

BOARD OF REGENTS
BRIEFING PAPER

Agenda Item Title: Request for Approval of Amendments to University of Nevada, Reno

Bylaws

BACKGROUND & POLICY CONTEXT OF ISSUE:

The University of Nevada, Reno Faculty Senate has been working on updating its bylaws in light of changes in the Handbook. The Faculty Senate will bring additional amendments forward for approval in the coming months as the result of recent changes made by the Board of Regents to its Handbook. In particular, the UNR Faculty Senate anticipates proposing bylaw amendment(s) for approval at the next Board of Regents meeting that would allow for grievance of annual evaluations; such amendments, if approved, would apply to annual evaluations for the 2006 calendar year.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

President Glick requests approval of amendments to the University of Nevada, Reno bylaws.

IMPETUS (WHY NOW?):

Faculty Senate has been working on revising the bylaws. The amendments proposed for approval have been approved by Faculty Senate.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The amendments bring the bylaws into conformance with Board of Regents Handbook, except for the most recent changes.
- The amendments have been approved both by the Faculty Senate and the Faculty-at-large.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

The amendments could not be approved and the bylaws would not reflect changes in the Board of Regents Handbook.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #2 Chapter #1 Section #1.3.4
- Amends Current Board Policy: Title #_____ Chapter #_____ Section #_____
- Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
- Other: _____
- Fiscal Impact: Yes_____ No__X__
- Explain: _____



2006-07 Executive Board
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January 2, 2007

TO: Milton Glick, President

FROM: Guy Hoelzer, Chair
2006-07 Faculty Senate

SUBJECT: Request for Action
Proposed Changes to UNR Bylaws

Over the past four years, the Faculty Senate's Bylaws and Code Committee has worked with UNR Counsel, Mary Dugan, to revise the UNR Bylaws to ensure compliance with the NSHE Code. The sections attached were approved by the Faculty Senate at several meetings throughout the 2005-06 senate year. The approved revisions were then passed by two votes of the faculty completed on March 9, 2006 and November 3, 2006. In addition, these sections have been approved by UNR Counsel.

The Faculty Senate requests your support in presenting the revised bylaws to the Board of Regents at its January 25-26, 2007 meeting.

Should you wish to discuss this further with the executive board, please contact Robin Gonzalez to arrange a meeting time.

Thank you.

c: J.H. Frederick
M. Dugan
J. Nichols

faculty by being placed on file in the department, the department's unit, the office of the Faculty Senate, and the office of the President.

~~providing library services closely and directly supportive of teaching and research. This term may also include other faculty members identified by the President, on a case by case basis, as needing the protection of academic freedom afforded by tenure.~~ **Tenured faculty are the subset of academic faculty who have been granted tenure. Tenure-track faculty are the subset of academic faculty on probationary status and eligible to be considered for tenure. Rank 0 and Rank I faculty are the subset of academic faculty in positions of any rank that are not eligible for tenure.**

~~e. For the purposes of these bylaws, “administrative faculty” will refer to a subset of the category of administrators defined in section 1.1.b of the Code. The term administrative faculty will mean those faculty who provide services to students, faculty, or administrators, outside the classroom or library services.~~

15. FACULTY RANKS

- a. Academic faculty – There are four ranks of academic faculty, designated for contract purposes by numbers, as follows: Professor (IV), Associate Professor (III), Assistant Professor (II), **Lecturer or Instructor (I)**. ~~Ranks equivalent to these identified by corresponding numbers may be assigned appropriate titles.~~ **Tenured and tenure-track academic faculty may be employed at rank IV, III, or II. As defined in Code 3.2.1, Rank 0 or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances.**

~~There shall be an emeritus faculty composed of retired faculty promoted to this rank: 1) any member of the faculty may be considered for the rank of emeritus at retirement in accordance with regular personnel procedures; 2) any member of the faculty retiring after at least ten years of full-~~

provost, the pPresident, and chancellor; institution payroll officers, institution personnel officers, which may include appointed disciplinary officers; System the UCCSN legal counsel, internal auditors, members of the Board of Regents; any regent, faculty senate chair; and confidential institution committees including but not limited to tenure and grievance committees. the Affirmative Action Officer of the University, official University personnel committees as authorized by the appropriate administrator, and, where applicable, the chair of the hearing subcommittee of the University Appeals Committee. (B/R 1/99) As stated in Code Subsection 5.7.2, alleged violations of the Nevada System of Higher Education Code or institutional bylaws are subject to grievance.

