

February 12, 2008

To: Faculty Senate Executive Board

From: Duncan Aldrich, chair, Bylaws & Code Committee
Elliott Parker, Executive Board Liaison

RE: Amendments to the UNR Bylaws, Part 1

The Bylaws & Code Committee wishes to recommend to the Faculty Senate the following two amendments to the UNR Bylaws. If approved by the Faculty Senate, these amendments would then require submission to the faculty for a vote by a written, secret mail ballot. The amendments would be in force upon: 1) recommendation for approval by the faculty, which shall be by at least a two-thirds majority of those voting; 2) approval by the President; and 3) approval by the Board of Regents.

1) Renumber the Bylaws.

Explanation and Rationale: The UNR Bylaws currently consists of three parts (Introduction, Organization of the University, and Faculty Personnel Policies), each with from one to four chapters, and each chapter is broken into as many as twelve sections. In total, the bylaws contain 67 numbered sections.

We propose changing the current numbering system to a Wittgensteinian numbering system consistent with that used by the Code. For example, Section 1, which is in Part 1, Chapter 1, would become Section 1.1.1, while Section 46, which is the sixth section in Part 3, Chapter 4, would become Section 3.4.6.

We believe this would aid faculty in navigating the bylaws, and would make it easier for college and department bylaws to reference the UNR Bylaws without having to be updated every time the UNR Bylaws are amended. Currently, any additional sections in the bylaws would require a complete renumbering of all following sections. In the future, the printed UNR Bylaws should contain a Table of Contents at the front, and for the next five years it should also include a conversion table (see attachment) from old to new sections listed at the back.

2) Amend the UNR Bylaws to simplify the approval process for department bylaws, and create a reconciliation process for cases in which unit and department bylaws conflict with UNR Bylaws and/or the Code.

Explanation and Rationale: This amendment aims to simplify the process by which department bylaws and amendments are approved. The current process, as prescribed in the UNR Bylaws and (with much greater detail) in the University Administrative Manual, involves many steps that often mean considerable delays in obtaining approval, and have led departments to create separate policies and procedures for which no approval process is currently specified.

In these proposals, we propose that the deans (or equivalent administrators) be allowed to approve changes to department bylaws once approved by the department faculty and reviewed by a college committee, and we propose that department policies and procedures be considered equivalent to department bylaws in terms of their approval process. We further clarify that the department bylaws must be consistent with higher-level bylaws and the Code, we clarify the distinction between departments and major units like colleges, and we add a reconciliation process that begins when anyone notices that any bylaws are not consistent with higher-level rules. Finally, we moved the description of the Administrative Manual to its own section.

1.1.2. SCOPE OF THE BYLAWS

These Bylaws provide for the organizational and administrative structure and personnel policies and procedures for the faculty of the University of Nevada, Reno, hereinafter referred to as the University, and shall be consistent with all higher-level rules and regulations, which includes Board of Regents policy, the Code, the laws of the State of Nevada, and the laws of the United States. It is intended that these Bylaws be a statement of general policy.

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1.1.4. INTERPRETATION OF THE BYLAWS

Questions of interpretation of these Bylaws shall be directed to the Faculty Senate, which shall review the question and forward its recommendations to the President for a decision. The President's decision shall be based upon appropriate consultation, and consistent with the Code and established University policies and procedures.

Deleted: Procedures for implementing these Bylaws shall be published in the Administrative Manual, which procedures shall not conflict with these Bylaws, the Code, the laws of the State of Nevada and the United States. In the event of such conflict, the aforementioned Bylaws, Code, or laws shall prevail.

Any faculty member or group may propose additions, deletions, or revisions to the Manual. A Faculty Senate Bylaws Committee shall review the Administrative Manual at the request of the Faculty Senate.

Procedures for implementing these Bylaws shall be in full force and effect upon approval of the Faculty Senate and the faculty, and upon approval of the President.

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1.1.5. IMPLEMENTATION OF BYLAWS

Procedures for implementing these Bylaws shall be published in the Administrative Manual, and these procedures shall not conflict with these Bylaws or any higher-level rules and regulations. In the event of any such conflict, the higher authority shall prevail. Any faculty member or group may propose additions, deletions, or revisions to the Manual. A Senate Bylaws Committee shall review the Administrative Manual at the request of the Faculty Senate. Changes to the Administrative Manual shall be in full force and effect upon approval by both the Faculty Senate and the President.

