COLORADO SCHOOL OF MINES

FACULTY HANDBOOK

Revised June 2019

EFFECTIVE: 2019-2020 ACADEMIC YEAR

COLORADO SCHOOL OF MINES FACULTY HANDBOOK
TWELFTH EDITION

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SUMMARY OF CHANGES FROM PREVIOUS YEAR

MATERIAL HANDBOOK CHANGES APPROVED BY BOARD OF TRUSTEES

Subject	Description	Handbook Sections
Teaching Faculty Contractual Language	• Clarify language related to Teaching Faculty contractual processes explicitly recognizing faculty who have been at the institution three years or longer are on two-year contracts renewed annually. Change non-renewal notification requirement from September 1 to August 1.	• 4.1.2 A, 9.2.1 A
Graduate Faculty Appointments	• Define authority to appoint Graduate Faculty to TTT Faculty, and Professors of Practice and Teaching Faculty with Graduate Faculty status	• 4.3.2, 4.3.3
University Emeritus Appointments	• Eliminate University Emeritus appointments	• 4.1.5
Contract Pay Periods	• Revise Handbook language to reflect transition for faculty pay periods from 9-month to 10-month.	• 4.11.2
Instructional Development Assignment	• Define alternate assignment for instructional faculty to improve pedagogical development and instructional delivery	• 6.1.6
Grievance Committee	• Restructure size, membership, and operations of Grievance Committee	• 12.14
Research Advisory Board	• Create Research Advisory Board to advise VPRTT on issues related to research at Mines	• 12.15
Technology Fee Committee	• Define Technology Fee Committee as a University Committee	• 12.16

NON-MATERIAL HANDBOOK CHANGES APPROVED BY PRESIDENT

Subject	Description	Handbook Sections
Scope and Intent of Handbook	• Clarify scope and intent of Handbook	• Preface
Graduate Faculty	• Clarify Professors of Practice may serve as Graduate Faculty and clarify appointment process	• 4.1.2 B, 4.3.2, 4.3.3
External Joint Appointments	• Allow External Joint Appointees to be instructors of record	• 4.1.2 E7
Internal Joint Appointments	• Clarify notification process when awarding internal joint appointments	• 4.9.3
Excess Sick Leave	• Remove note to excess sick leave benefit that impacted last remaining faculty member who is retiring in June	• 5.4.4
Sick Leave Payout	• Align Handbook language with addition of new retirement system and current payout practices	• 5.4.4
Fiduciary Responsibility	• Clarify faculty fiduciary responsibility	• 6.2.3 A6
Conflict of Interest	• Clarify conflict of interest disclosure requirements	• 6.3.2, 6.3.4, 6.3.3 D, 6.4
Department Promotion and Tenure Committees	• Clarify Committee composition in the case of non-tenured Associate Professors applying for both tenure and promotion	• 8.1.3
Teaching Faculty Promotion Committees	• Align language used in defining Teaching Faculty Promotion Committees with that used for Tenure/Tenure Track Committees	• 8.2.2

NON-MATERIAL HANDBOOK CHANGES (CONTINUED)

Subject	Description	Handbook Sections
AA Reorganization	• Various and miscellaneous corrects to reflect reorganization of Academic Affairs	• 4.1.5, 4.1.8, 4.2, 4.3.3, 4.5, 4.9.1 D, 4.9.4, 7.1, 7.1.1, 7.3.1, 7.3.2, 8.1.3, 8.1.6, 8.2.2, 8.2.4, 8.3.2, 8.3.4, 8.4.2, 9.1.3, 10.3 IV F, 12.3.2, 12.3.4, 12.11.2, 12.12.2
Various Corrections	• Various and miscellaneous corrections	• 4.1.2 A, B, C, E1, E6, E7, 4.1.8, 4.2, 4.9.1 A, D, 4.11.2, 5.4.6, 5.4.13 A, 6.1, 6.2.4 D, 6.3.3 D, 6.4, 8.5.3 D, 11.3.4, 12.4.2, 12.5.2, 12.7.2

PREFACE

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, which defines all exempt Mines employees as "faculty," regardless of whether their primary role is academic or administrative, 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.

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 and the Administrative Faculty Council and 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 and the Administrative Faculty Council and 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 and the Administrative Faculty Council and for consideration by the President and the Board as set forth in Section 3.

Please note that throughout the entire Handbook document Department Heads and Division Directors are referred to as "Department Head(s)."

SECTION 2
MINES ORGANIZATIONAL STRUCTURE

[TO BE SUPPLIED]

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 HANDBOOK 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, the Faculty Senate, and the Administrative Faculty Council for review and comment. If the Faculty Senate or the Administrative Faculty Council are 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 opposed group, a conciliation committee shall be appointed as set forth in subsection 3.4 below. [The status, role, and membership of the Handbook Committee is defined in subsection 12.4 below.]

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 subsection 3.4 below.

3.3 ROLE OF THE ADMINISTRATIVE FACULTY COUNCIL

All recommended modifications to the Handbook shall be forwarded by the Handbook Committee to the Administrative Faculty Council for review and comment. The process of Administrative Faculty Council review shall take place as soon as practicable, but in no case shall the entire process exceed thirty days. If the Council does not formally respond to the forwarded material within the above time frame, its acquiescence shall be presumed. If the Council 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 subsection 3.4 below.

3.4 CONCILIATION COMMITTEE

3.4.1 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 or the Administrative Faculty Council 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: two academic faculty members, who are not members of the Faculty Senate or the Handbook Committee, shall be appointed by the Faculty Senate to represent its views; one administrative faculty member, who is not a member of the Administrative Faculty Council or the Handbook Committee, shall be appointed by the Administrative Faculty Council to represent its views; one member of the Handbook Committee shall be appointed by the Committee to represent its views; and one exempt employee, who is not a member of the Faculty Senate, the Administrative Faculty Council, or the Handbook Committee, shall be appointed by the President.

3.4.2 Operating Procedure

Conciliation Committee members shall meet among themselves, as well as with representatives of the Faculty Senate, the Administrative Faculty Council, 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 thirty 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.

3.5 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 and the Administrative Faculty Council 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.

3.6 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
APPOINTMENTS

4.1 FACULTY RANKS AND TITLES

4.1.1 Tenured and Tenure-Track Faculty Appointments

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 Appointments

This paragraph provides a description of the basic characteristics of the faculty appointments listed below. Specific details regarding the level of time commitment required, job duties, and the employment benefits associated with a particular appointment will be addressed in an employee's employment contract or employment offer letter. 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 appointments 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 maintain the highest quality of instruction and are encouraged to attend and participate in department/division/program activities and shared governance in keeping with the normal practices of the academic unit(s) which form the locus of their appointments. They are required to fulfill all applicable terms of the Faculty Handbook. Teaching faculty may serve as the co-advisor for graduate students and as the principal investigator on Mines proposals. They may request Graduate Faculty status (see Section 4.3) to serve as the primary advisor to graduate students.

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 to whom Mines wishes to extend a title that conveys a closer tie and long-term commitment to the School. Candidates for Professor 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. Appointments may be for terms of up to three years, may be part-time or full-time, and are renewable.

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 appointments elsewhere. An individual, however, may be on leave from a non-academic position for the duration of the Mines appointment.

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, be principal investigators on Mines proposals, and may request Graduate Faculty status (Section 4.3) enabling them to serve as the primary advisor to graduate students.

C. Adjunct Titles

The title "Adjunct Faculty" is used to describe temporary faculty members who are appointed on a semester-by-semester basis, contingent upon sufficient need and resources within the hiring department or division. Adjunct faculty members may or may not receive remuneration, depending upon the specific nature of their duties and other relevant factors. With regard to non-remuneration adjuncts, the Provost may permit multiple semester appointments. Adjunct faculty may serve as the co-advisor for graduate students.

D. Visiting Titles

The title "visiting" coupled with the rank attained at their home institution is used to describe faculty members who by mutual agreement wish to associate themselves with Mines. Visiting faculty members may hold their positions for up to two years and may serve with or without remuneration. This title is normally reserved for faculty members who are serving at Mines while on leave from another academic institution.

E. Research Titles

The title "research" coupled with the appropriate rank or title is used to describe faculty and staff members whose primary responsibilities are obtaining research funding, performing research, or providing technical or administrative support for research activities and providing assistance in directing graduate student thesis projects. When remunerated, these positions are funded through grant or contract sources.

1. Visiting Scholar

This title is used to describe faculty members temporarily associated with Mines. The primary responsibilities of visiting scholars involve performing research and providing assistance in

directing graduate student thesis projects, and their salaries are generally paid from non-State funds. Visiting Scholars may hold their positions for up to two years and may serve with or without remuneration. Visiting Scholars are ineligible for tenure.

2. Postdoctoral Fellow

This title is used to describe a research-oriented scholar. By mutual agreement between a fellow and Mines, the fellow may engage in limited teaching or provide assistance in directing graduate student thesis projects. 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 Provost.

3. Research Associate

This title series is used to describe staff members whose primary responsibilities are to provide professional research assistance to faculty members and graduate students in the performance of their research.

4. Research Support

This title series is used to describe staff members whose primary responsibilities are to provide administrative or technical support to research activities.

5. Research Professor, Research Associate Professor, and Research Assistant Professor

These ranks are assigned to research faculty members whose primary duties involve scholarship. By mutual agreement between the research professor and his or her department head the professor may also engage in teaching and service. Research faculty may serve as the co-advisor for graduate students and as the principal investigator on Mines proposals. They may request Graduate Faculty status (see Section 4.3) to serve as the primary advisor to graduate students.

6. Affiliate Faculty

This title is used to describe individuals with mutually beneficial ties to Mines that warrant such an appointment, such as individuals who are employed elsewhere or who are retired. This is not intended for retired Mines faculty, who are encouraged to use the standard Research Faculty track. Typically, these individuals are involved with university faculty members and their research programs. They may serve on graduate student supervisory committees at the request of their full-time colleagues and as approved by the Department Head or Division Director. Affiliate Faculty may serve on thesis committees and as a co-advisor to graduate students. However, they are not permitted to serve as the primary advisor. Affiliate Faculty are not permitted to serve as the principal investigator on Mines proposals, but they may serve as a co-principal investigator. Affiliate Faculty may hold their positions for up to two years, may be renewed, and may serve with or without remuneration. If the appointment is remunerated, the FTE assigned shall be no greater than 25 percent and remuneration must be approved by the employer and the appropriate Department Head and Dean at Mines. Affiliate Faculty are not evaluated in the scheduled and formal manner that is required for the other types of faculty appointments.

7. External Joint Appointee

Joint Appointees are a special category of Affiliate Faculty who have full or part-time positions elsewhere (e.g., NREL, NIST, or USGS) and who have strong collaborations with Mines and Mines faculty. At the request of a full-time academic faculty member at Mines and as approved by the Department Head or Division Director, joint appointees may serve on thesis committees and are permitted to serve as co-advisors to graduate students. To serve as primary advisor, Joint Appointees must become members of the Graduate Faculty (Section 4.3), however, they must identify a co-advisor who has Graduate Faculty status and is not an External Joint Appointee. Joint Appointees may serve as a principal investigator on Mines proposals with appropriate approvals from their employer and from Mines. The Joint Appontee may also engage in teaching with appropriate approvals of the Mines Department Head and their employer. Joint Appointees may hold their positions for up to two years with the possibility of renewal and may serve with or without remuneration. For joint appointees remunerated at Mines, the monthly level of effort should not exceed 49%.

F. Librarian Title

The title "Librarian" coupled with the appropriate faculty rank is used to describe faculty members whose duties involve rendering professional library service to the Mines community in the information fields. Library faculty also contribute professionally by conducting research and scholarship and by performing service to their profession and the Mines community.

4.1.3 Named Faculty Appointments

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

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

Available to junior faculty members, 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 Transitional Faculty Appointments

From time to time, Mines may enter into Transitional Appointment Agreements with tenured, teaching, or library faculty members who wish to retire. When both Mines and the retiring faculty member deem it mutually beneficial to do so, and contingent upon the approval of the Provost, the parties will negotiate a part-time appointment for a specific period of time, usually not in excess of three years, following the faculty member's retirement date. The Transitional Appointment Agreement will specify the faculty member's responsibilities and level of effort during the transitional appointment. During the period of his or her appointment, the transitional faculty member will retain his or her title and rank at retirement. Transitional appointments do not confer tenure, but may provide the appointee eligibility for certain benefits during the semesters he or she is providing and compensated for services to Mines per the terms of Mines' benefits plans and policies. In rare circumstances, transitional appointments may be considered for administrative faculty. However, these appointments are contingent upon the approval of the President.

4.1.5 Emeritus Faculty Appointments

Recipients of emeritus status shall receive special recognition at commencement. Additional privileges bestowed upon emeritus faculty members include the issuance of a permanent faculty identification card, a listing in the university catalog, and full continued use of library and athletic facilities. From time to time, Mines may make other facilities, services, or amenities available for the use of emeritus faculty members. However, emeritus appointments do not confer tenure.

At the time of his or her retirement, in recognition of his or her years of dedication and service to Mines, a tenured, teaching, or library faculty member who has completed ten or more years of regular full-time service at Mines in a tenured/tenure track, teaching faculty, Professors of Practice, or library faculty may be nominated to the Provost by his or her department head, in consultation with the department's

promotion and tenure committee (as constituted by the appropriate rank of emeritus appointment sought) and dean, for the title of "emeritus" coupled with his or her academic rank. The Provost shall submit his or her recommendation regarding the emeritus appointment to the Board of Trustees for a final decision.

4.1.6 Administrative Faculty Appointments

Administrative faculty appointments apply to exempt employees who perform specialized professional duties and hold appointments that are designated by function or title, not by academic rank. Administrative faculty are ineligible for tenure. Tenured faculty members who assume administrative positions at Mines retain the right to resume their tenured faculty positions upon the termination of their administrative responsibilities.

4.1.7 Athletics Faculty Appointments

Athletics faculty appointments apply to faculty members who teach athletics department courses and/or coach varsity-level sports, and who hold appointments that are designated by function or title, not by faculty rank. Athletics faculty members are ineligible for tenure.

4.1.8 Non-remuneration Appointments

Upon the review and positive recommendation of the appropriately constituted Department/Division Promotion and Tenure Committee, the Department Head, and the Dean, an individual may be nominated for a non-remunerative, volunteer faculty appointment at the appropriate rank. For non-remunerative appointments not involving faculty rank (e.g., research assistant, research associate, etc.) nominations may be made upon the recommendation of the department head without the need for input from the Dean.

For non-remunerative appointments in Academic Affairs, nominations are submitted to the Associate Provost for approval. For non-remunerative appointments in Student Life, Finance and Administration, or in the President's Office, nominations are submitted to the appropriate executive.

Non-remunerative appointments are made for a maximum of two calendar years, though they are renewable. These appointments must provide clearly defined value to the department/ division 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-remuneration research faculty appointments must follow the process described in section 4.8.1D.

4.1.9 Special Appointments and Titles

A. Trustees Professorship

From time to time, the Board may choose to recognize extraordinary service to the Mines academic mission by a Mines professor. The official title of this honor is *Trustees Professor of (Department)*, and it will be awarded only occasionally and on a highly selective basis. The Board will normally confer certain ancillary benefits upon recipients of this honor, which may include: (1) a significant

salary increase (above any normal salary adjustment earned for the evaluation period in which the honor is granted); (2) a one-time discretionary fund grant; and (3) a plaque commemorating the award. All non-chaired full professors are eligible to receive this honor. Nominations for the award shall be initiated by the Provost, who may appoint an advisory review committee to assist him or her in the nomination process. If the President approves a recommendation submitted by the Provost, he or she shall then forward the recommendation and supporting materials to the Board for a final decision.

B. Honorary Titles

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

C. 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 appointments are limited to three years, but may be extended at the discretion of the President. Such appointments may come with appropriate service, teaching, and research relief as negotiated by the President, faculty member, and the faculty member's Department Head.

D. University Librarian

The position of University Librarian is open to any candidate holding the rank Librarian and is appointed by, and reports to the Provost. 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:

- **Academic Faculty** - Faculty whose role is to lead, develop, and deliver the institution's instruction, and produce original scholarship and research. This includes 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).

- **Academic Faculty of the Whole** - Any faculty member whose primary activity is to be engaged in delivery of instruction or scholarship and research. This includes all Academic Faculty as defined above plus: Adjunct Faculty, Visiting Faculty of all ranks, all other Research Faculty (i.e., Visiting Scholars, Postdoctoral Fellows, Research Associates), Transitional Faculty, Emeritus Faculty, and Athletics Faculty.
- **Administrative Faculty** - Faculty whose role is to provide professional administrative support and/or oversight to institutional operations. This includes all other faculty members holding Administrative Faculty Appointments, as well as Academic Faculty serving in Administrative roles (e.g., Deans, Provost, Vice Provost, University Librarian, Department Heads). As noted in Section 4.1.6, Academic Faculty serving in Administrative appointments retain the rights of their Academic Faculty appointments.

