and retaining quality faculty members and believes that professional growth and development is crucial to maintaining faculty quality. A Professional Growth Plan is mandatory for each new tenure-track and teaching faculty member to ensure that a clear understanding exists between the faculty member and Mines regarding their mutual expectations. Any interested faculty member may propose a Professional Development Plan to his or her department head. All Professional Growth Plans and Professional Development Plans must be prepared with the concurrence of the department head and submitted to the Provost for review prior to implementation.

7.2.1 Professional Growth Plans for Newly Appointed Faculty

During the first semester of employment, each new faculty member shall develop, in consultation with his or her department head, a Professional Growth Plan specifying goals and expectations. For tenure-track faculty, it should cover the period, at a minimum, up to the Preliminary Tenure Review. Faculty members may be offered developmental support as a part of their Professional Growth Plans or in conjunction with their initial employment contracts. A faculty member’s Professional Growth Plan may be modified from time to time with the approval of his or her department head. During the initial years of appointment, including year-to-year appointment renewals, the Professional Growth Plan shall be considered as part of the goal-setting exercise in Section 7.1.1.A.2.

A. **Categories of Available Support**
Formative evaluations, workshops, and senior faculty mentor programs may be utilized, as appropriate, to guide new faculty members in their professional growth. Start-up packages may also include any of the following components: summer salary, special laboratory or office equipment, a lighter than normal teaching load, graduate student support, travel support, and research initiation support. A faculty member must account to Mines for the use of this support, and any equipment purchased under such an agreement shall be the property of Mines.

7.2.2 Professional Development Plans for Faculty

Any faculty member may request developmental support with the recommendation of his or her department head through submission of a written Professional Development Plan. This support is intended to assist those faculty members who desire to improve their teaching or research, or who wish to change their career directions at Mines. Professional Development Plans, which shall be submitted through the department head to the Provost for review, must clearly state the desired goals, justify the need for support and outline the expected areas of improvement. A faculty member's success in achieving Professional Development Plan goals shall be included as part of his or her annual evaluation.

A. **Categories of Available Support**
Any of the following types of support may be granted in conjunction with a Professional Development Plan: research initiation support, travel support, summer salary support, sabbatical leave, equipment, and other appropriate support as may be agreed upon by the Provost and the faculty member. A faculty member must account to Mines for the use of this support, and any equipment purchased under such an agreement shall be the property of Mines.

7.3 Performance Improvement Plans

When employees receive an overall assessment rating of “Unsatisfactory” on their annual performance evaluation or have recurring performance issues, supervisors, in partnership with Human Resources (HR) can create a Performance Improvement Plan (PIP). A PIP is a formal document that specifies areas for improvement and expected performance improvements measures. The PIP is designed to help facilitate regular, productive conversation between an employee and their supervisor, setting up a structured approach to helping an employee improve their work results.

7.3.1 Performance Improvement Plans for Tenured Faculty Members

PIPs may be initiated at any time during the academic year and should be considered at the time of preparing annual faculty evaluations. A Department Head or supervisor, in partnership with their Deans and HR, will identify tenured faculty members for whom a PIP is recommended. A Department Head or supervisor will discuss the need for a performance improvement plan with the faculty member's Dean. If recommended, the Department Head will consult with HR and the faculty member to develop and then implement the plan. The faculty member shall work with their Department Head or supervisor to integrate the PIP into the annual faculty performance review and goal-setting.

A. **Categories of Institutional Support Available**
Any of the following types of support may be granted in conjunction with a PIP: research initiation support, travel support, summer assignments, equipment acquisition, referral to the Trefny Innovative Instruction Center and administrative leave. Additional support in the form of career counseling, short courses, workshops, and internships may also be offered. A faculty member must account to Mines for the use of this support, and any equipment purchased under such an agreement shall be the property of Mines.

B. **Time Limitations**
The PIP shall generally be initiated within thirty days from the date of identification of the performance deficiencies. The PIP shall specify a time period of up to one full academic year during which the necessary improvement must take place. However, the end date is not guaranteed as this time period may be shortened or extended with the Dean's approval.

C. **Procedure for Implementation of Plan**
The PIP, including all support offered, shall be reflected in writing, and signed by the faculty member, the Department Head or supervisor, and the Dean.

D. **Sanctions for Failure to Fulfill Plan Requirements**
If satisfactory performance improvement has not been achieved, the Department Head or supervisor may end the PIP and initiate appropriate action in partnership with their Dean and HR.

7.3.2 Performance Improvement Plans for Teaching Faculty

PIPs may be initiated at any time during the academic year and should be considered at the time of preparing annual teaching faculty evaluations. Department Heads or supervisors, in partnership with their leadership team and HR, will identify teaching faculty members for whom a PIP is recommended. A PIP shall include identified areas for improvement and expected performance improvements measures. The teaching faculty member shall work with their Department Head or supervisor to integrate the PIP into the annual faculty goal-setting.

A. **Availability of Institutional Support**
Institutional support is not normally granted to a teaching faculty member in conjunction with a PIP. However, in unusual cases, such support may be granted with the written approval of the appropriate Department Head or supervisor. A teaching faculty member must account to Mines for the use of this support, and any equipment purchased for such support shall be the property of Mines.

B. **Time Limitations**
The PIP shall be initiated within thirty days from the date of identification of the performance deficiencies. The PIP shall specify a period of up to one full academic year during which the necessary improvement must take place. However, the end date is not guaranteed as this period may be shortened or extended with the Dean's or supervisor's approval.

C. **Procedure for Implementation of Plan**
The PIP, including any support offered, shall be reflected in writing, and signed by the teaching faculty member and the Department Head or supervisor.

D. **Sanctions for Failure to Fulfill Plan Requirements**
If satisfactory performance has not been achieved, the Department Head or supervisor may end the PIP and initiate appropriate action in partnership with HR.

Section 8 - Promotion and Tenure

- 8.1 Tenured and Tenure-Track Faculty (p. 26)
- 8.2 Teaching Faculty (p. 29)
- 8.3 Research Faculty (p. 30)
- 8.4 Library Faculty (p. 31)
- 8.5 Promotion and Tenure Decision Appeal Procedure (p. 32)

Preamble:

The following section applies to all promotion and/or tenure committees. The Vice Provost acts as the independent arbiter in all procedural matters in promotion and/or tenure cases.

A candidate for promotion and/or tenure has a conflict of interest with a spouse, immediate family member as defined by the Mines Personal (Familial and Amorous) Relationship Policy, or terminal degree advisor. In these cases, the conflicted party cannot serve on any promotion and/or tenure committee charged with reviewing the candidate. The conflicted party must recuse themselves from the case.

Where conflict of interest may exist outside of these cases, a candidate, chair of a promotion or promotion and tenure committee, or relevant supervisor can request a review of potential conflict of interest between the candidate and any committee member when any promotion or promotion and tenure committee is charged.The Vice Provost evaluates the sources of the conflict, including but not limited to consultation with other campus partners and decides whether the committee member is recused from the committee. The Vice Provost decision is final and not appealable.

When a faculty member in the role of Department Head in the promotion and/or tenure review process applies for promotion and/or tenure, the faculty member's Portfolio Dean assumes the role of the faculty member's Department Head and the Portfolio Dean of the other portfolio assumes the role of the faculty member's Portfolio Dean.

8.1 Tenured and Tenure-Track Faculty

A faculty appointment with academic tenure is a privilege awarded by Mines that is earned by a record of superior academic performance and incorporates the expectation that such performance will continue and thrive. The conferral of tenure forms the basis of a long-term contractual partnership between a faculty member and Mines and is recognition of the faculty member's career alignment with the long-term mission of the institution. A faculty member with tenure may be terminated by Mines only for cause or non-renewed for reasons of financial exigency or degree program termination. Academic tenure is conferred by the Mines Board of Trustees based on a recommendation that is framed by the criteria for tenure and developed through the application and review procedures set forth in this section of the Handbook.

The tenure track refers to the status of appointment for faculty who are working toward tenured status. A tenure-track appointment is probationary and term-limited and is granted to an academic faculty member to provide a period of employment within which the faculty member is expected to establish a record of academic achievement that is reviewable for academic tenure. The precise terms and conditions of each tenure-track appointment at Mines shall be explicitly agreed upon by both the Provost and the faculty member and expressed in writing before the appointment is finalized. To ensure continued employment at Mines as a tenured faculty member, tenure must be conferred before the expiration of the tenure-track appointment.

The tenure-track appointment is probationary, and is subject to termination in the following situations:

A. Pursuant to Section 9.1.1 addressing non-renewal of the tenure-track appointment without cause;
B. Pursuant to Section 8.1.4, when the Preliminary Tenure Review reveals the Candidate has made insufficient progress toward achieving tenure to a degree that the candidate's success at Mines is viewed unlikely.

8.1.1 Time Limitations

A. **Tenure-Track Assistant Professors**
Unless extended, see Section 8.1.1 C below, a probationary contract period for a tenure-track assistant professor shall not exceed seven years and a tenure decision must be made by no later than the end of the sixth year of tenure-track service at Mines. In the case of a start date after the Fall semester, the probationary period will be extended to six years after the beginning of the Fall semester following the appointment. Unless extended, a performance evaluation in the form of a Preliminary Tenure Review shall be conducted in the sixth semester of tenure-track service at Mines. At the initiation of either the tenure-track assistant professor or their Department Head, a Preliminary Tenure Review may be conducted before the sixth semester with the written approval of the Dean. The process for a Preliminary Tenure Review is described in paragraph 8.1.4 below.

B. **Tenure-Track Associate and Full Professors**
Unless extended, a probationary contract period for a tenure-track associate or full professor shall be consistent with the termination date on the associate or full professor's tenure-track employment contract. The length of this probationary period shall be set during employment negotiations and shall be no less than four and no more than seven years. A tenure decision must be made no later than one year prior to the termination date on the tenure-track employment contract. In the case of a start date later than the beginning of the Fall semester, the probationary period will be extended to six years after the beginning of the Fall semester following the appointment. A performance evaluation in the form of a Preliminary Tenure Review shall be conducted in the semester that constitutes the midpoint of a candidate's probationary period, normally the sixth semester of tenure-track service at Mines. At the instigation of either the tenure-track associate or full professor or their Department Head, and irrespective of length of the probationary period, a Preliminary Tenure Review may be conducted prior to the midpoint of the probationary period with the written approval of the Dean. The process for a Preliminary Tenure Review is described in paragraph 8.1.4 below.

C. **Request for Extension of Probationary Contract Period**
In the case of an approved extended leave of absence, a tenure-track faculty member may submit a written request to extend the probationary contract period, and additionally, if the requested stoppage occurs prior to Preliminary Tenure Review, postpone the Preliminary Tenure Review.

The request must be submitted to the Department Head and Dean, who will each add their written recommendations and forward the request to the Provost. The Provost will consider the request and recommendations and provide their decision in writing to the faculty member. Any extensions must be taken in one-year increments. However, the faculty member may elect, within six months following their return from leave, to have the leave time count as part of his or her probationary period. Such election must be made in writing to the employee's Department Head and must be approved by the Dean.

8.1.2 Criteria for Tenure

Tenure establishes a long-term contractual relationship between Mines and a faculty member. The granting of tenure represents acknowledgement by Mines that a tenure candidate has convincingly demonstrated the capability for making substantial and important contributions to the goals of Mines throughout the remainder of their career. Since the tenure decision is based on a tenure Candidate's potential for long-term contribution to the goals of the department and Mines, progress toward tenure is reviewed as a part of each tenure-track faculty member's annual evaluation. As departmental and Mines goals change, so, too, will the criteria for the granting of tenure. The factors that shall be considered by Mines in making a tenure decision shall include, but not be limited to, the following: (1) the Candidate's academic degree and other professional attainments; (2) the quality and trajectory of the Candidate's performance in teaching, scholarship and service; (3) the likelihood that the Candidate will continue to produce at or above their current level and continue to grow professionally; (4) the Candidate's progress toward establishment of a national and international professional recognition; (5) the Candidate's potential for achievement of greater professional recognition; and (6) the compatibility of the Candidate's academic expertise with the long-term, programmatic goals and requirements of Mines.

8.1.3 Departmental Promotion and Tenure Committees

The Departmental Promotion and Tenure Committee reviews the promotion and/or tenure application taking into account the standards and practices of the Candidate's discipline. While it is the responsibility of the Department Head to facilitate the development of faculty in the department, candidates are encouraged to seek broader input and guidance from members of their Departmental Promotion and Tenure Committee.

Within the preliminary tenure review process and at the time of application for promotion and/or tenure, the Departmental Promotion and Tenure Committee shall examine the Candidate's dossier and: (i) in relation to guidelines and criteria established by the institution, evaluate the Candidate's research contributions, teaching effectiveness and service to both internal and external communities; and (ii) make a written recommendation to the Department Head regarding the Candidate's progress toward, or suitability for promotion and/or tenure. The Departmental Promotion and Tenure Committee shall determine the process followed in producing this recommendation.

The Promotion and Tenure Committee of each academic department shall consist of:

- In the case of applicants seeking tenure, all full-time tenured faculty with at least a 0.5 FTE appointment in the Department,
- In the case of applicants seeking promotion, all full-time tenured faculty with at least a 0.5 FTE appointment in the Department at the rank being sought and above.

Note in some cases, this may imply two distinct committees. No Committee shall include Department Heads or faculty members of an administrative rank higher than Department Head. Faculty members who are otherwise eligible to participate in Departmental Promotion and Tenure Committee activities but are on sabbatical leave may at their discretion choose not to participate. If a faculty member on sabbatical chooses to participate in the promotion and tenure process, they are expected to do so as a full member of the Departmental Promotion and Tenure Committee. Faculty who are otherwise eligible to participate in Departmental Promotion and Tenure Committee activities, but are on other types of leave (i.e., medical leave, unpaid leave, and administrative leave) are not eligible to participate in the promotion and tenure process.

The committee (or subcommittee) that considers tenure applications shall include at least three faculty members who are at the required academic rank. For departments with an insufficient number of faculty members at the appropriate level, the Department Head shall consult with the Departmental Promotion and Tenure Committee and the Vice Provost and select enough tenured associate professors and/or full professors from related departments to bring the total number of Promotion and Tenure Committee members up to three. Non-departmental members of the Promotion and Tenure Committee shall serve one-year terms and must be approved by the Dean overseeing the host department.

8.1.4 Preliminary Tenure Review

The Preliminary Tenure Review is a mandatory step in the tenure review process for tenure-track assistant professors and those tenure-track associate and full professors whose probationary contracts are longer than four years. The process is designed to: (1) inform a tenure-track faculty member and their department of the Candidate's progress toward promotion and tenure; (2) address areas for improvement; and (3) offer guidance, if needed. Academic Affairs shall disseminate the required format of the preliminary tenure review package and the timeline of the review process for the upcoming academic year by the close of each Spring semester. The timeline shall include the deadlines for package submission, completion of the review, and notification of the Candidate regarding the outcome. At the initiation of either the tenure-track assistant professor or their Department Head, a Preliminary Tenure Review may be conducted before the sixth semester with the written approval of the Dean. The review should point out areas of strength, identify areas requiring further development, and recommend strategies for achieving needed improvement. In rare instances, the review may indicate that the candidate's success at Mines is sufficiently unlikely that their appointment should be terminated prior to the end of the full probationary period.

The following is the outline of the Preliminary Tenure Review process at Mines:

A. Candidate must submit applications (i.e. dossiers) in a PDF format via a single email to their Department Head.
B. The Department Head shall convene the Departmental Promotion and Tenure Committee, transmit to the Committee a dossier prepared by the Candidate in consultation with the Department Head, and appoint a Committee member to chair deliberations.
C. The Departmental Promotion and Tenure Committee shall examine the dossier, prepare a written report containing a recommendation, and forward the dossier and report to the Department Head.

If a report is prepared by members of the Committee holding a minority point of view, it shall also be accepted for consideration and incorporated into the package that is transmitted to the Department Head.

D. The Department Head shall prepare a written recommendation that becomes part of the package. The entire package shall be forwarded to the Dean. The Dean will prepare a written report containing a recommendation and notify the Provost that the dossier has been processed.

E. Copies of the reports of the Committee, the Department Head, and the Dean shall be provided to the Candidate.

F. The Department Head shall meet with the Candidate to discuss the above-mentioned reports.

8.1.5 Tenure Application Process

The standard timeline for tenure application is defined by the latest application date set forth in the employment contract. In certain circumstances the tenure application process can begin at the time of hire or upon nomination by the faculty member's Department Head with approval by the Vice Provost, as appropriate and pursuant to the respective sections herein. Under normal circumstances, a tenure applicant holding the rank of assistant professor shall also apply for promotion to associate professor at the time their tenure application is considered, and promotion and tenure decisions are coupled (either granted or denied as a package) for these individuals. Exceptions to this practice may be considered by the Dean and their recommendation is forwarded to the Provost, who will make the final decision for reasons deemed to be in the best interests of Mines.

8.1.6 Tenure Review Process

A. **Nominating Faculty for Early Tenure**
A tenure track faculty member with exceptional performance may be considered for tenure prior to the end of their standard timeline according to the following:

1. The Department Head submits to the Vice Provost a recommendation that includes the candidate's most current curriculum vita and a statement highlighting the candidate's accomplishments that support an early tenure review.

2. The Vice Provost will review each request on a case-by-case basis. If the Vice Provost supports the request to consider early tenure, the Department Head will advise the candidate to prepare the documentation for tenure review according to section 8.1.6.B, without any guarantee that the candidate will receive tenure through an early review. If the decision is not to support the request, the Department Head will be so advised with reasons for the evaluation and the candidate will not be eligible for an early tenure review. This decision is final and not subject to further review or appeal.

3. If a candidate is not successful in receiving tenure through an early review process, they are not penalized in any way or disadvantaged from the standard tenure review timeline at a later time.

