University of Nevada, Reno Bylaws
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1 - INTRODUCTION
1.1 - BYLAWS

1.1.1 AUTHORIZATION

These Bylaws are authorized by Section 1.3.4 of the Nevada System of Higher Education Code, hereinafter referred to as the Code, as adopted by the Board of Regents.

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.

1.1.3 AMENDMENT OF THE BYLAWS

Any member of the faculty, the President, the Chancellor, or the Board of Regents may propose amendments to these Bylaws. All proposed amendments shall be submitted in writing to the Faculty Senate, which shall refer the same to a Senate Bylaws Committee for its review and recommendation. If recommended for approval by a majority of the Faculty Senate, the proposed amendment shall be submitted to the faculty for a vote by a confidential vote as described in section 2.3.9 of these bylaws. A proposed amendment which, after consideration by the Faculty Senate, has not been recommended for approval by a majority of that body shall be submitted to the faculty for a vote by a confidential vote as described in section 2.3.9 of these bylaws, if at least ten percent of the faculty sign a petition requesting this action. Amendments shall 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 Chancellor. Amendments recommended by the Faculty Senate to correct typographical or grammatical errors, or to bring these Bylaws into compliance with changes to the Code, may be adopted without a vote of the faculty, as long as faculty are properly notified of the proposed change prior to the meeting of the Faculty Senate, no member of the Faculty Senate objects, and both the President and the Chancellor approve. If a member of the Faculty Senate objects, then any such amendments must undergo the same process outlined above for any proposed amendment.
(Chancellor 9/2014)

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.
1.1.5 IMPLEMENTATION OF THE 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 THE 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 major 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.

1.1.7 ALLEGED NONOBSERVANCE OF THE CODE OR BYLAWS

Any member of the faculty has the right to notify the Faculty Senate Chair, in writing, of the implementation of any policy or procedure that allegedly contravenes the Code, these Bylaws, or the bylaws of a major unit or department, or of the alleged failure to abide by the Code or such bylaws. Once notified, the Faculty Senate Chair shall inform the Provost of the alleged nonobservance. The Provost shall take action as appropriate. The Faculty Senate Chair shall safeguard the confidentiality of the notifying faculty member’s name to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the University is required by law to disclose information (such as in response to legal process), or when an individual is in harm’s way.

(Chancellor 2/2016)
of those members of the faculty assigned to that major unit. All university faculty shall be a member of at least one major unit.

Every major unit of the University containing academic faculty shall develop bylaws to govern its organizational and administrative structure and its personnel policies and procedures. Major administrative units not containing academic faculty may, but are not required to, develop bylaws. Major unit bylaws are subordinate to and shall not conflict with these 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 confidential process as described in section 2.3.9 of these Bylaws, with sufficient notice to allow all eligible faculty members to participate; 3) approval by the dean or the designated administrator of the major 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. The most recently approved major unit bylaws, including any approved amendments, shall be forwarded to the Office of Faculty Senate, and made available to all faculty members.

(Chancellor 9/2014)

2.1.2 DEPARTMENTS OF THE MAJOR 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. Departments shall consist of those members of the faculty assigned to that department. If the major unit is divided into departments, all academic faculty members shall be a member of at least one department.

Each department's faculty may develop bylaws, to provide for its organizational and administrative structure, its personnel policies and procedures, and specific procedures for recommending the selection or removal of and providing feedback for the evaluation of 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, if used in lieu of bylaws, shall require the same approval process as department bylaws. In all cases, all academic faculty members shall have the protection of bylaws at the level of their major unit or below. Administrative faculty shall have the protection of bylaws at the level of their major unit or below, if their units have bylaws. Department bylaws are subordinate to and shall not conflict with the bylaws of its major unit, these 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 confidential process as described in section 2.3.9 of these Bylaws, with sufficient notice to allow all eligible faculty members 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 be made available to all faculty members.
2.1.3 CHANGES IN ORGANIZATION

Before any recommendation is made by the President concerning the creation, abolition, transfer, or any substantial alteration in the mission, function, structure, or location of units, formal consultation shall occur with: 1) the faculty of that unit and other faculty that may be directly affected, 2) the dean or designated administrator concerned, and 3) the Faculty Senate. Review by the Faculty Senate will be conducted in accordance with Faculty Senate Guidelines and Procedures for the Review of Changes in Organization.

2.2 - THE PRESIDENT AND ADMINISTRATORS

2.2.1 THE PRESIDENT

The chief administrative officer of the University shall be the President.

2.2.2 RESPONSIBILITIES AND DUTIES

The responsibilities and duties of the President are prescribed by the Board of Regents Bylaws.

2.2.3 EXECUTIVE VICE PRESIDENT AND PROVOST, VICE-PRESIDENTS AND OTHER ADMINISTRATORS

The President may be assisted in the conduct of the duties of the office by the Executive Vice President and Provost (hereafter referred to as the provost), vice-presidents, and other administrators.

2.2.4 RESPONSIBILITIES AND DUTIES OF ADMINISTRATORS

Administrators’ responsibilities and duties shall be specified by the President, and shall be published in the Administrative Manual.
2.2.5 **BOARDS AND COMMITTEES**

The President may establish and appoint boards and committees. Annual reports of the boards and committees shall be provided to the library and Archives by the office of the President.

2.3 - **FACULTY**

2.3.1 **FACULTY GOVERNANCE**

The faculty shall govern itself in accordance with these Bylaws, subject to the Constitution and laws of the United States, the Constitution and laws of the State of Nevada, and the Code.