4.3 GRADUATE FACULTY STATUS

4.3.1 Qualifications of Graduate Faculty

Members of the Graduate Faculty at Mines are those qualified to be primary advisor for students conducting research toward a graduate degree. Academic units may choose to further specify the privileges and responsibilities granted to 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 Appointment 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 fully qualified to be part of the Graduate Faculty. Hence, they will be appointed to the graduate faculty upon joining Mines. Teaching Faculty, Research Faculty, Professors of Practice, Emeritus Faculty, Joint Appointees, and tenure/tenure-track faculty in departments that do not offer graduate degree are eligible to become members of the Graduate Faculty subject to the following minimum requirements:

- Graduate Faculty appointees must have the terminal degree appropriate to their academic field or discipline or must show a comparable level of expertise.
- Appointment to the Graduate Faculty must be requested by the candidate and supported by a two-thirds majority of the Tenure/Tenure-Track Faculty, Professors of Practice, and Teaching Faculty with Graduate Faculty status in the academic department or program.
- The proposed Graduate Faculty appointee must meet any other criteria established by their department or program, and must be endorsed by the department head or program director and the dean (see Section 4.3.3).

Reflecting the University's interest in encouraging interdisciplinary research and scholarship, academic faculty of the whole who have requested and received Graduate Faculty status in one department may request permission to serve as primary advisor to graduate students in another department or interdisciplinary program. The Department Head or interdisciplinary Program Director may simply approve such requests and forward them to the appropriate Dean for approval. These faculty should be added to the list of faculty who have Graduate Faculty status that Department Heads maintain and submit annually (see Section 4.3.3).

4.3.3 Procedure for Appointment to Graduate Faculty

Appointments to the Graduate Faculty are made and approved by the academic department and Dean. Full-time faculty appointees in tenured or tenure-track positions will be appointed to the Graduate Faculty upon joining Mines. All other appointments to the Graduate Faculty must be initiated by an eligible faculty member or external joint appointee requesting such status. Faculty eligible to request Graduate Faculty status include Teaching Faculty, Research Faculty, Professors of Practice, and external Joint Appointees. No faculty, other than tenure/tenure-track faculty, may be assigned as a primary advisor to a graduate student unless Graduate Faculty status has been approved. Those without Graduate Faculty status can, however, serve as co-advisors or as members of a student's thesis committee.

To request Graduate Faculty status, the eligible faculty member should complete the Graduate Faculty request form and submit it with appropriate documentation to the chair of their department's Promotion and Tenure committee. The department's Promotion and Tenure Committee Chair should then bring the case to the Graduate Faculty for a vote. A positive vote of at least two-thirds of the tenure/tenure-track Faculty, Professors of Practice, and Teaching Faculty with 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 Dean. The Dean will then give final approval to the Registrar's Office. Once a non-tenure/tenure track faculty member has been approved as Graduate Faculty, that member will retain graduate faculty status until such time as the Department Head, with the input and advice of the Graduate Faculty in the department, decides to terminate the status.

4.4 MINIMUM QUALIFICATIONS FOR TENURED/TENURE-TRACK FACULTY RANKS

While a doctoral degree is usually required for appointment 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 baccalaureate degree may be considered the equivalent of a doctoral degree.

4.4.1 Assistant Professor

A. Doctoral degree; and
B. Demonstrated potential for successful teaching, scholarship, and service

4.4.2 Associate Professor

A. Doctoral degree;
B. Documented success in teaching, scholarship, and service; and
C. Potential for national and international professional recognition

4.4.3 Professor

A. Doctoral degree;
B. Record of excellence in teaching, scholarship, and service; and
C. National and international professional recognition

4.5 MINIMUM QUALIFICATIONS FOR TEACHING FACULTY TITLES

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.

4.5.1 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

4.5.2 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.

4.5.3 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

4.5.4 Professor of Practice

A. Either a terminal degree (e.g., a doctoral degree) or equivalent professional experience; and
B. Substantial professional experience with a national or international reputation demonstrating achievement as a distinguished practitioner of the discipline.

4.5.5 Adjunct Faculty

Adjunct Faculty must possess the qualifications for the position to which he or she is appointed. If appropriate to the position, preference will be given to advanced degrees and proven teaching ability.

4.6 MINIMUM QUALIFICATIONS FOR RESEARCH FACULTY RANKS

While a doctoral degree is usually required for appointment 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.

4.6.1 Research Associate

A. Minimum of a baccalaureate degree

4.6.2 Research Assistant Professor

A. Doctoral degree; and
B. Demonstrated potential for successful scholarship and service

4.6.3 Research Associate Professor

A. Doctoral degree;
B. Documented success in scholarship and service; and
C. Potential for national or international professional recognition

4.6.4 Research Professor

A. Doctoral degree;
B. Record of excellence in scholarship and service; and
C. National or international professional recognition

4.6.5 Research Support

A. Experience closely related to the job duties of the position; and
B. Education typically found in a technical degree or equivalent

4.6.6 Affiliate Faculty

An Affiliate Faculty member must possess the qualifications for the position to which he or she is appointed.

4.6.7 External Joint Appointee

A. Doctoral degree;
B. Record of excellence in scholarship and service;
C. National or international professional recognition; and
D. Strong collaboration with Mines faculty.

4.7 MINIMUM QUALIFICATIONS FOR LIBRARY FACULTY RANKS

A master's degree from an American Library Association-accredited program is generally the minimum requirement for appointment 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.

4.7.1 Assistant Librarian

A. Demonstrated potential for achieving success in the performance of professional librarianship,

scholarship, and service.

4.7.2 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.

4.7.3 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.

4.8 MINIMUM QUALIFICATIONS FOR ADMINISTRATIVE FACULTY

Minimum qualifications for each administrative faculty position shall be determined by the hiring authority for that position after appropriate consultation with the Office of Human Resources. Most administrative faculty positions will require at least a baccalaureate degree plus appropriate experience relevant to the job assignment.

4.9 FACULTY APPOINTMENT PROCESS

It is the responsibility of each department head and administrative director to recruit faculty for new or vacant positions and to recommend their appointment to the President or appropriate vice 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.

4.9.1 General Outline of Faculty Appointment Process

A. Tenured Faculty, Tenure-Track Faculty, Teaching Faculty, and Library Faculty

1. 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.
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 appointed 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 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.B below.]

7. The Provost, upon the written recommendation of the 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 the Associate Vice President for 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 appointment. 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 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. Professor of Practice

1. The Department Head shall obtain authorization from the Dean regarding the availability of a departmental position for a Professor of Practice.
2. A departmentally appointed faculty committee, which shall not include the head of the hiring department, shall be utilized to screen candidates.
3. The candidates(s) shall be personally interviewed by appropriate members of the department and the administration.
4. A summary of departmental observations of interviewed candidate(s) shall be included in the department head's written hiring recommendation.
5. The Department Head shall submit a recommendation to the Dean in writing, together with all required administrative forms, letters of recommendation, resumes, and transcripts.
6. The selected candidate shall be recommended by the Dean to the President for appointment. 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.
7. Following discussions with the Dean and contingent upon the approval of the President, the 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.
8. 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.

C. 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.

2. While departments are encouraged to advertise vacancies for Adjunct Faculty, there may be a need to fill an Adjunct Faculty position immediately or on relatively short notice, thus direct appointment and reappointment of Adjunct Faculty on a semester-by-semester basis, without a search, may be made.

D. Research Titles

1. Research Professor, Research Associate Professor, and Research Assistant Professor

1. The Principal Investigator shall confer with the Department Head to confirm the availability of a research faculty position and of institutional or departmental resources that will be required to support the position.
2. Departments may decide to advertise vacancies for Research Faculty. If a search is undertaken, the search process outlined for Administrative Faculty in section 4.9.1 F beginning at Step 2 will be followed.
3. In many cases, the Principal Investigator may have a need to fill the Research Faculty position immediately or on relatively short notice. In these cases, direct appointment of Research Faculty for the period of a grant or contract without a search may be made with the approval of the Department Head.
4. For research professors, research associates professors, research assistant professors, and joint appointees, the curriculum vitae of the candidate should be circulated to the 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 appointment. After appropriate approval at the department level, the Department Head will submit the appointment for approval to the dean.
5. If the appointment is approved by the department tenured and tenure-track faculty, the Principal Investigator will seek the approval of the Department Head for the new appointee's salary even if the appointment will initially be non-remunerated. The salary should be comparable to research faculty with similar appointments in the department.
6. Upon appropriate approval at the department level the Department Head will submit the tenured and tenure-track faculty approval memo to the college dean.

2. Visiting Scholar

The Principal investigator requests appointment. Appointments require approval from the Department Head, Office of Research Administration, Dean, and Office of International Student and Scholar Services.

3. Postdoctoral Fellow, Research Associate, Research Support, and Affiliate Faculty

The Principal investigator requests appointment. Appointments require approval of the Department Head and Dean.

4. External Joint Appointee

Appointments require approval by 2/3 of departmental or program tenured and tenure-track faculty, and approval of the Department Head or Program Director, Dean, and Provost, in addition to appropriate approvals from laboratory/employer supporting the joint appointee.

E. Instructional Faculty

The appointment process for tenured/ tenure-track faculty set forth in 4.9.1.A above shall also be followed for the appointment of teaching professors, teaching associate professors, and teaching assistant professors, unless the Provost determines that following this process would not be in the best interests of Mines. In such cases, the Provost may provide written authorization to modify this process as necessary and appropriate.

F. Administrative Faculty

1. The supervisor of the new or vacant administrative faculty position shall confer with the Department Head and the appropriate Vice President, if applicable, to confirm the availability of the position. The supervisor shall concurrently notify the Office of Human Resources of the availability of the position and the initiation of the hiring process.
2. Unless a decision is made to fill the position through an internal promotion, the availability of the position shall be advertised in one or more professional journals or other appropriate publications. In conjunction with the Office of Human Resources, the supervisor shall appoint a search committee to assist in the applicant screening process.
3. Applications will be considered in accordance with the rules established for each search.
4. The finalists shall be personally interviewed by all appropriate Mines constituent groups.
5. The Vice President or Provost in consultation with the Associate Vice President for Human Resources, on the written recommendation of the department head, may determine that following the full search process would not be in the best interests of Mines. In such cases, the Vice President or Provost may provide written authorization to modify this process as necessary and appropriate.
6. The supervisor shall submit a written recommendation to the President or Vice President, including a summary of the search committee's observations of all interviewed candidates. Resumes, letters of recommendation, and other supporting documentation for each final candidate shall also be forwarded as part of the recommendation package.
7. The selected candidate shall be recommended to the President for appointment. No employment, or other type of contractual relationship, shall arise between Mines and the candidate until the written offer letter has been executed by the President, or the President's delegate, on behalf of Mines.
8. Following discussions with the President or Vice President, the supervisor shall verbally negotiate salary and other terms of employment with the selected candidate. However, because benefits are determined by employment category, the terms of employment may not modify any benefits programs offered by Mines.
9. Once negotiations between the supervisor and the candidate have concluded, an appropriate Mines offer letter shall be prepared for the selected candidate. Any special understandings or conditions that have been negotiated with the candidate shall be clearly stated in the offer letter provided to the candidate.

G. Athletics Faculty

On account of circumstances that are unique to their positions, such as the seasonal nature of intercollegiate athletics and the timing of recruiting cycles, a search shall not be required for the hiring of qualified athletics department faculty. In order to bypass the search process, the department head must receive written confirmation from the appropriate vice president regarding the availability of the position, the title and salary that can be offered, and approval to proceed without a search. Upon receipt of confirmation from the appropriate vice president, the Department Head shall notify the Office of Human Resources of the availability of the position and the intention to fill the position without a search. Once an individual has been selected for the position, the hiring shall proceed in accordance with step 6 and the remaining steps of the process set forth immediately below.

If it is determined that a search is required for an athletics faculty position, the following process shall be utilized:

1. The Department Head shall confer with the appropriate Vice President to confirm the availability of the position as well as the title and salary that can be offered. The Department Head shall concurrently notify the Office of Human Resources of the availability of the position and the initiation of the hiring process.
2. Unless a decision is made to fill the position through an internal promotion, the availability of the position shall be advertised in one or more appropriate publications. In conjunction with the Office of Human Resources, the Department Head shall appoint a search committee, including a committee chairperson, to assist in the applicant screening process. The Department Head and any supervisor of the position may chair or actively serve on the search committee.
3. Every application received for the position shall be considered.
4. The finalists shall be personally interviewed by all appropriate Mines constituent groups.
5. The search committee chairperson shall submit a written recommendation to the Department Head, including a summary of the search committee's observations of all interviewed candidates. Resumes, letters of recommendation, and other supporting documentation for each final candidate shall also be forwarded as part of the recommendation package.
6. The Department Head shall submit a written recommendation to the appropriate Vvice President together with appropriate supporting documentation, which shall include all required administrative forms, resumes, transcripts, and, if applicable, letters of recommendation.
7. The selected candidate shall be recommended to the President for appointment. 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.
8. Following discussions with the appropriate Vice President, the Department Head shall verbally negotiate salary and other terms of employment with the selected candidate. However, because benefits are determined by employment category, the terms of employment may not modify any benefits programs offered by Mines.
9. 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. Any special understandings or contractual conditions that have been negotiated with the candidate shall be clearly stated in the contract / offer transmittal letter and provided to the candidate with the employment contract or offer.

H. Temporary Faculty

Temporary faculty may be hired in the following categories: Adjunct, Administrative, Research, Library, and Athletics. If it is determined that a need exists that can best be filled by a temporary appointment, the hiring department may request authorization from the appropriate Vice President to hire a temporary faculty member.

1. Adjunct Faculty

The conditions outlined in Section 4.7.1 B shall apply to the appointment of an Adjunct Faculty member.

2. Temporary Administrative, Research, and Library Faculty

The following conditions shall apply to the appointment of a temporary administrative, research, or library faculty member: (a) a temporary appointment may be made without a search; (b) the duration of a temporary appointment shall not exceed twelve months; (c) a temporary appointment shall not be renewable, except that under extraordinary circumstances with the approval of the appropriate Vice President, the appointment may be renewed for an additional period of up to twelve months; (d) a candidate for a temporary appointment must possess the qualifications that would be required for a regular appointment to the same position; and (e) the hiring department must submit a brief job description along with the hiring paperwork.

3. Temporary Athletics Faculty

The following conditions shall apply to the appointment of a temporary athletics faculty member: (a) a temporary appointment may be made without a search; (b) the duration of a temporary appointment shall not exceed twelve months; (c) a temporary appointment shall not be renewable, except that under extraordinary circumstances with the approval of the appropriate Vice President, the appointment may be renewed for an additional period of up to twelve months; and (d) a candidate for a temporary appointment must possess the qualifications that would be required for a regular appointment to the same position.

4.9.2 Locus of Appointment

Each teaching/research faculty member shall have a locus of appointment in one or more academic departments or divisions of Mines, which shall be stated in the faculty member's employment contract or letter of appointment.

4.9.3 Internal Joint Appointments

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

If a formal locus of appointment is distributed over multiple departments (i.e., if faculty FTE and formal responsibility is shared across departments), one department shall be designated as the faculty member’s primary locus of appointment. 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 appointment 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 his/her primary locus of appointment, the process for doing so is defined in Section 4.9.4 below.

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 appointment. 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 appointing department. Courtesy appointments do not confer tenure in the appointing department. A faculty member with a courtesy appointment may indicate affiliation with the Department(s) in which he/she has an appointment.

A joint appointee and the relevant Department Heads shall, by mutual agreement, determine the type of joint appointment and, if appropriate, the appointee's FTE distribution. If a consensus decision cannot be reached among the affected parties regarding loci of appointment, the Provost shall decide the issue. In joint appointments with multiple loci of appointment, 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 appointee, signed by the Department Head(s) and the faculty member.

4.9.4 Changing Primary Locus of Appointment

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

Tenure-track faculty may not change locus of appointment through this process. Further, the intent of this policy is to provide a process for realignment of existing appointments, not create new joint appointments, which are governed by section 4.9.3.

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 appointed.

The process for reviewing such a change is as follows:

1. The faculty member should first informally confer with both his or her current Department Head or Division Director (DHDD) and the proposed new DHDD to explore the possibility and desirability of a change in appointment locus.
2. To formally request a change in appointment locus, the faculty member should prepare a dossier for submission to both his or her current (DHDD) and the proposed new DHDD. 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 his or her 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 DHDDs in the old and proposed new departments shall individually supply letters of recommendation to the package, and the DHDD in the proposed new department shall supply the cover memorandum for the package.
5. For all appointment changes, the appropriate Dean(s)has/have final authority to approve the change in locus of appointment. The Dean(s) shall review the package and render a decision. With an affirmative decision, the Dean(s) shall 1) work with the respective DHDDs on a transition plan for the appointment; 2) notify the Provost of approval of the change in appointment locus; and 3) work with the Office of the Provost to revise the faculty member's contract and issue a new letter of appointment.
7. Decisions rendered by the Dean(s) or Provost, whichever is appropriate, are final and may not be appealed.

4.10 PROBATIONARY APPOINTMENTS

Only tenure-track appointments at Mines are probationary in nature. Exempt employees in non-tenure track appointments 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 appointments are non-renewed, such terminations are subject to the notice requirements and appeal rights provided in Section 9 below.

A tenure-track appointment is inherently probationary in nature for the full term of the appointment 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 subsection 8.1 below.]