B. **Tenure-Track Faculty**
The following is the outline of the tenure review process for tenure track faculty at Mines:

1. Candidates must submit applications (i.e., dossiers) in a PDF format via a single email to their Department Head and Academic Affairs (academic-affairs@mines.edu). Academic Affairs shall disseminate the required format of the dossier, and the submission and tenure review process deadlines prior to the close of each Spring semester.
2. The Department Head shall convene the departmental Promotion and Tenure Committee as defined in Section 8.1.3, transmit the dossier to the committee, and appoint a committee member to chair deliberations.
3. The Department Head shall solicit external reviewer evaluations from experts in the Candidate's field. All received letters become part of the dossier. The updated dossier shall be forwarded to Department Promotion and Tenure Committee.
4. The Departmental Promotion and Tenure Committee shall examine the dossier and prepare a written recommendation including the results of the vote, which becomes part of the dossier. In the case of a split vote, the written recommendation(s) must reflect all viewpoints. The updated dossier shall be forwarded to the Department Head.
5. The Department Head shall prepare a written recommendation that becomes part of the dossier. The Department Head shall share their recommendation and the recommendation(s) of the Departmental Promotion and Tenure Committee with the Candidate. Prior to sharing the recommendations with the Candidate, information that could disclose the identities of external reviewers or individual committee members shall be redacted. The Candidate may respond to the recommendations in order to correct factual errors. This response must be provided in writing to the Department Head within three (3) business days. This response shall be included in the dossier before being forwarded to the next level for review.
6. The Department Head shall forward the dossier to the Dean(s) overseeing the Candidate's department or departments in the event of a split appointment. The Dean(s) shall review the dossier and prepare a written recommendation. This recommendation is added to the Candidate's dossier, which is then forwarded to the Provost for transmission to the University Promotion and Tenure Committee.
7. The University Promotion and Tenure Committee shall conduct a thorough and independent review of the dossier and prepare a written recommendation for the Provost.
8. The Provost shall review the entire dossier and submit their recommendation to the President. In assessing the dossiers, the Provost may confer with any other parties who have relevant information on a pending application.
9. The President shall convey the Provost's recommendation to the Board of Trustees, which has the final authority to grant or deny tenure for each Candidate.
10. If a need for clarification arises at any stage of the review process, any of the parties reviewing the dossier (Department Head, Department Promotion and Tenure Committee, etc.) may contact the Candidate to request more information, which shall be included in writing in the dossier before proceeding to the next step of the review process. In addition, a reviewing party may request clarification from any previous reviewer who has evaluated the dossier.
11. The Provost shall provide written notification to each applicant of the results of their tenure application. Decisions shall be reflected in the official records of Mines. Any compensation adjustments resulting from a favorable decision shall be made effective at the beginning of the next academic year. However, Candidates may begin professional use of their new status, faculty rank, and exercise the responsibilities of the new rank immediately. Written

recommendations produced by the Deans and the University Committee may, upon candidate request, be made available at the conclusion of the review process.

12. In the case of a tenure application denial, the Candidate may appeal the decision pursuant to the Promotion and Tenure Decision Appeal Procedure set forth in Section 8.5.

C. **Tenure Review at the Time of Employment**
Candidates for tenure at the time of hiring are subject to the tenure review process defined in Section 8.1.6A with the following modifications:
   1. The application package shall consist of the Candidate's extended curriculum vitae, and the Candidate's written summaries of their research and teaching experience and interests.
   2. External evaluations from experts in the candidate's field should include (but usually not be limited to) the reference letters provided as part of the candidate's employment application package.
   3. Review of the Candidate's dossier may occur outside of the published promotion and tenure review cycle.

8.1.7 Criteria for Promotion

Promotion in rank at Mines for tenured and tenure-track faculty is based on the quality of a faculty member's overall performance in teaching, scholarship and service, and the likelihood of continued growth in their accomplishments and their professional reputations nationally and internationally. [The minimum qualifications for appointment to the relevant academic faculty ranks are set forth in Section 4.4.]

The decision whether or not to promote a faculty member lies solely within the discretion of the Board.

8.1.8 Promotion Application Process

At the time a promotion is desired, it is the responsibility of the faculty member, in consultation with their Department Head, to submit a formal promotion application with appropriate supporting documentation to Mines for promotion review pursuant to the process specified in Section 8.1.9. Under normal circumstances, a promotion applicant holding the rank of assistant professor shall also apply for tenure at the time of their promotion application is considered, and promotion and tenure decisions are coupled (either granted or denied as a package) for these individuals. The Provost may make exceptions to this practice on a case-by-case basis for reasons deemed to be in the best interests of Mines.

8.1.9 Promotion Review Process

Review of promotion applications shall follow the process defined for tenure applications in Section 8.1.6A.

8.2 Teaching Faculty

The procedures described in this section apply to Teaching Faculty in academic departments and in University Honors and Scholars Programs (UHSP). For UHSP promotions, the UHSP Executive Director will fulfill the role and responsibilities of the Department Head, and the duties typically assigned to the Departmental Teaching Faculty Promotion Committee will be the responsibility of the University Honors Teaching Faculty Promotion committee comprised as set forth in the Teaching Faculty member's employment contract.

8.2.1 Criteria for Promotion

Promotion in teaching rank is based on the quality of a faculty member's overall performance in teaching, service and scholarship. [The minimum qualifications for teaching faculty are set forth in Section 4.4.]

For promotion to the rank of teaching associate professor the following criteria must be met:

A. high level of proficiency in the faculty member's subject area,
B. development of high-quality curricular and instructional materials,
C. mastery of effective instructional methods, and
D. service including membership in institutional and/or departmental committees and/or participation in activities aimed at recruitment or retention of students, such as individual and group advising and development of promotional materials.

In addition to these criteria, for promotion to the rank of teaching professor the following criteria must be met:

E. demonstration of leadership, which may include developing upper-level courses, coordinating courses, mentoring junior faculty, and/or coordinating program-wide efforts to assess and evaluate student learning outcomes, and
F. demonstration of knowledge and application of existing discipline-specific educational research.

Finally, the following criteria may also be considered, but do not have to be met, for promotion to either teaching associate professor or teaching professor:

G. publications related to educational and/or scholarly activities, and
H. significant participation in local, national, or international professional organizations.

The decision whether or not to promote a faculty member lies solely within the discretion of the Board.

8.2.2 Departmental Teaching Faculty Promotion Committee

The Departmental Teaching Faculty Promotion Committee reviews the promotion application taking into account the standards and practices of the candidate's discipline and the curricular needs and norms of the department or program, as well as familiarity with the Candidate's teaching, interaction with students and colleagues, and contribution to the department or program. While it is the responsibility of the Department Head to facilitate the development of faculty in the department, candidates are encouraged to seek broader input and guidance from members of their Departmental Teaching Faculty Promotion Committee.

At the time of application for promotion, the Departmental Teaching Faculty Promotion Committee shall examine the candidate's dossier and: (i) in relation to guidelines and criteria established by the institution, evaluate the Candidate's suitability for promotion; and (ii) make a written recommendation to the Department Head regarding the candidate's suitability for promotion. The Departmental Teaching Faculty Promotion

Committee shall determine the process followed in producing this recommendation.

For consideration of promotion applications from Teaching Faculty members, the Departmental Promotion Committee will include all Tenured and Teaching Faculty with at least a 0.5 FTE appointment in the department with rank equal to or greater than the rank that the faculty member is pursuing. No Committee shall include Department Heads or faculty members of administrative rank higher than Department Head. In departments with fewer than three Teaching Faculty members at the required rank, the Department Head shall consult with the Departmental Promotion and Tenure Committee and the Vice Provost, and select Teaching Faculty members from other departments to bring the total number of Teaching Faculty representatives to three. Non-departmental members of the Departmental Teaching Faculty Promotion Committee shall serve one-year terms and must be approved by the Dean overseeing the host department.

8.2.3 Promotion Application Process

At the time a promotion is desired, it is the responsibility of the faculty member, in consultation with his or her Department Head, to submit a formal promotion application with appropriate supporting documentation to Mines for promotion review pursuant to the process specified in Section 8.2.4 below.

8.2.4 Promotion Review Process

The following is an outline of the promotion review process for all teaching faculty at Mines:

A. Candidates must submit applications (i.e., dossiers) in a PDF format via a single email to their Department Head and Academic Affairs (academic-affairs@mines.edu). Academic Affairs shall disseminate the required format of the dossier, and the submission and promotion review process deadlines prior to the close of each Spring semester.
B. The Department Head shall convene the departmental Promotion Committee as defined in Section 8.2.2, transmit the dossier to the committee, and appoint a committee member to chair deliberations.
C. The Departmental Promotion Committee shall examine the dossier and prepare a written recommendation including the results of the vote that becomes part of the dossier. In the case of a split vote, the written recommendation(s) must reflect all viewpoints. The dossier shall be forwarded to the Department Head.
D. The Department Head shall prepare a written recommendation that becomes part of the dossier. The Department Head shall share her/his recommendation and the recommendation(s) of the Departmental Promotion Committee with the Candidate. Prior to sharing the recommendations with the Candidate, information that could disclose the identities of external reviewers or individual committee members shall be redacted. The Candidate may respond to the recommendations in order to correct factual errors. This response must be provided in writing to the Department Head within three (3) business days. This response shall be included in the dossier before being forwarded to the next level for review.
E. The Department Head shall forward the dossier to the Dean(s) overseeing the Candidate's department or departments in the event of a split appointment. The Dean(s) shall review the dossier and prepare a written recommendation. This recommendation is added to the Candidate's dossier, which is then forwarded to the Provost for transmission to the University Teaching Faculty Promotion Committee.
F. The University Teaching Faculty Promotion Committee shall conduct a thorough and independent review of the dossier and prepare a written recommendation for the Provost.
G. The Provost shall review the entire dossier and submit his or her recommendation to the President. In assessing the dossiers, the Provost may confer with any other parties who have relevant information on a pending application.
H. The President shall convey the Provost's recommendation to the Board of Trustees, which has the final authority to grant or deny promotion for each candidate.
I. If a need for clarification arises at any stage of the review process, any of the parties reviewing the dossier (Department Head, Department Promotion Committee, etc.) may contact the Candidate to request more information, which shall be included in writing in the dossier before proceeding to the next step of the review process. In addition, a reviewing party may request clarification from any previous reviewer who has evaluated the dossier.
J. The Provost shall provide written notification to each Candidate of the results of his or her promotion application. Decisions shall be reflected in the official records of Mines. Any compensation adjustments resulting from a favorable decision shall be made effective at the beginning of the next academic year. However, Candidates may begin professional use of their new status, faculty rank, and exercise the responsibilities of the new rank immediately. Written recommendations produced by the Deans and the University Committee may, upon candidate request, be made available at the conclusion of the review process.
K. In the case of an unfavorable decision, an applicant may appeal the decision pursuant to the Promotion and Tenure Decision Appeal Procedure set forth in Section 8.5.

8.3 Research Faculty

8.3.1 Criteria for Promotion

Promotion in research rank at Mines for research faculty is based on the quality of a faculty member's overall performance in research, service, and the likelihood of continued growth in their accomplishments and their professional reputations nationally and internationally. [The minimum qualifications for appointment to various research faculty ranks are set forth in Section 4.4 (p. 12).]

8.3.2 Departmental Research Faculty Promotion Committee

The Departmental Research Faculty Promotion Committee reviews the promotion application taking into account the standards and practices of the candidate's discipline. While it is the responsibility of the Department Head to facilitate the development of faculty in the department, candidates are encouraged to seek broader input and guidance from members of their Departmental Research Faculty Promotion Committee.

At the time of application for promotion, the Departmental Research Faculty Promotion Committee shall examine the Candidate's dossier and: (i) in relation to guidelines and criteria established by the institution, evaluate the Candidate's suitability for promotion; and (ii) make a written recommendation to the Department Head regarding the Candidate's suitability for promotion. The Departmental Research Faculty Promotion Committee shall determine the process followed in producing this recommendation.

For consideration of promotion applications from research faculty members, the Departmental Research Faculty Promotion Committee shall consist of the Departmental Promotion and Tenure Committee (defined in Section 8.1.3) and all research faculty in that department with rank equal to or greater than the rank that the faculty member is pursuing. In Departments with fewer than one research faculty member at the required rank, the Department Head shall consult with the Departmental Promotion and Tenure Committee and the Vice Provost and select a research faculty member from another department. Non-departmental members of the Departmental Research Faculty Promotion Committee shall serve one-year terms and must be approved by the Dean overseeing the host department.

8.3.3 Promotion Application Process

At the time a promotion is desired, it is the responsibility of the faculty member, in consultation with their Department Head, to submit a formal promotion application with appropriate supporting documentation to Mines for promotion review pursuant to the process specified in paragraph 8.3.4 below.

8.3.4 Promotion Review Process

The following is an outline of the promotion review process for all research faculty at Mines:

A. Candidates must submit applications (i.e., dossiers) in a PDF format via a single email to their Department Head and Academic Affairs (academic-affairs@mines.edu). The dossier shall consist of a letter summarizing achievements, an extended CV, and evaluations from the previous three years.
B. The Department Head shall convene the Departmental Promotion Committee as defined in Section 8.3.2, transmit the dossier to the committee, and appoint a committee member to chair deliberations.
C. The Department Head shall solicit external reviewers evaluations from expert's in the Candidate's field. All received letters become part of the dossier. The updated dossier shall be forwarded to the Departmental Promotion Committee.
D. The Departmental Promotion Committee shall examine the dossier and prepare a written recommendation including the results of the vote that becomes part of the dossier. In the case of a split vote, the written recommendation(s) must reflect all viewpoints. The dossier shall be forwarded to the Department Head.
E. The Department Head shall prepare a written recommendation that becomes part of the dossier. The Department Head shall share their recommendation and the recommendation(s) of the Departmental Promotion Committee with the Candidate. The Candidate may respond to the recommendations in order to correct factual errors. This response must be provided in writing to the Department Head within three (3) business days. This response shall be included in the dossier before being forwarded to the next level for review.
F. The Department Head shall forward the dossier to the Dean(s) overseeing the Candidate’s department or departments in the event of a split appointment. The Dean(s) shall review the dossier and prepare a written recommendation. This recommendation is added to the Candidate’s dossier, which is then forwarded to the Provost and Vice President for Research.
G. The Provost and Vice President for Research shall review the entire dossier and provide written notification to each Candidate of the results of his or her promotion application. Decisions shall be reflected in the official records of Mines. Any compensation adjustments resulting from a favorable decision shall be made effective at the beginning of the next academic year or at an alternative time if approved by the Department Head and Dean(s). Regardless of when the compensation adjustment is made, Candidates may begin professional use of their new status, faculty rank, and exercise the responsibilities of the new rank immediately.
H. In the case of an unfavorable decision, the Candidate may appeal the decision pursuant to the Promotion and Tenure Decision Appeal Procedure set forth in Section 8.5 (p. 33).

8.4 Library Faculty

8.4.1 Criteria for Promotion

Promotion in library rank at Mines for library faculty is based on the quality of a faculty member's overall performance in librarianship, scholarship or research, and service. [The minimum qualifications for appointment to the various library faculty ranks are set forth in Section 4.4.]

Promotion to the rank of associate librarian is determined by the likelihood of continued growth in their accomplishment and professional reputation as demonstrated in the following criteria:

A. high level of proficiency in librarianship;

B. high quality scholarly works;

C. service to the institution and the profession at a regional and/or national level.

In addition to these criteria, for promotion to the rank of Librarian the following criteria must be met:

D. demonstrated evidence of excellence in the performance of librarianship with significant cumulative impact;

E. a mature body of research and scholarly work relevant to the candidate’s professional role;

F. cumulative record of significant service to the institution and the profession at a national and/or international level, including leadership.

The decision whether or not to promote a faculty member lies solely within the discretion of the Board.

8.4.2 Library Promotion Committee

The Library Promotion Committee reviews the promotion application taking into account the standards and practices of the Candidate’s discipline. Although it is the responsibility of the University Librarian to facilitate the development of faculty in the department, Candidates are encouraged to seek broader input and guidance from members of the Library Promotion Committee.

At the time of application for promotion, the Library Promotion Committee shall examine the Candidate's dossier and:

A. in relation to guidelines and criteria established by the institution, evaluate the candidate's suitability for promotion; and
B. make a written recommendation to the University Librarian regarding the candidate's suitability for promotion. The Library Promotion Committee shall determine the process followed in producing this recommendation.

The Library Promotion Committee shall consist of all full-time library faculty members of a rank equal to or higher than the rank aspired to by the candidate, but it shall not include the University Librarian.

If fewer than three library faculty members are eligible to serve on this committee, the University Librarian shall consult with the Library Promotion Committee and the Vice Provost and select enough full professors from the academic departments to bring the total number of Library Promotion Committee members up to three. Non-library members of the Library Promotion Committee shall serve one-year terms and must be approved by the Dean overseeing the host department.

8.4.3 Promotion Application Process

At the time a promotion is desired, it is the responsibility of the faculty member, in consultation with the University Librarian, to submit a formal promotion application with appropriate supporting documentation to Mines for promotion review pursuant to the process specified in paragraph 8.4.4 below.

8.4.4 Promotion Review Process

The following is a general outline of the promotion review process for all library faculty at Mines:

A. Candidates must submit applications (i.e., dossiers) in a PDF format via a single email to the University Librarian and Academic Affairs (academic-affairs@mines.edu). Academic Affairs shall disseminate the required format of the dossier and the submission and promotion review process deadlines prior to the close of each Spring semester.

B. The University Librarian shall convene the Library Promotion Committee as defined in Section 8.4.2, transmit the dossier to the committee, and appoint a committee member to chair deliberations.