1.1.6. RECONCILIATION OF BYLAWS

Any member of the faculty may petition the Faculty Senate, in writing and with confidentiality, to review specific clauses in any of the governing documents of the University to determine whether or not they are in conflict with higher-level rules and regulations. Governing documents that may be so reviewed shall include these Bylaws, the bylaws of any college or equivalent unit, and the bylaws or policies and procedures of any department of the University.

The Faculty Senate shall refer the petition for bylaws review to a Senate Bylaws Committee for its review and recommendation. If the Faculty Senate determines that such a conflict exists, it shall inform the President and the appropriate administrator, in writing, in order to correct the conflict. Such conflicts shall be corrected using the same procedures that govern approval of other amendments to the bylaws. The Faculty Senate shall also inform the petitioner in writing of its determination.

2.1.1. MAJOR UNITS OF THE UNIVERSITY

The University shall be divided into constituent parts referred to in these Bylaws as major units. Major academic units shall include colleges or other equivalent units administered by a dean. Major administrative units shall be administered by vice-presidents, the Provost, or the President.

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Every major unit of the University shall develop bylaws to govern its organizational and administrative structure and its personnel policies and procedures. Major unit bylaws are subordinate to and shall not conflict with the University Bylaws or other higher-level rules and regulations.

Bylaws of each major unit shall be in force upon completion of the following four steps: 1) review by the Faculty Senate; 2) approval by the faculty of the major unit in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 3) approval by the dean or the designated administrator of the unit; and 4) approval by the President. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting. The most recently approved unit bylaws, including any approved amendments, shall be forwarded to the Office of the Faculty Senate, and made available to all faculty.

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2.1.2. DEPARTMENTS OF THE UNITS

Major units as described in Section 2.1.1 may be divided into constituent parts known as departments, or by other appropriate designations, hereinafter referred to as departments. Each department's faculty may develop bylaws, to provide for its organizational and administrative structure, its personnel policies and procedures, and specific procedures for selecting, evaluating, and removing a Department Chair. Alternatively, a department may be governed by the bylaws of its major unit. Departments may also develop written policies and procedures which shall require the same approval process as department bylaws. In all cases, all academic and administrative faculty shall have the protection of bylaws at the level of their major unit or below. Department bylaws are subordinate to and shall not conflict with the bylaws of its major unit, these University Bylaws, and all other higher-level rules and regulations.

Bylaws of a department shall be in force upon completion of the following three steps: 1) approval by the department faculty in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 2) review by a bylaws committee of the department's major unit to ensure that the bylaws do not conflict with the bylaws of its major unit or these University Bylaws, and 3) approval by the dean or the designated administrator of the department's major unit. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting. Subsequent amendment of bylaws requires a two-thirds majority of those voting. The most recently approved department bylaws, including any approved amendments and any approved policies and procedures, shall be forwarded to the Office of the Faculty Senate and made available to all faculty.

The bylaws committee of the department's major unit shall review new department bylaws or amendments after approval by the department faculty, and make its recommendations to the dean or other designated unit administrator. The review shall be completed within 90 days, unless specified otherwise in the bylaws of the major unit. The dean or equivalent administrator shall approve or reject the new department bylaws or amendments within 30 days after receiving the recommendations of the unit bylaws committee. If the dean or equivalent administrator rejects the new department bylaws or amendments, he or she shall provide reasons in writing to the department. A department may appeal this decision to the President, if the appeal is approved by a majority of the department faculty voting in a written secret ballot, with sufficient notice to allow all eligible faculty to participate. The President's decision on any such appeal is final.

Change the term "unit" to "major unit," in singular, plural, and possessive cases, in Sections 7, 16, 17, 18.c, 19, 23, 27, 28, 34.e, 36, 37, 40, 44, 45, 56, 61, 64, 65, 66, and 67.