2.3.2 **FACULTY**

For the purposes of these Bylaws, the University faculty shall consist of all persons holding professional positions as authorized by Chapter 1 of the Code.

  a. “Academic faculty” means instructional, research, and library faculty as defined by the Board of Regents. These faculty shall possess at least the master's degree or its equivalent in the appropriate academic discipline, unless the President waives this requirement.
     (i) “Tenured faculty” means members of the professional staff who have received appointments with tenure.
     (ii) “Tenure-track faculty” means academic faculty who are on probationary status, and who are eligible to be considered for tenure.
     (iii) “Nontenure-track faculty” means academic faculty who are not eligible for tenure.

  b. “Administrative faculty” means those professional staff employed in executive, supervisory or support positions, as defined by the Board of Regents. These faculty shall possess at least the bachelor's degree or its equivalent, unless the President waives this requirement.

“Letter of appointment” contracts may be used for special appointments to meet academic or administrative needs. Letters of appointment are used for teaching, research, and other professional employment activity to augment regular faculty positions. They are issued only for clearly defined duties that are part-time and/or temporary. Unless otherwise stated, the provisions of these Bylaws shall exclude letters of appointment.

(Chancellor 2/2016)

2.3.3 **FACULTY RANKS, RANGES, AND TITLES**

1. Academic faculty:

   a. Tenured and tenure-track academic faculty may be employed at the following ranks: Rank II, for Assistant Professor; Rank III, for Associate Professor; or Rank IV, for Professor.
b. Rank I, for Instructor, is reserved for academic faculty who have been hired for a
   tenure-track position but have yet to complete the appropriate degree required by
   the position.

c. Nontenure-track academic faculty may be employed in ranks 0(I), 0(II), 0(III), or
   0(IV). Titles and criteria for non-tenure-track appointments are specified in the
   University Administrative Manual. The President may approve other academic titles
   for faculty with special qualifications or assignments that do not fit those criteria.

2. Administrative faculty may be employed in Ranges 1, 2, 3, 4, 5, 6, or 7. Appropriate titles
   may be assigned to administrative faculty in any range.
   (Chancellor 9/2014)

2.3.4 FACULTY CONTRACTS

All faculty employment contracts shall be in writing and shall specify therein the terms and
conditions of employment. The provisions of the NSHE Code, in their entirety, shall be part of
the terms and conditions of every employment contract, except as may be varied in writing by
the parties to the contract.

The duration of employment contracts for faculty is specified in Section 5.4.2 of the Code.
Tenured and tenure-track academic faculty, as well as tenured faculty in administrative
positions, shall be employed on regular annual contracts. Nontenured administrative faculty
and academic faculty in nontenure-track Rank 0 positions may be employed on regular annual
contracts, contracts whose renewal is contingent upon funding, or other contracts as approved
by the President or the Board of Regents.
   (Chancellor 2/2016)

2.3.5 GRADUATE FACULTY

The Graduate Faculty is composed of faculty members appointed by their departments and/or
programs, in accordance with the department and major unit bylaws.

2.3.6 ADJUNCT OR ADJUNCT/CLINICAL FACULTY

Persons qualified to provide special services to the University on a part-time volunteer basis
may be appointed as adjunct or adjunct/clinical faculty and may be assigned appropriate rank
and title.

   a. For persons to be appointed to adjunct or adjunct/clinical positions, it must be
demonstrated that their services will be of value to the teaching, research, public, and
community service, or educational support service programs of the University, and that
they fulfill the appropriate requirements for the corresponding position as specified by
the department concerned, by the University Bylaws, and by the Code.

   b. Adjunct or adjunct/clinical appointments shall go through regular channels as provided
by the University Bylaws and require the approval of the department concerned, the
dean, and the President or the President’s designee.
c. Persons holding adjunct or adjunct/clinical titles shall be nonvoting members of the faculty. If approved by the faculty of the college and the President, a term other than "adjunct" or "clinical" may be used in colleges or major units where another term denotes precisely the role played by the appointee. Unless otherwise stated, the provisions of these Bylaws shall exclude adjunct and adjunct/clinical faculty.

(Chancellor 9/2014)

2.3.7 MEETINGS OF THE FACULTY

The University faculty may hold meetings for discussion of or action on any matter concerning programs, policies, functions, or faculty welfare in the University. Plenary meetings of the University faculty may be called: 1) by the President or a designee; 2) by the Chair of the Faculty Senate, if directed by a majority vote of that body; or 3) by a petition, signed by ten percent of the faculty, which has been submitted to the President or a designee and to the Chair of the Faculty Senate. Meetings called by petition shall be convened by the President or a designee within ten college working days of receipt of the petition.

Except in the event of an emergency, members of the faculty shall receive notification of faculty meetings no later than three college working days before such meetings, which shall include the date, time, place, and agenda of the meeting.

a. Presiding Officer - The President or a designee shall preside over meetings of the faculty.

b. Secretary - The faculty shall elect a secretary for each meeting from among its own members in attendance, who shall be responsible for the maintenance of accurate records of its deliberations and transmission of recommendations.

c. Order of Business - The presiding officer shall determine the order of business and shall provide opportunity for introduction of new business from the floor.

(Chancellor 10/2012)

2.3.8 VOTING PROCEDURES

a. Assure electorate integrity. Eligible faculty members must be notified of the opportunity to vote in a timely manner and ineligible faculty members must be precluded from voting.

b. Assure confidentiality and transparency. Voter confidentiality must be assured and voters must be informed of current election policies and procedures, including the process(es) by which confidentiality is secured and personal identities are safeguarded.

c. Include and make available data retention schedule and vote recount policies. Voting faculty members must be informed of the policies that determine how and for how long data are retained and how vote recounts, if necessary, will be conducted.
d. Include an option to abstain. Voting faculty members must be given the option to formally abstain from voting. The number of abstentions must be reported along with the final results of voting; however, abstentions are not counted in determining the number of votes needed to achieve either a majority vote or a two-thirds vote.