C. The University Librarian shall solicit external reviewer evaluations from experts in the Candidate's field.

D. The Library Promotion Committee shall examine the dossier and prepare a written recommendation including the results of the vote that becomes part of the dossier. In the case of a split vote, the written recommendation(s) must reflect all viewpoints. The dossier shall be forwarded to the University Librarian.

E. The University Librarian shall prepare a written recommendation that becomes part of the dossier. The University Librarian shall share her/his recommendation and the recommendation(s) of the Library Promotion Committee with the Candidate. Prior to sharing the recommendations with the Candidate, information that could disclose the identities of external reviewers or individual committee members shall be redacted. The Candidate may respond to the recommendations in order to correct factual errors. This response must be provided in writing to the University Librarian within three (3) business days. This response shall be included in the dossier before being forwarded to the next level for review.

F. The University Librarian shall forward the dossier to the Provost for transmission to the Teaching and Library Faculty Promotion Committee.

G. The Teaching and Library Faculty Promotion Committee shall conduct a thorough and independent review of the dossier and prepare a written recommendation for the Provost.

H. The Provost shall review the entire dossier and submit his or her recommendation to the President. In assessing the dossiers, the Provost may confer with any other parties who have relevant information on a pending application.

I. The President shall convey the Provost's recommendation to the Board of Trustees, which has the final authority to grant or deny promotion for each candidate.

J. If a need for clarification arises at any stage of the review process, any of the parties reviewing the dossier (University Librarian, Library Promotion Committee, etc.) may contact the Candidate to request more information, which shall be included in writing in the dossier before proceeding to the next step of the review process. In addition, a reviewing party may request clarification from any previous reviewer who has evaluated the dossier.

K. The Provost shall provide written notification to each Candidate of the results of his or her promotion application. Decisions shall be reflected in the official records of Mines. Any compensation adjustments resulting from a favorable decision shall be made effective at the beginning of the next academic year. However, Candidates may begin professional use of their new status, faculty rank, and exercise the responsibilities of the new rank immediately. Written recommendations produced by the University Committee may, upon Candidate request, be made available at the conclusion of the review process.

L. In the case of an unfavorable decision, the Candidate may appeal the decision pursuant to the Promotion and Tenure Decision Appeal Procedure set forth in Section 8.5.

8.5 Promotion and Tenure Decision Appeal Procedure

8.5.1 Persons Eligible to File an Appeal

An appeal hereunder may be filed by any candidate for promotion or tenure at Mines as described in either of the categories below, hereinafter referred to in this appeal procedure as the "Candidate."

A. Any tenure-track faculty member whose application for tenure has been denied by Mines; or

B. Any academic faculty member whose application for promotion to a higher academic rank has been denied by Mines.

8.5.2 Notice of Appeal

A Notice of Appeal is a written document in letter or memorandum form prepared and filed by the Candidate to initiate an appeal hereunder. The Notice of Appeal must contain, at a minimum, a concise statement of the matter being appealed as well as the specific grounds for the appeal set forth in sufficient detail to provide Mines with reasonable notice of the substance of the appeal. In all tenure decision appeals, the Notice of Appeal must allege one or more of the specific, appealable issues listed in Section 8.5.4.A.1 below. In promotion decision appeals, the Notice of Appeal must allege one or more of the specific appealable issues listed in Section 8.5.4.A.2.

8.5.3 Procedure for Initiation of Appeals

A. **Place to File Notice of Appeal**
A Notice of Appeal shall be addressed to and filed with the office of the Provost, who shall be presumed to be acting on behalf of Mines throughout the appeal. At the time the Notice of Appeal is filed with the Provost, the Candidate shall also file a copy thereof with the Office of General Counsel.

B. **Time Limitations**

All appeals filed pursuant to this procedure must be filed with the Provost and the Office of General Counsel no later than ten business days following receipt by the Candidate of notification of the tenure or promotion decision constituting the subject matter of the appeal. If the last day to file a Notice of Appeal, or any other document pursuant to this Appeal Procedure, happens to fall on a weekend, a holiday, or any day on which Mines is closed, the Notice of Appeal or other document shall be due on the next Mines business day. If a Notice of Appeal is not filed in a timely manner, the Candidate shall forfeit all rights of appeal conferred hereunder. The Provost shall notify the Candidate in writing if a Notice of Appeal is not received in a timely manner.

C. **Extension of Time Limitations**
For good cause, the Candidate may request in writing from the Provost an additional amount of time within which to file a Notice of Appeal. However, in order to be considered, a Request for Additional Time must be filed within the time limit for filing the Notice of Appeal. The Provost shall possess the authority to issue a final ruling on such a request.

D. **Fulfillment of Notice of Appeal Requirements**
An attorney from the Office of General Counsel shall examine the Notice of Appeal to determine if the requirements set forth in Section 8.5.2 and 8.5.3 have been met. If the attorney determines Mines that the Notice of Appeal has not fulfilled the requirements, he or she shall inform the Candidate of the deficiencies in writing within ten business days. The Candidate shall then have the opportunity to correct and refile the Notice of Appeal within ten business days from the date of the attorney's communication to the Candidate. If the attorney concludes that the refiled version of the Notice of Appeal is still deficient, the Candidate may request that the refiled version along with a written recommendation of the attorney be forwarded to the hearing panel for a decision. In that event, the hearing panel must examine the Notice of Appeal and decide that: (1) the Notice of Appeal is not deficient, and the appeal may proceed to hearing; (2) the deficiencies contained in the Notice of Appeal are not fatal to the appeal, which may proceed to hearing; or (3) the deficiencies contained in the Notice of Appeal are fatal to the appeal, which must therefore be dismissed. If the Notice of Appeal is dismissed, it may not be refiled.

8.5.4 Appeal Standards

A. **Reviewable Issues**
When both promotion and tenure applications are denied, only the tenure decision may be appealed on the grounds for tenure decision appeals as set forth below.

1. **Tenure Decision Appeals**
The grounds for appeal shall be limited to one or more of the following: (1) in the conduct of the tenure review, there were violations for the established procedures and practices of the Candidate's department or Mines, and such procedural errors were of sufficient magnitude that they likely affected the outcome of the tenure review; and (2) an alleged breach of a significant contractual obligation by Mines that has materially impacted the Candidate's ability to successfully earn tenure at Mines.

This appeal procedure is not designed to resolve allegations of unlawful discrimination made by employees. Any appeal that contains such allegations must be filed as a complaint under Mines' Unlawful Discrimination Policy and Complaint Procedure.

2. **Promotion Decision Appeals**
The grounds for appeal shall be limited to one or more of the following: (1) in the conduct of the promotion review, there were violations of the established procedures and practices of the Candidate's department or Mines, and such procedural errors were of sufficient magnitude that they likely affected the outcome of the promotion review; and (2) the decision was so inconsistent with the evidence in the record that it must be deemed arbitrary and capricious. The term arbitrary and capricious describes actions that have no reasonable basis in law, fact or reason, or are so lacking in rational connection to the relevant factors as to constitute an abuse of discretion. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.
This appeal procedure is not designed to resolve allegations of unlawful discrimination made by employees. Any appeal that contains such allegations must be filed as a complaint under the Unlawful Discrimination Policy and Complaint Procedure set forth on the Board of Trustees Policy web page.

In the case of an appeal based an allegation that the decision was so inconsistent with the record as to be deemed arbitrary and capricious, the scope of the positions and arguments that the Candidate and Provost may present to the hearing panel will be limited to the same information that was reviewed at the time of original promotion review, as well as the recommendations deriving from the original promotion review process as set forth in Handbook Sections 8.1.9, 8.2.4, 8.3.4 or 8.4.4. Therefore, the principal evidence presented at the hearing will be the Candidate's promotion application dossier (with contents conforming to the relevant provision of the Academic Procedures Manual), recommendations from the Candidate's Departmental Promotion Committee, Department Head, University Promotion and Tenure Committee, Dean, and Provost, and the professional credentials of the Candidate. New information regarding the Candidate's professional credentials and any additional external or internal evaluations that had not been made available in the original promotion review process are outside the scope of the hearing panel's review on appeal. Additionally, confidential information regarding other Mines promotion and tenure applicants will not be permissible evidence at the appeal hearing.

B. **Burden of Proof**
The Candidate shall bear the burden of proof in all appeals heard pursuant to this procedure.

C. **Standard of Proof**
The standard of proof for all appeals heard pursuant to this procedure shall be the "preponderance of the evidence" standard, as it is generally applied in civil cases. This standard shall be deemed met if the hearing panel believes that it is more likely than not that the facts at issue occurred. The "facts at issue" shall include all facts that are required to be proven by the Candidate in order to prevail.

D. **Role of Hearing Panel**
The role of the Hearing Panel is limited to evaluating only the reviewable issues listed in Section 8.5.4.A.

8.5.5 Initial Hearing Panel Selection Criteria

All appeals filed hereunder shall be heard by a hearing panel chosen through the process specified in subparagraph A immediately below from

the pool of tenured faculty at Mines who hold the academic rank of full professor.

Retired faculty are ineligible to serve on the hearing panel even if they are presently working for Mines as transitional appointees.

A. **Hearing Panel Selection Process**
An initial hearing panel of eight members shall be chosen on a random basis from the applicable tenured faculty pool under the supervision of the Associate Vice President for Human Resources. Panel members may be excused by the Associate Vice President for Human Resources on account of conflict of interest, health, or unavoidable absence from campus. The Candidate and the Provost shall each disqualify two of the hearing panel members. The disqualifications exercised by the parties shall proceed in an alternate fashion beginning with the Candidate. Of the remaining panel members, the one chosen last shall serve as an alternate hearing panel member. The other three panel members shall constitute the hearing panel for the appeal. An excused hearing panel member shall be replaced by another faculty member from the applicable pool chosen in a random drawing prior to the exercise of any disqualifications by either party.

B. **Selection of Chief Panel Member**
The panel members shall elect a Chief Panel Member from their number to preside throughout the remainder of the appeal.

C. **Authority of Chief Panel Member**
The Chief Panel Member shall have the authority to; (a) issue orders to compel discovery; (b) make rulings on objections; and (c) issue any other orders necessary to control the conduct of the hearing and prohibit abusive treatment of witnesses, including removal of disruptive individuals from the hearing room.

D. **Role of Alternate Hearing Panel Member**
Generally, the alternate member shall observe, but not actively participate in, all of the proceedings in the case and be prepared to substitute for a panel member who becomes unavailable during any stage of the case due to death, illness, or unavoidable emergency. However, with the approval of both parties, the alternate member may be allowed to participate in the Hearing, e.g., by asking questions of the parties and other witnesses during the proceedings.

8.5.6 Legal Representation

A. **Role of Legal Counsel**
Either party may engage the services of an attorney to assist in document preparation or case preparation, and may consult with an attorney during the appeal hearing. However, an attorney may not enter an appearance or actively participate in the hearing or speak on behalf of either party at the hearing.

B. **Peer Counsel**
The Candidate may designate a peer counsel in writing to provide moral support or actual representation during the hearing. If so designated and to the extent authorized by the Candidate, the peer counsel may speak on behalf of the Candidate, examine witnesses, deliver opening and closing statements, etc.

C. **Legal Advice for the Panel**
An attorney from the Office of General Counsel or the Assistant Attorney General assigned to represent Mines shall provide the desired level of legal advice to the panel throughout the proceeding. If this representation arrangement creates a conflict of interest, a "conflicts counsel" from the Attorney General's Office shall be engaged to perform this function.

8.5.7 Pre-Hearing Procedures

A. **Acknowledgment of Notice of Appeal**
As soon as practicable after receipt of the Notice of Appeal and completion of the examination of legal sufficiency, the Provost shall send a letter to the Candidate acknowledging timely receipt and the legal sufficiency of the Notice of Appeal. This subparagraph shall not apply if the Notice of Appeal was untimely or legally insufficient.

B. **Setting of Hearing Date**
After a Chief Panel Member has been chosen, a hearing date shall be set with reasonable consideration given to the schedules of the individuals concerned. The Chief Panel Member shall set a date for the hearing, which shall occur no more than thirty calendar days after the date upon which the hearing panel was selected, except when any portion of this thirty-day period falls within Mines' summer session. In this event, the deadline for setting the hearing date shall be extended to thirty calendar days following the commencement of Mines' fall semester. The Chief Panel Member shall inform the parties and other hearing panel members of the hearing date. Once set, the hearing date may be rescheduled only with the concurrence of the Candidate, the Provost, and the Chief Panel Member.

C. **Pre-Hearing Discovery**
Informal discovery, or the voluntary exchange between the parties of information relevant to the case, is encouraged. If the parties cannot resolve such issues informally, up to ten business days prior to the hearing date either party may request the Chief Panel Member to enter an order compelling discovery upon a showing of the relevance of the requested information and the necessity of such information to case preparation. The other party may oppose such request by showing that the requested information is irrelevant, unnecessary to case preparation, or privileged according to law.

D. **List of Hearing Issues**
After examining the position statements of both parties, the hearing panel shall prepare a list of issues to be resolved through the hearing and distribute such list to the parties no later than three business days prior to the hearing date. The list of issues generated pursuant to this subparagraph shall be binding upon the subsequent hearing and shall form the standard against which all relevancy arguments shall be weighed.

8.5.8 Position Statements

A. **Contents of Position Statements**
Each party shall file a Position Statement containing the following components:

1. **Position Summary:** A concise statement summarizing the case from the position of the submitting party;
2. **List of Issues:** A list of issues the party wishes to have resolved through the hearing;

3. **List of Witnesses:** A list of witnesses to be presented at the hearing along with a summary of the anticipated testimony of each witness;
4. **List of Exhibits:** A list of exhibits to be presented at the hearing; and
5. **Copies of Exhibits:** Copies of each exhibit the party anticipates presenting at the hearing.

B. **Deadlines for Position Statements**
Each party shall prepare and file a position statement with the hearing panel and provide a copy to the opposing party no later than five business days prior to the hearing date. If the hearing date is rescheduled, these time limits shall apply to the rescheduled hearing date.

C. **Limitations Imposed by Position Statements**
Neither party shall make an argument during the hearing that is inconsistent with the arguments set forth in the position summary section of his or her position statement. Neither party shall introduce any witnesses or exhibits at the hearing that are not listed in his or her position statement, except that a party may request the Chief Panel Member to permit additional witnesses or exhibits in order to rebut an argument or position asserted by the other party during the hearing. At the Chief Panel Member's sole discretion, such additional testimony or evidence may be introduced during the hearing at a time and in the manner prescribed by the Chief Panel Member. All exhibits listed in the position statements shall be deemed genuine and admissible unless successfully challenged prior to the hearing.

D. **Amendments to Position Statements**
Up to three business days prior to the hearing date, either party may request the chief panel member to permit amendments to his or her position statement upon a showing of good cause and lack of prejudice to the opposing party. Any party filing an amended position statement shall provide a copy thereof to the opposing party no later than the filing deadline imposed by the order permitting the amendment.

8.5.9 Hearing Procedures

A. **Presumption of Open Hearing**
Subject to limitations imposed by the capacity of the hearing room, the hearing shall be open to the public. For good cause, either party may request that the hearing be closed to the public. The chief panel member may grant such a request only if the non-requesting party does not object.

B. **Sequestration of Witnesses**
Upon the request of either party, the chief panel member shall direct that all individuals scheduled to appear as witnesses in the hearing may not be present in the hearing room except when actually testifying.

C. **Order of Presentation**
The Candidate shall make his or her presentation first. After this presentation is concluded, the Provost shall make his or her presentation. Rebuttal presentations by either party may be permitted at the discretion of the chief panel member. At the conclusion of the Provost's presentation, the Candidate shall be permitted to make a closing statement. At the conclusion of the Candidate's closing statement, the Provost shall be permitted to make a closing statement.

D. **Presentation Procedure**
During a party's presentation, that party may testify, examine other witnesses, or submit documents as evidence to the hearing panel. Arguments should not be made by a party or a representative of a party during the presentation, but rather should be reserved for the closing statement. Hearing panel members may interject questions at any time. The parties should be given equal periods of time within which to present their respective cases, as determined by the Chief Panel Member. However, either party may waive any portion of the time allotted to them.

E. **Witness Examination Procedure**
The party on whose behalf the witness has appeared shall directly examine each witness. Upon the conclusion of the examination of each witness, the opposing party shall be permitted the right of cross-examination. The Chief Panel Member may permit redirect and re-cross examination. However, an identical examination procedure shall be utilized for all witnesses testifying during the same hearing.

F. **Inapplicability of Strict Evidentiary Rules**
Strict legal evidentiary rules shall not apply during the hearing. The Chief Panel Member shall rule on the admissibility of disputed evidence with primary consideration given to the relevance, reliability, and probative value of proffered evidence.

8.5.10 Post-Hearing Procedures

A. **Recommendation of the Hearing Panel**
After the conclusion of the hearing, the hearing panel shall confer among themselves and vote upon a recommended course of action. The panel members holding a majority point of view shall designate a member of their group to write a recommendation reflecting their opinion. A panel member holding a minority point of view may issue a dissenting recommendation.

B. **Contents of Recommendation**
The recommendation of the hearing panel shall include the following components:

1. **Statement Regarding Burden of Proof:** A statement regarding whether or not the hearing panel believes that the burden of proof borne by the Candidate has been sustained.
2. **Findings of Fact:** A list of the relevant facts found by the hearing panel upon which the recommendation is based;
3. **Conclusions:** A list of the conclusions of the hearing panel upon which the recommendation is based; and
4. **Recommended Course of Action:** A statement of the course of action recommended by the hearing panel. With respect to either promotion or tenure decision appeals, the panel may recommend that the Provost's decision be upheld. If the panel finds the Candidate's appeal meritorious, it may recommend that the Candidate be given an opportunity to have his or her case reconsidered through the university's promotion and tenure review process.
The panel does not have authority to grant either promotion or tenure. However, in the case of tenure decision appeals, the panel may recommend that the Candidate be offered an extension of his or her contractual tenure-track appointment

period to allow the Candidate the opportunity to be reconsidered through the university's prescribed process for tenure review.