Attachment 1: Conversion Table from Old to New Numbering for the UNR Bylaws

<u>New Numbering</u>	<u>Old Numbering</u>	
1		Part 1 – Introduction
1.1		Chapter I – BYLAWS
1.1.1	1	<u>AUTHORIZATION</u>
1.1.2	2	<u>SCOPE OF THE BYLAWS</u>
1.1.3	3	<u>AMENDMENT OF THE BYLAWS</u>
1.1.4	4	<u>INTERPRETATION OF THE BYLAWS</u>
1.1.5		<u>IMPLEMENTATION OF BYLAWS (proposed)</u>
1.1.6		<u>RECONCILIATION OF BYLAWS (proposed)</u>
2		Part 2 - Organization of the University
2.1		Chapter I - UNITS AND DEPARTMENTS
2.1.1	5	<u>UNITS OF THE UNIVERSITY</u>
2.1.2	6	<u>DEPARTMENTS OF THE UNITS</u>
2.1.3	7	<u>CHANGES IN ORGANIZATION</u>
2.2		Chapter II - THE PRESIDENT AND ADMINISTRATORS
2.2.1	8	<u>THE PRESIDENT</u>
2.2.2	9	<u>RESPONSIBILITIES AND DUTIES</u> <u>EXECUTIVE VICE PRESIDENT AND PROVOST, VICE-PRESIDENTS</u>
2.2.3	10	<u>AND OTHER ADMINISTRATORS</u>
2.2.4	11	<u>RESPONSIBILITIES AND DUTIES OF ADMINISTRATORS</u>
2.2.5	12	<u>BOARDS AND COMMITTEES</u>
2.3		Chapter III - FACULTY
2.3.1	13	<u>FACULTY GOVERNANCE</u>
2.3.2	14	<u>FACULTY</u>
2.3.3	15	<u>FACULTY RANKS</u>
2.3.4	16	<u>FACULTY CONTRACTS</u>
2.3.5	17	<u>GRADUATE FACULTY</u>
2.3.6	18	<u>ADJUNCT OR CLINICAL FACULTY</u>
2.3.7	19	<u>ORGANIZATION OF FACULTIES</u>
2.3.8	20	<u>MEETINGS OF THE FACULTY</u>
2.4		Chapter IV - THE FACULTY SENATE AND THE GRADUATE COUNCIL
2.4.1	21	<u>FACULTY SENATE</u>
2.4.2	22	<u>GRADUATE COUNCIL</u>
2.4.3	23	<u>POLICIES AND PROCEDURES OF THE FACULTY SENATE AND THE GRADUATE COUNCIL</u>
3		Part 3 - Faculty Personnel Policies
3.1		Chapter I - FACULTY RIGHTS
3.1.1	24	<u>RIGHTS</u>
3.1.2	25	<u>ACADEMIC FREEDOM</u>
3.1.3	26	<u>OATHS</u>
3.1.4	27	<u>PERSONNEL FILE</u>
3.1.5	28	<u>CONTENTS OF FILES</u>
3.1.6	29	<u>ACCESS TO AND MODIFICATION OF FILES</u>

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3.2	Chapter II - GRIEVANCES
3.2.1	30 <u>GRIEVANCE PROCEDURES</u>
3.2.2	31 <u>SCOPE OF GRIEVANCES</u>
3.2.3	32 <u>DEFINITIONS AND GENERAL PROVISIONS</u>
3.2.4	33 <u>PROCEDURES FOR INITIATING A GRIEVANCE</u>
3.2.5	34 <u>THE UNIVERSITY GRIEVANCE COMMITTEE AND SUBCOMMITTEES</u>
3.3	Chapter III - PROFESSIONAL RESPONSIBILITIES, EVALUATION AND PERSONNEL RECOMMENDATIONS
3.3.1	35 <u>PROFESSIONAL RESPONSIBILITIES</u>
3.3.2	36 <u>EVALUATION</u>
3.3.3	37 <u>PERSONNEL RECOMMENDATIONS</u>
3.3.4	38 <u>SCHEDULE FOR MERIT AND PROMOTION</u>
3.3.5	39 <u>NOTICE OF PERSONNEL RECOMMENDATIONS</u>
3.3.6	40 <u>UNIVERSITY PERSONNEL COMMITTEES</u>
3.4	Chapter IV - TENURE
3.4.1	41 <u>JUSTIFICATION: TENURE AND ACADEMIC EXCELLENCE</u>
3.4.2	42 <u>ELIGIBILITY FOR TENURE</u>
3.4.3	43 <u>PROBATIONARY PERIOD</u>
3.4.4	44 <u>SCHEDULE FOR EVALUATION OF PROBATIONARY FACULTY</u>
3.4.5	45 <u>STANDARDS FOR RECOMMENDING APPOINTMENT WITH TENURE</u>
3.4.6	46 <u>NOTICE OF TENURE</u>
3.4.7	47 <u>ANNUAL PERFORMANCE EVALUATION OF TENURED FACULTY</u>
3.4.8	48 <u>TENURED FACULTY IN ADMINISTRATIVE POSITIONS</u>
3.4.9	49 <u>RELINQUISHMENT OF TENURE ON TRANSFER</u>
3.4.10	50 <u>EXPIRATION OF TENURE</u>
3.4.11	51 <u>TERMINATION OF TENURE</u>
3.4.12	52 <u>FINANCIAL OR CURRICULAR REASONS FOR TERMINATIONS</u>
3.5	Chapter V - NONREAPPOINTMENT, DISMISSAL, TERMINATION, AND CHANGES IN CONTRACTUAL STATUS
3.5.1	53 <u>NONREAPPOINTMENT OF NONTENURED FACULTY</u>
3.5.2	54 <u>DISCIPLINARY SANCTIONS FOR PROFESSIONAL EMPLOYEES</u>
3.5.3	55 <u>DISMISSAL</u>
3.5.4	56 <u>TERMINATION FOR FINANCIAL EXIGENCY OR CURRICULAR REASONS</u>
3.5.5	57 <u>PROCEDURES IN TERMINATIONS FOR REASONS OF FINANCIAL EXIGENCY OR CURRICULAR CHANGE</u>
3.5.6	58 <u>NOTICE PROCEDURES FOR PERSONS FURLOUGHED OR LAID OFF BECAUSE OF FINANCIAL EXIGENCY OR CURRICULAR CHANGE</u>
3.5.7	59 <u>SABBATICAL LEAVE</u>
3.5.8	60 <u>CHANGES IN CONTRACTUAL STATUS</u>
3.6	Chapter VI – APPOINTMENT OF ADMINISTRATORS AND SEARCH PROCEDURES
3.6.1	61 <u>APPOINTMENT OF ADMINISTRATORS</u>
3.6.2	62 <u>OFFICE OF THE PRESIDENT</u>
3.6.3	63 <u>VICE-PRESIDENTS</u>
3.6.4	64 <u>DEANS</u>
3.6.5	65 <u>ASSOCIATE AND ASSISTANT DEANS</u>
3.6.6	66 <u>DEPARTMENT CHAIRS</u>
3.6.7	67 <u>FACULTY</u>