- ~~b. Personnel files shall be treated as confidential, except as provided herein. However, the Nevada Open Records law may preclude personnel files from remaining confidential. (B/R 1/99)~~
- c. The following information in these personnel files is public information and must be disclosed to the public upon request: the employee's name, title, job description, compensation and perquisites, business address and business telephone numbers, beginning date of employment and ending date of employment.**
- ~~d.e. Nothing shall be permanently placed in or removed from any personnel file without notification to the faculty member and approval by the administrator in charge of it. If a member of the faculty objects to the inclusion, retention, or removal of any material in the individual's personnel file, the faculty member may make a request to the appropriate administrator for its removal or modification, retention, or inclusion. If this request is denied, the faculty member shall have the right to appeal the action of the administrator through the Grievance Procedures. If this request is denied, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to alleged violations of the Nevada System of Higher Education Code or institutional bylaws (Code Subsection 5.7.2.), it is subject to grievance.~~

Chapter II - GRIEVANCES

31. SCOPE OF GRIEVANCES

A grievance is an act or omission to act by ~~a person or group~~ **the administration** of the University ~~acting in an official capacity~~ allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to salary, promotion, appointment with tenure, or other aspects of contractual status, **or relating to alleged violations of the University and Community College Nevada System of Higher Education Nevada Code** or institutional bylaws. **Decisions of the Board of Regents are not**

subject to review by grievance procedures. Any decision which involves the nonreappointment to or termination of employment of faculty as provided in Subsections 5.4.2., 5.9.1, 5.9.2, 5.9.3, and 5.9.4 of the ~~University and Community College Nevada System of Higher Education Nevada Code~~ is not subject to ~~review by grievance procedures.~~ including among other things, inadequate consideration being given to established criteria relating to any of the foregoing. A grievance may also arise from or relate to any alleged violation of the UCCSN Code, these University Bylaws, and/or any applicable unit or departmental bylaws. The within grievance procedure does not apply to alleged violations of Affirmative Action or Equal Opportunity policies which are covered by Title 4, Chapter 8, of the Board of Regents' Handbook. Grievances as defined herein are divided into two classes:

Class I



b. A petitioner may institute a grievance by filing a written Notice of Grievance with the Chair of the University Appeals Grievance Committee Faculty Senate within 15 working days from the date the petitioner gains knowledge of the decision, action, or failure to act or omission to act being challenged. ~~for the purpose of holding a hearing.~~ The Notice of Grievance shall contain ~~1) the class of grievance being initiated; 1)2) a brief statement of the decision, action or failure to act act or omission to act that is being challenged; 2)3) the reasons supporting the grievance; and 3)4) the remedy sought; and 5) if mediation is requested.~~ The chair of the University Appeals Grievance Committee Faculty Senate shall serve the Notice of Grievance on the respondent at the time it is filed. (B/R 1/99)

~~If the petitioner requests mediation in the Notice of Grievance, the Chair of the University Appeals 31Tc 0 Tw7)~~

If the petitionio

~~If the petitioner requests mediation in the Notice of Grievance, the Chair of the University Appeals Committee shall forward the Notice of Grievance for mediation. In the event the petitioner is dissatisfied with the results of mediation, within five working days after receipt of written notice from the mediator that the mediation process is completed or is at a stalemate, the petitioner shall make a written request to the Chair of the University Appeals Committee for a hearing of the University Appeals Committee. A request for mediation shall suspend the time period specified in Section 38 of these Bylaws for choosing a hearing subcommittee or for holding a hearing. (B/R 1/99)~~

~~35. MEDIATION~~

~~a.~~

apportionment system used in electing representatives to the Faculty Senate. The Faculty Senate shall establish procedures to determine the appointment, replacement, and size of the University Appeals **Grievance** Committee membership. No member may serve more than three consecutive years, and a member may not be reappointed until a minimum of three years off the committee has passed.