C. **Issuance of Recommendation**
The recommendation of the hearing panel shall be issued to the parties and delivered to the President of Mines along with the panel's case file within ten business days after the conclusion of the hearing.

D. **Issuance of Presidential Decision**
The President shall examine the case file, consider the recommendation of the hearing panel, and issue a final written decision in the matter. The President shall possess the authority to affirm, reverse, or modify the recommendation of the hearing panel or to remand the matter to the panel for further proceedings or consideration. The decision of the President shall be delivered to the parties and the hearing panel within ten business days from the date of the President's receipt of the recommendation and case file from the hearing panel, unless the President is unavailable for a significant amount of time during this period.

E. **Presidential Unavailability**
The term "unavailable," as utilized in this subparagraph and subparagraph D immediately above, shall be defined to mean out of the office on vacation or sick leave, out of town for Mines business, or otherwise engaged in important Mines business matters to the extent that sufficient time cannot be devoted to decision making hereunder. If the President is unavailable for a significant period of time during the decision-making period, a letter shall be sent to the parties advising them of that fact as well as the anticipated date of presidential availability. In such event, the decision shall be due ten business days from the date upon which the President becomes available. The President shall be the sole judge of all issues related to unavailability hereunder.

F. **Appeal of Final Decision of Mines**
The decision issued by the President shall constitute the final decision of Mines regarding the matter being appealed. There shall be no further appeal from the final decision of Mines. If the Candidate is aggrieved by the final decision of Mines, he or she may pursue other available legal remedies.

Section 9 - Termination of Employment

- 9.1 Non-Renewal of Appointment (p. 36)
- 9.2 Termination of Exempt, Non-Tenure-Track Faculty Members (p. 38)
- 9.3 Termination for Job Abandonment (p. 38)
- 9.4 Tenure Revocation (p. 38)
- 9.5 Termination for Cause (p. 39)
- 9.6 Termination and Non-Renewal Appeal Procedure (p. 40)
- 9.7 Resignation (p. 43)
- 9.8 Retirement (p. 43)

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.

9.2 Termination of Exempt, Non-Tenure-Track Faculty Members

9.2.1 Teaching Faculty

Mines may decide to non-renew the appointment of a teaching faculty member without cause. Subject to the limitations set forth in Colorado Revised Statutes §24-19-104, a teaching 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 Requirement
During first academic year of Mines appointment	Annual contract with non-renewal notification for next academic year by April 1
During second academic year of Mines appointment	Annual contract with non-renewal notification for next academic year by December 15
Third academic year and beyond	Two-year contract, renewed annually, with non-renewal notification by August 1

A teaching 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.

9.2.2 Other Non-Tenure-Track Faculty Members

All other exempt, non-tenure-track faculty members may be terminated by Mines at any time. While it is Mines' intention to treat these faculty members fairly and communicate performance deficiencies to them in a timely manner, it is not a requirement that communication of performance deficiencies must occur prior to termination. A decision to terminate an exempt, non-tenure-track faculty member may only be made by the President, Provost, or a vice president following appropriate consultations with an attorney from the Office of General Counsel and the Associate Vice President for Human Resources.

9.3 Termination for Job Abandonment

Job abandonment is when an employee leaves their job without notice with no intention of returning. There may be uncommon situations where employees don't show up for work or call, such as in the event of a medical emergency. Job abandonment is different. Job abandonment occurs in the event of a prolonged absence where the employee doesn't contact the human resources department or their manager.

Any employee who fails to report to work for a period exceeding five business days shall be deemed to have constructively resigned. In such a case, the supervisor, in partnership with Human Resources, after making a reasonable effort to communicate with the employee, may terminate the employee for job abandonment without initiating the termination for cause process set forth in Section 9.5.

9.4 Tenure Revocation

In certain cases involving a lesser degree of cause than is required for immediate termination, Mines may revoke the tenure of a faculty member for cause without intending to terminate the individual, or with the intention of non-renewing the individual upon the provision of appropriate notice. Revocation of tenure for cause may be based upon one or more components of the definition of cause listed in paragraph 9.4.1 below. A revocation of tenure for consistently substandard performance shall be based, in whole or in part, upon an individual's failure to adequately complete a Performance Improvement Plan as set forth in Section 7.3.1. However, if a tenured faculty member willfully fails or refuses to cooperate in the preparation or execution of a Performance Improvement Plan, this requirement will be inapplicable.

9.4.1 Definition of "Cause"

The following shall constitute cause for revocation of tenure held by a Mines faculty member: (1) academic dishonesty; (2) a pattern of unfair or abusive treatment of Mines students; (3) consistently substandard performance; (4) a 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; or (8) any other behavior or condition which significantly affects a faculty member's fitness to carry out his or her professional responsibilities.

9.4.2 Initiation of Tenure Revocation Process

The tenure revocation process is initiated by a written tenure revocation petition with supporting documentation. Such a petition may be formally lodged by: (1) the departmental tenure committee; (2) the department head; or (3) the Provost. The issue of initiation of a tenure revocation petition may be raised by any member of the departmental tenure committee at any time and shall be determined by a majority vote of the committee. The individual or group lodging the petition shall deliver copies thereof to the two other individuals or groups listed above as well as the affected faculty member. In response to the petition, the faculty member may submit a written statement with supporting documentation to all of the individuals or groups listed above.

9.4.3 Tenure Revocation Process

The following is a general outline of the tenure revocation process at Mines:

A. The department head shall convene the departmental promotion and tenure committee and appoint a committee member to chair deliberations.
B. The departmental promotion and tenure committee shall examine the tenure revocation petition with supporting documentation and the written statement with supporting documentation provided by the affected faculty member, prepare a written tenure revocation report containing a recommendation, and transmit same to the department head. A report prepared by members of the committee holding a minority point of view shall also be accepted for consideration.
C. The entire tenure revocation package, including the tenure revocation petition with supporting documentation, the written statement with supporting documentation provided by the affected faculty member, recommendation(s) of the committee, and a recommendation from the department head, shall be forwarded to the Provost.
D. Copies of the recommendation(s) of the committee and the recommendation of the department head shall be provided to the affected faculty member.
E. The Provost may convene the Promotion and Tenure Committee to examine the tenure revocation package, engage in discussions of the issue, and submit recommendations on the tenure revocation.
F. The Provost may request the Vice President for Research to examine the tenure revocation package and submit a written recommendation on the tenure revocation.
G. The Provost shall review and consider all of the material provided in the tenure revocation package and make a final decision regarding the tenure revocation.
H. The Provost shall provide written notification of his decision to the affected faculty member.
I. In the case of an unfavorable decision, the affected faculty member may appeal the decision pursuant to the Termination and Non-renewal Appeal Procedure set forth in Section 9.6.

9.4.4 Voluntary Relinquishment of Tenure

Tenured faculty members may voluntarily relinquish their tenure rights in exchange for consideration offered by Mines, which may include, but is not limited to, a sum of money and/or a term employment contract for a specified period. Faculty members who wish to pursue this option should initiate a discussion of the subject with the Provost. In order to be effective, all agreements to relinquish tenure must be reduced to writing and executed by the affected faculty member and the President.

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.

9.6 Termination and Non-Renewal Appeal Procedure

9.6.1 Persons Eligible to File an Appeal

An appeal hereunder may be filed by any individual described in one of the categories below, hereinafter referred to in this appeal procedure as the "Appellant."

A. Any tenured, tenure track, or teaching faculty member who has been terminated for cause or whose employment contract has been non-renewed, as long as his or her employment contract does not specifically render this procedure inapplicable; or

B. Any tenured employee whose tenure has been revoked by Mines.

9.6.2 Notice of Appeal

A Notice of Appeal is a written document in letter or memorandum form, which is prepared by the Appellant and filed with the appropriate Mines official to initiate an appeal hereunder. The Notice of Appeal must contain, at a minimum, a concise statement of the matter being appealed as well as the specific grounds for the appeal set forth in sufficient detail to provide Mines with reasonable notice of the substance of the appeal.

In all non-renewals of tenured faculty and all terminations for cause, the Notice of Appeal shall address the matters asserted by Mines as grounds for the decision. If the Appellant believes the asserted grounds are pretextuous, the Appellant shall state such belief and address all other issues, including any constitutional right violations, which the Appellant believes constitute the actual reasons for termination or non-renewal. In all non-renewal appeals by tenure-track and teaching faculty members, the Notice of Appeal must allege violation by Mines of a specific, constitutionally protected right of the Appellant.

9.6.3 Procedure for Initiation of Appeals

A. **Place to File Notice of Appeal**
A Notice of Appeal shall be addressed to and filed with the office of the Mines official who issued the notification of the action constituting the subject matter of the appeal, hereinafter referred to in this appeal procedure as the "Respondent," who shall be presumed to be acting on behalf of Mines throughout the case. At the time the Notice of Appeal is filed with the Respondent, a copy thereof shall also be filed with the Office of General Counsel.

B. **Time Limitations**
All appeals filed pursuant to this procedure must be filed with the Respondent and the Office of General Counsel no later than thirty days following receipt by the Appellant of notification of the action constituting the subject matter of the appeal. If the last day to file a Notice of Appeal, or any other document pursuant to this procedure, happens to fall on a weekend, a holiday, or any day on which Mines is closed, the Notice of Appeal or other document shall be due on the next Mines business day. If a Notice of Appeal is not filed in a timely manner, the Appellant shall forfeit all rights of appeal conferred hereunder. The Respondent shall notify the Appellant in writing if a Notice of Appeal is not received in a timely manner.

C. **Extension of Time Limitations**
For good cause, the Appellant may request in writing from the Respondent an additional amount of time within which to file a Notice of Appeal. However, in order to be considered, a Request for Additional Time must be filed within the time limit for filing the Notice of Appeal. The Respondent shall possess the authority to issue a final ruling on such a request.

D. **Fulfillment of Notice of Appeal Requirements**
An attorney from the Office of General Counsel shall examine the Notice of Appeal to determine if the requirements set forth above have been met. If the attorney determines that the Notice of Appeal has not fulfilled the requirements, he or she shall inform the Appellant of the deficiencies in writing within ten business days. The Appellant shall then have the right to correct and re-file the Notice of Appeal.
If the Notice of Appeal was filed in good faith, the Appellant shall have the remainder of the time limit for filing the appeal, if any, plus five additional business days to correct the deficiencies and re-file the Notice of Appeal. If the attorney concludes that the re-filed version of the Notice of Appeal is still deficient, the Appellant may: (1) correct and re-file the Notice of Appeal; or (2) request that the re-filed version along with a written recommendation of the attorney be forwarded to the hearing panel for a decision. If option #1 above is chosen, the Appellant shall have the remainder of the original time limit for filing the appeal, if any, plus five additional business days to correct the deficiencies and re-file the Notice of Appeal. If option #2 above is chosen, the hearing panel must examine the Notice of Appeal and decide that: (1) the Notice of Appeal is not deficient, and the appeal may proceed to hearing; (2) the deficiencies contained in the Notice of Appeal are not fatal, and the appeal may proceed to hearing; or (3) the deficiencies contained in the Notice of Appeal are fatal, and the complaint must be "dismissed with prejudice." If the Notice of Appeal is dismissed with prejudice, it may not be re-filed.

9.6.4 Appeal Standards

A. **Reviewable Issues**
In all termination for cause appeals, tenure revocation appeals, and non-renewal appeals filed by tenured faculty, the reviewable issues shall be limited to the matters asserted by Mines as grounds for the termination, tenure revocation, or non-renewal. If the Appellant believes the asserted grounds are pretextuous, the Appellant may introduce other issues that are believed to constitute the actual reason for termination. In all non-renewal appeals, an alleged violation of a constitutionally protected right of the Appellant shall be the only issue considered on appeal. However, this appeal procedure is not designed to resolve allegations of unlawful discrimination made by terminated employees. Any appeal that contains such allegations must be filed as a complaint under the Board of Trustees' Unlawful Discrimination Policy and Complaint Procedure.

B. **Burden of Proof**
The Respondent shall bear the burden of proof in all termination for cause appeals, tenure revocation appeals, and non-renewal appeals filed by tenured faculty. The Appellant shall bear the burden of proof

in all non-renewal and not-for-cause termination appeals filed by tenure-track and teaching faculty members.

C. **Standard of Proof**
The standard of proof for all appeals heard pursuant to this procedure shall be the "preponderance of the evidence" standard, as it is generally applied in civil cases. This standard shall be deemed met if the panel believes that it is more likely than not that the facts at issue occurred. The "facts at issue" shall include all facts that are required to be proven by the party bearing the burden of proof in order for such party to prevail.

9.6.5 Hearing Panel

All appeals filed hereunder shall be heard by a hearing panel chosen under the supervision of the Human Resources Leader pursuant to the method set forth in paragraph A immediately below.

A. **Initial Hearing Panel Selection Criteria**
An initial hearing panel of ten individuals shall be selected at random from the academic faculty. The initial hearing panel shall be selected from the pool of academic faculty holding a rank equal to or higher than the Appellant. Committee members may be excused on account of conflict of interest, health, or unavoidable absence from campus.
1. **Hearing Panel Selection Process**
The Appellant and the Respondent shall each disqualify two of the initial panel members. The disqualifications exercised by the parties shall proceed in an alternate fashion beginning with the Appellant. Of the remaining initial panel members, the one chosen last shall serve as an alternate hearing panel member. The other five initial panel members shall constitute the hearing panel for the appeal. An excused initial panel member shall be replaced by another initial panel member chosen in a random drawing prior to the exercise of any disqualifications by either party.
2. **Selection of Chief Panel Member**
After the hearing panel has been chosen, the panel members shall elect a chief panel member from their number to preside throughout the case.
3. **Authority of Chief Panel Member**
The chief panel member shall have the authority to (a) issue orders to compel discovery; (b) make rulings on evidentiary objections; and (c) issue any other orders necessary to control the conduct of the hearing and prohibit abusive treatment of witnesses, including removal of disruptive individuals from the hearing room.
4. **Role of Alternate Hearing Panel Member**
The alternate hearing panel member shall observe, but not actively participate in, all of the proceedings in the case and be prepared to substitute for a panel member who becomes unavailable during any stage of the case due to death, illness, or emergency.

9.6.6 Legal Representation

A. **The Appellant**
The Appellant may consult with or retain legal counsel at his or her own expense to provide the degree of legal representation desired during the case.

B. **The Respondent**
The Respondent may consult with or retain legal counsel to provide the degree of legal representation desired during the case.

C. **The Hearing Panel**
The hearing panel shall be represented by a "conflicts counsel" provided by the Office of the Colorado Attorney General.

D. **Peer Counsel**
As an alternative to retaining an attorney, the Appellant may, through an appropriate written document, designate a fellow employee to serve as peer counsel to provide moral support or actual representation during the hearing. If so designated and to the extent authorized, the peer counsel may speak on behalf of the Appellant, examine witnesses, deliver opening statement and closing argument, etc.

9.6.7 Pre-Hearing Procedures

A. **Acknowledgment of Notice of Appeal**
As soon as practicable after receipt of the Notice of Appeal and completion of the examination of legal sufficiency, the Respondent shall send a letter to the Appellant acknowledging timely receipt and the legal sufficiency of the Notice of Appeal. This section shall not apply if the Notice of Appeal was untimely or legally insufficient.

B. **Setting of Hearing Date**
After a chief panel member has been chosen, a hearing date shall be set with reasonable consideration given to the schedules of the individuals concerned. The chief panel member shall set a date for the hearing, which shall occur no more than ninety days after the date upon which the hearing panel was selected. Once set, the hearing date may be rescheduled only with the concurrence of the Appellant, the Respondent, and the chief panel member.

C. **Pre-Hearing Discovery**
Informal discovery, or the voluntary exchange between the parties of information relevant to the case, is encouraged. If the parties cannot resolve such issues informally, either party may move the chief panel member up to fifteen days prior to the hearing date to enter an order compelling discovery upon a showing of the relevance of the requested information and the necessity of such information to case preparation. The other party may oppose such request by showing that the requested information is irrelevant, unnecessary to the moving party's case preparation, or privileged according to law.

D. **List of Hearing Issues**
After examining the pre-hearing statements of both parties, the hearing panel shall prepare a list of issues to be resolved through the hearing and distribute such list to the parties no later than two business days prior to the hearing date. The panel may list issues contained in the pre-hearing statement of either party. The list of issues generated pursuant to this paragraph shall be binding upon the subsequent hearing and shall form the standard against which all relevancy arguments shall be weighed.

9.6.8 Pre-Hearing Statements

A. **Contents of Pre-Hearing Statements**
Each party shall file a pre-hearing statement containing the following components:
1. **Summary of the Argument:** A concise statement summarizing the case from the position of the submitting party;
2. **List of Issues:** A list of the issues that the submitting party wishes the hearing panel to resolve;
3. **List of Witnesses:** A list of witnesses to be presented at the hearing along with a summary of the anticipated testimony of each witness; and
4. **Photocopies of Exhibits:** Photocopies of each exhibit to be presented at the hearing.

B. **Deadlines for Pre-Hearing Statements**

The Appellant shall file a pre-hearing statement with the hearing panel and provide a copy to the opposing party no later than ten business days prior to the hearing date. The Respondent shall file a pre-hearing statement with the hearing panel and provide a copy to the opposing party no later than eight business days prior to the hearing date. If the hearing date is rescheduled, these time limits shall apply to the rescheduled hearing date.

C. **Limitations Imposed by Pre-Hearing Statements**
Neither party shall make an argument during the hearing that is inconsistent with the arguments set forth in the summary of the argument section of his or her pre-hearing statement. Neither party shall introduce any witnesses or exhibits at the hearing that are not listed in his or her pre-hearing statement. All exhibits listed in the pre-hearing statements shall be deemed genuine and admissible unless successfully challenged prior to the hearing.