4.11 FACULTY EMPLOYMENT CONTRACT AND OFFER LETTER PROCESS

4.11.1 Employment Contracts

Each newly hired faculty member shall receive either a Mines employment contract, appointment or offer letter, as appropriate to the faculty member's employment category. In subsequent years, each continuing tenured/tenure-track, teaching, and library faculty member shall be notified, usually in writing, each summer notifying the faculty member of his or her salary for the upcoming academic or fiscal year (as the case may be). If a faculty member's title or rank changes, a new employment contract, appointment, or offer letter shall be issued by Mines to reflect such change of title or rank. Academic faculty who have an additional appointment as an administrator, Department Head, Division Director, or a Dean, shall receive an addendum regarding the additional appointment, and in subsequent years he or she shall be given salary update information concerning the additional appointment in the salary notification letter. Other employment contracts, such as extra duties contracts, shall be issued as necessary.

4.11.2 Employment Contract Period or Term of Appointment

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

The contract period for these faculty normally runs from the date of the annual Faculty Conference to the date of spring Commencement for each academic year. Any exception to these dates shall be noted on the employment contract form 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 appointment 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 appointment, salary will be earned in proportion to the fraction of the appointment period in which services were actually rendered.

C. Administrative Faculty

Subject to their legislatively mandated employment-at-will status, the salary evaluation and adjustment period for administrative faculty, and other exempt Mines employees whose salaries are calculated on a twelve-month basis, is normally July 1st through June 30th of each year. Salary shall be paid in twelve equal installments on the last business day of each month. If the period of an administrative faculty member's actual service does not equal a full year, salary will be earned in proportion to the fraction of the year in which services were actually rendered.

SECTION 5
RIGHTS, PRIVILEGES, AND BENEFITS

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

In general, faculty employed in Tenured or Tenure-track, Teaching and Named Faculty positions, and Research, Administrative, Library, and Athletics Faculty are eligible for benefits in accordance with the plan documents or certificates of insurance for each benefit. These faculty are referred to in this Section 5 as "Benefits-eligible" faculty. Temporary Faculty (Adjunct Faculty, Affiliate Faculty, temporary Administrative Faculty, temporary Research Faculty, or temporary Athletics Faculty) generally are not eligible for Mines benefits, including leave benefits, except for participation in those benefits that Mines is required by law to provide. Such mandated benefits may include participation in the retirement system for which the faculty member is eligible, Unemployment Insurance, Medicare, and Workers' Compensation. In addition, Mines provides access to health insurance in accordance with the requirements of the Patient Protection and Affordable Care Act and its regulations for those faculty who are not Benefits Eligible as defined above. Non-remuneration faculty members are not eligible for Mines benefits, except for liability insurance when acting in the course and scope of their appointment.

5.3 ENROLLMENT IN MINES COURSES

5.3.1 Degree Candidates

Faculty members holding the rank of Teaching Assistant Professor or higher may not work toward degrees in their own department at 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 his or her department head or equivalent director's approval, may apply to the Dean, or in the absence of a Dean, the Provost, for enrollment in 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 subsection 10.2 below.

5.4.2 Unpaid Leave

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

5.4.3 Annual Leave

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

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

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

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

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

Full-time Benefits-eligible faculty who work less than one full month and part-time Benefits-eligible faculty will earn annual leave on a *pro rata* basis. Faculty who wish to use annual leave must submit a request to their supervisor and receive approval. Supervisors may deny use of annual leave. Faculty members who use annual leave must report their usage monthly through the leave reporting system and submit their leave reports to their supervisor within the deadlines established by Payroll. Faculty may take paid annual leave only as earned or accrued. Faculty on paid leave will accrue annual leave at the normal rate. Faculty on unpaid leave will not accrue annual leave. Any leave taken which has not been accrued will be treated as leave without pay. The maximum carryover limits set forth above shall be effective at the end of each fiscal year. A faculty member may accrue annual leave in excess of the applicable limit during the course of a fiscal year, but he or she must either use all leave accrued in excess of the limit during the fiscal year or forfeit the excess at the earlier of the end of the fiscal year or termination of employment. A faculty member will be paid in full at his or her current rate of pay for unused hours of annual leave, up to the applicable maximum carryover limit, upon change from twelve-month to nine-month contract status, upon termination of employment, or at the time of retirement or death. Upon the death of a faculty member, the estate of the deceased faculty member will be paid for the faculty member's accrued annual leave, up to the applicable maximum carryover limit.

5.4.4 Sick Leave

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

original retirement event.

If a faculty member dies prior to retirement or separation from Mines service, the estate of the deceased faculty member will be paid one-fourth of the faculty member's unused sick leave at the time of the faculty member's death, within the limits set forth in this paragraph. This benefit applies to all benefits-eligible faculty.

5.4.5 Family Medical Leave

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

5.4.6 Holiday Leave

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

5.4.7 Administrative Leave

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

5.4.8 Funeral Leave

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

5.4.9 Jury or Court Leave

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

5.4.10 Military Leave

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

5.4.11 Injury Leave

Mines shall grant up to 480 hours of paid injury leave to a Benefits-eligible faculty member who has suffered a job-related injury, subject to the following conditions: (1) the faculty member must file a timely First Report of Injury form for workers' compensation purposes with the Office of Human Resources; (2) Mines workers compensation insurer must certify that the injury is job-related or "compensable"; and (3) the faculty member must agree to assign his or her right to receive salary payments from the workers compensation insurer to Mines during the period when the employee is receiving paid injury leave.

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

5.4.13 Parental Leave

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

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

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

A benefits-eligible faculty member may take up to six weeks of paid parental leave for the purpose of caring for and nurturing his or her newborn, newly adopted child, or a child placed in foster care as a pre-adoption requirement. The leave will be paid at the faculty member's regular base rate of pay. Once starting paid leave, it must be taken consecutively and without interruption; paid parental leave may not be used on an intermittent basis. Use of parental leave must occur and be completed within the twelve months immediately following the birth or adoption of a newborn or child.

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

If the requested leave interrupts, or is expected to interrupt a semester in which the faculty member is normally scheduled to teach, the faculty member may choose to request relief from teaching for one entire semester, which shall be granted. Such request must be made to the faculty member's immediate supervisor, in writing, at the same time as the request for Parental Leave. For the period of the semester that the faculty member is not on medical disability or parental leave (paid or unpaid), the faculty member is expected to resume non-teaching duties, such as committee work, administrative work, and academic advising. Paid Holidays will not extend the length of paid leave. Paid leave from all sources shall not exceed 13 weeks per occurance.

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

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

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

While leave benefits are not normally part of a temporary faculty member's employment with

Mines, recognizing the special needs and circumstances attendant to the birth or adoption of a new family member, faculty members may request unpaid parental leave for the purpose of caring for a newborn or a child placed in foster care as a pre-adoption requirement. Such leave, if granted, is to be used immediately following the birth or adoption (including a child placed in foster care as a pre-adoption requirement). To be granted this leave, the temporary faculty member must make his or her request in the same manner as required of benefits eligible faculty outlined in Section 5.4.13 A above.

5.5 INSURANCE BENEFITS

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

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

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

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

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

5.5.1 Health and Disability Insurance

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 Office of Legal Services or 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

The general responsibilities of academic faculty members fall into three major categories: (1) teaching; (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 subparagraph 7.1.1.A. The expected distribution of activities by faculty category is normally:

- 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.
- 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.
- Library faculty members are expected to distribute their efforts between professional responsibilities, scholarship, and service, with the professional responsibilities having the greatest weight. 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. Examples of a librarian's professional duties may include, but are not limited to: professional research support, development of innovative techniques to improve discovery and access to materials, or the development and delivery of instruction in information research.
- 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 instructional 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 Provost.

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

Faculty may meet their teaching expectations by delivering courses via a variety of course delivery modalities (e.g., traditional lecture, studio, flipped, online). 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 paragraph 7.2.1 below. 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

[1] Academic Year Chargeout

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 and Technology Transfer 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. Participate in meetings and activities of campus and departmental committees to which faculty member is assigned.
2. Attend the annual Faculty Conference in August and either the President's Convocation in August, or the December or May Commencement exercises.

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. The faculty member must also disclose any consulting or financial interests as per section 6.3.4 that relates to the travel.

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

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.

Eligibility requirements for Instructional Development Assignment are as follows:

- 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;
- 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;
- 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
- 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:

- The term and duration of the Assignment shall be granted for one academic semester (fall or spring);
- 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:

- Faculty members are required to provide a formal written report of the outcomes of their Assignment;
- Faculty members must implement changes to their instruction as documented in the report; and
- 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 & STANDARDS

6.2.1 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 completed prior to the faculty or staff member's commencement of teaching duties, in writing, and subscribed and sworn before a notary public or any other person authorized to administer oaths in the State of Colorado. 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.

6.2.2 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 Research Misconduct Policy and Complaint Procedure, 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 the Research Misconduct Policy shall be investigated and handled in the manner outlined in section 11.1 below.

6.2.3 Ethical Standards and Obligations

The ethical obligations of an employee embody the spirit of the law, the values of Mines, and the highest levels of professional integrity. Specific expectations are defined in sections A, B, C, and D below. A complaint lodged against a faculty member that alleges a violation of an obligation set forth below shall be investigated and handled in the manner outlined in section 11.1.

Resources for reporting policy violations, or identifying potential ethical concerns are available to faculty through many avenues, including, but not limited to: Human Resources; Office of Legal Services; 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. [The topic of nepotism at Mines is also addressed in subparagraph 6.2.3 D. below.]
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 subsection 6.4 below.]
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 personal relationships between teachers and students and/or between supervisors and subordinates at Mines is governed by the Mines Amorous Relationships Policy, which has been promulgated by the Board of Trustees and is accessible at the online Policy library.

D. Nepotism

The subject of nepotism at Mines is governed by the Mines Nepotism Policy, which has been promulgated by the Board of Trustees and is accessible at the online Policy library.

6.2.4 Workplace Standards of Conduct

A. Standards for Colorado State Government Employees

Mines hereby adopts the following standards of workplace behavior for its employees:

1. Mines employees shall serve the public with respect, courtesy, and responsiveness.
2. Mines employees shall demonstrate the highest standards of personal integrity and honesty.
3. Mines employees shall expose corruption in State government wherever discovered.

B. Gender-Based Discrimination, Sexual Harassment, and Sexual Violence

Mines has policies prohibiting gender-based discrimination, sexual harassment, sexual violence, and unlawful discrimination. These policies are promulgated by the Board of Trustees and are set forth on the Board of Trustees and Human Resources policy web pages.

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 purpose of this policy is to 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.

6.3.2. Definitions

A. Conflict of Interest

A "conflict of interest" arises when an employee has or represents interests that compete with or are adverse to those of Mines. Such conflicts often result from situations in which financial or other personal considerations may adversely affect, or have the appearance of adversely affecting the employee's judgment while exercising his or her Mines duties or responsibilities. Where a personal bias or consideration does or has the potential to cloud the employee's professional judgment, the conflict of interest that arises may adversely impact the institution's research, instructional, or administrative programs or operations. The education of our students, conduct of research and scholarship, and performance of administrative tasks must be free of the undue influence of outside interests.

The mere appearance of a conflict of interest situation may be just as serious and damaging as the existence of an actual conflict. Reports of conflicts based on appearances can undermine the public trust in Mines and its commitment to its mission. Accordingly, apparent or potential conflicts of interest should be disclosed and evaluated with the same vigor as actual conflicts.

All employees have an ongoing obligation to report actual, apparent, and potential conflicts throughout the term of their employment with Mines. A conflict of interest may arise at any time during the employee's appointment at Mines, including periods when the employee is not on campus and not performing his or her primary duties for the institution. Such conflicts may arise and should be reported during summer and semester breaks, or sabbatical leaves, as well as during the academic semesters for which the faculty member has a teaching or other assignment at Mines.

B. Conflict of Commitment

A "conflict of commitment" arises when an employee assumes external commitments or activities (such as professional consulting, other business interests, or personal pursuits) that substantially interfere with, or impede, the employee's ability to satisfy his or her primary institutional obligations and commitments to Mines. A full-time Mines appointment implies an obligation to satisfy Mines professional responsibilities in a timely manner and maintain a meaningful presence on campus to ensure accessibility to students, staff members and colleagues during the employee's appointment period. Generally, a conflict of commitment is only likely to arise during periods when the employee is performing his or her assigned duties for the institution. By definition, such conflicts are not likely to occur when the employee is on leave or does not have an active assignment with the institution, during semester breaks, summers, and sabbatical or other leaves for faculty on nine-month contracts, for example.

6.3.3 General Guidelines

A. Actual Conflicts of Interest

Following are examples of activities that create actual conflicts of interest and must be disclosed and reviewed prior to being undertaken. Mines will not approve the proposed activity if a conflict of interest exists that cannot be effectively managed.

1. Financial gain to the employee that results from involvement in institutional decisions. Public employees may be subject to criminal penalties if they do not disclose a conflict of interest in situations where they exercise "substantial discretionary function" in connection with a government contract, purchase, payment, or other pecuniary transactions without appropriate, advance notice to the Secretary of State and Mines' governing board. (C.R.S §18-8-308.) Such conflicts may arise when the employee or a member of his or her immediate family serves as an officer, director, trustee, partner, agent or employee of an external, non-governmental entity participating in a transaction with Mines, or the employee or a member of his or her family has other direct or indirect dealings with the non-governmental entity through which the employee or his or her immediate family member knowingly materially benefit by receiving directly or indirectly cash or other property as the result of the transaction. Such conflicts may be avoided or managed effectively if properly disclosed, allowing the institution to remove the employee from the Mines decision-making process that triggers the conflict.

2. Financial interests in companies and other kinds of organizations doing business with the institution. (Such conflicts are often manageable by the institution if reasonable notice of the potential or actual conflict is provided to the employee's supervisor.)

3. Performance of work for personal gain above and beyond the employee's usual Mines compensation when the work in question falls within the regular assignment of the employee.

4. Any outside activities that conflict with the employee's institutional teaching, research, service, or other responsibilities.

5. Unauthorized disclosure of unpublished, privileged, or confidential information from a colleague or other Mines source for personal gain.

6. Directly or indirectly selling, renting, trading, or leasing personal property to Mines without full disclosure of the employee's interests.

7. Assignment of students or other supervisees to research or other activities from which only the employee intends to realize personal financial gain, or where the employee is in a position to evaluate the student's academic performance or serve as the student's academic advisor.

8. Use of Mines facilities for private consulting or research arrangements that may involve personal gain without appropriate disclosure and reimbursement to Mines for use of such facilities.

9. Consultations that impose obligations that conflict with Mines' obligations to research sponsors.

B. Apparent or Potential Conflicts

The following activities are examples of apparent or potential conflict of interest situations. In many cases, these conflicts can be resolved or effectively managed upon prior disclosure.

1. Certain types of outside employment involving assignments that have the potential to compromise the institutional position of the employee.

2. Consulting relationships involving activities with the potential to compromise the institutional position of the employee.

3. Relationships that might enable employees to influence Mines' interactions with companies or other entities doing business with the institution for the purpose of personal gain.

C. Activities Generally Not Deemed Conflicts

The following activities are examples of permissible activities that would not be deemed an actual or apparent conflict of interest:

1. Acceptance of royalties pursuant to Mines' Intellectual Property Policy (Section 10.1), publication royalties, or honoraria for commissioned publications and lectures, providing acceptance of such payments do not violate state law, including but not limited to Article XXIX of the Colorado Constitution.

2. Services to professional, scientific, educational, artistic, cultural, civic, business, or other organizations that enhance the value of the employee to Mines and do not adversely affect the employee's primary commitment to Mines.

D. Special Considerations in the Context of Licensing and Equity Ownership

When outside companies license Mines inventions or other intellectual property, situations may arise that pose a conflict of interest for faculty and staff. Typically, this happens when employees make decisions while fulfilling their Mines responsibilities that might materially affect their personal wealth or that of their immediate family members. Sometimes such conflicts can be managed; sometimes they must be avoided. The following are intended as some general guidelines, but are not necessarily rules to cover all possible situations. The underlying principle, however, for all situations is to make prior full disclosure of the possible conflict situation to the employee's department head or immediate supervisor.

1. Individuals in managerial or supervisory positions should be especially aware of potential personal legal and tax implications resulting from investing in companies that are based on Mines technology and are founded by faculty, staff, or students

under their supervision. (See §4958 of the Internal Revenue Code, Excess Benefit Transactions.)

2. Conflicts can arise in connection with performing outside professional activities related to licensing and intellectual property. Faculty should adhere to the reporting and approval requirements outlined in Section 6.4.3 below.

3. While a company is still privately held, managers and supervisors, including student advisors and supervisors, should not invest personally or own stock in business ventures of their subordinates or students, since there is a conflict of interest between the manager's supervision of the student or subordinate (e.g., assigning grades, approving promotions, determining salary levels, allocating office and research space, etc.) and the manager's business partnership with the student or subordinate.

4. Faculty, particularly department heads and laboratory and research center directors, have a special responsibility with respect to determining ownership of intellectual property developed from research by investigators they supervise. All faculty and staff should weigh carefully their and the inventor's obligations to Mines in deciding whether the invention falls under Mines ownership. It is a direct conflict if an employee, department head or laboratory/center director responsible for determining ownership of the intellectual property intends to invest in or be a co-founder of a company with the inventor.