Attachment 2: Current UNR Bylaws Under Modification

2. SCOPE OF THE BYLAWS

The Bylaws provide for the organizational and administrative structure and personnel policies and procedures for the faculty of the University of Nevada, Reno, hereinafter referred to as University, and shall be consistent with the Code, the laws of the State of Nevada and the United States. It is intended that these Bylaws be a statement of general policy.

Procedures for implementing these Bylaws shall be published in the Administrative Manual, which procedures shall not conflict with these Bylaws, the Code, the laws of the State of Nevada and the United States. In the event of such conflict, the aforementioned Bylaws, Code, or laws shall prevail.

Any faculty member or group may propose additions, deletions, or revisions to the Manual. A Faculty Senate Bylaws Committee shall review the Administrative Manual at the request of the Faculty Senate.

Procedures for implementing these Bylaws shall be in full force and effect upon approval of the Faculty Senate and the faculty, and upon approval of the President.

4. INTERPRETATION OF THE BYLAWS

Questions of interpretation of these Bylaws shall be directed to the Faculty Senate, which shall review the question and forward its recommendations to the President for a decision. The President shall base his decision upon appropriate consultation, and rules consistent with the Code and established University policies and procedures.

5. UNITS OF THE UNIVERSITY

The University shall be divided into constituent parts, known as units, or by other appropriate designations hereinafter referred to as units, such as colleges, schools, divisions, and other units supporting the mission of the University. Each unit faculty shall develop Bylaws to govern its organizational and administrative structure and its personnel policies and procedures. Unit Bylaws are subordinate to and shall not conflict with the University bylaws. Bylaws of each unit shall be in force upon completion of the following four steps: 1) review by the Faculty Senate; 2) approval by the faculty of the unit in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 3) approval by the dean or the designated administrator of the unit; and 4) approval by the President. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting. Subsequent amendment of bylaws requires a two-thirds majority of those voting. Most recently approved unit bylaws shall be made available to faculty by being placed on file in the unit, the office of the Faculty Senate, and the office of the President.

6. DEPARTMENTS OF THE UNITS

Units as described in Section 5 may be divided into constituent parts known as departments, or by other appropriate designations, hereinafter referred to as departments. Each department's faculty shall develop bylaws, providing for its organizational and administrative structure, its personnel policies and procedures, and specific procedures for selecting, evaluating, and removing a chair. Alternatively, a department may adopt its unit's bylaws. In either case, all academic and administrative faculty shall have the protection of bylaws at the unit level or below. Department bylaws are subordinate to and shall not conflict with either its unit bylaws or the University bylaws. Bylaws of a department shall be in force upon completion of the following four steps: 1) review by the Faculty Senate; 2) approval by the department faculty in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 3) approval by the dean or the designated administrator of the department's unit; and 4) approval by the President. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting. Most recently approved department bylaws shall be made available to 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.