D. **Amendments to Pre-Hearing Statements**
Up to five business days prior to the hearing date, either party may request the chief panel member to permit amendments to his or her pre-hearing statement upon a showing of good cause and lack of prejudice to the opposing party. Any party filing an amended pre-hearing statement shall provide a copy thereof to the opposing party no later than the filing deadline imposed by the order permitting the amendment.

9.6.9 Hearing Procedures

A. **Presumption of Open Hearing**
Subject to limitations imposed by the capacity of the hearing room, the hearing shall be open to the public. For good cause, either party may request that the hearing be closed to the public. The chief panel member may grant such a request only if the non-requesting party does not object.

B. **Sequestration of Witnesses**
Upon the request of either party, the chief panel member shall direct that all individuals scheduled to appear as witnesses in the hearing may not be present in the hearing room except when testifying.

C. **Order of Presentation**
The party bearing the burden of proof, hereinafter referred to in this appeal procedure as the "Initial Party, shall present his or her case-in-chief first. After this case has been presented, the party who does not bear the burden of proof, hereinafter referred to in this appeal procedure as the "Other Party," shall present his or her case-in-chief.

D. **Outline of Hearing**
The hearing shall proceed according to the following general outline:
1. Initial Party's Opening Statement
2. Other Party's Opening Statement (unless reserved)
3. Initial Party's Case-in-Chief
4. Other Party's Opening Statement (if reserved)
5. Other Party's Case-in-Chief
6. Initial Party's Rebuttal Case (unless waived)
7. Other Party's Rebuttal Case (only if Initial Party presents a rebuttal case and unless waived)
8. Initial Party's Closing Argument
9. Other Party's Closing Argument
10. Initial Party's Rebuttal Argument (unless waived)

E. **Case-in-Chief Procedure**
During a party's case-in-chief, that party may testify, examine other witnesses, or introduce documents as evidence to the hearing panel. Arguments shall not be made by a party or a representative of a party during the case-in-chief, but shall instead be reserved for the closing argument. Hearing panel members may interject questions at any time.

F. **Witness Examination Procedure**
Each witness shall be directly examined by the party on whose behalf the witness has appeared to testify. Upon the conclusion of the directed examination of each witness the opposing party shall be permitted the right of cross-examination. The chief panel member may permit re-direct and re-cross examination. However, an identical examination procedure shall be utilized for all witnesses testifying during the same hearing.

G. **Inapplicability of Strict Evidentiary Rules**
Strict legal evidentiary rules shall not apply during the hearing. The chief panel member shall rule on the admissibility of disputed evidence with the primary consideration given to the relevance, reliability, and probative value of proffered evidence.

9.6.10 Post-Hearing Procedures

A. **Recommendation of the Hearing Panel**
After the conclusion of the hearing, the hearing panel shall confer among themselves and vote upon a recommended course of action. The panel members holding a majority point of view shall designate a member of their group to write a recommendation reflecting their opinion. Panel members holding a minority point of view may issue a dissenting recommendation in a similar fashion.

B. **Contents of Recommendation**
The recommendation of the hearing panel shall include the following components:
1. **Statement Regarding Burden of Proof:** A statement regarding whether or not the hearing panel believes that the burden of proof borne by the Initial Party has been sustained;
2. **Findings of Fact:** A list of the relevant facts found by the hearing panel upon which the recommendation is based;
3. **Legal Conclusions:** A list of the legal conclusions of the hearing panel upon which the recommendation is based; and
4. **Recommended Course of Action:** A statement regarding the action that is being recommended by the hearing panel.

C. **Issuance of Recommendation**
The recommendation of the hearing panel shall be issued to the parties and delivered to the President of Mines along with the panel's case file within ten business days after the conclusion of the hearing. If the President is the Respondent or the initiating party of a termination for cause, the Chairman of the Board shall substitute for the President throughout the remainder of this appeal procedure.

D. **Issuance of Presidential Decision**
The President shall examine the case file, consider the recommendation of the hearing panel, and issue a final written decision in the matter. The President shall possess the authority to affirm, reverse, or modify the recommendation of the hearing panel, or to remand the matter to the panel for further proceedings or consideration. The decision of the President shall be delivered to the parties and the hearing panel within fifteen days from the date of the President's receipt of the case file and recommendation from the hearing panel, unless the President is unavailable for a significant amount of time during this period.

E. **Presidential Unavailability**
The term "unavailable," as utilized in this paragraph and paragraph D immediately above, shall be defined to mean out of town, medically incapacitated, or engaged in important Mines business to the extent that sufficient time cannot be devoted to decision making hereunder. If the President is unavailable for a significant period

of time during the decision-making period, a letter shall be sent to the parties advising them of that fact as well as the anticipated date of presidential availability. In such event, the decision shall be due fifteen days from the date upon which the President becomes available. The President shall be the sole judge of unavailability hereunder.

F. **Appeal of Final Decision of Mines**
The decision issued by the President shall constitute the final decision of Mines regarding the matter being appealed. There shall be no further appeal from the final decision of Mines. If the Appellant is aggrieved by the final decision of Mines, he or she may pursue other available legal remedies.

9.7 Resignation

Resignation is an action by which an exempt employee voluntarily severs his or her employment relationship with Mines.

9.7.1 Resignation Procedure

In order to constitute formal notice to Mines, an exempt employee's resignation shall be in the form of a letter or other written document submitted to his or her immediate supervisor. The supervisor shall provide the employee a written acceptance of the resignation. The resignation of a faculty member shall be effective on the date specified in the letter of resignation, or such other date as may be mutually agreed upon by the faculty member and Mines in writing.

9.7.2 Requested Notice

Because of the extreme hardship that may be caused by an untimely resignation, it is requested that an exempt employee provide notice of his or her intention to resign to his or her supervisor as early as possible. For tenured, tenure-track, and teaching faculty, it is expected that, except in unusual circumstances, a resignation will be effective at the end of an academic year, i.e., the date of spring commencement.

9.8 Retirement

An exempt employee may retire at any time if he or she qualifies pursuant to PERA or other retirement plan criteria. In order to constitute formal notice to Mines, a faculty member's retirement announcement shall be in the form of a letter or other written document addressed to the President or a vice president within the applicable chain of authority. The retirement of an exempt employee shall be effective on the date specified in the retirement announcement, or such other date as may be mutually agreed upon by the employee and Mines in writing.

9.8.1 Human Resources Office Consultation

All exempt employees considering retirement are encouraged to discuss their retirement plans and strategies with the Mines Human Resources Office at the earliest appropriate time in order to maximize their retirement opportunities by familiarizing themselves with applicable State Federal, and retirement requirements and deadlines. This paragraph shall not be construed to require Mines to offer a transitional retirement agreement to a faculty member or to require a certain level of minimum content, compensation, or period of transition appointment.

9.8.2 Voluntary Early Retirement Plans

Voluntary early retirement plans may be offered by Mines from time to time.

9.8.3 Disability Retirement

An employee who sustains a permanent injury, or who suffers from a permanent and debilitating physical or mental condition, may be eligible for disability retirement under PERA criteria. Exempt employees desiring additional information on this subject should contact the Mines Human Resources Office.

Section 10 - Board Policies and Procedures

- 10.1 Intellectual Property Policy (p. 44)
- 10.2 Sabbatical Leave Policy (p. 46)
- 10.3 Policy for Research Integrity (p. 47)

10.1 Intellectual Property Policy

10.1.1 Statement of Authority and Purpose

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by C.R.S.§23-41-104(1) and pursuant to the requirements of the federal Bayh-Dole Act of 1980. This Policy supersedes any previously promulgated Mines policy on intellectual property.

Mines' mission in conducting research and scholarly activities is the pursuit of knowledge for the benefit and use by the public. Mines recognizes that inventions and discoveries, and the patents, copyrights, know-how and trade secrets accruing from these, may be the natural outgrowth of the academic activities and research of its faculty members, employees, and students. The university and the campus community benefit from a clear statement of ownership and management of intellectual property in order for Mines to fulfill its role and mission, satisfy obligations to federal funding agencies and other research sponsors, and to benefit the public at large through its technology transfer efforts.

10.1.2 Definitions

For the purposes of this policy, the following definitions shall apply:

A. **Intellectual Property**
This term refers to inventions, innovations, discoveries, methods, apparatus, know-how, designs, models, distinct shapes, works of authorship (including computer software, algorithms, and associated documentation), data, trademarks, service marks, logos, any strains, varieties, or cultures of an organism, or any portion, modification, improvements, translation, or extension of these items.

B. **Inventor**
This term shall refer to any individual who makes, alone or jointly with others, a significant contribution to the creation of an invention, innovation, discovery, method, or apparatus. Ultimately, if a patent application is filed, and subsequently granted, the allowed claims will dictate who is a named inventor listed on a patent, in accordance with the requirements of inventorship under U.S. Patent law (35 U.S.C. § 100, et. seq.).

C. **Mines Resources**
This term refers to any use of Mines facilities, laboratories, equipment, computers, personnel, or library facilities that is more than incidental, or any use thereof that is essential to the creation of Intellectual Property. This term does not include routine use of university office space, personal office equipment, university entrepreneurial spaces (including incubator or maker spaces) or the means of network access to such resources.

D. **Mines Research**
This term refers to any research conducted by a Mines employee in fulfillment of their employment duties and research activities funded by Mines and/or research using Mines Facilities Resources.

10.1.3 Statement of Ownership Principle

Intellectual Property Developed by Mines Employees

Mines owns all Intellectual Property created or developed by its employees: (i) within the employee's scope of employment (except as expressly provided below), (ii) as part of a research program or laboratory, (iii) pursuant to a written contract with a third party, or (iv) with funds supplied or administered by Mines, (including additional remuneration provided to the employee under separate agreement with Mines for work outside of the employee's regularly assigned job duties). Unless the following works are created by an employee as part of Mines Research or are works that are specifically commissioned by Mines or another third-party sponsor, Mines does not own: (i) works of art that are made or valued primarily for artistic purposes rather than practical function (e.g., art objects, literary works, musical compositions), (ii) academic instruction materials (e.g., course materials), or (iii) scholarly works (such as an article published in a refereed journal, a monograph, a book, a thesis, or a similar contribution to a collective work).

While Mines shall not assert ownership over academic instruction materials, Mines will retain a non-exclusive, irrevocable, perpetual, royalty-free license to use, display, copy, distribute and prepare derivative works of those materials created by employees in the course and scope of their employment at Mines. Such materials may include video, audio, webpages, texts, graphics, simulations or other instructional media.

Acceptance of the terms and conditions of this Policy is and shall be a condition of employment for all Mines employees and a condition of engagement for any student in Mines Research.

Intellectual Property Developed by Self-Funded Students

Generally, Mines does not own Intellectual Property created or developed by self-funded students. However, there are a few circumstances in which Mines will own rights in Intellectual Property developed or created by these students. These are limited to situations where the Intellectual Property is developed or created by a self-funded student (i) as part of Mines Research, (ii) as part of a student employee's scope of employment duties, or (iii) with use of Mines Resources above and beyond what is customarily provided to students.

10.1.4 Disclosure and Recordkeeping

A. Mines employees shall promptly notify the office designated by the President in writing and make full disclosure of any Intellectual Property owned in whole or part by Mines prior to any public disclosure of the Intellectual Property.

B. Any person working on Mines Research or other activity which might give rise to Intellectual Property owned in whole or part by Mines shall keep periodic records of the activity in a bound notebook, with each entry signed and dated by both the employee or student, as applicable, and a witness having specific knowledge of both the activity and the academic discipline involved.

10.1.5 Formal Protection of Intellectual Property

A. Mines shall determine, in its sole discretion, whether and how to protect any Intellectual Property subject to this Policy.

B. In the event that an application for patent, copyright or other form of protection is decided upon and pursued, Mines has the right to prepare or have prepared, file, and prosecute such application,

and the Inventor shall provide full cooperation in such effort. Mines employees and students subject to this Policy shall execute such oaths, powers of attorney, petitions, affidavits, assignments of rights, and such other documents as are necessary to prosecute such application, receive such patents (domestic and foreign), and vest all right, title, and interest therein in Mines, subject to the preemptive rights, if any, of third party contractors or sponsors.

10.1.6 Delegation to the President

The Board delegates to the President the legal protection, management, commercialization, licensing, and enforcement of the rights in Mines Intellectual Property. The President may further delegate this authority, in whole or in part, as is appropriate.

10.1.7 Discretion to Assign Rights to Inventor(s)

In the event that the Inventor disagrees with the decision of the President or authorized delegee not to pursue intellectual property protection or commercialization, the Inventor may request in writing that the university assign the rights in the Intellectual Property to the Inventor and any co-inventors. Subject to any prior contractual or legal obligations owed to third parties or other restrictions, and provided that all other co-inventors, if any, of the subject Intellectual Property consent to the request, Mines shall reasonably consider the request. Any reassignment of rights by Mines to the Inventor shall be made only if any conflicts that arise because of such assignment can be managed. The assignment of rights will be limited only to the substance disclosed in the applicable invention disclosure form officially on record at the office designated by the President and is further subject to Mines' reservation of rights to use the Intellectual Property for research and educational purposes.

10.1.8 Revenue Sharing

Revenue Sharing from Licensing of Mines Intellectual Property

1. When revenue is received in exchange for licensing Mines owned Intellectual Property, Mines shall distribute net proceeds as set forth in this section. Net proceeds from the licensed Intellectual Property shall be calculated by subtracting the costs of obtaining and maintaining a patent that are not reimbursed by the party(s) licensing the technology, if any, and all other expenses of commercial exploitation from the gross proceeds. Mines shall be reimbursed for these expenses prior to any further distribution of proceeds from the licensing of the Intellectual Property.
2. Of the first thirty thousand dollars ($30,000) in net proceeds (excluding reimbursement for patent costs), fifteen thousand ($15,000) will be distributed to the Inventor(s) and fifteen thousand ($15,000) to the office designated by the President for investment in innovation at Mines.
3. After the initial thirty thousand ($30,000) of net proceeds, any additional revenue will be divided as follows: 35% to the Inventor(s); 35% to the Mines general fund and 30% to the Mines academic department that is the home department(s) of the Inventor(s).
4. Any revenue that Mines collects that is designated in the agreement as reimbursement for past and/or future patent costs shall not be included in net proceeds, but instead shall be provided to the office designated by the President for the purpose of funding Mines' patent costs related to the Intellectual Property.
5. In the case of the death of a Mines Inventor, any revenue that is due the Inventor will be distributed to the Inventor's estate.

10.1.9 Formation of Start-Up Companies and Conflict Management

A. **Conflict Management for a Start-Up Company that Involves Mines Employees**
   1. Any employee interested in starting up a company based on Mines-owned Intellectual Property shall contact the Office of Compliance and Policy to develop a conflict management plan that must be approved by the Provost, and implemented before the license agreement between the start-up company and Mines can be signed.

B. **Conflict and External Work Disclosure Requirements**
   1. Mines employees are required to disclose to Mines and obtain institutional approval before engaging in any external commitments that may create a potential or actual conflict of interest situation for the employee or Mines, pursuant to Section 6.3 of the Faculty Handbook and the Mines Conflict of Interest Policy. Should an employee's commitment to or involvement in a start-up company create an actual or apparent conflict of interest, such conflict must be disclosed in a timely manner as outlined in Section 6.3 and the Mines Conflict of Interest Policy.
   2. External work, including external employment, paid services, professional consulting and non-remunerative external commitments must be disclosed and approved in advance of the employee's performance of such work pursuant to Section 6.4 (p. 23) of the Faculty Handbook. An employee's commitment to or involvement with an external start-up company (regardless of the employee's ownership interest in the company) must be disclosed and approved pursuant to Section 6.4 (p. 23).

C. **Conflict Management Plans for Start-Up Companies**
   1. Conflict management plans shall be developed in concert with the Office of Compliance and Policy, the Provost's office, and the Beck Venture Center, with input from Mines' Office of General Counsel and Mines' Office of Research Administration, as appropriate. The terms of such plans shall be consistent with applicable state and federal law, and Mines policy.
   2. Conflict management plans shall address, but not be limited to, the following: use of students in company-sponsored research; the role of any students in the company; the disposition of any new intellectual property developed; the anticipated time commitment required of Mines employees in the company's endeavors; and the anticipated use of Mines facilities in support of the company's work and operations.
   3. Mines may require modifications to conflict management plans should new information arise or situations change. The employee and company will be required to sign and implement the new conflict management plan. If either the employee or company fails to sign and effectively implement the conflict management plan, Mines shall have the right to terminate the license or option agreement. The parties identified above in 10.1.9(C)(1) will work in concert to develop any modifications to conflict management plans.

Promulgated by the Mines Board of Trustees on December 14, 1990.
Amended by the Mines Board of Trustees on June 5, 2009.
Amended by the Mines Board of Trustees on May 5, 2017.
Revised and Approved by the Mines Board of Trustees on May 2, 2025.
Amended by the Mines Board of Trustees on April 3, 2026.

10.2 Sabbatical Leave Policy

10.2.1 Statement of Authority and Purpose

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by §23-41-104(1), C.R.S., and in accordance with the requirements of §23-5-123, C.R.S., in order to set forth a policy outlining the terms and conditions under which sabbatical leave shall be granted to tenured faculty at Mines. This policy shall supersede any previously promulgated Mines policy that is in conflict herewith. University Staff are not eligible for sabbatical leave.

10.2.2 Policy Statement

The Board is cognizant of the necessity of maintaining a high caliber of faculty at Mines and the importance of the faculty's contribution in delivering quality education to Mines students. The Board recognizes that faculty sabbaticals play an important role in developing and enhancing faculty expertise and promoting faculty excellence in teaching and research. The Board also recognizes that a faculty sabbatical is a privilege, rather than a right, and should be granted only when it directly benefits Mines and the education of its students. Therefore, the Board shall judiciously grant faculty sabbaticals that are designed to foster teaching and/or research excellence at Mines and thereby result in a benefit to the State of Colorado. During the sabbatical the faculty member should suspend all service and instructional assignments, except as authorized elsewhere in the Faculty Handbook or by the Provost.