(Chancellor 9/2014)

2.4 - THE FACULTY SENATE AND THE GRADUATE COUNCIL

2.4.1 FACULTY SENATE

The Faculty Senate reports to the President and is the principal representative body of the faculty and is composed of representatives selected by and from the faculty as guaranteed in these Bylaws, and in accordance with procedures specified in the Faculty Senate Bylaws. The responsibility of the Faculty Senate is to deliberate and recommend upon any matters related to programs, policies, and functions of the University and policies and procedures related to the rights and welfare of the faculty. All faculty members have the right of access to the Senate to introduce any questions of general policy or any matters related to professional rights and welfare.

2.4.2 GRADUATE COUNCIL

The Graduate Council is composed of representatives elected by and from the graduate faculty in accordance with Graduate Council Bylaws. The responsibility of the Graduate Council is to deliberate and recommend upon any matters related to graduate education.

2.4.3 POLICIES AND PROCEDURES OF THE FACULTY SENATE AND THE GRADUATE COUNCIL

a. Every member of the Faculty Senate and the Graduate Council has the obligation to speak and act in the best interests of the University. In discharging their functions, the members of each body shall be responsible to the faculty who elected them. However, members of each body shall have the freedom to speak and act according to their own judgments.

b. Actions of each body shall be forwarded to the President and reported to the faculty through the minutes of each body.

c. No faculty member may serve simultaneously on both the Faculty Senate and the Graduate Council, except as an ex-officio representative. The President or a designee shall be a nonvoting member of each body.

d. The bylaws of each body shall provide for the composition of the groups of major units herein referred to. Representation in each body shall conform as closely as possible to the proportion of faculty assigned to any major unit or group of major units, provided that each major unit or group of major units shall have at least one representative. Nominations and elections of representatives to each body shall be by secret mail ballot. Terms of office for each body shall be three years. Elections to membership in
each body and of officers of each body, including special elections to fill vacancies occurring between normal election times, shall be conducted by that body following election procedures specified in its bylaws. Representation to each body from major units and groups of major units shall be examined and reapportioned if necessary at three-year intervals. The criteria for apportionment to each body shall be specified in its bylaws.

e. Each body shall elect from among its voting members a chair, vice-chair, and such other officers, as it deems necessary. The bylaws of each body shall set forth the duties and responsibilities of each officer and procedures for electing them.

f. Each body shall establish in its bylaws provisions relating to the following: regular and special meetings, including those called in response to faculty petition and notice thereof; the right of faculty to attend said meetings; the filing and distribution of minutes. The bylaws of each body shall provide for the recall of members by the major unit or other portion of the faculty from and by whom members were elected, and for discharge from each body by that body of any of its elected members. The chair of each body shall be exempt from recall. However, a chair may be removed as chair by a two-thirds vote of the electing body.

g. Amendments to the bylaws of the Faculty Senate and the Graduate Council shall be in effect upon: 1) approval by a two-thirds majority of the members of that body allowed to vote and 2) approval by the President. If the President does not disapprove in writing within 45 college working days of the date amendments are received, this shall constitute approval.

(Chancellor 10/2012)

3 - FACULTY PERSONNEL POLICIES

3.1 - FACULTY RIGHTS

3.1.1 RIGHTS

No faculty member shall be required to waive any constitutional rights, other legal rights, or any of the rights provided in these Bylaws as a condition of initial or continued employment, nor be subject to university sanction of any sort for the exercise of these rights.

3.1.2 ACADEMIC FREEDOM

As explained in Chapter 2 of the Code, academic freedom is the right of all members of the faculty, part-time or full-time, and this right is also extended to adjunct and adjunct/clinical faculty, those employed on letters of appointment, graduate assistants and fellows, and invited guests of the University or the Nevada System of Higher Education. A member of the faculty has freedom and an obligation, in the classroom or in research, to discuss and pursue the faculty member's subject with candor and integrity, even when the subject requires consideration of topics which may be politically, socially or scientifically controversial. In order to ensure the freedom to seek and profess truth and knowledge, the faculty member shall not be subjected to censorship or discipline by the university on grounds that the faculty member has expressed opinions or views which are controversial, unpopular or contrary to the attitudes of the Nevada System of Higher Education or the community. The concept of academic
freedom is accompanied by the equally demanding concept of academic responsibility. A member of the faculty is responsible for the maintenance of appropriate standards of scholarship and instruction.  
(Chancellor 9/2014)

3.1.3 OATHS

No affirmation or oath shall be required of faculty members except that oath provided by Article 11, Section 5, and Article 15, Section 2, of the Nevada Constitution.  
(Chancellor 9/2014)

3.1.4 PERSONNEL FILE

The University shall maintain at its Human Resources office an official personnel file for each member of the faculty. Other personnel files maintained in the department, major unit, or university administrative offices shall be supervised and kept in a secure, locked place, by the appropriate administrators (department files by the chair, major unit files by the dean or director, and University files by the administrator designated by the President.)  
(Chancellor 11/2009)

3.1.5 CONTENTS OF FILES

Each file shall contain any information pertinent to an evaluation of the faculty member's work and normally will include biographical and personal information, evidence of a faculty member's academic and professional accomplishments, and personnel evaluations by departmental chairs, deans or directors. No anonymous material except duly authorized student evaluations, as authorized by major unit or department bylaws, shall be placed in the file.