- c. **There shall be a separate pool of senior faculty, the Grievance Subcommittee Chair pool, from which will be selected members who will serve as the chair of each subcommittee responsible for hearing a grievance.**
- d. **The Grievance Subcommittee Chair pool shall consist of senior members of the faculty who have completed at least ten years of employment at the university selected by the Faculty Senate in consultation with the Provost. The pool will consist of a minimum of 10 academic faculty and five administrative faculty. Members may stay in the pool until removed by the Provost in consultation with the Faculty Senate chair.**
- e. **Selection of the Grievance Subcommittee and Subcommittee chair** – Within five working days of the removal of a member from the Faculty Senate shall be a pool of senior faculty who have completed at least ten years of employment at the university selected by the Faculty Senate in consultation with the Provost. The pool will consist of a minimum of 10 academic faculty and five administrative faculty. Members may stay in the pool until removed by the Provost in consultation with the Faculty Senate chair.

All personnel evaluations shall be made on the basis of written and specific professional responsibilities and performance expectations mutually agreed upon by the individual faculty member and the responsible agent within the department as specified by department bylaws. All specifications of professional responsibilities for a member of the faculty shall be in accordance with the mission and priorities of that person's department, as defined in Section 6 of these Bylaws. Any deviations from the mission and priorities described in the department bylaws must be justified and approved in writing by the dean and the President. The agreement shall be subject to appropriate annual review by the individual faculty member and the responsible agent within the department who shall make every effort to accommodate subsequent changes that may be desired by either party. If a member of the faculty and the responsible agent in the department are unable to reach an agreement about specified professional responsibilities, the matter may be subject to the grievance procedure outlined in these Bylaws. The agreed upon specification of professional responsibilities **may be** is subject to review by the dean or other appropriate administrators.

36. EVALUATION

Each faculty member shall be evaluated **in writing at least once annually by department chairs, supervisors or heads of administrative units** according to the above-specified professional responsibilities. **The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit. All performance evaluations shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory."** ~~in order to assess the quality of professional performance as unsatisfactory, satisfactory, commendable, or excellent.~~ An overall evaluation of "excellent" or "commendable" shall be considered meritorious. Each person shall submit documentation, as specified in department, unit, and University bylaws, for evaluation. The evaluation of each person shall carry a signed statement indicating that he or she has read the evaluation or has waived the right to read it. If the faculty member disagrees with any part of the evaluation, he or she may

All evaluations shall be initiated by the department and shall be made on the basis of equitable and uniform criteria. **Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students.** Quality of performance for each area of professional activity shall be assessed according to procedures and criteria specified in department, unit, and University bylaws. For academic faculty, evaluations shall include peer review. For tenure-track faculty members, external peer review shall be required for promotion or tenure, as specified in unit and/or department bylaws. All evaluations ~~and reconsideration proceedings~~ **and any subsequent peer review processes** shall be conducted in accordance with principles of judicious review, here defined as careful and professional assessment of admissible evidence materials presented so as to insure a just and equitable recommendation. **Faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor. Faculty members receiving an overall rating of “unsatisfactory” on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first “unsatisfactory” rating.**

37. PEER REVIEW PROCESS

Board of Regents policy (ref. Title 4, Chapter 3, section 4.5) provides that "academic and administrative faculty who disagree with the supervisor's evaluation may submit a written rejoinder and/or request a peer evaluation as provided in the institution's bylaws. The supervisor's official evaluation and the faculty member's rejoinder and/or peer evaluation will be retained in the faculty member's personnel file."

REJOINDER

If a faculty member disagrees with her/his evaluation, s/he may, within 10 working days after signing the evaluation, submit a written rejoinder. The dean/vice president will be responsible for placing the rejoinder in all applicable personnel files.