5. It is a conflict for an investigator/inventor to negotiate with MINES regarding the terms of a license before the matter of ownership has been definitely resolved. Faculty and staff who are founding companies should not personally negotiate the licensing terms with Mines. An attorney or company executive with no connection to Mines should be appointed for this task.

6. Faculty and staff who own equity in a company should not attempt to influence the licensing terms that Mines offers to the company.

7. Faculty and staff who hold board positions with companies should recuse themselves on issues involving licensing terms with Mines.

8. Faculty and staff should remember that their primary employer is Mines and that they have a heightened responsibility to their primary employer when deciding whether to assign their inventions to Mines or to a company for whom they consult. If an employee has questions about intellectual property ownership and the applicability of the Mines Intellectual Property Policy (Handbook Section 10.1), he or she should consult with the Vice President for Research and Technology Transfer or the Director of the Office of Technology Transfer.

9. It is a conflict for a faculty member to accept research sponsorship from a company in which he or she has a significant financial interest. This conflict arises because the outcome of the research could materially affect the personal wealth of the researcher or an immediate family member. However, a faculty member is not precluded from receiving research support from a large, publicly held company just because the employee or his or her family member owns shares of stock in

the company. Financial interests should be disclosed pursuant to the Conflict of Interest Policy to determine whether an actual conflict exists.

6.3.4 Conflicts of Interest and Commitment Disclosure Requirements and Procedure

A. Disclosure Requirement and Timing

The employee has the responsibility for disclosing to their Department Head or Supervisor any actual, apparent, or potential conflicts of interest and commitment through the process outlined below, and consistent with the Mines Conflict of Interest Policy. Disclosures are required as follows:

1. prior to the start of Mines employment for every new employee;

2. at least 30 days in advance of the undertaking of all new external commitments, including professional consulting and non-remunerative activities, or acquiring new significant financial interests; and

3. in conjunction with the annual faculty evaluation process.

B. Role of Department Head or Supervisor

Supervisors are responsible for reviewing all conflict of interest and conflict of commitment disclosures made by employees they supervise, and keeping the information on the disclosure confidential, except for purposes of conferring with the appropriate Vice President or their designee, or the Conflict of Interest Committee as necessary and appropriate. Upon receipt of an employee's disclosure, the supervisor will take the following steps:

1. Within 14 calendar days following receipt of the employee's disclosure form, the supervisor will determine whether:

   (a) the reported activity is permissible because it falls within the scope of professional and appropriate conduct, and has been properly disclosed;

   (b) a conflict exists that should be addressed by developing and implementing a conflict of interest management plan that, among other things, may transfer certain decision-making responsibilities to other employees or require other actions necessary to address actual, apparent, or potential conflicts of interest; or

   (c) the conflict cannot be effectively resolved or managed by the institution and the proposed activity must therefore be terminated.

2. If the supervisor finds the activity to be permissible, the supervisor shall approve the disclosure and forward it to the appropriate Vice President. If, however, the supervisor identifies a conflict of interest, the supervisor shall confer with the appropriate Vice President or their designee for purposes of developing a conflict of interest management plan. In the case of academic faculty disclosures, the supervisor may

also consult with the appropriate Dean prior to resolving or managing any actual, apparent, or potential conflicts of interest or commitment. The supervisor will inform the employee in writing of the outcome of the conflict review and provide a management plan where appropriate.

When a conflict of interest management plan has been implemented for a particular employee, the supervisor is responsible for monitoring the employee's compliance with the requirements of the management plan.

C. Role of COI Committee

The Conflict of Interest Committee ("COI Committee") helps facilitate the implementation of the university's conflict of interest policies, clarifies faculty obligations in this area, provides guidance with respect to enforcement of university policy and the development of conflict of interest management plans, and addresses disputes arising from conflict management plan development and implementation. Employees who disagree with the decision of the supervisor regarding the resolution of a conflict of interest or a proposed conflict management plan may appeal the decision by requesting that the COI Committee review the case and make a written recommendation to the appropriate Vice President, who will then issue a final decision in the matter. An employee's failure to comply with the Vice President's final decision may result in disciplinary action.

6.3.5 Safeguards and Sanctions

A Mines employee who has fully and timely disclosed actual, apparent, or potential conflicts of interest will have an affirmative defense to any civil or criminal action that might result from a breach of his or her fiduciary duty (C.R.S. §24-18-110). Failure to fully disclose actual, apparent, or potential conflicts as prescribed by university policy may be grounds for disciplinary action and sanctions. Additionally, federal awarding agencies may require reporting of policy violations.

6.4 PERFORMANCE OF EXTERNAL WORK AND PROFESSIONAL ACTIVITIES

Mines recognizes that professional consulting by its faculty and staff 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. Finally, Mines is aware that the performance by faculty and staff of extra Mines services for additional remuneration can be, under appropriate circumstances, a mutually beneficial arrangement. Accordingly, exempt employees may undertake additional work, subject to the applicable conditions and requirements enumerated below, as well as the requirements regarding actual and apparent conflict disclosures outlined in Sections 6.3.4 and 6.3.5 above.

6.4.1 Categories of External Work and Activities Subject to This Policy

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 Section 6.4.3 below.

B. External Employment and Other Paid Services

Any external employment or services undertaken by an employee for compensation from an individual or entity outside Mines during the period in which the employee's Mines assignment is being performed must be disclosed and approved pursuant to the procedure outlined in Section 6.4.3 below. 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 employee who seeks to undertake any continual external commitment during the period in which the employee'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 Section 6.4.3 below. For purposes of this subsection, 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, an employee may seek or be asked to perform services for MINES outside the traditional scope of the position for which the employee was hired, including but not limited to, instructional and other professional services. Any employee who seeks to perform such additional services for remuneration must obtain institutional approval pursuant to the procedure outlined in Section 6.4.3 below.

6.4.2 General Requirements and Guidelines for Approval of Additional Work

A. General Requirements

1. All proposed additional work commitments identified in Section 6.4.1 must be approved by the employee's department head or immediate supervisor in advance of the planned activity, pursuant to the procedure outlined in Section 6.4.3 below.

2. No additional work commitments will be approved if the employee's department head or immediate supervisor determines that participation in the subject activity will or is likely to impede the employee's ability to satisfactorily meet his or her Mines teaching, advising, research, and service commitments or other assigned

Mines duties and obligations.

3. Absences of more than one week at a time for the purpose of performing additional work are strongly discouraged and shall be approved only in unusual cases. Moreover, it is expected that all time not devoted to Mines duties during the normal work week will be covered by approved annual leave, if available, or made up after normal working hours and/or on weekends.

4. Professional consulting that is undertaken by a full-time employee during the period in which the employee's Mines assignment is being performed should not exceed an annual average of eight hours per week.

5. An employee who performs compensated or uncompensated consulting services for external entities or individuals is acting as an individual and must avoid giving the impression, implicitly or explicitly, that he or she is representing MINES or acting as its agent.

6. An employee who performs consulting for an external entity or individual shall not use Mines resources without prior written approval of his or her department or division head or immediate supervisor and payment of appropriate fees for use of such resources. The fees assessed will be determined in accordance with Mines' *Educational Business Activities Policy* and any other pertinent university policies and procedures.

B. Conflict Disclosure

The employee must disclose to his or her department head or immediate supervisor any actual or apparent conflicts of interest that may arise as a result of the employee's undertaking the proposed external commitment. The procedure for disclosing such conflicts is outlined in Section 6.3.4 above. The employee has a continuing obligation to disclose apparent or actual conflicts that develop after the initial approval of the external commitment.

If a conflict exists and cannot be resolved or managed effectively by the institution and involved individuals, the employee's participation in the activity will not be approved.

6.4.3 Procedure for Obtaining Approval of Additional Work

A. Approval for Consulting and Other External Commitments

An employee wishing to engage in consulting or other external commitments outlined in subsection 6.4.1 above shall submit a *Request to Engage in External Commitments Form* to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the consulting, but in no case shall this be less than two weeks in advance of the requested commitment. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the work to be undertaken; (2) a statement describing how the work will enhance or support the

employee's activities as an employee of Mines; (3) if applicable, a statement listing reasons why the work is inappropriate to be conducted through sponsored programs at Mines; (4) a statement describing any actual or potential conflicts of interest with the employee's performance of his or her Mines duties; (5) a statement describing any actual or potential conflicts of interest with any endeavor conducted by Mines, or a department or subset thereof; (6) a statement describing how the employee intends to insure that no conflict of interest develops during the course of the work; and (7) a statement addressing the issue of potential conflict of commitment.

2. Review of the Request. In considering the request, the department head or immediate supervisor shall weigh the following factors: (1) the potential value of the work to Mines and the individual; (2) the performance level of the employee who has submitted the request; (3) possible interference with the employee's performance of his or her Mines duties; and (4) the likelihood of a potential conflict of interest. The supervisor will inform the employee in writing of the outcome of his or her review of the employee's *Request to Engage in External Commitments* within seven (7) calendar days following receipt of the Request. The department head or immediate supervisor may resolve any conflict of commitment issue at the departmental level, but the appropriate vice president shall be available to resolve employee appeals. Conflict of interest issues shall be resolved pursuant to the procedure outlined in Section 6.3.4. If a conflict of interest exists that cannot be resolved or effectively managed by the institution and individuals involved, the proposed external activity will not be approved.

As part of the annual evaluation process, all faculty shall certify that Requests to Engage in External Commitments made during the previous year are complete and correct.

B. Extra Mines Services for Additional Remuneration

An employee wishing to perform extra Mines services for additional remuneration, as described in subsection 6.4.1 D above, shall submit a *Request to Perform Extra Mines Services for Additional Remuneration Form* to his or her department head or immediate supervisor a reasonable time prior to the anticipated commencement date of the extra services. This form is accessible via the Academic Affairs Procedures Manual.

1. Minimum Elements. The request should contain, at a minimum, the following elements: (1) a statement describing the specific nature of the extra services to be performed; (2) a statement describing how the services will enhance or support the employee's activities as an employee of Mines; and (3) a statement addressing the issue of conflict of commitment with the employee's primary assignment.

2. Review of the Request. In considering the request, the Department Head or immediate supervisor shall weigh the following factors: (1) whether or not provision of the service is included in, or closely related to, the employee's normal assignment; (2) whether or not the service is an integral part of the Mines curriculum or administrative operation; (3) whether or not the employee possesses expertise in the area of the proposed service; (4) whether or not the service is being provided by other employees for no remuneration; (5) whether or not the service is determined to be valuable to students, staff, faculty, or administrators, and would not be otherwise available; and (6) whether or not the provision of the

service would interfere with the performance of the employee's normal Mines assignment. An arrangement to perform extra Mines services for additional remuneration requires the written approval of the employee's Department Head or immediate supervisor and the appropriate vice president.

SECTION 7
PERFORMANCE AND EVALUATION

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:

- 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.

- For tenure-track assistant professors, a Preliminary Tenure Review, in accordance with paragraph 8.1.4 below, shall be conducted by the department promotion and tenure committee and the department head.

- 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.

- For research professors of all ranks and for Graduate Faculty who are not otherwise included in another annual evaluation process, the faculty member's direct supervisor shall conduct annual evaluations. For this evaluation, a research professor or a Graduate Faculty member shall provide their supervisor a current curriculum vitae and a memorandum highlighting assignments and professional activities completed over the past evaluation period. The supervisor shall review these and issue a performance assessment of either: meets expectations for the current position; or does not meet expectations for the current position. In the case of a performance assessment not meeting expectations, the supervisor shall provide a written explanation f, forward the entire package to the faculty member's Department Head for review and comment, and then discuss the evaluation with the research faculty member. If the faculty member disagrees with the performance evaluation, they may appeal the review to the appropriate Dean.

- For administrative and athletics faculty, annual evaluations shall be conducted in accordance with the process established through Mines Human Resources. All evaluations will be reviewed by the next level supervisor. Additionally, the appropriate Dean, Vice President or President may also be a reviewer.

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

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.

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

A. Goal Setting

1. During the spring semester of each year, the department head shall confer with department faculty to develop department goals. he 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 paragraphs 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, 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 below.
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 Associate Provost. A signed copy shall be returned to the faculty member. If the Associate Provost has questions about the evaluation, it shall be returned to the department head for discussion and further review. The Associate Provost will alert the Provost to any especially noteworthy faculty evaluations during each evaluation cycle. The Office of the Associate Provost shall annually provide the Provost with a report summarizing the faculty evaluation ratings from each department/division.

C. Rating Concepts

The descriptions below are intended to convey general guidance regarding the characteristics of the various performance ratings defined in Section 7.1.3B.

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 Goals

If an exempt employee has taken an extended period of leave, he or she may request that his or her evaluation goals be temporarily redefined to reflect a reasonable performance expectation for the affected evaluation period. When a request for amended evaluation goals is submitted, the employee and his or her supervisor shall attempt to negotiate appropriate evaluation goals for the affected evaluation period. If the employee and his or her supervisor cannot agree upon the need for, or the specific content of, amended evaluation goals, the appropriate vice president 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

A Performance Improvement Plan (PIP) is mandatory for any tenured faculty member whose performance is judged to be unsatisfactory. A PIP is strongly recommended for any teaching faculty member and any administrative faculty member whose performance is judged to be unsatisfactory. All of these PIPs shall be reviewed and approved by the Provost. Mines may offer appropriate support to faculty members in conjunction with their PIPs as indicated below.

7.3.1 Performance Improvement Plans for Tenured Faculty Members

At the time annual faculty evaluations are prepared, Department Heads will identify tenured faculty members for whom a PIP is required. An individual so identified will be required to cooperate in formulating a PIP, which shall include identified weaknesses, all actions perceived as necessary to correct those weaknesses, and performance goals. The faculty member shall work with his or her Department Head to integrate the PIP to the annual faculty goal-setting exercise.

A. Categories of Institutional Support Available

Any of the following types of support may be granted in conjunction with a Performance Improvement Plan: research initiation support, travel support, summer assignments, equipment acquisition, and sabbatical 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 Performance Improvement Plan shall be initiated within ninety days from the date of identification of the performance deficiencies. The Performance Improvement Plan shall specify a time period of up to three years during which the necessary improvement must take place. In exceptional circumstances this time period may be extended at the discretion of the Provost.

C. Procedure for Implementation of Plan

The Performance Improvement Plan, including all support offered, shall be reflected in writing, and signed by the faculty member, the Department Head, and the Dean. If agreement cannot be reached, or if a faculty member refuses to cooperate in formulating a Performance Improvement Plan, the Department Head shall write the plan and convene the Departmental Promotion and Tenure Committee to obtain an opinion on the feasibility and appropriateness of the plan. The recommendations of both the Department Head and the Department Promotion and Tenure Committee shall be forwarded to the appropriate Dean for final decision. The Dean may decide to implement the plan without the agreement or cooperation of the faculty member. In such a case, the plan shall have the same effect as if the faculty member had fully cooperated in its formulation.

D. Sanctions for Failure to Fulfill Plan Requirements

If satisfactory improvement has not been achieved, as determined by the Department Head, Dean, and the Provost, by the end of the period specified, appropriate disciplinary action, up to and including termination for cause, may be invoked.

7.3.2 Performance Improvement Plans for Teaching and Administrative Faculty

At the time annual faculty evaluations are prepared, Supervisors will identify teaching and administrative faculty members for whom a PIP is recommended. It is recommended that faculty so identified cooperate in formulating a PIP, which shall include identified weaknesses, all actions perceived as necessary to correct those weaknesses, and performance goals. The faculty member shall work with his or her Department Head to integrate the PIP to the annual faculty goal-setting exercise.

A. Availability of Institutional Support

Institutional support is not normally granted to a teaching or administrative faculty member in conjunction with a PIP. However, in unusual cases, such support may be granted with the written approval of the appropriate Vice President or Provost. A 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 specify a time period of up to one year during which the necessary performance improvements should take place. In exceptional circumstances this time period may be extended at the discretion of the Provost or appropriate Vice President.

C. Procedure for Implementation of Plan

The PIP, including any support offered, shall be reflected in writing, and signed by the faculty member, his or her supervisor, Department Head, and the appropriate Vice President. In the case of teaching faculty members, the Dean and Provost need to approve and sign the plan.

D. Sanctions for Failure to Fulfill Plan Requirements

If satisfactory improvement, as determined by the appropriate Vice President, has not been achieved by the employee at the end of the period specified, appropriate disciplinary action, up to and including termination of employment, may be invoked.

SECTION 8
PROMOTION AND TENURE

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 his or her 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 his or her 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 8.1.5 below.

C. Request for Extension of Probationary Contract Period

In the case of serious illness, pregnancy, childbirth, dependent care, or other extenuating circumstances, 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 his or her decision in writing to the faculty member. Leave taken pursuant to sections 5.4.4, 5.4.5, 5.4.10, 5.4.11, 5.4.12, and 5.4.13 of the Handbook qualifies for stoppages of the tenure clock that would extend the probationary contract period and, possibly, the timing of the required Preliminary Tenure Review. Any such "stops" must be taken in one-year increments. However, the faculty member may elect, within six months following his or her 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 his or her 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 his or her 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 in the Department,
- In the case of applicants seeking promotion, all full-time tenured faculty 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 on transitional appointments. 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, he/she is 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 Associate 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

his or her 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 his or her 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 his or her appointment should be terminated prior to the end of the full probationary period.