3.1.6 ACCESS TO AND MODIFICATION OF FILES

Personnel and payroll files of University faculty members are confidential. Personnel and payroll records may only be released pursuant to the written authorization of the faculty member or pursuant to a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter, or to the U.S. Equal Employment Opportunity Commission, the Nevada Equal Rights Commission, or the U.S. Office of Civil Rights, as set forth in Chapter 5 of the Code. The provisions of Subsections 5.6.2 and 5.6.3 of the Code also apply to letters of appointment, graduate assistants, graduate assistant-specials, resident physicians, resident dentists, postdoctoral fellows, and student employees.

   a. Faculty members shall have access to their official personnel and payroll files, and may grant access to such files to a representative with a written authorization from the faculty member. The following additional personnel shall have access to a faculty member’s personnel and payroll files solely for reasons germane to the performance of their official duties: the faculty member’s supervisors, which may include department
chairs, deans, directors, vice presidents, Provost, President, and chancellor; institution payroll officers, institution personnel officers, which may include appointed disciplinary officers; System legal counsel, internal auditors, members of the Board of Regents; Faculty Senate Chair; and confidential institution committees including but not limited to tenure and grievance committees.

b. 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, educational background, and work history.

c. Confidential information in a personnel or payroll file that is related to an investigation or disciplinary process concerning allegations of research misconduct may be released to a granting or contracting agency or other entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant of contract. In the case of an investigation of an employee for matters related to allegations of research misconduct, the investigative materials obtained or created by the Administrative Officers may be released to a granting or contracting agency or entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant or contract.

d. 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, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to alleged violations of the Code or institutional bylaws (see Chapter 5 of the Code), it may be subject to grievance.

(Chancellor 9/2014)

3.1.7 VOTING RIGHTS

All university faculty, except adjunct or adjunct/clinical faculty and those on letters of appointment, shall have the right to a full vote on the approval or amendment of these Bylaws, as well as on the approval or amendment of major unit and department bylaws. All such faculty shall also have the right to a full vote on all other university-wide ballots.

Every faculty member with a 0.5 FTE or greater assigned to a major unit or department shall be a voting member of that major unit or department. Faculty members employed by more than one unit shall be eligible to vote in the unit in which the faculty members have their major assignments.

Departments and major units shall limit the right to vote on recommendations to grant tenure and promotion to those faculty who have already attained the rank or status at issue. Faculty members may not vote on their own appointment, tenure or promotion, or in cases in which a conflict of interest exists. For departments with fewer than three faculty members at the appropriate rank or status available for voting on such recommendations, the dean shall enlist faculty at the rank or status at issue from kindred departments with the approval of the Provost.
In their bylaws, major units may introduce limitations on voting rights at the major unit or department level, provided that (i) any such limitations do not proscribe the right of faculty members to vote on bylaws and that (ii) any such limitation clearly identifies which group of faculty shall not vote on which specific matter. Rank 0 faculty whose contracts are contingent upon funding, once employed by the university for three consecutive years, or sooner if their major unit bylaws allow, shall have the same voting rights in their major units and departments as other Rank 0 faculty in their major units and departments.

(Chancellor 9/2014)

3.2 - GRIEVANCES

3.2.1 GRIEVANCE PROCEDURES

This Section 3.2 establishes grievance procedures pursuant to Title 2, Chapter 5 of the Code. All hearings shall be informal in nature. The decision of a grievance committee shall be in the form of a recommendation addressed to the President of the University and such recommendation is advisory only.

(BOR 2/2009)

3.2.2 SCOPE OF GRIEVANCE PROCEDURES

A grievance is an act or omission to act by the administration of the University allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to promotion, appointment with tenure, or other aspects of contractual status, or relating to alleged violations of the Code or institutional bylaws. Decisions of the Board of Regents are not subject to review by grievance procedures. Any decision that involves the nonreappointment to or termination of employment of a faculty member as provided in Title 2, Chapter 5 of the Code, or the furlough or lay off of a faculty member for financial exigency or curricular reasons is not subject to review by grievance procedures.

Adverse annual evaluation ratings and denial of salary increases related to merit pay are within the scope of grievance procedures. Faculty members should consult sections 4.3.4, 5.16, 5.16.a, and 5.16.b of the Code for language governing adverse annual evaluations and denial of salary increases.

Administrative reprimands or warnings to faculty member are within the scope of grievance procedures so long as the person affected has not chosen mediation (per section 6.6.3 of the Code). Faculty members should consult section 6.6 of the Code for language governing administrative reprimands or warnings.

(Chancellor 2/2016)

3.2.3 DEFINITIONS AND GENERAL PROVISIONS

a. The person or persons filing the Notice of Grievance shall be known as the "petitioner" and the person or persons allegedly responsible for the grievance shall be known as the "respondent."

b. Although specific time limits are set forth in this section, action should be taken more expeditiously whenever possible.
c. Any limitations on time set forth in this section may be changed by the mutual written consent of the petitioner and the respondent, subject to approval by the Chair of the Faculty Senate or, if a committee has been appointed to hear a grievance, by the chair of the grievance committee.

d. Unless both parties agree, and the grievance committee approves, no hearing shall be held during the summer recess, or during periods of authorized leave for concerned parties, including members of the grievance committee. In cases when a hearing is delayed to the succeeding semester, all time limitations shall continue on the faculty contractual reporting date of that semester.

e. The petitioner and respondent have the right to consult with legal counsel, at petitioner's or respondent's own expense. However, legal counsel representing either petitioner or respondent shall neither attend nor participate in grievance hearings.

(Chancellor 9/2014)

3.2.4 PROCEDURES FOR INITIATING A GRIEVANCE

a. Reconsideration of Decisions Affecting Salary

Petitioners who wish to initiate a Notice of Grievance regarding a disagreement with an annual evaluation rating or a denial of salary increase have the option of first requesting reconsideration, as provided for in Title 2, Chapter 5 of the Code. In connection with review of merit pay, “denial of a salary increase” means review of the step or level of merit in accordance with Title 2, Chapter 5 of the Code.