PEER REVIEW

Whether or not the faculty member submits a written rejoinder, s/he may, within 15 working days after signing the evaluation, file a request for peer review with the Faculty Senate office and shall provide copies of the request to the chair/supervisor and dean/vice president. Within 10 working days of receiving a request for peer review, the senate chair shall appoint a three-member faculty review committee.

The committee members shall be appointed as follows. One person shall be selected by the faculty member. One person shall be selected by the faculty member's chair/supervisor. The third person, who shall serve as chair of the review

appropriate administrator. After review, the administrator shall inform each faculty member of the final recommendation, within 15 calendar days from the date of making the recommendation. If the faculty member disagrees with the recommendation **regarding tenure, a salary increase, promotion or reappointment to employment**, he or she may ask for reconsideration through regular administrative channels as specified in the Code, Subsection 5.2.4 within 15 calendar days of the receipt of the written reasons. ~~However, in the case of all annual evaluations, request for reconsideration may not be forwarded beyond the dean. Further recourse is defined in Part 3 Chapter II of these Bylaws.~~

Any changes in title of an academic faculty member within Rank 0 status shall be subject to the same established personnel review procedures as used in changes in rank.

The Code (Subsections 5.11.1, 5.11.2) requires that procedures for annual evaluation shall be established in institutional bylaws. These evaluations provide a primary source for decisions concerning tenure, promotion, and salary increases. Therefore, each unit within the University is obligated to define further the procedures employed for the annual evaluation process as well as provisions for accountability.

The purpose of meritorious evaluations should be perceived by the faculty and administration alike not only as the rewarding of excellence, but as an opportunity for each faculty member to assess his or her performance within the academic community and to improve that performance with reference to specific and uniform written criteria applied by each department or appropriate unit in the evaluation process. Moreover, it is understood that a meritorious evaluation is a matter of academic record, a recognition of performance deserving of special note, regardless of the current availability of funds for direct merit award.

(B/R 1/99)

3940. SCHEDULE FOR MERIT AND PROMOTION

Departments shall observe the following schedule in evaluating faculty:

- a. Merit Increase - All members of the ~~academic~~ faculty (**administrators, administrative faculty, and tenured, tenure-track, and nontenure-track academic faculty**) shall be evaluated and **eligible faculty shall be** formally considered annually for merit increases. ~~There shall be a provisional allocation by the President of merit funds to the units, ordinarily on a per capita basis. In the event that merit funds were not available the previous year(s), the record of the previous evaluation period(s) shall also be considered in the awarding of merit increases.~~

~~A separate salary schedule shall be utilized for (Rank 0) administrative faculty for the purpose of determining salary increases resulting from meritorious evaluation.~~

b. Promotion - A member of the academic

~~of the probationary period, including the terminal year, through regular personnel procedures for such appointment. Recommendations for appointment with tenure shall be made by the president to the Board of Regents. The president shall~~

Demonstrated continuing professional growth related to the academic faculty member's discipline or program area as shown by a record of scholarly research or creative activity resulting in publication or comparable productivity.

(3)b. Standard Three: Service

In addition **to standards one and two**, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A)(1) Membership and participation in professional organizations;

(B)(2) Ability to work with faculty and students in the best interests of the **academic community** ~~University~~ and the people it serves, and to the extent that the job performance of the academic faculty member's administrative unit may not be otherwise adversely affected;

(C)(3) Service on University or System committees;

(D)(4) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

(E)(5) Recognition and respect outside the System community for participation and service in community, state, or nationwide activity.

~~e. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.~~

~~b.d.~~ In rating applicants for appointment with tenure under the standards set forth in this subsection, the University shall rate applicants as (i) **"excellent,"** ~~"unsatisfactory,"~~ (ii) **"commendable,"** ~~"satisfactory,"~~ (iii) **"satisfactory,"** ~~"commendable,"~~ or (iv) **"unsatisfactory."** ~~"excellent."~~ No other rating terminology shall be ~~permitted~~ **used in evaluating the applicant for appointment with tenure.**

~~c.e.~~ The standards **and the ratings** set forth in this subsection are the ~~minimum~~ standards **that must be used by the University and its administrative units** in recommending academic faculty for appointment with tenure. However, unit ~~or~~

