

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

Note in some cases, this may imply two distinct committees. No Committee shall include Department Heads or faculty members 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 with at least a 0.5 FTE appointment in the department with rank equal to or greater than the rank that the faculty member is pursuing. No Committee shall include Department Heads or faculty members 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. The dossier shall consist of a letter summarizing achievements, an extended CV, and evaluations from the previous three years. The application for promotion can be submitted at any time during the academic year.

- 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 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. 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.
- F. 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 or at an alternative time if approved by the Department Head and Dean(s). Regardless of when the compensation adjustment is made, Candidates may begin professional use of their new status, faculty rank, and exercise the responsibilities of the new rank immediately.
- G. 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 on 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.