The petitioner may file a request for reconsideration regarding a disagreement with their annual evaluation rating or denial of salary increase, in accordance with Title 2, Chapter 5 of the Code within 15 calendar days of the date they received written reasons for the action or decision (except that the supervisor is not required to state reasons for an adverse annual evaluation under Title 2, Chapter 5 of the Code if the reasons for the evaluation are stated in the evaluation). The request for reconsideration shall be submitted in writing to the petitioner's department chair, supervisor, or dean together with the reasons, arguments, and documentation supporting the request for reconsideration. The petitioner's department chair, supervisor, or dean who rendered the negative decision shall promptly direct the request for reconsideration through regular administrative channels up to the Provost, with recommendations for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the Provost, who shall promptly inform the petitioner, in writing, of the decision.

If the petitioner is dissatisfied with the Provost’s decision after reconsideration, within 15 college working days after receipt of the same, the petitioner may file a written Notice of Grievance as described below.

b. Reconsideration of Decisions Affecting Appointment with Tenure, Promotion, or Reappointment
Petitioners who wish to file a Notice of Grievance regarding a denial of appointment with tenure, or promotion, have the option of first requesting reconsideration as provided for in Title 2, Chapters 3 and 5 of the Code.

The petitioner may file a request for reconsideration of the denial of appointment with tenure, promotion, or reappointment to employment in accordance with Chapter 5 of the Code within 15 calendar days of the date he or she received written reasons for the action or decision. The request for reconsideration shall be submitted in writing to the petitioner's department chair, supervisor, or dean together with the reasons, arguments, and documentation supporting the request for reconsideration. The petitioner's department chair, supervisor, or dean who rendered the negative decision shall promptly direct the request for reconsideration through regular administrative channels up to the President with recommendations for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the president after receipt of the recommendations, except if the President, after reconsideration, decides to recommend appointment with tenure, the final decision regarding tenure rests with the Board of Regents.

If the petitioner is dissatisfied with the President's decision after reconsideration, within 15 college working days after receipt of the same, the petitioner may file a written Notice of Grievance as described below.

Any decision which involves the notice of nonreappointment to or notice of termination of employment of faculty, or the furlough or layoff of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures. The petitioner may file a request for reconsideration of notice of nonreappointment or notice of termination, in accordance with Chapter 5 of the Code.

c. Notice of Grievance

If the petitioner chooses not to request reconsideration, or if the petitioner is dissatisfied with the decision after reconsideration, the petitioner may file a grievance. The petitioner shall submit the written Notice of Grievance to the Chair of the Faculty Senate within 15 college working days from the date the petitioner gains knowledge of either the alleged grievance or the reconsideration decision. Grievances not filed within this period shall not be considered unless the Faculty Senate Chair determines that extenuating circumstances beyond the control of the petitioner justify an extension, of up to 15 college working days. The Notice of Grievance shall contain a concise statement describing the grievance and the remedy sought. Unless the Chair of the Faculty Senate determines that the grievance is specifically not allowed by these Bylaws or the Code and has so informed the petitioner, the Chair shall serve a copy of the Notice of Grievance on the respondent.

d. Final Actions

Upon completion of a hearing by the University Grievance Committee, the recommendation of the Committee shall be forwarded to the President for final decision.
Final action shall be taken by the President. However, the approval of the Board of Regents shall be required for appointment with tenure. Decisions of the Board of Regents are not subject to review by grievance procedures.  

(Chancellor 2/2016)

3.2.5 THE UNIVERSITY GRIEVANCE COMMITTEE

a. There shall be a University Grievance Committee Pool which will be the pool of faculty from which will be selected members who will serve on grievance committees. The responsibility of these committees shall be to hear and make recommendations on properly filed grievances as provided in these Bylaws.

b. The grievance process is critical to faculty rights, and service on the grievance committee is a responsibility of all faculty members. The Grievance Committee pool shall thus consist of all members of the faculty designated as at least .50 FTE, who have completed at least five years of employment at the university. Probationary tenure-track faculty members and faculty members on approved leave shall be excluded from the pool, along with the President, Provost, vice presidents, associate and assistant vice presidents and chief administrators of major units or their administrative equivalents. Faculty members may be otherwise excused from a grievance committee only with written permission of the Provost.

c. There shall be a subset of the Grievance Committee Pool, the Grievance Committee Chair Pool, from which will be selected members who will serve as the chair of each grievance committee responsible for hearing a grievance. The Grievance Committee Chair pool shall consist of members of the faculty who have completed at least ten years of employment at the university, and have been selected by the Faculty Senate Chair with the approval of the Provost. Once selected, members shall remain in the Grievance Committee Chair Pool until removed by either the Provost or the Faculty Senate Chair.

d. The Faculty Senate shall establish procedures to ensure that the responsibility of service on grievance committees is equitably distributed among the faculty. The Chair of the Faculty Senate shall be responsible for the selection of grievance committee members and administration of the process.

e. Within five college working days from receipt of the Notice of Grievance, the Faculty Senate Chair shall select, by lot, five members of the Grievance Committee Chair Pool, plus fifteen other members of the Grievance Committee Pool, and they shall be numbered in the order selected. If the petitioner is a member of the academic faculty, then these committee members shall be academic faculty. If the petitioner is a member of the administrative faculty, then these committee members shall be administrative faculty. The lists of members of the Committee Pool and members of the Chair Pool shall be forwarded to the petitioner and the respondent. The composition of the grievance committee may be changed only by mutual written consent of the petitioner, the respondent, and the Faculty Senate Chair. These members may not include anyone from the same major unit as either the petitioner or the respondent, nor may they include two members from the same department, nor may they include anyone with a clear conflict of interest. If the grievance concerns denial of appointment with
tenure, the members must be tenured faculty. If the grievance concerns denial of an academic promotion to a higher rank, the members must be of that rank or above.