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

A. 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.
B. 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 Dean.
C. The entire package, including report(s) of the Promotion and Tenure Committee and a written recommendation prepared by the Department Head, shall be forwarded to the Dean. He or she will prepare a written report containing a recommendation, review the report with the other Deans, and notify the Provost that the dossier has been processed.
D. Copies of the reports of the Committee, the Department Head, and the Dean shall be provided to the Candidate.
E. The Department Head shall meet with the Candidate to discuss the above-mentioned reports.

8.1.5 Tenure Application Process

At the time of hiring or at any other time during the probationary period, it is the responsibility of the tenure-track faculty member, in consultation with his or her Department Head, to submit a formal tenure application with appropriate supporting documentation to Mines for tenure review pursuant to the process specified in paragraph 8.1.7 below. Under normal circumstances, a tenure applicant holding the rank of assistant professor shall also apply for promotion to associate professor at the time his or her 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 his or her 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. Tenure-Track Faculty

The following is a general outline of the tenure review process for tenure track faculty at Mines:

A. Candidates must submit applications (i.e., dossiers) to their Department Head. 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.

B. 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.
C. The Department Head shall solicit external reviewer evaluations from experts in the Candidate's field.
D. 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 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 her/his 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.
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 for transmission to the University Promotion and Tenure Committee.
G. The University Promotion and Tenure 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 tenure for each Candidate.
J. 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.
K. The Provost shall provide written notification to each applicant of the results of his or her 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.
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 subsection 8.5 below.

B. Tenure Review at the Time of Employment

Candidates for faculty employment with tenure are subject to the tenure review process defined in Section 8.1.6A with the following modifications:

A. The application package shall consist of the Candidate's extended curriculum vitae, and the Candidate's written summaries of his or her research and teaching experience and interests.
B. 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.
C. 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 subsection 4.3 above.]

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 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 paragraph 8.1.9 below. Under normal circumstances, a promotion applicant holding the rank of assistant professor shall also apply for tenure at the time his or her 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

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 subsection 4.3 above.]

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

1) high level of proficiency in the faculty member's subject area,

2) development of high-quality curricular and instructional materials,

3) mastery of effective instructional methods, and

4) service to Mines 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:

5) 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,

6) demonstration of knowledge and application of existing discipline-specific educational research, and

7) significant service to Mines in the categories defined above.

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:

8) publications related to educational and/or scholarly activities, and

9) 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 in that 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 on transitional appointments. 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 Associate 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) to their Department Head. 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 subsection 8.5 below.

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 subsection 4.4 above.]

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 Associate 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 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 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) to their Department Head. 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 8.3.2, transmit the dossier to the committee, and appoint a committee member to chair deliberations.
C. The Department Head shall solicit external reviewer evaluations from experts in the candidate's field.
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 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.
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.
G. The Provost 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. However, 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 subsection 8.5 below.

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 professional responsibility, scholarship or research, and service. [The minimum qualifications for appointment to the various library faculty ranks are set forth in subsection 4.7 above.]

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. While 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: (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 Library Director 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 Associate 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) to the University Librarian. 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 University Promotion and Tenure Committee.
G. The University Promotion and Tenure 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 subsection 8.5 below.

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 Legal Services.

B. Time Limitations

All appeals filed pursuant to this procedure must be filed with the Provost and the Office of Legal Services 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 Legal Services 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 division 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 division 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 Department or Division Promotion Committee, Department Head or Division Director, 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 8.5.4A.

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 Legal Services 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

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	Notice Required
During first academic year of Mines appointment:	Not later than April 1.
During second academic year of Mines appointment:	Not later than December 15.
Third academic year and beyond:	Not later than September 1.

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:

(I) Ceases to be an enterprise, as defined in Section 20(2)(d) of Article X of the State Constitution; and
(II) 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:

(I) Ceases to be an enterprise, as defined in Section 20(2)(d) of Article X of the State Constitution; and
(II) 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 Legal Services and the Associate Vice President for Human Resources.

9.3 TERMINATION FOR JOB ABANDONMENT

Any employee who, without the permission of Mines, fails to report to work, or fails to return to work after the expiration of an approved absence, for a period of time exceeding thirty days shall be deemed to have constructively tendered his or her resignation. In such a case, the employee may be terminated by Mines under this subsection without initiating the termination for cause process set forth in subsection 9.5 below. In addition to the above-listed requirements, the following conditions must apply in order for Mines to terminate an employee on the ground of job abandonment: (1) the employee must have exhausted all of his or her available leave which is applicable to the absence, including family medical leave, or refused to utilize his or her available leave; (2) the absence must, in the judgment of Mines, be unreasonable or be otherwise unexcused; and (3) at least seven days prior to terminating an absent employee under this subsection, Mines must deliver to the employee written notice directing the employee to report to work by a specified date and clearly state the consequences of the employee's failure to do so.

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 paragraph 7.3.1 above. 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 subsection 6.2 above; 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 and Technology Transfer 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 subsection 9.6 below.

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) 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 subsection 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 paragraph 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 h 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 subsection. 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 subsection. 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 subsection 9.6 below.

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 Legal Services.

B. Time Limitations

All appeals filed pursuant to this procedure must be filed with the Respondent and the Office of Legal Services 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 Legal Services 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 Associate Vice President for Human Resources pursuant to the method set forth in subparagraph A immediately below.

A. Initial Hearing Panel Selection Criteria

An initial hearing panel of ten individuals shall be selected at random from the employee group of which the Appellant is a member, i.e., academic faculty, administrative faculty, academic faculty of the whole. If the Appellant is an academic faculty member, the initial hearing panel shall be selected from the pool of academic faculty holding an rank equal to or higher than the Appellant. If a particular employee group is too small to contain ten individuals who are available to serve on the hearing panel, a sufficient number of other exempt Mines employees shall be selected on a random basis to serve on the panel. 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 subsection 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 subparagraph 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 direct 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 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 subparagraph and subparagraph 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 Transitional Appointments

At the discretion of the appropriate vice president or Provost and subject to the approval of the President, this type of appointment is available to exempt employees who are eligible for retirement under PERA guidelines. An individual interested in a transitional appointment should contact his or her supervisor to determine the availability of a transitional appointment and any specific conditions for his or her situation. Any questions regarding PERA eligibility should be directed to the Mines Human Resources Office. The following guidelines shall apply to the granting of transitional appointments at Mines.

A. Transitional appointments will be considered by Mines for a period of up to three years, unless special circumstances exist.
B. An exempt employee who desires a transitional appointment must work out an acceptable plan for the transitional appointment with his or her supervisor and the appropriate vice president. A Transitional Appointment Agreement will be prepared which shall include all essential details of the appointment.
C. Mines employment during the transitional appointment shall be limited by applicable PERA rules.
D. A transitional appointee shall be evaluated on the same basis as full-time faculty in proportion to the scope of his or her appointment, unless specified otherwise in the Transitional Appointment Agreement.
E. A transitional appointee will be considered benefits-eligible (as defined in Section 5.2 of the Faculty Handbook) during the period his or her Transitional Appointment Agreement is in effect and is eligible for health, dental, life, and other non-PERA benefits the same as other benefits-eligible faculty who meet the eligibility provisions of the insurances or benefits plan.
F. Individuals on transitional appointments are considered to be retirees.
G. This section shall not be construed to require Mines to offer a transitional retirement agreement to a faculty member or to require a minimum level of course assignments or compensation, or a minimal appointment term or effective period under the transitional appointment agreement.

9.8.3 Voluntary Early Retirement Plans

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

9.8.4 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

I. 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. (2008) in order to set forth a policy concerning the ownership and control of intellectual property developed by Mines employees and students. This Policy shall supersede any previously promulgated Mines policy that is in conflict herewith.

II. OBJECTIVE

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. Mines deems it desirable to secure control and ownership of this intellectual property to fulfill its role and mission and to benefit the public through its technology transfer efforts.

III. DEFINITIONS

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

A. Intellectual Property Owned by Mines

This phrase shall refer to inventions, innovations, discoveries, methods, apparatus, know-how, designs, models, distinct shapes, works of authorship (including computer software), any strains, varieties, or cultures of an organism, or any portion, modification, improvements, translation, or extension of these items which are made, devised, designed, conceived, formulated, developed, produced, invented, or improved upon as part of the Inventor's employment relationship with Mines, or which bear upon or arise out of the Inventor's activities for Mines or a contracting third party, or which are developed pursuant to the Inventor's duties and obligations to Mines as an employee (including student employees), or developed where Mines has the right to control the manner and means of production of an invention, innovation, discovery, method, or apparatus. It also includes any marks used in connection with these. In this Policy, the term "Intellectual Property" shall refer to Intellectual Property that must be disclosed to Mines by employees and that is deemed to be owned by Mines.

Works that are specifically commissioned through Mines by a third-party sponsor or by Mines will be owned by Mines, not the Inventor.

B. Intellectual Property Owned by the Employee-Inventor

This phrase shall refer to intellectual property for which Mines will not assert ownership, including works of art that are made or valued primarily for artistic purposes rather than practical function (e.g., art objects, literary works, musical compositions), academic instruction materials (e.g., course materials), or traditional scholarly works (such as a scientific article published in a refereed journal, a monograph, a book, a thesis, or a similar contribution to a collective work) that are authored by an employee within the scope of employment, *unless* such works are produced as part of a sponsored program (e.g., as a contracted-for research deliverable) or are works that are specifically commissioned by Mines or another third-party

sponsor.

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.

Mines will not assert ownership over intellectual property created, conceived or first reduced to practice by students solely for the purpose of satisfying degree requirements, unless (a) the student is performing work under a third-party contract (sponsored research); (b) the student is a co-creator with a Mines employee; (c) assignment of intellectual property is a course requirement; (d) Mines facilities, equipment, or resources are used in a manner that is above and beyond what is normally and customarily provided to students; (e) the student assigns ownership rights to Mines; or (f) the student creates the intellectual property in the course and scope of their work and duties as either a Mines employee or a research or graduate fellow.

In this policy, the term "Intellectual Property" shall *not* refer to intellectual property for which Mines does not intend to assert ownership.

C. 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.

D. Use of Mines Facilities, Equipment or Resources

This phrase shall refer to any use of Mines 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.

E. Mines Research

This phrase shall refer to any research conducted by a Mines employee in fulfillment of his or her employment agreement with Mines and/or research using Mines Facilities, Equipment or Resources.

IV. STATEMENT OF OWNERSHIP PRINCIPLE

Intellectual Property created within the scope of an Inventor's employment, or by anyone utilizing Mines facilities while performing duties required by a third party contract, or made or done with the use of funds supplied or administered by Mines, shall be the sole property of Mines, unless inconsistent with other provisions of this Policy. Acceptance of the terms and conditions of this Policy is and shall be a condition of employment for all Mines faculty, staff and student employees and a condition of engagement for any student in a sponsored research project (e.g., as a contracted-for-research deliverable)..

Mines employees engaged in consulting or external business activities and those charged with approving such activities on behalf of Mines are responsible for ensuring that any related agreements with external entities are not in conflict with this Policy or other commitments involving Mines. Employees should make their obligations to Mines clear to those with whom they make agreements and should provide other parties to the agreement with a current statement of this Policy. The Director of Technology Transfer, upon

request, will provide assistance in this regard. Mines' rights and the individual employee's obligations to Mines that are set forth in this Policy are in no way abrogated or limited by the terms of such agreements with third parties.

V. DISCLOSURE AND RECORDKEEPING

A. It shall be the responsibility and the duty of an Inventor to promptly notify the Director of Technology Transfer in writing and make full disclosure of any invention, discovery, innovation, method, or apparatus which has potential value as Intellectual Property.

B. It shall be the responsibility of any person working on a research or creative activity which might give rise to Intellectual Property to keep periodic records of the activity in a bound notebook, with each entry signed and dated by both the Inventor and a witness having specific knowledge of both the activity and the academic discipline involved.

C. Unless required by the provisions of a third-party contract pursuant to which Intellectual Property is created, no disclosure of Intellectual Property shall be made to any third party without the prior approval of the Director of Technology Transfer, unless a formal release of rights to the Intellectual Property has been executed by an officer of Mines or his or her delegate.

VI. FORMAL PROTECTION OF INTELLECTUAL PROPERTY

A. In accordance with the procedures hereinafter set forth, Mines shall, after disclosure by an Inventor, 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 shall have the right to prepare or have prepared, file, and prosecute such application, and the Inventor shall provide full cooperation in such effort. The Inventor 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.

VII. JOINT OWNERSHIP

In the event Intellectual Property is created by a Mines Inventor and an Inventor from an outside entity (e.g., another university, private company, or national laboratory):

A. Ownership of the Intellectual Property shall be divided between Mines and the outside entity in a proportion identical to the inventive contributions made by the respective parties. Any commercial return from the Intellectual Property shall be divided in the same proportion as ownership; and

B. Mines shall have control over the filing and prosecution of any patent applications and other forms of intellectual property protection as well as commercial exploitation of the Intellectual Property unless an agreement to the contrary is negotiated by an officer of Mines or his or her delegate.

VIII. DIRECTOR OF TECHNOLOGY TRANSFER

The Director of Technology Transfer shall be designated by the President of Mines and shall have the following duties and responsibilities for the implementation of this Policy under the general direction of the

Vice President for Research and Technology Transfer (VPRTT):

A. Receive all disclosures from Inventors of Intellectual Property.

B. Process all disclosures of Intellectual Property as follows:

   a. Conduct a reasonable investigation of the patentability and commercial potential of the Intellectual Property (with the assistance of legal counsel, if needed);

   b. Make a decision within six (6) months as to whether to seek patent or copyright protection based on scientific merit, patentability and commercial potential for the Intellectual Property, exploit the Intellectual Property on a commercial basis without legal protection, or waive all of Mines' property rights in the Intellectual Property; and

   c. Communicate the decision to the Inventor.

C. Procure appropriate assignments from Inventors.

D. Administer the filing of patent applications, copyright and other forms of intellectual property protection.

E. Execute formal waivers of Mines' rights to any items of Intellectual Property that Mines has decided not to pursue.

F. Administer the commercial use, licensing, or other disposition of all Intellectual Property in which Mines possesses any title or interest.

G. Monitor previously filed patent applications and the maintenance of issued patents

H. Review and approve intellectual property clauses and provisions in all agreements, grants, or other documents or instruments that may concern or affect Mines.

I. Inform the Inventor(s) of the decision not to pursue or to abandon the application, and in such cases provide the Inventor the opportunity to procure the Intellectual Property from Mines by assignment. Such assignment shall be made only if any conflicts that arise as the result of such an assignment can be effectively managed. Such assignment will also include a provision stating that 5% of any revenues received through commercial exploitation of the Intellectual Property by the Inventor(s) shall be returned to Mines.

J. Perform such other specific duties as may be reasonably implied from the terms and provisions of this Policy.

K. Manage the enforcement or defense of any Mines Intellectual Property rights.

IX. APPEAL PROCEDURE

A. In the event that the Inventor disagrees with the decision of the Director of Technology Transfer not to pursue intellectual property protection, the Inventor may, within ten (10) business days of receipt of the decision, appeal to the VPRTT for the appointment of a Patent and Discovery Committee, hereinafter the "P & D Committee." The P & D Committee, which shall be appointed by the VPRTT, shall consist of three (3) or more regular members of the Mines faculty who are

acceptable to both the Inventor and the VPRTT. Should the Inventor fail to appeal to the VPRTT, the decision of the Director of Technology Transfer shall be final.

B. The duties of the P & D Committee shall consist of the following:

   a. Conduct an examination of all available information concerning the Intellectual Property;

   b. Confer with the Inventor and the Director of Technology Transfer;

   c. Consult with other faculty members, legal counsel or third party contacts in the field of endeavor if necessary; and

   d. Submit a recommended course of action to the VPRTT.

C. After considering the recommendation of the P & D Committee, the VPRTT shall issue a decision on the appeal of the Inventor within ten (10) business days after receipt of the recommendation from the P & D Committee.

D. If the Inventor disagrees with the decision of the VPRTT, the Inventor may appeal to the President for a different course of action. In order to be considered, such an appeal must be submitted to the President within ten (10) business days of the Inventor's receipt of the VPRTT's decision. Should the Inventor fail to appeal to the President, the decision of the VPRTT shall be final.

E. The President shall issue a final decision on the Inventor's appeal within ten (10) business days of receipt of the appeal.

F. Any time limitation in this Section IX may be extended by the mutual agreement of the Inventor and Mines.

X. EQUITIES OF PARTICIPATING PARTIES

A. Inventions Owned by Mines

This subsection is applicable to all Intellectual Property Owned by Mines.

A. The Inventor shall assign all right, title, and interest in and to any such Intellectual Property to Mines.

B. Net proceeds from the item of 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. These expenses shall first be returned to Mines prior to any further distribution of proceeds from the Intellectual Property.

C. 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 of Research and Technology Transfer for investment in speculative patents.

D. 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 either the Mines academic department that is the home department(s) of the Inventor(s) or the research center

which funded the research, at the discretion of the Inventor(s).

E. 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 of Research and Technology Transfer for the purpose of funding Mines' patent costs related to the Intellectual Property.

F. In the case of the death of a Mines Inventor, any revenue that is due the Inventor will be distributed to the Inventor's heirs.