Recommendations for Tenure. As stated in 3.4.3 of the Code, the president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures, which shall be established in these bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

4849. ANNUAL PERFORMANCE EVALUATION OF TENURED FACULTY

- a. Declaration of Policy - As provided in Section **5.13** ~~5-12~~ of the Code, it is the policy of the UCCSN to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the **academic** ~~University~~ community's expectations to such excellence in their future services and

- (iii) The provisions of this section shall not apply to administrators who hold tenure as academic faculty members at the university as long as they continue as administrators. Only the performance of such administrators of their assigned administrative duties shall be evaluated under Section 5.11 of the Code. Commencing five years after such administrators are discontinued as administrators, the provisions of this section shall be applied to them as tenured faculty members. (B/R 1/99)
- (iv) After the completion of the annual performance evaluations provided for in Section 5.11 of the Code, the President shall submit an annual report to the Board of Regents detailing the process and outcomes of the annual performance evaluations.

Chapter V - NONREAPPOINTMENT, DISMISSAL, TERMINATION, AND CHANGES IN CONTRACTUAL STATUS

54. NONREAPPOINTMENT OF NONTENURED FACULTY

Notification of nonreappointment of nontenured members of the faculty shall be made in accordance with the provisions prescribed in the Code, Subsections 5.9.1, 5.9.2 **and 5.9.3.**

In accordance with Section 39 these bylaws, when a recommendation or decision not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision, and the faculty member may request written notice of reasons.

In accordance with Section ~~38~~ 39 of these bylaws, when a recommendation or decision not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision, and the faculty member may request written notice of reasons.

5556. DISCIPLINARY SANCTIONS FOR PROFESSIONAL EMPLOYEES

In accordance with Code 6.6.1 to 6.6.8, vice presidents, deans, directors and persons in equivalent positions shall have the authority to issue reprimands or warnings (as defined under 6.3.1 and 6.3.2) to faculty members and other professional employees under procedures stated in 6.6 of the ~~UCCSN~~ NSHE Code. Procedures under 6.6 differ from procedures established in Sections 6.7 to 6.14 of the ~~UCCSN~~ NSHE

Code. Code 6.6 procedures are to be used whenever possible, as an alternative to those in 6.7 to 6.14.

Code 6.6.3 provides the affected person with the option to request mediation. The guidelines for selecting the mediator will be jointly developed by the campus administration and Faculty Senate. Copies of the guidelines will be maintained in the office of the Faculty Senate.

5960. NOTICE AND APPEAL PROCEDURES FOR PERSONS TERMINATED FURLOUGHED OR LAID OFF BECAUSE OF FINANCIAL EXIGENCY OR CURRICULAR CHANGE

~~Notice of the termination of a faculty member by reason of financial exigency or curricular change~~ **Notice of the furlough or layoff of a faculty member by reason of financial exigency or curricular reasons, except for notice of non-reappointment to employment of faculty members given under Code Sections 5.4.2, 5.9.1, 5.9.2, or 5.9.3.** shall be in writing and, as provided by Subsection 5.4.7(f) of the Code, shall inform the faculty member of the following: the existence and extent of the financial exigency or the reasons for the curricular change, the procedures used to determine who should be terminated, the faculty member's right to reconsideration, the procedures for reconsideration, and the identity of the person or persons to whom a request for reconsideration should be directed.

Chapter VI – APPOINTMENT OF ADMINISTRATORS AND SEARCH PROCEDURES

6263. APPOINTMENT OF ADMINISTRATORS

The appointment of the heads of administrative units below the level of vice president within the University, including department chairs, and all other persons reporting directly to the president shall be made by the president. In the process of making such an appointment, the president or his or her designee shall consult with faculty of the appropriate administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the president. Department chairs as administrators shall be directly responsible to their supervisor or supervisors for the operation of their departments.

6869. FACULTY

Recommendations for the appointment of new faculty shall originate in the department concerned and shall follow department and unit bylaws. The terms and conditions of employment shall be specified in the contract in accordance with the Code, Subsections

5.4.1 through 5.4.4