f. Within five college working days from receipt of the lists, the petitioner and the respondent may exercise one peremptory challenge each for the grievance committee chair and up to three peremptory challenges each for the other members. The grievance committee chair, and four other members shall be chosen for the grievance committee in the order they were originally selected.

g. Once the grievance committee is constituted, the Chair of the Faculty Senate shall call a meeting of the committee as soon as practicable. At the first meeting, the grievance committee chair shall schedule a hearing on the grievance as soon as practicable. The hearing shall be informal in nature. Sufficient time must be allowed for all parties to prepare their evidence. All written materials to be considered shall be submitted at least ten college working days before the hearing to the Faculty Senate Chair for distribution to the committee, the petitioner, and the respondent. The committee shall hear the evidence presented at the hearing and shall reach its recommendation based solely on the evidence, written and oral, presented at the hearing. The hearing shall be informal in nature, and the legal rules of evidence shall not apply at the hearing, but the committee shall make every effort to consider only relevant and reliable evidence. The committee may request additional information in order to render its recommendation if this information is related to information presented in the hearing. Either side may bring a colleague, who may serve as spokesperson, to the hearing and call witnesses who have agreed to speak before the grievance committee. These colleagues or witnesses must be university employees and may not be members of the Faculty Senate Executive Board, any member of the executive faculty at the equivalent level of dean or above, or legal counsel for the petitioner, respondent, or university. Any party bringing a colleague or witnesses must so advise the grievance committee chair in writing at least ten days prior to the hearing, and the grievance committee chair will in turn inform the other party.

h. The grievance committee’s recommendation shall be advisory only. The recommendations of the committee shall be prepared by the committee chair and submitted in writing to the Chair of the Faculty Senate, who shall forward them to the President, the petitioner, and the respondent within ten college working days of the hearing. The President shall then provide written notification of a decision within a reasonable time to the Chair of the Faculty Senate, to the petitioner, and to the respondent. The Chair of the Faculty Senate shall then notify the members of the committee of the President's decision.

(Chancellor 3/2015)

3.3 - PROFESSIONAL RESPONSIBILITIES, EVALUATION AND PERSONNEL RECOMMENDATIONS

3.3.1 PROFESSIONAL RESPONSIBILITIES

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 2.1.2 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 periodic 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 is subject to the grievance procedure outlined in these Bylaws. The agreed upon specification of professional responsibilities may be subject to review by the dean or other appropriate administrators.

3.3.2 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. All performance evaluations shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” An overall evaluation of "excellent" or "commendable" shall be considered meritorious. Each person shall submit documentation, as specified in department, major unit, and these Bylaws, for evaluation. The evaluation of each faculty member shall carry a signed statement indicating that the faculty member has read the evaluation or has waived the right to read it. If the faculty member disagrees with the annual evaluation rating, the faculty member may submit a written rejoinder (Section 5.16 of the Code) and/or may initiate a reconsideration and/or grievance through regular administrative channels as specified in these Bylaws.

All evaluations shall be initiated by the department and shall be made on the basis of equitable and uniform criteria. Evaluations of instructional faculty members 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, major unit, and these university bylaws and may include peer review. For tenure-track faculty members, external peer review shall be required for promotion or tenure, as specified in major unit and/or department bylaws. All evaluations 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 ensure a just and equitable recommendation. Faculty members 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.

The performance evaluations of executive and supervisory faculty members shall include consultation with the professional and classified staff of the unit. The form and process of this
consultation shall be defined and determined by unit bylaws. In addition, there shall be a broader periodic evaluation for vice-presidents, deans, and other equivalent administrators, that shall be done on a rotating schedule, by the President, with advice from the Faculty Senate, once every five years. If requested by the President, broader periodic evaluations shall occur for any other executive or supervisory faculty members. This evaluation process and its instruments shall be the responsibility of the President, in consultation with the Faculty Senate, and the results of this evaluation shall be advisory to the President. This evaluation shall include identification of and consultation with university faculty and staff outside the administrator’s unit who are affected by the administrator’s performance, including the administrator’s peers.

(Chancellor 2/2016)

3.3.3 PERSONNEL RECOMMENDATIONS

All tenure, promotion, and annual evaluations shall be made on the basis of the faculty member's professional performance in meeting the responsibilities specified in Section 3.3.1 of these Bylaws. All such evaluations shall be initiated at the department level and forwarded to the 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, an annual evaluation rating, a salary increase, promotion or reappointment to employment, the faculty member may ask for reconsideration through regular administrative channels as specified in the Subsections 5.2.4, 5.12.3, and 5.16 of the Code, within 15 calendar days of the receipt of the written reasons (except that the supervisor is not required to state reasons for an adverse annual evaluation under section 5.2.3 if the reasons for the evaluation are stated in the evaluation).

Subsection 5.12.2 of the Code 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 major 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 faculty members to assess their own performance within the academic community and to improve that performance with reference to specific and uniform written criteria applied by each department or appropriate major 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.