B. Inventions Jointly Owned by Mines and a Third Party

This subsection is applicable to Intellectual Property in which the invention has at least one Inventor employed by Mines and at least one Inventor employed by one or more outside entities.

A. A statement of ownership rights shall be an integral part of any sponsored research agreement and such agreement must be properly executed prior to the initiation of any sponsored research project.

B. The rights to any Intellectual Property resulting from any sponsored research shall be distributed pursuant to the terms regarding intellectual property ownership rights contained in the written agreement governing the sponsored research project. Such terms shall be consistent with applicable federal and state laws.

C. The division of the revenues resulting from licensing or optioning jointly-owned inventions shall be determined in accordance with the inventive contribution of all parties and according to any subsequent commercialization agreement.

D. Revenue distributed to Mines shall be divided in the manner described in Section X.A of this Policy.

C. Intellectual Property Involving Several Mines Inventors

A. If an item of Intellectual Property results from the joint efforts of two or more Mines Inventors, they shall attempt to reach an agreement specifying a distribution of the compensation which would normally be paid to a single Inventor. This agreement shall be submitted in writing to the Director of Technology Transfer at the time the Intellectual Property is disclosed.

B. In the event an agreement cannot be reached between the Inventors, a Royalty Arbitration Committee, consisting of at least three (3) regular members of the Mines faculty, shall be appointed by the VPRTT. The Mines faculty members who will serve on the Committee shall be acceptable to both the Inventors and the VPRTT. The Royalty Arbitration Committee shall make a recommendation to the VPRTT regarding an equitable distribution of royalties within ten (10) business days.

C. After considering the recommendation of the Royalty Arbitration Committee, the VPRTT will render a decision on the appeal of the Inventors within ten (10) business days after receipt of the recommendation.

D. If the Inventors disagree with the decision of the VPRTT, the Inventors may appeal to the President for a different course of action. In order to be considered, such an appeal must be submitted to the President within ten (10) business days of the Inventor's receipt of the VPRTT's decision. Should

the Inventors fail to appeal to the President, the decision of the VPRTT shall be final.

E. The President shall render a final decision on the Inventors' appeal within ten (10) business days of receipt of the appeal.

F. Any time limitation in this Section C may be extended by the mutual agreement of the Inventors and Mines.

XI. Formation of Start-Up Companies

A. Grant of a License or Option to a Start-Up Company that Involves Mines Employees.

A. Should a Mines employee desire to form a private company based on an invention owned by Mines, he or she shall inform the Director of Technology Transfer and submit to the Director a request for a license from Mines to utilize the invention.

B. The Director of Technology Transfer shall determine the suitability of the invention in a start-up company context, taking into consideration any conflict management needs and the legal and practical aspects of utilizing the invention in this context.

C. If it is determined that a start-up company is a reasonable path forward, both the employee and the start-up company shall develop a conflict management plan that must be approved by the VPRTT and Provost, and implemented before the license agreement between the start-up company and Mines can be signed.

B. Conflict and External Work Disclosure Requirements

A. Mines employees are required to disclose to Mines and obtain institutional approval prior to 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. 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 6.3.4.

B. 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 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 Sections 6.4.2 and 6.4.3.

C. Conflict Management Plans for Start-Up Companies

A. Conflict management plans shall be developed in concert with the Office of Research and Technology Transfer and the Provost, with input from Mines' Legal Services Office 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.

B. 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.

C. 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 Director of Technology Transfer, Provost and Legal Services Office 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

10.2 SABBATICAL LEAVE POLICY

I. 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 and paid administrative leave shall be granted to employees at Mines. This policy shall supersede any previously promulgated Mines policy that is in conflict herewith.

II. 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 which are designed to foster teaching and/or research excellence at Mines and thereby result in a benefit to the State of Colorado.

III. POLICY

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

A. Mines may not authorize a sabbatical or an extended period of paid administrative leave for any person holding an administrative position, except that it may, for a reasonable period of time, authorize such employees to take paid administrative leave for disciplinary or investigative reasons. Accordingly, administrative faculty members do not qualify for sabbaticals hereunder. Due to the nature of their positions, research faculty members are likewise ineligible for sabbaticals. The Board is aware that certain administrative positions at Mines are filled by tenured academic faculty members whose status hereunder may be unclear. For the purposes of this policy, an "administrative position" shall be defined to mean any position that does not require at least fifty percent of total effort to be devoted to teaching and academic research.

B. Mines may not grant a sabbatical for any faculty member more than once every seven years. A tenured faculty member shall first become eligible for a sabbatical after six years of service to Mines (i.e., in the seventh year). To qualify for a sabbatical, the faculty member must have actively served in a full-time, tenured and/or tenure-track position for the six-year period, or an aggregate of twelve semesters. Time spent on unpaid leave is not counted as fulfilling this requirement. In order to be eligible for a subsequent sabbatical, a faculty member must actively serve Mines for six more years following completion of the previous sabbatical, have satisfied the report requirement after the previous sabbatical (described in Paragraph I below), and have meet all other requirements associated with sabbatical leave outlined in this Policy. Time served by a tenured faculty member in an administrative position shall count toward fulfillment of the service requirement. A sabbatical may not be granted to any faculty member serving on a transitional appointment. Mines may delay, for up to one academic year, the taking of a granted sabbatical when it determines that such delay is necessary to avoid significant disruption to Mines operations and the delay will advance the excellence of Mines' delivery of services. When Mines requires a delay in taking a sabbatical, the faculty member will be eligible to seek a grant of sabbatical for the seventh year following the year in which Mines granted the prior sabbatical.

C. When applying for a sabbatical, a faculty member shall submit to his or her department head as far in advance as possible a detailed sabbatical plan specifying: (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 increase the overall level of knowledge in the faculty member's area of expertise; and (2) the goals that the faculty member will achieve while on sabbatical.

D. 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, hereinafter the "Provost," within a reasonable time. The Provost shall review these documents and, if the Provost approves the sabbatical request, forward the file to the President with his or her recommendation within a reasonable time. The President shall review these documents and, if the President approves the sabbatical request, forward the file to the Board along with his or her recommendation for final approval.

E. All sabbaticals taken by Mines faculty shall require Board approval in advance. 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 if the sabbatical should be granted; 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.

F. If, due to serious and unforeseen circumstances, a faculty member becomes aware that he or she will be unable to fulfill the approved sabbatical goals during the sabbatical period, the faculty member shall expeditiously consult with his or her 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.

G. 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.

H. A faculty member receiving paid sabbatical leave must return to full-time employment at Mines for at least one year 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.

I. Upon completion of a sabbatical, the faculty member shall submit a final sabbatical report to the Board, including a summary of his or her activities while on sabbatical and the benefits derived by the faculty member. 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 his or her completed sabbatical to the Board.

J. 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.

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

L. 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.

10.3 RESEARCH MISCONDUCT POLICY AND COMPLAINT PROCEDURE

I. 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. (2013), 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 procedures in place to handle allegations of research misconduct. The following policy and 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 and procedure apply to all members of Mines' community engaged in research, regardless of the funding source.

II. POLICY

A. General Policy Statement

Misconduct in research represents a breach of the policies of Mines, the standards expected by our research sponsors and entrusted to us 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, as well as diminishes public confidence in research results. Any allegation of research misconduct is, therefore, a matter of serious concern to this institution. The highest standards of honesty, integrity, and ethical behavior are expected of all Mines personnel and students involved in research and scholarly activity. Further, 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 will maintain an environment that fosters adherence to the ethical standards set forth in this policy, and provides effective means for addressing deviations from these standards.

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, if necessary, investigate and resolve promptly and fairly all allegations of research misconduct, and comply with research sponsor requirements for reporting allegations of possible research misconduct. When sponsored project funds are involved, Mines will comply within a time frame consistent with applicable regulations and funding agency requirements for reporting cases of possible misconduct.

Any member of Mines' community has an ethical responsibility to act if he or she suspects research misconduct has occurred. Appropriate actions may include discussing concerns with or reporting allegations to one's Department Head or Dean, or Mines' Research Integrity Officer ("RIO"), Vice President for Research and Technology Transfer ("VPRTT") or Provost. Further, members of 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 procedure hereunder are intended to satisfy Mines' responsibilities under the Federal Research Misconduct Policy and related regulations, codified at 42 CFR Part 93. This document, however, applies to all individuals engaged in university research and scholarship at Mines, regardless of the funding source. Further, Mines' policy and complaint procedure apply only to research misconduct that is alleged to have occurred within six years of the date Mines or the funding agency received the allegation, subject to the subsequent use, health or safety of the public, and exceptions in 42 CFR § 93.105(b).

III. 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 scientific 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.

F. Significant Departure from Accepted Practices

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

- 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;
- Stealing, destroying or damaging the research property of others with the intent to alter the research record; and
- Directing, encouraging or knowingly allowing others to engage in fabrication, falsification or plagiarism.

G. Complainant

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

H. 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.

I. Research Integrity Officer (RIO)

Refers to the institutional official appointed by the Vice President for Research and Technology Transfer who has primary responsibility for assuring adherence to the procedures defined in this policy and any other Mines procedures adopted to implement this policy.

IV. ROLES AND RESPONSIBILITIES

A. Research Integrity Officer (RIO)

The VPRTT will appoint the RIO, who has primary responsibility for assuring compliance with the procedures of this policy and any other Mines procedures adopted to implement it. With regard to research misconduct proceedings, the RIO's responsibilities generally include the following:

- Consults confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receives allegations of research misconduct, and assesses each allegation in accordance with this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;

- As necessary, takes interim action and notifies the federal Office of Research Integrity ("ORI") of special circumstances, in accordance with this policy;
- Sequesters research data and evidence pertinent to the allegation of research misconduct and maintains it securely in accordance with this policy and applicable law and regulation;
- Provides confidentiality to those involved in the research misconduct proceeding as required by 42 CFR § 93.108, other applicable law, and institutional policy;
- Supports and facilitates the inquiry and investigation processes outlined in this policy;
- Serves as liaison, as appropriate and necessary, among the committee members, the complainant, and the respondent;
- Educates respondents, complainants, witnesses and committee members about Mines' process for research misconduct proceedings;
- Facilitates appointment of the members of the inquiry and investigation committees, ensuring that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Keeps the VPRTT and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notifies and makes reports to federal oversight and funding agencies, including the ORI as appropriate and as required by 42 CFR Part 93;and
- Ensures that administrative actions taken by the institution and the ORI are enforced.

B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. Allegations may be reported orally or in writing. The complainant will have the opportunity to submit evidence to the inquiry and investigation committees. The complainant also has the opportunity, if requested by an inquiry committee, to appear before the committee. The complainant will be given the opportunity to be interviewed by and present evidence to the investigation committee. If the RIO or committees determine that the complainant may be able to provide pertinent information or clarification to any portion of the committees' draft reports, these portions may be given to the complainant for comment. The complainant will be informed of the results of the inquiry and investigation.

C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- Timely, written notification of the decision to convene an inquiry and the research misconduct allegation;
- An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of the institution's policy and procedures on research misconduct;
- Timely, written notification of the decision to proceed with an investigation, and the allegations to be investigated, including any new allegations not addressed in the inquiry;
- Be interviewed during the investigation, have the opportunity to correct the recording or transcript of the interview, and have the corrected recording or transcript included in the record of the investigation;
- Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation; and
- Have the opportunity to review and comment on the draft investigation report, and have his/her comments attached to this report.

- If not found to have committed research misconduct, the opportunity to request reasonable and practical assistance from Mines in restoring his or her reputation.

The respondent may admit that research misconduct occurred and that he or she committed the research misconduct. In this event, and upon consultation with the RIO and/or other institutional officials, as appropriate, the VPRTT may terminate the institution's review of an allegation that has been admitted. The institution's acceptance of the admission and any proposed settlement or resolution may be subject to and conditioned upon the approval of federal oversight and funding agencies, as appropriate and required by federal law or policy.

D. Vice President for Research and Technology Transfer (VPRTT)

The VPRTT ensures the ultimate implementation of this policy and related procedures through the RIO, and is responsible for the dissemination of the policy to the members of the community involved in research on behalf of Mines and promoting the responsible conduct of research, consistent with the standards set forth in this policy. As appropriate, the VPRTT consults with the Provost, the RIO, and the relevant Deans and Department Heads when receiving and assessing allegations of research misconduct. The VPRTT ensures that appropriate review procedures are promptly implemented by the RIO when allegations of research misconduct are reported, and the VPRTT receives the final reports of the inquiry and investigation committees, and any written comments provided by the respondent. The VPRTT provides recommendations to the Provost relative to the results of research misconduct investigations. Working with the RIO, the VPRTT shall ensure that the final investigation report, the decision of the Provost, and a description of any pending or completed administrative actions are provided to applicable federal oversight and funding agencies, including the ORI, as required by 42 CFR § 93.315.

E. Provost

As appropriate, the Provost may be involved in consultations with the VPRTT and the relevant Deans and Department Heads in receiving and assessing allegations of research misconduct, and receiving the results of research misconduct investigations. The Provost issues a written decision following receipt of the final investigatory committee report and the VPRTT's recommendation. In the event of a final determination of research misconduct, the Provost may impose appropriate sanctions. The Provost's decision stands as the institution's final decision regarding the research misconduct complaint.

F. Deans and Department Heads

The Deans and Department Heads ensure implementation of this policy and procedure in their respective departments. The Deans and Department Heads report knowledge of allegations of research misconduct to the Provost, VPRTT or RIO. The Deans and Department Heads also help ensure the cooperation of respondents and other individuals in their respective units regarding inquiries and investigations related to allegations of research misconduct, including, but not limited to the sequestration and protection of research records and/or other information and evidence relevant to the allegations.

G. Research Personnel

Research Personnel are responsible for maintaining the highest ethical standards in proposing, performing, and reviewing research, and in reporting research results. Principal investigators are specifically responsible for: (a) assuring that these standards and the requirements of this policy and procedure are communicated to and understood by all who work under their supervision, directly or indirectly; (b) assuring the validity of all information communicated by their research groups; and (c)

assuring appropriate citation of contributions from all deserving individuals both within and outside their research groups. Co-authorship shall reflect actual scientific involvement in and responsibility for work reported.

V. PROCEDURES FOR RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT

A. General Provisions

1. Responsibility to Report Misconduct

All members of Mines' community must report observed, suspected, or apparent research misconduct to their Department Head, Dean, RIO**,** VPRTT or Provost. If reports of suspected research misconduct are made to the Deans or Department Heads, the Deans and Department Heads must communicate such reports to the RIO, VPRTT or Provost.

If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO may refer the individual or allegation to other offices or officials with responsibility for resolving the problem, as necessary and appropriate. Mines will protect those individuals who provide information in good faith about questionable conduct against reprisals and retaliation.

2. Cooperation with Research Misconduct Proceedings

Individuals covered by this policy and its implementing procedures must cooperate with the RIO and other institutional officials in the review of allegations and conduct of inquiries and investigations. Employees, students, and university appointees, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials. The RIO or other institutional officials may determine whether it is necessary to sequester original research records and materials relevant to such allegations.

3. Confidentiality

Throughout the process of responding to an allegation of research misconduct, all persons involved, including the RIO, committee members, complainant, respondent, and witnesses, shall exercise great care to preserve the confidentiality of the proceedings to the extent consistent with a thorough, competent, objective, and fair research misconduct proceeding, and as allowed by law. Applicable laws and regulations may require Mines to disclose the identity of respondents and complainants to federal oversight and funding agencies.

4. Protecting Complainants, Witnesses, and Committee Members

The RIO shall monitor the treatment of individuals who bring allegations of research misconduct and those who cooperate with or participate in inquiries and investigations. These individuals are not to be retaliated against in employment or other status at the institution, and the RIO shall review instances of alleged retaliation for appropriate action. Individuals should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and immediately make reasonable and practical efforts, as appropriate, to address any potential or actual retaliation, and to protect and restore the position and institutional reputation of the person against whom the retaliation is directed. Consistent with federal regulations and its own business practices, Mines will make reasonable and practical efforts

to protect the positions and reputations of those individuals who make allegations in good faith.

5. Protecting the Respondent

During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for in 42 CFR Part 93, and a copy of Mines' relevant policy and procedures. As requested and appropriate, the RIO and other institutional officials shall make reasonable and practical efforts to protect or restore the institutional reputations of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made.

6. Legal Counsel

Upon request, attorneys from the Mines Office of Legal Services and/or the Colorado Attorney General's Office shall provide legal advice to the RIO, VPRTT and Provost, as well as procedural advice to the inquiry committee and investigation committee. Neither the university nor the respondent may have legal counsel present at meetings or interviews conducted by the inquiry and investigation committees, except at the express invitation of the committees. Should legal counsel be invited, the invitation will be extended to both parties. When invited, legal counsel may observe, but shall not participate in the proceedings. With the prior approval of the committees, the respondent may be accompanied by a non-attorney colleague at meetings of the committees. When invited, the non-attorney colleague may observe but shall not participate in the proceedings

7. Requirements for Research Misconduct Findings

A finding of research misconduct requires:

- There be a significant departure from accepted practices of the relevant research community;
- The research misconduct be committed intentionally, knowingly, or recklessly; and
- The allegation of misconduct be proven by a preponderance of evidence.

8. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the sponsored research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and the ORI, as appropriate, take interim action to protect against any such threat. Interim action may include, but is not limited to any of the following: additional monitoring of the research process and the handling of federal funds and equipment; reassignment of personnel or of the responsibility for the handling of federal funds and equipment; additional review of research data and results; and delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if there is reason to believe that any of the following conditions exist:

- Public health or safety is at risk;
- Federal agency resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to safeguard evidence or protect the interests of those involved in the research misconduct proceeding; or
- The research community or public should be informed.

9. Impact of Termination of Employment

Once the review of a research misconduct allegation has begun, the termination of the respondent's university enrollment, employment or appointment, by resignation or otherwise, will not terminate Mines' research misconduct proceeding. Assessment, inquiry and investigation of the alleged misconduct will continue until a final determination is made, consistent with the procedure herein.

10. Malicious or Bad Faith Complaints

Making unfounded allegations of research misconduct that are motivated by malicious intent or bad faith violates the principles of integrity and ethical behavior that are the foundation of this policy and procedure. Mines may impose appropriate sanctions, including, but not limited to disciplinary action, against a complainant whose allegations are found to have been made in bad faith or with malicious intent, and without reasonable basis in fact and honest belief for making the charges.

B. Preliminary Assessment of Research Misconduct Allegations

1. Reporting Requirements

Research misconduct allegations should be promptly reported to the RIO, regardless of which university personnel initially receive the allegations. Allegations may be communicated orally or in writing. Upon receiving a report of such an allegation, the RIO will consult in confidence with the VPRTT, Provost, Deans, Department Heads or other university personnel, as appropriate and applicable, to determine whether the allegation meets Mines' definition of research misconduct, which is consistent with 42 CFR § 93.103. As part of the initial assessment, the RIO will also determine the appropriate roles and responsibilities of Mines, Mines personnel, and external oversight agencies with respect to evaluating the allegations, and identify individuals, information and data relevant to the allegation. This initial assessment should be completed within 10 days of the RIO's receipt of the allegations, except in circumstances out of the ordinary.

2. Determination to Conduct an Inquiry

If, after assessing the allegation, the RIO determines that the allegation warrants further action and meets the definition of research misconduct as defined in this policy, the RIO will initiate the inquiry process outlined below. As part of the preliminary assessment process, the RIO is not required to interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific.

3. Determination to Dismiss an Allegation

If, after assessing the allegation, the RIO determines that the allegation does not warrant further action and/or does not meet the definition of research misconduct as defined in this policy, the RIO, in concurrence with the VPRTT, will formally dismiss the allegation. In this circumstance, the RIO need not notify the respondent of such allegation or the disposition of same. However, the RIO must notify the complainant in writing that the allegation will not be pursued under Mines' Research Misconduct Policy and Complaint Procedure.

C. Conducting the Inquiry

1. Purpose of the Inquiry

If, based on the preliminary assessment, the RIO determines that an inquiry is appropriate, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all of the evidence related to the allegation.

2. Time Limitations

The inquiry committee should be convened within 30 days of the determination that an inquiry is appropriate. The inquiry process, including the final report and decision regarding whether an investigation is warranted, should be completed within 60 days of convening the inquiry committee, except in circumstances out of the ordinary.

3. Sequestration of Research Records and Evidence

Once the determination is made to convene an inquiry, the RIO must take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner. Where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. Research records and evidence will be sequestered in a manner that causes minimal disruption to non-related research activities.

4. Notifications

Within 10 days of the determination to convene an inquiry, the RIO will notify the respondent of the allegation in writing. The notification to the respondent will include: the specific allegation(s); the rights and responsibilities of the respondent; the role of the inquiry committee; a description of the inquiry process; and a copy of Mines' Research Misconduct Policy and Complaint Procedure.

5. Appointment of Inquiry Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an inquiry committee as soon after the initiation of the inquiry as is practical. The committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry. At least two of the members must have the appropriate scientific expertise to evaluate the evidence and issues related to the allegation**.**

6. Responsibilities of Inquiry Committee

The inquiry committee is responsible for determining whether the allegation of research misconduct warrants an investigation based on an initial review of the available evidence. The inquiry committee may also identify issues that would justify broadening the scope of the misconduct proceeding beyond the specifics of the initial allegation. The inquiry committee is not responsible for making a final determination based on the merits of the allegation. The inquiry committee has access to any and all evidence relevant to the allegation of research misconduct, and may interview the complainant, respondent, and/or others, if necessary and appropriate. The committee will

determine whether an investigation is warranted based on its initial review of the available evidence, and summarize its findings and recommendations in a written report to the VPRTT. The inquiry, including the final report and decision regarding whether an investigation is warranted, should be completed within 60 days of the date that the committee is convened, except in circumstances out of the ordinary.

7. Charge to the Inquiry Committee

The RIO will provide the charge to the inquiry committee, which includes:

- Distribution of copies of the Mines Research Misconduct Policy and Complaint Procedure;
- Purpose of the inquiry;
- Definition of research misconduct;
- Specific timeframe for completion of the inquiry;
- Description of the allegations and any related issues identified during the allegation assessment;
- Identification of the respondent; and
- Responsibilities of the inquiry committee, including:
  - Election of committee chair;
  - Initial review of evidence;
  - Interviews of complainant, respondent and others, if deemed necessary and appropriate;
  - Determination that an investigation is warranted if the committee finds: (1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct; and (2) the allegation may have substance, based on the committee's review during the inquiry; and
  - Preparation of a final, written report.

The RIO will be available throughout the inquiry to advise the committee as needed.

8. Inquiry Process

The inquiry committee will examine relevant research records and materials, and may interview the complainant, respondent, and key witnesses. Any interviews will be recorded or transcribed and provided to the interviewee for correction. The committee will then evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and 42 CFR § 93.307(d). The scope of the inquiry is not required to and does not normally include a final determination as to whether research misconduct occurred. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly determine the next steps that should be taken, consulting with external oversight agencies as needed and appropriate.

9. Inquiry Report

At the conclusion of the inquiry, the inquiry committee will prepare a written report of its findings and recommendations. The required elements of this report are:

- Names of committee members;
- Name and title/position of respondent;
- Description of the allegations of research misconduct;

- A summary of the inquiry process utilized;
- Inventory of evidence reviewed;
- If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- Basis for the committee's recommendations for each allegation; and
- Any comments on the draft report by the respondent.

10. Notification to the Respondent and Opportunity to Comment

The RIO shall notify the respondent as to whether the inquiry found an investigation to be warranted, and include a copy of the draft inquiry report. The respondent has the opportunity to review and provide comment on the draft committee report. Any comments must be provided within 10 days of receipt of the draft report. The inquiry committee will consider the comments of the respondent and may revise the draft report as appropriate. Any written comments provided by the respondent must be attached to the final inquiry committee report. The final inquiry committee report with all attachments must be submitted to the VPRTT and RIO.

11. Institutional Decision

Upon review of the inquiry committee's report and any attachments, the VPRTT will make a written determination as to whether the allegation should be dismissed or an investigation of the allegation is warranted. The VPRTT's decision is final and not subject to appeal. If the decision is to proceed with an investigation, the VPRTT will direct the RIO to initiate the investigation process.

12. Notifications

The VPRTT will notify the respondent in writing regarding the VPRTT's decision on whether to proceed with an investigation, and will include a copy of the final inquiry committee report with all attachments. The VPRTT will direct the RIO to provide written notification to the Provost, affected Deans and Department Heads, and complainant regarding the results of the inquiry and the decision on whether to proceed with an investigation.

13. Disposition of Inquiry Record

If the VPRTT determines that an investigation is not warranted, the RIO shall secure and maintain for seven (7) years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a subsequent assessment by an external oversight agency or other reviewing body of the reasons why an investigation was not conducted. If the VPRTT determines that an investigation is warranted, the RIO will forward all of the information assembled in the course of the inquiry to the investigatory committee for use in its investigation.

D. Conducting the Investigation

1. Purpose and Time Limitations

Once the VPRTT determines that an investigation is warranted, the RIO will be directed to initiate the investigation process. The purpose of the investigation is to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s), and the nature and seriousness of the misconduct. The investigation committee should be convened within 30 days of the determination to initiate an investigation. The investigation process, including the final report and findings for each allegation, should be completed within 120 days of convening the investigation committee, except in circumstances out

of the ordinary.

2. Sequestration of Research Records

The RIO will take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct investigation not previously sequestered during the inquiry process.

3. Notifications

Within 10 days of the determination to convene an investigation, the RIO will formally notify the respondent in writing of the institution's decision to convene an investigation, including the following:

- The specific allegation(s);
- The rights and responsibilities of the respondent;
- The role of the investigation committee;
- The investigation process timeline; and
- A copy of Mines' Research Misconduct Policy and Complaint

If required in any research award documentation or pursuant to federal regulation, the RIO will also notify appropriate federal funding and oversight agencies in writing of the decision to proceed with an investigation within 30 days of the determination that an investigation is warranted. This notification will include a copy of the inquiry committee report and other information and references as required by relevant federal regulation or oversight agencies.

4. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee as soon after the initiation of the investigation as is practical. The investigation committee will consist of three full-time, tenured faculty members who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation. At least two of the committee members must have the appropriate scientific expertise to evaluate the evidence and issues related to the allegation. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution.

5. Responsibilities of Investigation Committee

The investigation committee is responsible for conducting a thorough review of all facts and evidence relevant to the investigation to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person(s) and the nature and seriousness of the misconduct. The investigation committee may also identify, in the course of its duties, issues that would justify broadening the scope of the misconduct investigation beyond the initial allegation. The investigation committee must interview the complainant, respondent, and any other available persons who have been reasonably identified as having information relevant to the investigation. Interviews will be recorded or transcribed and provided to the interviewee for correction. The investigation committee shall make a finding for each allegation, determining whether research misconduct occurred, by whom and to what extent, taking into account that a finding of research misconduct requires: a preponderance of evidence; a significant departure from accepted practices in the relevant scientific community; and that the research misconduct must have been committed intentionally, knowingly or recklessly. The

investigation committee shall summarize its findings and recommendations in a written report to the VPRTT. The investigation, including the final report and findings for each allegation, should be completed within 90 days of convening the investigation committee, except in circumstances out of the ordinary.

6. Charge to the Committee

The RIO will provide the charge to the investigation committee, which includes:

- Distribution of copies of the Mines Research Misconduct Policy and Complaint Procedure;
- Purpose of the investigation;
- Definition of research misconduct and requirements for findings of misconduct;
- Timeframe for completion of the investigation;
- Description of the specific allegation(s) to be investigated and related issues identified during the inquiry process;
- Identification of the respondent(s); and
- Responsibilities of the investigation committee, including:
  - Election of a committee chair;
  - Examination of evidence;
  - Interviews of complainant and respondent;
  - Interviews of other persons as necessary and appropriate;
  - A finding for each allegation, determining whether research misconduct occurred, and if so, identifying the responsible person and determining the nature and seriousness of the research misconduct;
  - Preparation of a final, written report.

The RIO will be available throughout the investigation process to advise the committee as needed.

7. Investigation Process

The investigation committee must use diligent efforts to ensure that the investigation is thorough and sufficiently documented, and includes an examination of all research records and evidence relevant to reaching a decision on the merits of each allegation. The committee will interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent. All interviews will be recorded or transcribed, and the interviewees will be provided the recording or transcript of the interview for correction.

8. The Investigation Report

At the conclusion of the investigation, the investigation committee will prepare a written report that summarizes its findings and recommendations. The required elements of this report are:

- Names of the committee members;
- Name and title/position of the respondent;
- Description of the allegation of research misconduct investigated;
- Description of the investigation process utilized;
- Inventory of the evidence reviewed, including documents and evidence examined and witnesses interviewed;
- A finding as to whether research misconduct occurred for each separate allegation identified during the investigation, and whether it was committed intentionally, knowingly, or recklessly;

- Identification of each finding of research misconduct as plagiarism, falsification, fabrication, or other serious deviations from accepted practices;
- Identification of the individual responsible for each instance of research misconduct;
- Summary of the facts and analysis supporting the conclusion;
- If federal funds are involved, identification of grant numbers, applications, contracts and publications that list PHS or other federal support;
- Identification of any publications that require correction or retraction; and
- Any comments on the draft investigation committee report by the respondent.

9. Respondent's Opportunity for Review and Comment

The RIO will provide the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed 30 days from the date he or she receives the draft report to submit written comments to the RIO. Any comments will be provided to the investigation committee for consideration. The committee may revise the draft investigation report, as appropriate, and will prepare a final report. Any written comments provided by the respondent must be attached to the final investigation committee report. The investigation committee report with all attachments must be submitted to the VPRTT and RIO.

10. Institutional Decision

Upon review of the investigation committee's final report and attachments, the VPRTT will prepare a written recommendation and forward both the investigation committee report and his or her recommendation to the Provost for review and disposition. The Provost will issue a final, written decision. If the Provost's decision varies from the findings of the investigation committee and/or the VPRTT's recommendation, the Provost will, as part of his or her written determination, explain in detail the basis for the decision. If it is determined that research misconduct has occurred, the Provost will determine the appropriate course of disciplinary action in accordance with relevant Mines policies and procedures, and will confer with the VPRTT and RIO to determine other, appropriate institutional actions in response to the research misconduct. If it is determined that research misconduct has not occurred, the matter is closed with the Provost's decision, which serves as the final decision of the institution. If requested, the institution will make all practical, reasonable and appropriate efforts to restore the reputation of the individual alleged to have engaged in research misconduct, but against whom no findings of research misconduct were found.

11. Notifications

The Provost will notify the respondent in writing of the results of the investigation, including a copy of the final investigation committee report with all attachments. The notification will outline plans for any pending disciplinary action against the respondent. By separate, written communication, the Provost will also notify the complainant of the results of the investigation. The RIO will notify the affected Deans and Department Heads of the results of the investigation. As required, the RIO will also notify any applicable federal oversight and funding agencies in writing of: the investigation committee's findings; whether the institution accepts the investigation committee's findings; whether the institution found misconduct and, if so, who committed the misconduct; and any pending or completed institutional actions or sanctions. This notification will include a copy of the investigation committee's report with all attachments.

12. Record Retention

All documentation and records related to allegations of research misconduct, regardless of whether

they resulted in an inquiry or investigation, will be retained and secured by the RIO for a period of seven (7) years from the date of the receipt of the allegation. All documentation and records related to research misconduct inquiries and investigations will be retained and secured for a period of seven (7) years from the date of the completion of the research misconduct proceedings.

Promulgated by the Mines Board of Trustees on June 13, 1996.
Amended by the Mines Board of Trustees on June 22, 2000, and May 19, 2014.

SECTION 11
DISCIPLINARY ACTION AND GRIEVANCES

11.1 BEHAVIORAL COMPLAINTS AGAINST FACULTY MEMBERS

It is not intended that the complaint resolution procedures set forth below in this subsection be utilized to: (1) resolve grade appeals or similar complaints by students against faculty members, or (2) provide a duplicative remedy for a single complaint. In the former situation, the complaint shall be handled in accordance with the student appeal provisions set forth in the applicable *Bulletin* or student handbook. In the latter situation, the appropriate vice president shall make the final determination regarding the most appropriate complaint procedure or appeal mechanism to be utilized for the handling of the complaint**.**

11.1.1 Inappropriate Behavior

Upon receipt by the Mines administration of a complaint alleging inappropriate behavior on the part of a faculty member, which, in its judgment, does not appear to rise to the level of misconduct covered by paragraph 11.1.2 below, the administration shall first refer the complaint to the immediate supervisor of the faculty member at the department/division level for resolution. If resolution of the complaint at the department/division level is unsuccessful, the complaint will be handled by the appropriate vice president according to the applicable procedure set forth in the *Academic Affairs Procedures Manual*, which shall be adapted as necessary for use in departments outside of Academic Affairs.

11.1.2 Misconduct

A. Preliminary Complaint Investigation

Upon receipt by the Mines administration of a report or complaint alleging faculty misconduct that is deemed to be of a serious nature, the appropriate vice president shall notify all accused parties and conduct a preliminary investigation to determine whether the allegation has merit. If a vice president is an accused party, the President shall perform the duties assigned to the vice president in this subsection. If the President is an accused party, the Chairman of the Board of Trustees shall perform the duties assigned to the vice president in this subsection. The vice president may conduct the preliminary investigation personally, delegate this task to another qualified administrator, or engage an external investigator to conduct the investigation. In conducting the preliminary 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 an equitable resolution of the complaint. Under normal circumstances, it is expected that the preliminary investigation will be concluded within thirty days. If the preliminary investigation takes longer than thirty days to complete, the vice president shall update the affected parties about the progress of the investigation. At the conclusion of the preliminary investigation, the vice president shall decide whether or not the allegation has sufficient merit to proceed to a formal investigation. If a formal investigation is deemed unwarranted, the vice president shall send a letter to the affected parties announcing the decision not to undertake a formal investigation and the reasons therefor. If a formal investigation is deemed warranted, the vice president shall send a letter to the affected parties announcing the decision to undertake a formal investigation and inviting the accusing parties and the accused parties to submit written position statements to the *ad hoc* investigatory committee, which shall be appointed as

indicated below. The formal investigation of the complaint shall then commence in accordance with subparagraph B below.

