

## 9.4 Tenure Revocation

In certain cases involving a lesser degree of cause than is required for immediate termination, Mines may revoke the tenure of a faculty member for cause without intending to terminate the individual, or with the intention of non-renewing the individual upon the provision of appropriate notice. Revocation of tenure for cause may be based upon one or more components of the definition of cause listed in paragraph 9.4.1 below.

A revocation of tenure for consistently substandard performance shall be based, in whole or in part, upon an individual's failure to adequately complete a Performance Improvement Plan as set forth in Section 7.3.1.

However, if a tenured faculty member willfully fails or refuses to cooperate in the preparation or execution of a Performance Improvement Plan, this requirement will be inapplicable.

### 9.4.1 Definition of "Cause"

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

### 9.4.2 Initiation of Tenure Revocation Process

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

### 9.4.3 Tenure Revocation Process

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

- A. The department head shall convene the departmental promotion and tenure committee and appoint a committee member to chair deliberations.
- B. The departmental promotion and tenure committee shall examine the tenure revocation petition with supporting documentation and the written statement with supporting documentation provided by the affected faculty member, prepare a written tenure revocation report containing a recommendation, and transmit same to the department head. A report prepared by members of the committee holding a minority point of view shall also be accepted for consideration.
- C. The entire tenure revocation package, including the tenure revocation petition with supporting documentation, the written statement with

supporting documentation provided by the affected faculty member, recommendation(s) of the committee, and a recommendation from the department head, shall be forwarded to the Provost.

- D. Copies of the recommendation(s) of the committee and the recommendation of the department head shall be provided to the affected faculty member.
- E. The Provost may convene the Promotion and Tenure Committee to examine the tenure revocation package, engage in discussions of the issue, and submit recommendations on the tenure revocation.
- F. The Provost may request the Vice President for Research 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 Section 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.