(Chancellor 3/2015)

3.3.4 SCHEDULE FOR MERIT

All members of the faculty (administrators, administrative faculty, and tenured, tenure-track, and nontenure-track academic faculty) shall be evaluated and eligible faculty members shall be formally considered annually for merit increases. 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.
3.3.5 PROCESS AND SCHEDULE FOR PROMOTION OF ACADEMIC FACULTY

The university shall establish an annual schedule for consideration of application for promotion for all members of the academic faculty. Preparing the application and supporting materials is the responsibility of the faculty member, in consultation with the department chair. The chair shall evaluate the application in consultation with the department faculty, and recommend to the college dean for promotion or notify the college dean of the decision against promotion, in accordance with the department’s bylaws. With the recommendation for or decision against promotion, the chair must report the outcome of any vote by the department faculty or the department personnel committee, and attach any report from the department faculty or department personnel committee. The chair’s recommendation for promotion is advisory to the college dean.

Major units shall establish the requirements for promotion in their bylaws. At minimum, promotion to Rank III and Rank IV shall require confidential reviews by at least four qualified professionals in the applicant’s discipline from outside the university. In selecting reviewers, the department chair shall consult with the department faculty or the department personnel committee. The chair may solicit recommended reviewers from the applicant, but such recommendations shall be advisory only. All committees and administrators involved in the promotion process shall have access to the reviews.

In colleges which are not subdivided into departments, the college shall also serve as the department, in accordance with its bylaws.

The college’s personnel committee shall review the faculty member’s promotion application, the department chair’s recommendation, supporting materials, and outside letters, and shall vote for or against the applicant’s promotion. The committee’s recommendations are advisory to the college dean. This committee shall also scrutinize the promotion process to help ensure that existing procedures are fairly and equitably implemented.

If the dean supports a recommendation for promotion, the dean’s recommendation is advisory to the Provost. With the recommendation, the dean shall also attach the faculty member’s promotion application, the report and vote of the college personnel committee, the recommendation of the department chair, any report from the department faculty or department personnel committee, and the outside reviews. The university promotion and tenure committee shall have access to all of these materials in its promotion review process, and this committee’s recommendation is advisory to the Provost.

A member of the academic faculty may request consideration by the faculty member’s department for promotion in any year.

A rank 0(I), rank 0(II), or rank II faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the third full academic year in rank, and annually thereafter. A rank 0(III) or rank III faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the sixth full academic year in rank. The above specified
times shall not be construed as a minimum time in rank before promotion. Any rank may be a terminal rank.
(Chancellor 9/2014)

3.3.6 REEVALUATION OF ADMINISTRATIVE FACULTY POSITIONS

At any time after the first year of employment in a position, any member of the administrative faculty may request a reevaluation of the administrative range of their current position. Any reevaluation will be based on the level of work and responsibilities associated with their position. After a request for a change in range has been granted, a reevaluation will not be considered until one year has lapsed.
(Chancellor 2/2016)

3.3.7 NOTICE OF PERSONNEL RECOMMENDATIONS

The responsible agent in each department shall notify each member of that department, in writing, of any recommendation or failure to recommend for promotion, tenure, reappointment or nonreappointment, salary increases, or merit increases within 15 working days of the same. Thereafter, the faculty member shall be notified in writing within 15 working days by the responsible agent at the appropriate level only of a failure to recommend or of a revised recommendation.

3.3.8 UNIVERSITY PERSONNEL COMMITTEES

It is the general purpose of these committees to monitor policies, procedures, and practices; to insure that comparable criteria and procedures are used and that standards and criteria delineated in departmental, major unit and university bylaws are followed. These committees shall review all recommendations, including any reconsiderations, in accordance with explicit, written criteria furnished by the recommending department or major units and shall make recommendation to the President.

Operational procedures describing the selection of members to these personnel committees are established by, and may be revised subject to approval of, the Faculty Senate.

The President shall charge these committees annually. They will report to the President with an annual summary report to the Faculty Senate. Grievances of any committee decisions may be addressed through 3.3 of these bylaws. No person may serve on multiple university personnel committees simultaneously.

a. The Academic Faculty Promotion and Tenure Committee shall review recommendation and reconsiderations for promotion and tenure for academic faculty members.

b. The Administrative Faculty Salary Placement Committee shall review salary placement recommendations for new and revised administrative faculty positions.

c. The Merit Policy Committee shall review and made recommendations on policies pertaining to the distribution of merit money and provide an oversight function to ensure
that all colleges/schools/major units have policies for distributing merit in a fair, equitable and consistent manner.

d. The Academic Salary Equity Committee shall conduct internal analysis to assure that academic faculty members with similar characteristics and performance evaluations receive comparable salaries, and review and make recommendation on individual requests in which there are perceived inequities.

e. The Administrative Salary Equity Committee shall review and make recommendation on the equitable movement of administrative faculty members within a salary range based on predetermined criteria.

(Chancellor 2/2016)

3.4 - TENURE

3.4.1 JUSTIFICATION: TENURE AND ACADEMIC EXCELLENCE

The major objectives of tenure are to provide a faculty member committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada, Reno community that their expected services and performances in the future justify the privileges afforded by tenure. All tenured faculty members have academic freedom and responsibilities as per Section 2.1 of the Code.

(Chancellor 9/2014)

3.4.2 ELIGIBILITY FOR TENURE

Except as provided in Chapter Three of the Code, full-time and part-time (at least 0.5 FTE) academic faculty members in Rank II, Rank III, and Rank IV positions shall be eligible for tenure. Administrators may be included in this condition of eligibility, but only in the capacity of academic faculty. Full-time academic faculty members in Rank 0 or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances. See Subsection 3.2.1 of the Code.