B. Formal Complaint Investigation and Resolution Procedure

The vice president, in consultation with the president of the faculty organization of which the accused is a member, shall appoint an *ad hoc* investigatory committee consisting of three faculty members having no professional involvement or personal interest in the matter to be reviewed by the committee. The committee shall be charged with investigating the complaint and delivering to the vice president a written recommendation with respect thereto, including proposed findings and a proposed resolution. In conducting the formal investigation, the committee shall review all relevant documents and discuss the matter with the individuals directly involved in the alleged misconduct. Additionally, the committee 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 committee to be helpful to an equitable resolution of the complaint. The committee shall compile a file of its work and deliberations and deliver the file to the vice president with its formal recommendation. Under normal circumstances, it is expected that the formal investigation will be concluded within sixty days. If the formal investigation takes longer than sixty days to complete, the chairperson of the investigatory committee shall update the affected parties and the vice president about the progress of the investigation. At the conclusion of the investigation, the vice president shall review the investigatory file and recommendation and render a formal decision in the matter. After reviewing all information related to the accusation, the vice president shall prepare a written decision resolving the matter, including a statement of sanctions, if appropriate, and deliver copies of the formal decision to the affected parties. Under normal circumstances, it is expected that the vice president will announce a formal resolution of the complaint to the affected parties within fifteen days from his or her receipt of the investigatory committee recommendation.

C. Sanctions

The sanctions imposed for an offense may vary from a letter of reprimand to dismissal for cause, depending upon the nature of the offense and any aggravating or mitigating factors, including, but not limited to, the presence or absence of malicious intent.

D. Avenues of Appeal

If the accused party disagrees with the findings of the investigation or the sanctions imposed, he or she may file a grievance pursuant to the Exempt Employee Grievance Procedure set forth in subsection 11.3 below. If, as an outcome of the investigation, the accused faculty member is terminated for cause, he or she may appeal the termination pursuant to the Termination and Non-Renewal Appeal Procedure set forth in subsection 9.6 below.

11.2 DISCIPLINARY ACTION

If a department head or equivalent director 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, he or she may 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. If the faculty member disagrees with the disciplinary action imposed, he or she may file a grievance pursuant to the Exempt Employee Grievance Procedure set forth in subsection 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. This process can only be used for matters directly affecting the faculty member's working conditions or work assignments. 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 and that the faculty member has reasonable grounds to believe was unfair or arbitrary.

B. This grievance process cannot be used to review:

1. Matters involving performance evaluations, allegations of discrimination, sexual harassment, promotion and tenure, or other matters covered by Board of Trustees policies and procedures, including other Faculty Handbook or Academic Affairs procedures that contain specific avenues of appeal.
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, Mines policies, procedures, and practices of a general nature. Examples of such items include the annual budget, operating procedures and protocols, organizational structure, etc.
4. Any matter for which the resolution is not under the control of the university. Examples of these might include federal regulations governing recruitment, grant operations and reporting, state statutory or rule requirements, generally accepted accounting practices, approved fringe rates, etc.

C. Grievances that are frivolous, vexatious, retaliatory, initiated in bad faith, are filed to harass or annoy the Respondent, or grievances that are on their face clearly unreasonable, are not to be filed and may result in sanctions or disciplinary actions against the individual(s) who filed the grievance. If the Respondent believes that the grievance meets the conditions described in this Paragraph C, he or she 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 11.3.3. K below).

11.3.2 Terms

A. "Respondent" refers to the individual whose 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 and G of this grievance procedure.

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 beginning the Grievance Procedure (11.3.4). A Grievant should first discuss his or her concerns with the Respondent. If those efforts fail, the Grievant may utilize the Grievance Procedure below, except as noted in 11.3.7A when the President is the respondent of the grievance.

11.3.4 Grievance Procedure

A. A grievance must be provided in writing to the Chief Human Resources Officer (CHRO)[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 CHRO will promptly provide a copy of the grievance to the Chair of the University Grievance Committee. The Chair will determine whether it is a grievable matter (Handbook Section 11.3.1) that falls within the jurisdiction of the Grievance Committee and 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 hear the grievance is final and may not be grieved or otherwise appealed.
F. For grievances that qualify to be heard, a Grievance Hearing Panel will be selected from Committee membership. The Chair and the CHRO will jointly and promptly conduct a random selection of the initial Panel.
G. The panel will initially consist of five (5) members. From this number, the Grievant and the Respondent will each be required to disqualify one member. The disqualification must be made by the Grievant and the Respondent each no later than two (2) days after being notified of the initial Panel. The order of the disqualification selection will be determined by the flip of a coin. The remaining three (3) members will be the Panel that will hear the grievance.
H. 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-hearing conference of the panel including the Grievant and the Respondent. The purpose of the pre-hearing conference is to clarify issues, provide exchange of documents, set a date for the hearing, identify witnesses, and decide other preliminary matters. With consideration to participants' schedules, the pre-hearing conference will occur promptly, typically no later than ten (10) days after the selection of the PPM. If the pre-hearing conference becomes difficult to schedule, the PPM may conduct it on weekends and evenings.
I. Following the pre-hearing conference, the PPM will schedule the grievance hearing. The schedule will be set with reasonable consideration given to the schedules of the Grievant, the Respondent, panel members, and possible witnesses. The hearing should normally occur no later than twenty-one (21) days after the pre-hearing conference**.**
J. Only members of the Panel, the Grievant(s), the Respondent(s), and their respective counsels or representatives may attend the pre-hearing conference and the grievance hearing. Witnesses may be present only while giving testimony.

I. At the hearing, both the Grievant and the Respondent will have the opportunity to present their cases. The Grievant bears the burden of proof.

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

K. The Panel will issue its report and recommendations, including its findings, to the Grievant, the Respondent, and to the Decision Maker. The Panel will issue its report within a reasonable period of time after the hearing, generally within seven (7) days. Except in unusual circumstances, the panel's report and recommendations should be issued no later than twenty-one (21) days after the hearing.

11.3.5 Decision

A. Within a reasonable period of time after receipt of the panel's report and recommendations, the Decision Maker will issue his or her decision. The Decision Maker will use the standard of preponderance of evidence in making his or her decision. The decision is normally expected to occur within ten (10) days after receipt of the panel's recommendation. If the Decision Maker needs to extend the time frame, he/she will notify the parties in writing of the 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 Human Resources for inclusion in the Grievant's and/or Respondent's personnel file as determined by the Decision Maker.

11.3.6 Representation

A. The grievance process is an internal, procedure for resolving workplace disputes; it is not intended to be a formal legal proceeding. Counsel or a representative may advise either party and is permitted to attend the pre-hearing conference and the grievance hearing. While counsel or a representative may advise the Grievant and the Respondent, no counsel or representative may participate directly in the proceedings, testify, or question witnesses.
B. Mines' General Counsel may advise the panel on procedural matters related to the grievance. If the General Counsel is already actively involved in advising a party with regard to the grievance, another attorney from Mines' Legal Services Office, 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.

11.3.7 General

A. If the President is the Respondent to the grievance, the Grievant is encouraged, but not required, to first discuss his or her concerns with the President. If the Grievant does not wish to engage the President in a discussion of his or her concerns, the Grievant may submit his or her grievance to the Chair of the Board of Trustees. If the Grievant elects to discuss his or her concerns with the President, the President will issue his or her 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 his or her 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 deadlines fall on a weekend or holiday, they will be extended to the next business day.
F. If the pre-hearing conference or the grievance hearing fall 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-hearing 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

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

12.2.1 Function

The Board of Student Media shall act as advisor to the editorial staffs of the *Oredigger, High Grade*, *Mines Internet Radio* and to the Undergraduate Student Government (USG) in matters pertaining to student media. Specific duties of the board shall include advising the USG regarding the appointment and removal of the editors of the above organizations, reviewing the staffing levels of the above organizations, advising the editors/managers of the above organizations regarding all contractual and budget matters, and providing advice on the Student Publications Policies set forth in the Articles of Incorporation and Bylaws of USG.

12.2.2 Membership

The appointed membership of the Board of Student Media shall consist of one at-large member of the USG; one member of the USG Executive Council; four academic faculty members; and one administrative faculty member. Additionally, the editors of the *Oredigger*, *High Grade* and *Mines Internet Radio* shall serve as voting, *ex officio* members of the board. The advisors of the *Oredigger*, *High Grade,* and *Mines Internet Radio*; the Director of Communications or designee; and the Treasurer of USG shall serve as non-voting, *ex officio* members of the board.

12.2.3 Method of Operation

The Board of Student Media shall elect one of the voting members listed in paragraph 12.2.2 above to serve as its chairperson. The board shall meet at least once per month during the fall and spring semesters. Upon the provision of reasonable notice to the membership, special meetings may be called at any time by the chairperson, or by the USG Executive Council member serving on the board. At least seven voting 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. 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*.

12.2.4 Method of Appointment

The at-large member of USG and the member of the USG Executive Council shall be nominated by USG and appointed by the President. The academic faculty board members shall be nominated by the Faculty Senate and appointed by the President. The administrative faculty board member shall be nominated by the Administrative Faculty Council and appointed by the President.

12.2.5 Terms of Appointment

The student board members shall serve one-year terms. The academic faculty board members shall serve staggered two-year terms. The administrative faculty board member shall serve for a two-year term. All terms of appointment to the board shall be calculated on an academic year basis, rather than on a calendar year basis.

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 dean, and one full-time administrative faculty 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, the Executive Vice President for Administration and Operations, the Vice President for Student Life, the Vice President for Research and Technology Transfer, and the Senior Vice President for Strategic Enterprises shall serve as voting, ex officio committee members. The Executive Director of the Mines Foundation shall serve as a non-voting, ex officio committee member.

12.3.3 Method of Operation

The chairperson of the Budget Committee shall be the Executive Vice President for 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 administrative faculty committee member shall be nominated by the Administrative Faculty Council 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 administrative faculty 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, four full-time academic faculty members, at least one of which is a Teaching Faculty member, and one full-time administrative faculty 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, or a representative designated by the Provost, shall serve as a voting, *ex officio* committee member. The General Counsel and the Chief Human Resources Officer 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. The administrative faculty committee member shall be nominated by the Administrative Faculty Council 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. The administrative faculty 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.

12.5 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 and Technology Transfer, the Director of Environmental Health and Safety, the Chief Human Resources Officer or a designated representative, the Director of Facilities Management or a designated representative, the Director 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.

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.

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. 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 consists of two academic faculty members, two administrative faculty members, two state classified personnel system members, three undergraduate students and three graduate students. Additionally, the Vice President for Student Life and 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 administrative faculty board members shall be nominated by the Administrative Faculty Council. The state classified board members shall be nominated by the Association of Classified Employees. The undergraduate student board members shall be nominated by the ASMines Student Council. The graduate student board members shall be nominated by the Graduate Student Association. 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 administrative faculty board members shall serve for staggered two-year terms. The two state classified 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 administrative faculty 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 Associate Vice President for Human Resources 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 administrative faculty representative shall be nominated by Administrative Faculty Council 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, library and research 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, tenured, Professors or Librarians. Neither multiple members from the same academic department/division 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 FACULTY PROMOTION COMMITTEE

12.9.1 Function

The University Teaching Faculty Promotion Committee shall be responsible for evaluating the qualifications of teaching faculty Candidates for promotion and providing advice and recommendations thereon to the Provost. The University Committee reviews the promotion application to insure 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. Neither multiple members from the same academic department/division 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 Faculty Promotion Committee. A committee member who is a member of the same department 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 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 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 and Technology Transfer 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 program educational objectives and program outcomes of its undergraduate and graduate programs. The committee may also assess related non-academic activities as needed. In fulfilling its role, the committee will:

1. Review, on an annual basis, undergraduate and graduate assessment plans provided by each academic unit as required by the Provost.
2. Review, on an annual basis, documentation provided by each academic unit, which indicates how the unit has carried out its assessment plan, and what changes it has made to its academic programs as a result.
3. Recommend additional actions academic units could take to enhance their assessment efforts.
4. Help to implement Mines' assessment plan for its core undergraduate and graduate requirements, evaluate this plan and outcomes annually, and recommend actions based on these, and
5. Oversee the production of an annual institutional assessment report.

12.11.2 Membership

The appointed membership shall consist of seven full-time academic faculty members chosen to be broadly representative of the academic degree programs. One of the academic faculty members must be a Faculty Senator and shall serve as a representative of the Faculty Senate. Additionally, the Assessment Director, the Director of the Center for Innovative Teaching and Learning, and the Dean of the Graduate School shall serve as voting, *ex officio* committee members.

12.11.2 Method of Operation

The Assessment Director shall be the chairperson of the Assessment Committee. 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 five 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*.

12.11.3 Method of Appointment

The academic faculty committee members shall be nominated by the Faculty Senate and appointed by the President. The Faculty Senate representative shall be appointed directly by the Faculty Senate.

12.11.4 Terms of Appointment

The academic faculty committee members who do not represent the Faculty Senate shall serve for staggered three-year terms. The academic faculty member who represents the Faculty Senate 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

12.12.1 Function

The President's Committee on Diversity shall be responsible for providing guidance and making recommendations to the President regarding campus diversity issues at Mines. In fulfilling its role, the Committee will:

- Promote practices and activities supporting Mines' Statement of Commitment to Diversity.
- Aid in the implementation of Mines' annual Diversity Plan.
- Examine and review campus diversity issues as identified by the administration.
- Serve as an advisory body to the President and members of the Mines administration on matters pertinent to campus diversity and appropriately within the purview of the Committee.

12.12.2 Membership

The appointed voting members shall consist of representatives from the academic faculty, administrative faculty, classified staff, department heads, deans and undergraduate and graduate students. Additionally, representatives from Mines' Human Resources, International Student and Scholars Services, Minority Engineering Program (MEP), and Women in Science, Engineering and Mathematics (WISEM) Program offices shall serve on the Committee as *ex officio*, voting members. These representatives will be designated by the Directors of these offices.

12.12.3 Method of Operation

An Executive Committee will be elected from among the voting members of the Diversity Committee. The Executive Committee shall be comprised of the following executive officers: Diversity Committee Chair, Chair-Elect, Past Chair, Secretary, Treasurer, Communication and Marketing Coordinator, and Programming Coordinator(s). The executive officers will be elected by the members of the Diversity Committee. In addition to the elected officers, the Special Advisor to the President for Diversity will serve on the Executive Committee as an *ex officio*, voting member. With the exception of the Special Advisor to the President for Diversity, Committee representatives must have served at least one year on the Diversity Committee to be eligible for election to the Executive Committee. A simple majority vote of the present Diversity Committee members shall be needed for election, provided that the quorum requirement is satisfied. Elections shall be held at the end of the spring semester.

The President's Committee on Diversity shall meet once a month to conduct business. Special meetings shall be called as necessary to address urgent business. Fifty percent (50%) of the voting Committee members, including two Executive Committee members, must be present to constitute a quorum. Committee members may be assigned to ad hoc groups and subcommittees for the purpose of handling special projects and campus events.

12.12.4 Method of Appointment

The Diversity Committee shall solicit nominations for membership annually each spring semester. Nominations may be solicited, as needed, from the Faculty Senate, Provost, Administrative Faculty Council, Association of Classified Employees, Alumni Association, the Undergraduate Student Government, the Graduate Student Government, and industries with interests in Mines' areas of specialization. Nominees must be approved for membership by a majority vote of the present Diversity Committee members at the meeting, provided that the quorum requirement satisfied.

12.12.5 Terms of Appointment

All Committee members shall serve two-year terms, with the possibility of reappointment by a majority vote of the Committee members. All terms of appointment shall commence on May 1 and end on April 30 two years following the appointment.

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 Director of Compliance, as is appropriate.

12.13.2 Membership

The appointed voting members shall consist of three full-time, tenured faculty members, one teaching faculty member, and one administrative faculty member. The voting members who will serve in an *ex officio* capacity are: the Associate Provost; Director of Office of Research Administration; Director of Procurement; the administrator responsible for oversight of human subjects research; and the Director of Compliance and Policy. The non-voting members who will serve in an *ex officio* capacity are: the Director of Technology Transfer and the university's legal counsel.

12.13.3 Method of Operation

The Director of Compliance and Policy 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 administrative faculty member shall be nominated by the Administrative Faculty Council 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 Chief Human Resources Officer (CHRO) 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:

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

B. Administrative Faculty Council shall nominate four administrative faculty appointees. No more than two appointees may be from the same department or division.

C. No Vice President, Vice Provost, Associate Provost, Associate Vice President or employees of Legal Services may be appointed to the Committee.

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. The panel will initially consist of five members. No member of this initial panel may be from the same department as the grievant or the respondent, nor can any member of the Committee be selected for the panel if that member is involved in a matter being grieved. No two members of the panel should be from the same department. The respondent and grievant will each disqualify one member of the initial panel, resulting in a final panel of three members. The order of disqualification will be determined by a coin toss.

12.15 RESEARCH ADVISORY BOARD

12.15.1 Function

The Research Advisory Board shall advise and make recommendations to the Vice President for Research and Technology Transfer (VPRTT) 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 VPRTT as needed.

12.15.3 Method of Operation

The Research Advisory Board, chaired by the VPRTT, shall meet at least once per month. Subcommittees of the Advisory Board will be assembled and tasked by the VPRTT 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 VPRTT 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:

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