10.2.3 Policy

The following rules and procedures shall henceforth apply to the granting and administration of all sabbaticals at Mines.

A. A faculty member will first become eligible for a sabbatical after completing six years or an aggregate of twelve semesters of full-time service to Mines and attaining tenure at Mines before or during that period. Time served by a faculty member in an administrative position at Mines shall count toward fulfillment of the service requirement. In order to be eligible for a subsequent sabbatical, a faculty member must complete six more years or an aggregate of twelve more semesters of full-time service at Mines following the academic year of the sabbatical. To be eligible, the faculty member must also satisfy the report requirement after the previous sabbatical (as described in section H below) and must meet all other requirements associated with sabbatical leave outlined in this Policy. A sabbatical approved for a full year must be completed in two consecutive semesters that fall within the standard period of service. Mines may grant a sabbatical to a faculty member but delay the sabbatical for up to one academic year if Mines determines that such delay avoids significant disruption to Mines' operations or delivery of services. When Mines delays a sabbatical, the faculty member will be eligible to seek a sabbatical after six years or twelve semesters of full-time service at Mines following the academic year for which Mines granted the prior sabbatical.

B. When applying for a sabbatical during an academic year, a faculty member shall submit a sabbatical plan to their Department Head by the date specified in the published Academic Affairs Calendar of Submissions. The proposal shall specify in detail: (1) how the sabbatical activity will result in the faculty member's professional growth, enhance the reputation of Mines and the educational experience of Mines students and strengthen and/or expand the faculty member's area(s) of expertise; and (2) the goals that the faculty member will achieve while on sabbatical.

C. The Department Head shall review the sabbatical plan and forward the plan along with a recommendation to grant or deny the sabbatical request to the Provost by the date specified in the published Academic Affairs Calendar of Submissions. The Provost shall review these documents and, if the Provost approves the sabbatical request, forward the file to the President with their recommendation. The President shall review these documents and forward the file to the Board along with their recommendation for final Board review.

D. All sabbaticals by Mines faculty shall require Board approval in advance of the academic year in which they are taken. In considering a sabbatical request, the Board shall consider: the quality of the faculty member's proposed activities while on sabbatical; the individuals who will be involved in such activities; the benefits to be received from such activities by the faculty member, Mines and Mines students; the hardship imposed, if any, on the faculty member's colleagues or department due to the sabbatical; and the number of sabbaticals or requests for sabbaticals currently outstanding within the department or area of expertise of the faculty member requesting a sabbatical. The Board has the right to grant the sabbatical, but delay the sabbatical date by up to one academic year based upon these considerations.

E. If, due to serious and unforeseen circumstances, a faculty member becomes aware that they will be unable to fulfill the approved sabbatical goals during the sabbatical period, the faculty member shall expeditiously consult with their Department Head and the Provost to establish amended sabbatical goals for the remainder of the sabbatical period. If such circumstances involve a personal or family illness, sick leave may be substituted for the sabbatical, and in such case, the faculty member's record will not reflect the granting of sabbatical leave.

F. Compensation for faculty on sabbatical shall be provided on the following basis: (1) 50% of the academic year base salary plus 100% of the employer-provided benefits for a one-year sabbatical; (2) 100% of the academic year base salary plus 100% of the employer-provided benefits for a one-semester sabbatical.

G. A faculty member receiving paid sabbatical leave must return to full-time employment at Mines for at least two semesters after the conclusion of the sabbatical. 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 Mines during the sabbatical period. A faculty member may petition the Provost for an exception to the repayment requirement by demonstrating that the sabbatical has already achieved the goal of benefiting the university and state. The Provost shall have sole discretion to determine the allowance and terms of any such exception, and the decision of the Provost shall be final and non-appealable.

H. Upon completion of a sabbatical, the faculty member shall submit a final sabbatical report to the Board, including a summary of their activities while on sabbatical and the benefits derived by the faculty member that includes a brief (150-200 word) abstract of the sabbatical report. Final sabbatical reports need not include specific details of the faculty member's research conducted while on sabbatical. A faculty member may also be requested to make a brief oral presentation of their completed sabbatical to the Board.

I. The Provost shall review the sabbatical plan and the final sabbatical report prior to its submission to the Board, and certify in writing whether or not the faculty member has met the goals stated in the plan.

J. The Board may not grant a subsequent sabbatical to any faculty member who does not meet the goals or amended goals stated in their sabbatical plan.

K. Every participant in the sabbatical process shall be responsible for ensuring that each sabbatical granted by Mines meets the requirements of §23-5-123, C.R.S., and this policy. Any employee involved in applying for, reviewing or approving a sabbatical at Mines who acts in bad faith or in a willful and wanton manner may be subject to disciplinary sanctions if the above-mentioned requirements are not met.

Promulgated by the Mines Board of Trustees on September 9, 1994.
Amended by the Mines Board of Trustees on December 16, 1994.
Amended by the Mines Board of Trustees on June 10, 1999.
Amended by the Mines Board of Trustees on April 3, 2026.

10.3 Policy for Research Integrity

10.3.1 Statement of Authority and Purpose

This policy is promulgated by the Board of Trustees pursuant to the authority conferred upon it by §23-41-104(1), C.R.S., to set forth a policy to assure integrity in research and the proper reporting and resolution of complaints alleging research misconduct at Mines. This policy reflects Mines' intent and commitment to foster a research environment that promotes the responsible conduct of research, and requires adherence to the highest standards of integrity in the proposing, conducting and reporting of research. As a recipient of federal research funds, Mines must have institutional policies and procedure in place to handle allegations of research misconduct. The following policy and associated procedure conform to pertinent federal regulations, including the Public Health Service (PHS) regulations at 42 Code of Federal Regulations, Part 93. While 42 CFR 93 applies to all individuals who may be involved with a project supported by or who have submitted a grant application to the PHS, this policy applies to all members of Mines' community engaged in research, regardless of the funding source.

Related Resources:

1. Procedures for Addressing Allegations of Research Misconduct https://www.mines.edu/policy-library/procedures-for-addressing-research-misconduct/
2. Academic Integrity/Misconduct Policy https://www.mines.edu/policy-library/academic-integrity-policy/
3. Generative Artificial Intelligence (genAI) Guidelines https://www.mines.edu/academic-affairs/wp-content/uploads/sites/9/2023/07/GenAI-Guidelines.pdf

10.3.2 Policy

A. **General Policy Statement**
The highest standards of honesty, integrity, and ethical behavior are expected of all Mines personnel and students involved in research and scholarly activity. Maintenance of public trust in these standards is the responsibility of all members of the university community, including faculty, administrators, staff members, and students. Mines maintains an environment that fosters adherence to the ethical standards set forth in this policy as well as other university policies and guidelines and provides effective means for addressing deviations from these standards.

Mines endorses the following core values of research identified in *Fostering Integrity in Research*, from the National Academies Press, 2017:

- Objectivity
- Honesty
- Openness
- Accountability
- Fairness
- Stewardship

The integrity of Mines' research enterprise is upheld in various ways, including through training and education, activities of the Research Integrity and Security Committee, and by investigating and resolving allegations of research misconduct. Mines provides research integrity training to all researchers, regardless of the source of funding. Members of the Mines community are required to complete research integrity education, but may opt for the manner in which they do so, including but not limited to, substantive workshops or through credit-bearing research ethics courses.

Misconduct in research represents a breach of the policies of Mines, the standards expected by research sponsors and entrusted to Mines by the public, and the expectations of scholarly communities for accuracy, validity, and integrity in research. Such misconduct tarnishes the reputations of honest researchers and universities, and diminishes public confidence in research results. Any allegation of research misconduct is, therefore, a matter of serious concern to Mines.

All Mines personnel and students involved in research and scholarly activity are subject to this policy, and expected to be aware of and to comply with all of Mines' applicable policies and procedures, as well as the requirements and regulations of outside funding agencies. This policy will specifically address research misconduct, which is defined as fabrication, falsification, plagiarism, or other significant departures from commonly accepted practices within the relevant research community in proposing, performing or reviewing research, or in reporting research results. Mines will properly assess, inquire into and, as necessary, investigate and resolve promptly and fairly all allegations of research misconduct. Throughout this process, Mines will comply with research sponsor requirements for reporting allegations and investigations into possible research misconduct.

All members of the Mines community have an ethical responsibility to act if they suspect research misconduct has occurred. Appropriate actions may include discussing concerns with or reporting allegations to one's Department Head or Dean, Mines' Research Integrity Officer ("RIO"), the Vice President for Research ("VPR") or the Provost. Further, members of the Mines community are obligated to cooperate with and provide evidence relevant to an allegation of research misconduct to appropriate university officials and employees who are directed to conduct an inquiry or investigate such allegations.

Mines' inquiry and investigative process shall include expeditious fact-finding and objective peer review in a setting of appropriate due process that is characterized, at a minimum, by prompt notification to the individuals whose behavior is the subject of a complaint, protection of the rights of all participants, and the imposition of appropriate sanctions for policy violations. In the event it is determined that research misconduct has occurred, appropriate

sanctions may include, but are not limited to one or more of the following: oral or written reprimand; removal from the subject project; monitoring of future work; probation; suspension; salary or rank reduction; termination of employment or appointment; or expulsion. Since a charge of misconduct, even if unsubstantiated, may damage an individual's career, any such charge must be resolved in a prudent and circumspect manner, consistent with the duty to thoroughly and fairly resolve each complaint. Retaliation in any form shall not be permitted against an individual who has filed a complaint in good faith or cooperated in the investigation of a complaint hereunder.

B. **Scope**
The policy and related procedure are intended to satisfy Mines' responsibilities under the Federal Research Misconduct Policy and related regulations, codified at 42 CFR Part 93. This policy applies to all individuals engaged in university research and scholarship at Mines, regardless of the funding source, and applies to research misconduct that is alleged to have occurred within six (6) years of the date Mines or the funding agency receives an allegation. This time limitation is subject to the exceptions in 42 CFR § 93.105(b). Investigations and resolutions of violations related to coursework, assignments or exams are governed by Academic Integrity/ Misconduct Policy in coordination with Student Life. Allegations of academic misconduct associated with research activities, such as conducting research funded by a sponsor or publication of research results, are governed under this policy.

10.3.3. Definitions

For the purpose of this policy, the following definitions apply, and terms used have the same meaning as given them in the PHS Policies on Research Misconduct and pertinent federal regulations, codified at 42 CFR Part 93.

A. **Research Personnel**
Any persons who are employed by, are agents of, or are affiliated by contract, agreement or, in the case of students, enrollment status with Mines, and who are engaged in or have a role in conducting, executing or documenting research and research training activities, regardless of whether the source of support is provided through a grant, contract, cooperative agreement, or internally.

B. **Research Misconduct**
Research misconduct means fabrication, falsification, plagiarism or other serious deviation from commonly accepted practices within the relevant academic community for proposing, performing or reviewing research, or in reporting research results. To find research misconduct, a preponderance of the evidence must show that there was a significant departure from accepted practices of the relevant research community and that it was committed intentionally, knowingly or recklessly. Research misconduct does not include honest error or differences in opinion.

C. **Fabrication**
Fabrication means making up data or results and recording or reporting them.

D. **Falsification**
Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

E. **Plagiarism**

The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

1. Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another's work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.

2. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project. Self-plagiarism and authorship disputes do not meet the definition of research misconduct.

F. **Significant Departure from Accepted Practices**

Significant departure from accepted practices of the relevant research community includes, but is not limited to:

1. Abusing confidentiality, including the use of ideas and preliminary data gained from access to privileged information through the opportunity for editorial review of manuscripts submitted to journals, and peer review of proposals being considered for funding by agency panels or internal committees;

2. Stealing, destroying or damaging the research property of others with the intent to alter the research record; and

3. Directing, encouraging or knowingly allowing others to engage in fabrication, falsification or plagiarism.

G. **Intentionally**

To act with the aim of carrying out the act.

H. **Knowingly**

To act with the awareness of the act.

I. **Recklessly**

To propose, preform, or review research , or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

J. **Complainant**

Refers to an individual who submits a written or oral allegation of research misconduct.

K. **Respondent**

Refers to the individual against whom an allegation of research misconduct is directed or the individual whose actions are the subject of an inquiry or investigation.

L. **Research Integrity Officer (RIO)**

Refers to the institutional official appointed by the Vice President for Research who has primary responsibility for assuring adherence to this policy and any Mines procedure adopted to implement this policy.

Promulgated by the Mines Board of Trustees on June 13, 1996. Amended by the Mines Board of Trustees on June 22, 2000, May 19, 2014, May 28, 2021, June 15, 2022, May 31, 2024. Updated/Amended:

May 1, 2025. Approval to remove Procedures for Addressing Research Misconduct from Faculty Handbook.

Section 11 - Disciplinary Action and Grievances

- 11.1 Behavioral Complaints Against Faculty Members (p. 49)
- 11.2 Disciplinary Action (p. 50)
- 11.3 Grievance Procedure (p. 50)

11.1 Behavioral Complaints Against Faculty Members

The following sets forth the procedure to be followed upon Mines' receipt of a report or complaint alleging inappropriate behavior on the part of a faculty member.

For the purposes of this Section 11, a "complaint" is a report made to the Human Resources Leader (HRL) alleging that a faculty member has engaged in inappropriate behavior that falls outside the scope of another university policy or another section in this Handbook. This is distinct from a "grievance" under Section 11.3 (p. 51), which is a formal objection filed by a faculty member in response to an employment action or decision (such as a disciplinary action imposed on the faculty member) that has a tangible adverse professional impact upon that faculty member.

The complaint resolution procedure in this section shall not be utilized to: (1) resolve grade appeals or similar complaints by students against faculty members; (2) resolve allegations of unlawful discrimination, sexual harassment, sexual assault, or interpersonal violence; (3) resolve complaints or appeals related to promotion and tenure decisions, research misconduct, or any other matters governed by other Mines policies and procedures; or (4) provide a duplicative remedy for a single complaint. Any report or complaint filed under this section must be filed within 30 days after the complainant becomes aware of the faculty conduct that is the subject of the complaint.

The HRL shall make the final determination regarding the most appropriate complaint procedure or appeal mechanism to be utilized for resolving the complaint, and whether it is timely filed under this Section 11.

11.1.1 Human Resources Review

A report or complaint alleging inappropriate faculty behavior shall be referred to the HRL to determine the most appropriate complaint procedure or appeal mechanism to be utilized for resolving the complaint. Upon review of the complaint, the HRL will determine if:

a) the complaint is timely filed.

b) the complaint does not properly fall within the scope of this Section 11.1 or it is not timely filed.

c) the complaint requires an investigation pursuant to Section 11.1.3.

d) Disciplinary Action should be taken pursuant to Section 11.2.

Upon review of the complaint, the HRL will inform the complainant in writing of any deficiencies or of the next steps in the process.

11.1.2 Referral to Supervisor and Informal Resolution

If it is determined that this Section 11.1 is the appropriate mechanism for addressing the complaint, the HRL shall refer it to the supervisor of the faculty member against whom the complaint was made. Within 30 days of receipt of the complaint, the supervisor shall review the matter and attempt to seek an informal resolution. The supervisor may partner with HR, as needed and appropriate, to resolve the matter. In the event that the supervisor is not able to resolve the matter, the complaint and all relevant records and information compiled by the supervisor shall be forwarded to the Dean or appropriate vice president.

If the Provost or a vice president is an accused party, the President shall perform the duties assigned to the vice president in this section. If the President is an accused party, the Chair of the Board of Trustees shall perform the duties assigned to the vice president in this section.

11.1.3 Complaint Investigation

If the faculty member's supervisor is unable to resolve the matter, the Dean or appropriate vice president shall partner with Human Resources to assign or an investigator to conduct a further investigation of the matter. In conducting this investigation, the investigator shall review relevant documents and discuss the matter with all individuals directly involved in the matter. Additionally, the investigator may consult with any individual possessing expertise in the subject matter of the complaint or any member of the Mines community whose assistance is deemed by the investigator to be helpful to resolution of the complaint.

Under normal circumstances, it is expected that the investigation will be concluded within 30 days of the designation of an investigator.

At the conclusion of the investigation, the Dean shall review the investigatory file with the Provost, and the applicable vice president, and shall issue a written decision in the matter, including a statement of Disciplinary Action, if appropriate, and deliver copies of the formal decision to the affected parties. This decision will be issued to the affected parties within 15 days from the receipt of the investigator's report.

11.2 Disciplinary Action

If a department head or appropriate portfolio Dean or equivalent supervisor and the appropriate vice president have determined that a faculty member has failed to behave in an ethical and professional manner, or is guilty of misfeasance or nonfeasance of duty, they will issue a formal letter of reprimand to the faculty member. Letters of reprimand, in combination with other factors, may constitute cause for termination of the employment of a faculty member by Mines in accordance with the provisions of Section 9.5 Termination for Cause. If the faculty member disagrees with the disciplinary action imposed (and such disciplinary action imposed does not constitute termination of employment), they may file a grievance pursuant to the Grievance Procedure set forth in Section 11.3 below.

11.3 Grievance Procedure

11.3.1 Purpose and Scope

A. This procedure is intended to provide a means for faculty to seek redress regarding employment-related concerns. Subject to the limitations set forth in 11.3.1 B, faculty members may file a grievance under this procedure for any action, inaction, or decision by a Mines employee that has a tangible adverse professional impact on the faculty member.

