

11.1 Behavioral Complaints Against Faculty Members

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

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

11.1.1 Human Resources Review

A report or complaint alleging inappropriate faculty behavior shall be referred to HRL to determine the most appropriate complaint procedure or appeal mechanism to be utilized for resolving the complaint. HRL will also determine if the complaint is timely filed. If the complaint does not properly fall within the scope of this Section 11.1 or it is not timely filed, the HRL will so inform the complainant in writing.

11.1.2 Referral to Supervisor and Informal Resolution

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

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

11.1.3 Preliminary Complaint Investigation

If the faculty member's supervisor is unable to resolve the matter, the Provost or vice president shall designate a qualified administrator or an external investigator to conduct a further investigation of the matter. In conducting this 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 resolution of the complaint.

Under normal circumstances, it is expected that the preliminary investigation will be concluded within 30 days of the designation of an investigator. If the preliminary investigation takes longer than 30 days to complete, the Provost or vice president shall update the affected parties about the progress of the investigation. As soon as practicable after concluding the investigation, the investigator shall submit to the Provost a written recommendation regarding resolution of the complaint.

Upon receipt of the investigator's written recommendation, the Provost or 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 inform the affected parties in writing of the decision to undertake a formal investigation, and invite the parties to submit written position statements to an *ad hoc* investigatory committee. The investigatory committee shall be appointed as indicated below. The formal investigation of the complaint shall then commence in accordance with paragraph 11.1.4 below.

11.1.4 Formal Complaint Investigation and Resolution Procedure

The Provost or 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 Provost or vice president a written recommendation with respect thereto, including proposed findings and 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 resolution of the complaint. The committee shall compile a file of its work and deliberations, and deliver the file to the Provost or vice president with its written recommendation. Under normal circumstances, it is expected that the formal investigation will be concluded within 60 days. If the formal investigation takes longer than 60 days to complete, the chairperson of the investigatory committee shall update the affected parties and the Provost or vice president about the progress of the investigation.

At the conclusion of the investigation, the Provost or vice president shall review the investigatory file and recommendation, and issue a written decision in 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 this decision will be issued to the affected parties within 15 days from the receipt of the investigatory committee's recommendation.

11.1.5 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.

11.1.6 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 Grievance Procedure set forth in Section 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 Section 9.6.