B. This grievance process cannot be used to review:
   1. Matters covered by the Board of Trustees or other institutional policies and procedures, including other Faculty Handbook or Academic Affairs procedures that contain specific avenues of appeal. For clarity, performance evaluations cannot be grieved under this Section 11.3.
   2. A decision or action by the Board of Trustees.
   3. Any matter pertaining to broad areas of the fiscal management, staffing or structure of the university, scheduling, Mines policies, procedures, and practices of a general nature. Examples of such items include the annual budget, operating procedures and protocols, Human Resourced programs or procedures, and organizational structure.
   4. Any matter for which the resolution is not under the control of the university. Examples of these might include federal and state regulations governing employment, grant operations and reporting, state statutory or rule requirements, generally accepted accounting practices, and approved fringe rates.

C. An individual may not file grievances that are frivolous, vexatious, retaliatory, initiated in bad faith, are filed to harass or annoy the Respondent, or grievances that are clearly unreasonable. Engaging in such behavior may result in sanctions or disciplinary actions against the individual(s) who filed the grievance. This determination will be made by the HRL during their initial review. If the Respondent believes that the grievance meets the conditions described in this Paragraph C, they may ask the Grievance Hearing Panel to consider this in its findings and recommend sanctions against the Grievant. If such a request is made, the panel will include in its report to the Decision Maker a section regarding the Respondent's request (see 11.3.4. K below).

11.3.2 Terms

A. "Respondent" refers to the individual or individuals whose alleged decisions, actions, or inactions have given rise to the Grievant's concerns.

B. "Decision Maker" refers to the Provost or Vice President who is charged with making the decision.

C. "Panel" refers to the Grievance Hearing Panel selected using the process defined in Sections 11.3.4 F, G and H of this grievance procedure.

D. "Grievant" refers to the faculty member alleging a tangible adverse professional impact allowable under Section 11.3.1.

E. "Presiding Panel Member" or "PPM" refers to the panel member selected by the panel to preside throughout the grievance process.

11.3.3 Informal Resolution

If a dispute or conflict arises, the Grievant is expected to make reasonable, good faith efforts to resolve the dispute or conflict directly and promptly with the Respondent prior to filing a grievance and beginning the Grievance Procedure (11.3.4). A Grievant should first discuss their concerns with the Respondent. If those efforts fail, the Grievant may utilize the Grievance Procedure below.

11.3.4 Grievance Procedure

A. A grievance must be provided in writing to the Human Resources Leadership (HRL)[1]. It must be filed no later than fifteen (15) days

after the grieved action, inaction, or decision became known to the Grievant. If the Grievant fails to file the grievance by this deadline, the grievance is ended.

B. The written grievance must contain, at a minimum, a statement that identifies the issue(s) in dispute and the Respondent, describes the factual basis for the grievance and the efforts to resolve the matter, and describes with specificity the desired outcome.

C. The HRL, who is the Chair of the Faculty Grievance Committee, will review the grievance and determine whether it is a grievable matter (Handbook Section 11.3.1) that falls within the jurisdiction of the Grievance Committee within twenty (20) days. The Chair will determine whether the grievance is compliant with the submission requirements of Handbook Section 11.3.4 B.

D. If the grievance is deficient, the Chair will advise the Grievant in writing and may allow the Grievant to revise and resubmit the grievance. The Chair must receive the revised grievance no later than seven (7) days after the Grievant's receipt of the Chair's notice of deficiency. Failure to resubmit within this deadline ends the grievance.

E. The decision of the Chair as to whether it is appropriate for the Committee to review the grievance is final and may not be grieved or otherwise appealed.

F. For grievances that qualify to be reviewed, a Grievance Hearing Panel will be selected from Committee membership. The Chair will promptly conduct a random selection of the Committee members for the initial Panel.

G. The Panel will select a Presiding Panel Member (PPM) within three (3) days of the Panel selection. Subject to Section 11.3.7 F., the PPM will schedule a pre-review conference of the Panel including the Grievant and the Respondent. The purpose of the pre-review conference is to clarify the issues, provide exchange of documents, set a date for the Panel Review, identify witnesses, and decide other preliminary matters. With consideration to participants' schedules, the pre-review conference will occur promptly, typically no later than ten (10) days after the selection of the PPM. If the pre-review conference becomes difficult to schedule, the PPM may conduct it on weekends and evenings.

H. If the Grievant's scheduling conflicts delay a scheduled pre-review conference more than one time, the Chair, in conjunction with the PPM, can dismiss the grievance for failure to prosecute and any such decision of the Chair shall be final and not subject to appeal.

I. At the conclusion of the pre-review conference, the Panel shall prepare and distribute to the parties a list of issues to be addressed in the Panel Review. Should the Panel have questions or require clarification of what issues are grievable under this process, the Panel can discuss their questions with the HRL and with their assigned legal counsel (Section 11.3.6.B.). The PPM shall dismiss any issues that are not subject to the grievance process pursuant to Section 11.3.1. The list of grievable issues generated pursuant to this subparagraph shall be binding upon the subsequent Panel Review and hearing, if any.

J. Both the Grievant and the Respondent shall submit a written position statement to the PPM and provide a copy to the opposing party within three (3) days following the pre-review conference. The position statement shall include a concise statement summarizing the case from the position of the submitting party and addressing each of the issues identified by the Panel. Witnesses may also submit their statements directly to the PPM. The Panel will consider only those statements from witnesses with direct factual knowledge of the workplace action(s) at issue in the grievance. Statements from character witnesses are not permitted as part of the grievance process.

K. Within seven (7) days following the pre-review conference, the PPM will schedule the Panel Review. The Panel Review will be attended by only the Panel Members. The PPM will facilitate the discussion on the issues, ensuring balance across the submitted information from the Grievant and the Respondent, and their witnesses, and focusing the issues that will be brought to the grievance hearing. At the conclusion of the Panel Review, the Panel will issue its initial findings, including which issues require further review or discussion to the Grievant, and the Respondent.

L. Within seven (7) days of the Panel Review, the PPM will schedule a grievance hearing. The hearing should normally occur no later than twenty-one (21) days after the Panel Review.

M. Only members of the Panel, the Grievant, the Respondent, and their respective counsels or advisors may attend the pre-review conference and the grievance hearing, if any (advisors are subject to the limitations set forth in Section 11.3.6). Witnesses may be present at the grievance hearing only while giving testimony. Witnesses cannot be compelled to testify at any grievance hearing.

N. At the hearing, only the Grievant and the Respondent will be allowed to actively present their cases. The parties will be given equal periods of time within which to present their respective cases, as determined by the PPM; however, either party may waive any portion of the time allotted to them. The Grievant bears the burden of proof.

O. The Panel will issue its report and recommendations, including its findings, to the Grievant, the Respondent, the HRL, and to the Decision Maker. The Panel will issue its report within seven (7) days. Only in extraordinary circumstances, the panel's report submission may be delayed. If the panel requires more than seven (7) days, the PPM must contact the HRL to discuss the possible submission date. Under no circumstances should the report be issued later than fourteen (14) days after the hearing.

[1] If the grievance is against the HRL, it must be provided in writing to the Executive Vice President for Finance, Administration and Operations. In this event, all references that follow within this procedure to the HRL will be replaced with the Executive Vice President for Finance, Administration and Operations.

11.3.5 Decision

A. Within a a period of seven (7) days after receipt of the panel's report and recommendations, and the complete record, the Decision Maker will issue their decision. The Decision Maker will use the standard of preponderance of evidence in making their decision. The decision of Decision Maker shall be made based only on the record created in the Panel Review and subsequent grievance hearing, if any. No additional information from either the Grievant or Respondent will be considered. The Decision Maker shall possess the authority to affirm, reverse, or modify the recommendation of the Panel. If the Decision Maker needs additional time to issue their decision, they will notify the parties in writing of the need for an extension.

B. The decision of the Decision Maker is final and there is no further appeal. The decision will be provided to the Grievant and the Respondent in writing. Copies of the decision will be provided to the Faculty Grievance Committee Chair, the PPM, and to the Chair

for inclusion in the Grievant's and/or Respondent's personnel file as determined by the Decision Maker.

11.3.6 Advisor's Role in the Grievance Process

A. The grievance process is an internal procedure for resolving workplace disputes; it is not intended to be a formal legal proceeding. The Grievant and the Respondent may select an individual, without a conflict of interest in the matter, to act as advisor during the process. Counsel or an advisor may advise either party throughout the grievance process and is permitted to attend the pre-review conference and the grievance hearing (if any).

B. An attorney from Mines' Office of General Counsel may advise the Panel on procedural matters related to the grievance. If that attorney is already actively involved in advising a party with regard to the grievance, another attorney from Mines' Office of General Counsel, an attorney from the State's Attorney General's Office, or external counsel may be assigned to advise the Panel. An ethical wall will be utilized to address and resolve any conflict of interest that arises from this representation. Mines' Chief General Counsel will provide advisement to the Decision Maker (except in situations where a conflict of representation may arise, in which case, alternate representation shall be arranged through the engagement of an uninterested attorney in Mines' Office of General Counsel, the Attorney General's Office, or external counsel).

11.3.7 General

A. If the President is the Respondent to the grievance, the Grievant is encouraged, but not required, to first discuss their concerns with the President. If the Grievant does not wish to engage the President in a discussion of their concerns, the Grievant may submit their grievance to the Grievance Committee Chair. If the Chair determines the matter is grievable, per handbook sections 11.3.1.A through 11.3.1.C, the Chair will consult with the Chair of the Board of Trustees following the procedures set forth in 11.3.4.A through 11.3.4.E. If the Grievant elects to discuss their concerns with the President, the President will issue their decision in writing to the faculty member. A decision issued by the President may not be submitted to the Faculty Grievance Committee but may be appealed to the Chair of the Board of Trustees. Any decision by the Board of Trustees is the final decision of Mines with regard to grievances brought against the President.

B. If a grievance is lodged against the Provost or a Vice President, the Panel report and recommendation will be provided to the President (or their designee) who will make the final decision.

C. References in the singular include the plural where the intent of the sentence is obvious that the plural should be included and where the meaning of the sentence is not materially changed. For example, the terms "Grievant" and "Respondent" shall include "Grievants" and "Respondents" as appropriate.

D. All references to days are made to calendar days.

E. If any deadline falls on a weekend or holiday, it will be extended to the next business day.

F. If the pre-review conference, the panel review, or the grievance hearing falls within the period between the end of the spring semester and the beginning of the subsequent fall semester, at the discretion of the PPM, these may be postponed until the fall semester. If a postponement is necessary, the deadline for setting the pre-review conference shall be thirty (30) days after the start of the fall semester.

Section 12 - University Committees

Many university committees include members of the academic faculty. Eligible members are as defined in Handbook Section 4.2. Other members of the academic faculty of the whole may serve on university committees with the approval of the Provost.

- 12.1 Athletics Board (p. 52)
- 12.2 Board of Student Media (p. 53)
- 12.3 Budget Committee (p. 53)
- 12.4 Faculty Handbook Committee (p. 53)
- 12.5 Safety Committee (p. 54)
- 12.6 Student Conduct Appeals Board (p. 54)
- 12.7 Calendar Committee (p. 54)
- 12.8 Promotion and Tenure Committee (p. 55)
- 12.9 Teaching and Library Faculty Promotion Committee (p. 56)
- 12.10 Biosafety Committee (p. 56)
- 12.11 Assessment Committee (p. 56)
- 12.12 The President's Committee on Diversity (p. 57)
- 12.13 Conflict of Interest Committee (p. 57)
- 12.14 Faculty Grievance Committee (p. 57)
- 12.15 Research Advisory Board (p. 58)
- 12.16 Technology Fee Committee (p. 58)

12.1 Athletics Board

12.1.1 Function

The Athletics Board shall deal with matters of intercollegiate athletic policy on behalf of Mines, including consideration of the effect of proposed changes in such policy upon athletic activities at Mines.

12.1.2 Membership

The appointed membership of the Athletics Board shall consist of the Faculty Athletic Representative and a presidential representative. Additionally, the Athletics Director shall serve as a voting, *ex officio* board member.

12.1.3 Method of Operation

The presidential representative shall serve as chairperson of the Athletics Board. The board shall meet upon the call of the chairperson as necessary for the proper handling of its business, but no less often than once during the fall semester and once during the spring semester of each academic year. At least two members must be present at a meeting to constitute a quorum sufficient to permit the board to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the board. The board shall provide written reports to the President and the Provost on its general activities, specific policy recommendations, and other relevant matters from time to time, as appropriate. All disputed procedural issues that arise regarding the conduct of the meetings of the board shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.1.4 Method of Appointment

The Faculty Athletics representative shall be nominated by the Faculty Senate and appointed by the President. The presidential representative shall be appointed by the President.

12.1.5 Terms of Appointment

The presidential representative shall serve for an indefinite term. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.2 Board of Student Media

Board of Student Media removed as the committee no longer exists.

12.3 Budget Committee

12.3.1 Function

The Budget Committee shall be responsible for gathering and analyzing appropriate data regarding the budgetary requirements of Mines, preparing proposed annual budgets for Mines, preparing proposed budgetary revisions from time to time, and advising the President and the Mines administration on budgetary matters and long-range fiscal planning.

12.3.2 Membership

The appointed membership of the Budget Committee shall consist of two academic department heads, three full-time academic faculty members, one academic dean, and one full-time university staff member. One of the academic faculty members must be a Faculty Senator and shall serve as a representative of the Faculty Senate. Additionally, the Provost, Vice Provost, the Executive Vice President for Finance, Administration and Operations, the Vice President for Student Life, the Vice President for Research, and the Vice President for Global Initiatives shall serve as voting, *ex officio* committee members.

12.3.3 Method of Operation

The chairperson of the Budget Committee shall be the Executive Vice President for Finance, Administration and Operations. The committee shall meet at least once per month during the fall and spring semesters and as necessary during the summer. Upon the provision of appropriate notice to the membership, special meetings may be called at any time by the chairperson. At least seven voting members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.3.4 Method of Appointment

The academic department head committee members shall be nominated by the Deans and appointed by the President. The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President. The dean shall be nominated by the Provost and appointed by the President. The university staff committee member shall be nominated by the Council of University Staff (CUS) and appointed by the President.

12.3.5 Terms of Appointment

The academic department head committee members shall serve for staggered two-year terms. The academic faculty committee members who do not represent the Faculty Senate shall serve for staggered three-year terms. The academic faculty committee member who represents the Faculty Senate shall serve for a renewable, one-year term. The university staff committee member shall serve for a three-year term. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.4 Faculty Handbook Committee

12.4.1 Function

The Faculty Handbook Committee shall be responsible for reviewing the Handbook on a regular basis, discussing proposed changes to the Handbook suggested by a committee member or a Mines-affiliated individual or group, preparing proposed amendments to the Handbook for consideration by Mines, and advising the President and the Mines administration on matters related to the Handbook.

12.4.2 Membership

The appointed membership of the Faculty Handbook Committee shall consist of two academic department heads, five full-time academic faculty members, of whom two are Teaching Faculty members. One of the academic faculty members must be a Faculty Senator and shall serve as a representative of the Faculty Senate. Additionally, the Provost, or a representative designated by the Provost, shall serve as a voting, *ex officio* committee member. The General Counsel and Human Resource Leader shall serve as non-voting, *ex officio* committee members.

12.4.3 Method of Operation

The chairperson of the Faculty Handbook Committee shall be the Provost, or the Provost's representative. The committee shall meet at least once per month during the fall and spring semesters and as necessary during the summer. Upon the provision of appropriate notice to the membership, special meetings may be called at any time by the chairperson. At least six voting members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.4.4 Method of Appointment

The academic department head committee members shall be nominated by the Provost and appointed by the President. The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President.

12.4.5 Terms of Appointment

The academic department head committee members shall serve for staggered two-year terms. The academic faculty committee members who do not represent the Faculty Senate shall serve for staggered three-year terms. The academic faculty committee member who represents the Faculty Senate shall serve for a renewable, one-year term. All terms of

appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.5 Safety Committee

12.5.1 Function

The Safety Committee shall be responsible for reviewing the safety practices of Mines on a periodic basis and advising the Mines administration regarding issues pertaining to the safety of Mines students, employees, and facilities. Subcommittees or working groups may be assembled as need arises and as approved by the Safety Committee.

12.5.2 Membership

The appointed membership of the Safety Committee shall consist of one academic department head, four academic faculty members, and two classified employees. Additionally, the President, the Provost, the Vice President for Research, the Director of Environmental Health and Safety, the Human Resource Leader or a designated representative, the Director of Facilities Management or a designated representative, the Vice President of Student Life or a designated representative, the Director of Public Safety or a designated representative, and the Radiation Safety Officer shall serve as voting, *ex officio* committee members. Non-voting members will include Graduate and Undergraduate student representatives.

12.5.3 Method of Operation

The chairperson of the Safety Committee shall be the Director of Environmental Health and Safety. The committee shall meet upon the call of the chairperson as necessary for the proper handling of its business, but no less often than twice during the fall semester and twice during the spring semester of each academic year. At least ten members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. The committee shall provide written reports to the Board on its general activities, specific policy recommendations, and other relevant matters from time to time, as appropriate.

All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order.*

12.5.4 Method of Appointment

The academic department head committee member shall be nominated by the Provost and appointed by the President. The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President. The classified employee committee members shall be nominated by the Association of Classified Employees and appointed by the President. The Graduate and Undergraduate Student Governments shall appoint student representatives.

12.5.5 Terms of Appointment

The academic department head committee member shall serve for a one-year term. The academic faculty committee members shall serve for staggered two-year terms. The classified employee committee members shall serve for staggered two-year terms. The undergraduate and graduate student representative shall serve for a one-year term. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.6 Student Conduct Appeals Board

12.6.1 Function

The Student Conduct Appeals Board shall exist as a pool of potential members to serve on Student Appeal Committees as needed. However, grade appeals, residency appeals and appeals related to research misconduct are handled through separate processes.

12.6.2 Membership

The appointed membership of the Student Conduct Appeals Board shall consist of four academic faculty members, two university staff members, two state classified personnel system members, three undergraduate students and three graduate students. Additionally, the Dean of Students shall serve as the chairperson of the committee (a voting, ex officio committee member).

12.6.3 Method of Operation

Members of the Appeals Board shall meet upon the call of the chairperson as necessary for the proper handling of appeals related to student conduct and academic misconduct matters. The board members will receive training from the Office of Student Life on issues related to student conduct and academic misconduct throughout the year. As needed, a group of board members will be selected by the chairperson, based on diversity of representation and availability, to serve with the chairperson on a Student Appeals Committee. A majority vote of the Committee members present shall be required for any action to be taken. In the case of a tie, the chairperson will cast the deciding vote.

12.6.4 Method of Appointment

The academic faculty board members shall be nominated by the Dean of Students. The university staff board members shall be nominated by the Council of University Staff (CUS). The state classified board members shall be nominated by the Association of Classified Employees. The undergraduate student board members shall be nominated by the Undergraduate Student Government. The graduate student board members shall be nominated by the Graduate Student Government. All nominations shall be officially appointed by the President.

12.6.5 Terms of Appointment

The two academic faculty board members shall serve for staggered two-year terms. The two university staff board members shall serve for staggered two-year terms. The two state classified board members shall serve for staggered two-year terms. The three undergraduate student board members shall serve for one-year terms. The three graduate student board members shall serve for one year terms. All terms of appointment to the board shall be calculated on an academic year basis, rather than on a calendar year basis and are renewable for one additional term.

12.7 Calendar Committee

12.7.1 Function

The Calendar Committee shall be responsible for establishing an official academic calendar for Mines, periodically reviewing the Mines

calendar, and proposing revisions thereto. The committee shall consider proposals from the Mines community to change the calendar and make recommendations for appropriate changes to the President. During its consideration of proposed changes to the calendar, the committee shall ensure that all affected parties and representatives of affected groups are consulted and have an opportunity to comment on the impact of any proposed changes.

12.7.2 Membership

The appointed membership of the Calendar Committee shall consist of one academic department head, two academic faculty members, one university staff member, one classified staff member, one undergraduate student, and one graduate student. One of the academic faculty members must be a Faculty Senator and shall serve as a representative of the Faculty Senate. Additionally, the Provost or designee, the Vice President for Student Life or designee, and the Human Resources Leader or designee shall serve as voting, *ex officio* members of the committee. The Registrar shall serve as a non-voting, *ex officio* member of the committee.

12.7.3 Method of Operation

The Registrar shall serve as chairperson of the Calendar Committee. The committee shall meet at least once per semester during the fall and spring semesters and at any other time deemed necessary by the committee. Upon the provision of reasonable notice to the membership, special meetings may be called at any time by the chairperson. At least six voting members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.7.4 Method of Appointment

The academic Department Head committee member shall be nominated by the Provost and appointed by the President. The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President. The university staff representative shall be nominated by Council of University Staff (CUS) and appointed by the President. The classified staff committee member shall be nominated by the Association of Classified Employees and appointed by the President. The undergraduate student committee member shall be nominated by USG and appointed by the President. The graduate student committee member shall be nominated by the GSG and appointed by the President.

12.7.5 Terms of Appointment

The academic department head committee member shall serve for a two-year term. The academic faculty committee member who does not represent the Faculty Senate shall serve for a two-year term. The academic faculty committee member who represents the Faculty Senate shall serve for a renewable, one-year term. The student committee members shall serve for one-year terms. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.8 Promotion and Tenure Committee

12.8.1 Function

The Promotion and Tenure Committee shall be responsible for evaluating the qualifications of all tenure/tenure-track and library faculty Candidates for promotion and/or tenure and all Candidates for tenured employment and providing advice and recommendations thereon to the Provost. The University Promotion and Tenure Committee represents the Mines faculty as a whole and is intended to provide a university-wide evaluation of a colleague's suitability for promotion and/or tenure. The responsibility of the University Promotion and Tenure Committee is to: (i) examine the evidence presented in each Candidate's dossier, including the recommendations of the Departmental Promotion and Tenure Committee and Department Head, in relation to the appropriate criteria established by the institution; (ii) ensure that consistent standards are applied to all Candidates; and (iii) make a written recommendation to the Provost regarding the Candidate's suitability for promotion and/or tenure.

12.8.2 Membership

The Committee shall consist of seven full-time and tenured Professors. Neither multiple members from the same academic department nor Department Heads shall be permitted to serve on the committee.

12.8.3 Method of Operation

The Provost shall appoint the chairperson of the Promotion and Tenure Committee. A committee member who is a member of the same department as a promotion and/or tenure Candidate under consideration shall be excluded from all participation in the discussion and voting of the committee with regard to that Candidate. The committee shall meet at least once during the spring semester and at any other time deemed necessary by the Provost. At least four members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.8.4 Method of Appointment

Promotion and Tenure Committee members shall be appointed by the Provost from a list of nominees provided by the Faculty Senate. The list shall include at least twice as many names as there are vacancies on the committee. If, on account of unavoidable absence from campus, illness, or recusal, a member becomes unavailable to serve and the committee finds that it has difficulty fulfilling the quorum requirement, the committee may request the Provost to appoint an alternate member to substitute for the unavailable member. The alternate member shall serve in the stead of the unavailable member for the duration of the period of unavailability.

12.8.5 Terms of Appointment

All Promotion and Tenure Committee members shall serve staggered three-year terms. A minimum of three years must elapse before a former member may be re-appointed to the committee.

12.9 Teaching and Library Faculty Promotion Committee

12.9.1 Function

The University Teaching and Library Faculty Promotion Committee shall be responsible for evaluating the qualifications of teaching and library faculty. Candidates for promotion and providing advice and recommendations thereon to the Provost. The University Committee reviews the promotion application to ensure that broadly understood institutional standards and uniformity of review are applied to all Candidates across the institution.

12.9.2 Membership

The Committee shall consist of seven full-time Teaching Professors and/or Librarians. Neither multiple members from the same academic department or University Honors and Scholars Programs (UHSP) nor Department Heads shall be permitted to serve on the committee.

12.9.3 Method of Operation

Annually, the Provost shall appoint the chairperson of the Teaching and Library Faculty Promotion Committee. A committee member who is a member of the same department or program as a promotion candidate under consideration shall be excluded from all participation in the discussion and voting of the committee with regard to that candidate. At least four members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee. All disputed procedural issues that arise regarding the conduct of the meetings of the committee shall be resolved according to the most recent edition of *Robert's Rules of Order*.

12.9.4 Method of Appointment

Teaching and Library Faculty Promotion Committee members shall be appointed by the Provost from a list of candidates provided by the Faculty Senate. The list shall include at least twice as many names as there are vacancies on the committee. If, on account of unavoidable absence from campus, illness, or recusal, a member becomes unavailable to serve and the committee finds that it has difficulty fulfilling the quorum requirement, the committee may request the Provost to appoint an alternate member to substitute for the unavailable member. The alternate member shall serve in the stead of the unavailable member for the duration of the period of unavailability.

12.9.5 Terms of Appointment

All Teaching and Library Faculty Promotion Committee members shall serve staggered three-year terms. A minimum of three years must elapse before a former member may be re-appointed to the committee.

12.10 Biosafety Committee

12.10.1 Function

The Biosafety Committee shall be responsible for advising the President and the Mines community concerning institutional control of "biohazardous agents" used in teaching and research. These agents include, but are not limited to: pathogenic organisms, biologically produced toxins, certain genetically engineered organisms, and certain recombinant DNA molecules. The committee shall regularly review institutional policies within its purview and recommend revisions thereto, as well as the adoption of appropriate new policies. The committee shall also regularly review existing safeguards utilized with current or proposed research involving biohazardous agents and recommend the implementation of institutional biohazard management procedures that are consistent with applicable governmental rules and guidelines. In addition, the committee shall advise the President and the Mines community regarding the adequacy of institutional facilities, services, and equipment used to manage biohazardous agents.

12.10.2 Membership

The membership of the Biosafety Committee shall consist of one academic department head and four academic faculty members. Additionally, the Director of Environmental Health and Safety and the Vice President for Research shall serve as voting, *ex officio* committee members. The membership of the committee should reflect the full range of microbiologic research activities taking place on the Mines campus, and at least three committee members should be engaged in research activities involving the field of Microbiology.

12.10.3 Method of Operation

The chairperson of the Biosafety Committee shall be the Director of Environmental Health and Safety. The Committee shall meet once during the fall and spring semesters. Four of the members shall constitute a quorum. A majority vote of the quorum shall be required for any official action of the committee. Subject to the above, the meetings shall be conducted according to the latest edition of *Robert's Rules of Order*.

12.10.4 Method of Appointment

The academic department head committee member shall be nominated by the Provost and appointed by the President, and the academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President.

12.10.5 Terms of Appointment

The academic department head committee member shall serve for a one-year term, and the academic faculty committee members shall serve for staggered two-year terms. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

12.11 Assessment Committee

12.11.1 Function

The Assessment Committee shall be responsible for guiding Mines in matters pertaining to assessment of the institutional-level and program-level student learning outcomes of its undergraduate programs. The Committee will facilitate systematic and documented academic assessment processes that include ongoing evaluation, reflection, and improvement as integral components. In fulfilling its role, the committee will:

A. Regularly review and recommend updates to the institution-level learning outcomes to ensure program curricula reflect industry needs, accreditation standards, and competencies outlined by national professional organizations such as ABET, National Association of Colleges and Employers (NACE), American Society of Engineering Education (ASEE), and other STEM-focused bodies.

B. Provide accountability and support to undergraduate degree programs in implementing their assessment plans by reviewing an annual update submitted by each program.
C. Review and discuss best practices on developing assessment plans, gathering assessment evidence, and identifying potential actions for continuous improvement.
D. Review and provide feedback on institutional assessment work, such as policies relevant to assessment, and facilitate cross-departmental dialogue to address shared interdepartmental needs, approaches to collecting assessment data, and results from institution-level data collection.

12.11.2 Membership

The appointed membership shall consist of the academic faculty serving as assessment representatives from each undergraduate academic degree program on campus, the Office of Undergraduate Studies, and the Trefny Center. One of the academic faculty members must be a Faculty Senator and shall serve as a representative of the Faculty Senate.

12.11.3 Method of Operation

The representative from the Trefny Center shall be the chairperson of the Assessment Committee. The committee shall meet three times during both the fall and spring semesters. Upon the provision of appropriate notice to the membership, special meetings may be called at any time by the chairperson.

12.11.4 Method of Appointment

The academic faculty committee members will be designated by the program leads (Directors or Department Heads) and appointed to the Committee by the President. The Faculty Senate representative shall be appointed directly by the Faculty Senate, unless one of the assessment representatives already serves on the Senate, in which case this individual will serve as the Faculty Senate representative.

12.11.5 Terms of Appointment

The academic faculty committee members who do not represent the Faculty Senate shall serve while they act as assessment representatives for their department. As such, their terms of appointment may vary, based on department needs and structures, but are recommended to be at least two years.

The academic faculty member who represents the Faculty Senate, if not also a department assessment representative, shall serve for a renewable, one-year term.

All terms of appointment to the committee shall be calculated on an academic year basis, rather than a calendar year basis.

12.12 The President's Committee on Diversity

The President's Committee on Diversity has been dissolved due to Federal mandate.

12.13 Conflict of Interest Committee

12.13.1 Function

The purposes of the Conflict of Interest Committee are to help facilitate the implementation of the university's conflict of interest policies as defined in Faculty Handbook Section 6 and the Conflict of Interest Policy, clarify faculty obligations to disclose and avoid conflicts, provide guidance both with respect to interpreting the university's conflict of interest and conflict of commitment polices and development of conflict management plans, annually review conflict of interest and conflict of commitment management plans, and address disputes. In fulfilling its role, the Committee makes recommendations to the President, Provost, the Deans, other Vice Presidents, the Faculty Senate, and/or the Executive Director of Compliance, as is appropriate.

12.13.2 Membership

The appointed voting members shall consist of three full-time, tenured faculty members, two teaching faculty members, and one university staff member. The voting members who will serve in an *ex officio* capacity are: the Vice Provost; Director of Office of Research Administration; Director of Procurement; the administrator responsible for oversight of human subjects research; and the Executive Director of Compliance. The non-voting member who will serve in an *ex officio* capacity is the university's General Counsel.

12.13.3 Method of Operation

The Executive Director of Compliance shall act as Chair of the Committee. The Committee shall meet at least once per academic semester. Six of the voting members shall constitute a quorum. A majority vote of the quorum shall be required for any official action of the committee. Subject to the above, the meetings shall be conducted according to the latest edition of *Robert's Rules of Order*.

12.13.4 Method of Appointment

The academic faculty members shall be nominated by the Faculty Senate and appointed by the President. The university staff member shall be nominated by the Council of University Staff (CUS) and appointed by the President.

12.13.5 Terms of Appointment

All appointed committee members shall serve staggered two-year terms.

12.14 Faculty Grievance Committee

12.14.1 Function

The Faculty Grievance Committee (Committee) is a standing committee from which panels will be chosen to hear faculty grievances.

12.14.2 Membership

The Committee will consist of twelve (12) faculty members and a Chair. Selected faculty are expected to be available to serve on a Grievance Hearing Panel, unless excused by the Chair for extended absence from campus, medical reasons or a conflict of interest (e.g., participation in the actions or decisions that led up to the grievance, close professional or

personal relationships with the Grievant or Respondent, direct or indirect supervision of the Grievant or Respondent, or factors of a similar nature).

The Human Resources Leader (HRL) shall serve as Chair in an ex officio capacity and will coordinate training, schedule committee meetings, make determinations regarding whether matters contained in formal grievance filings fall within the jurisdiction of the Committee, participate in the selection process of initial grievance panels, and handle other matters that may arise.

12.14.3 Committee Member Appointment

The President will make appointments in a manner that ensures a diverse membership with respect to gender, ethnicity, age, departmental representation, tenure/tenure-track and non-tenure-track faculty, and other factors. Appointments to the Committee will be recommended to the President as follows:

Faculty Senate shall recommend twelve academic faculty appointees (potentially including Department Heads). No more than two appointees may be from the same department.

12.14.4 Terms of Appointment

Committee members will serve staggered three-year terms with roughly one-third of the committee members being replaced each year. Committee members may serve consecutive terms if recommended and appointed.

12.14.5 Method of Operation

The Committee shall meet and receive training in the grievance procedures, process, and concepts as needed.

12.14.6 Grievance Hearing Panel

Whenever there is a need to hold a formal grievance hearing under the Grievance Procedure, Section 11.3 of the Faculty Handbook, a Grievance Hearing Panel (panel) will be chosen at random from the Committee membership according to Section 11.3.4 (p. 51).

12.15 Research Advisory Board

12.15.1 Function

The Research Advisory Board shall advise and make recommendations to the Vice President for Research (VPR) in matters pertaining to research at Mines. This Advisory Board will be responsible for reviewing, evaluating, and recommending changes to university research practices, infrastructure, and policies, and for helping to communicate their recommendations and other research initiatives to the campus at large.

12.15.2 Membership

The membership of the Research Advisory Board shall consist of research-active Academic Faculty representing each academic department, as well as one member representing the Faculty Senate. Additional members from staff and student organizations may be recommended by the VPR as needed.

12.15.3 Method of Operation

The Research Advisory Board, chaired by the VPR, shall meet at least once per month. Subcommittees of the Advisory Board will be assembled and tasked by the VPR to evaluate and recommend changes to specific research practices, infrastructure, and policies. In addition to Research Advisory Board members, these subcommittees may include additional members from across campus as needed to address the assigned topic.

12.15.4 Method of Appointment

Research Advisory Board members may be nominated by the Deans and Department Heads and will be appointed by the President based on recommendations from the VPR in consultation with the Deans and Department Heads.

12.15.5 Terms of Appointment

Research Advisory Board members shall serve a two-year, renewable term.

12.16 Technology Fee Committee

12.16.1 Function

The Technology Fee Committee shall be responsible for overseeing the allocation and utilization of student Technology Fee revenue. This includes the solicitation and review of proposals requesting technology fee funding, and the subsequent selection of proposals for funding. Responsibilities also include the creation and update of general guidelines regarding the use of technology fee revenue, the process for solicitation of proposals, and the subsequent approval for the use of those funds. The committee shall also recommend, as appropriate, changes in the amount of the fee, subject to institutional guidelines on student fees.

12.16.2 Membership

The appointed membership of the Technology Fee Committee shall consist of:

A. Three undergraduate students,
B. Two graduate students,
C. Four full-time academic faculty members,
D. One academic Department Head,
E. Chief Information Officer or their designee (Chair, non-voting), and
F. Director of Instructional & Learning Technologies / ITS (Co-Chair, non-voting)

12.16.3 Method of Operation

The chairperson of the Technology Fee Committee shall be the Chief Information Officer. The committee shall meet at least once per semester during the fall and spring semesters to determine the allocation of technology fee funding to specific uses. Additionally, it may meet more often as needed to execute the function of the committee as noted above and to ensure funding allocations are made in a knowledgeable and equitable manner.

At least seven voting members must be present at a meeting to constitute a quorum sufficient to permit the committee to conduct its business. A majority vote of members present at a meeting shall be required for any action taken at the meeting to constitute an official act of the committee.

12.16.4 Method of Appointment

The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President. The academic Department Head committee member shall be nominated by the Deans and appointed by the President. The undergraduate student committee members shall be nominated and appointed by the Undergraduate

Student Government. The graduate student committee members shall be nominated and appointed by the Graduate Student Government.

12.16.5 Terms of Appointment

All voting committee members shall serve staggered two-year terms. All terms of appointment to this committee shall be calculated on an academic year basis, rather than on a calendar year basis.

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