(Chancellor 9/2014)

3.4.2.1 ACADEMIC FACULTY PAID WITH SHORT TERM, NONSTATE FUNDS

a. Except as provided in paragraph c. herein, academic faculty whose initial appointments are in positions paid with more than .5FTE short term, nonstate funds are not eligible for such appointment with, nor shall have, tenure under any circumstances.

b. Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983, shall continue to be employed with tenure subject to the provisions in the NSHE Code.

c. In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of
interrupted full-time employment in the former position may be counted, upon the request of the academic faculty member and the approval of the President, as part of the probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

(Chancellor 8/2015)

3.4.2.2 RANK 0 FACULTY

a. Faculty placed in Rank 0 positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Rank 0 position.

b. Upon the request of the academic faculty member and the approval of the President, up to three years of uninterrupted full-time employment in a Rank 0 position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Rank 0 position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

c. Academic faculty who have been placed in Rank 0 positions may be given such academic titles as the member institution, at the President’s discretion, may consider appropriate, but such academic faculty shall not be eligible for appointment with, nor shall have tenure under any circumstances by reason of the granting of such academic titles.

(Chancellor 8/2015)

3.4.3 PROBATIONARY PERIOD

Academic faculty eligible for appointment with tenure must serve in a probationary period in the University before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.

[Code, 3.3.1 (a)]

At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the President or the President’s designee. Prior to recommending such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in these Bylaws.

[Code, 3.3.1 (b)]

The President, without seeking Board of Regents’ approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President shall submit an annual report to the Board of Regents which shall include the name of any individual
to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year. [Code, 3.3.1 (b2)]

Authorized period of leave, paid or unpaid, may be excluded from service toward the seven-year probationary period upon written request of the faculty member and approval of the President. The decision of whether to grant the faculty member's request to exclude periods of leave shall be based upon the sole discretion of the President. The President’s decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period. [Code, 3.3.1 (c)]

The period of probation may exceed seven years upon written request of the faculty member and approval of the President. The decision of whether to grant the faculty member’s request to exceed the seven-year probationary period shall be based upon the sole discretion of the President. The decision of the President is final. The request for an extension of the seven-year period of probation must state the reasons for such extension. [Code, 3.3.1 (d)]

Upon the request of the academic faculty member and the approval of the President, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. The University shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period. [Code, 3.3.2]

Upon the request of the academic faculty member and the approval of the President, up to three years of full-time employment at other accredited institutions of postsecondary education, including such institutions in the Nevada System of Higher Education, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment. [Code, 3.3.3]

After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be reappointed at any rank providing eligibility for such appointment unless such appointment is with tenure. [Code, 3.3.4] (Chancellor 2/2016)

3.4.4 SCHEDULE FOR EVALUATION OF PROBATIONARY FACULTY

Departments shall evaluate the progress of probationary members of the academic faculty according to the following schedule:

a. Reappointment - A probationary member of the faculty shall be evaluated and formally considered annually for reappointment at the department and major unit levels.

b. Third Year Review - A probationary member of the faculty must be evaluated and advised regarding progress toward tenure recommendation no later than the end of the third full academic year as a probationary member of the academic faculty of the university and, if not granted tenure, annually thereafter. The probationary faculty member shall be informed of this evaluation in writing, including the program of improvement that must be undertaken
to be considered for tenure at a later date. All third-year reviews shall be forwarded by the dean or major unit administrator to the Executive Vice-President and Provost.

c. Recommendations and Appointment - As provided in Subsection 3.4.1 of the Code, at the expiration of a probationary period, or at any time during a probationary period, academic faculty members eligible for appointment with tenure may be recommended to the President for such appointment through regular personnel procedures. The process and schedule for applying for tenure shall follow that specified in these Bylaws for the promotion of academic faculty. Recommendations for appointment with tenure shall be made by the President to the Board of Regents. The board has final authority in making an appointment with tenure, and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the board, a quorum being present.

(Chancellor 9/2014)

3.4.5 STANDARDS FOR RECOMMENDING APPOINTMENT WITH TENURE

a. As provided in Subsection 3.4.2 of the Code, the consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the three standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 3.1.2 of the Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure. In standards one and two, an academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of these standards and no less than a “satisfactory” rating in the other.

(1) Standard One: Teaching/Performance of Assigned Duties

Either of the following:

(A) If applying for tenure as a University instructor, a record of effectiveness as a teacher, including, but not limited to demonstrated teaching competence and efficiency in a classroom and/or laboratory, and/or clinical setting, the ability to communicate effectively with students, and demonstrated skill in handling classroom and other duties related to teaching. (Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter, and to evoke response in students and to demonstrate competence in advising students.)

(B) If applying for tenure as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency, and ability to perform assigned duties.

(2) Standard Two: Scholarly and Creative Activity

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) 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) Membership and participation in professional organizations;

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

(C) Service on University or System committees;

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

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

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

c. The standards and the ratings set forth in this subsection are the standards that must be used by the University and its major units in recommending academic faculty members for appointment with tenure. However, major unit Bylaws may provide for criteria within the ratings set forth in this subsection for recommending academic faculty members for such appointment. Such criteria must be consistent with the provisions of the Code and must not be less stringent than the standards provided therein.

Any such criteria that are not published in adopted bylaws of the University or major unit bylaws are void and of no effect whatever.

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.

(Chancellor 9/2014)

3.4.6 NOTICE OF TENURE

As provided in Subsection 3.4.4 of the Code, when a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the President in writing.
3.4.7  ANNUAL PERFORMANCE EVALUATION OF TENURED FACULTY MEMBERS

a. Declaration of Policy - As provided in Section 5.13 of the Code, it is the policy of the NSHE to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty members will be encouraged to realize the academic community's expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty members, as provided in Section 5.11 of the Code.

b. Evaluation Procedure -

(i) If the annual performance evaluations provided for in Section 5.11 of the Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment.

(ii) An overall “unsatisfactory” rating in two consecutive annual performance evaluations as provided in this section shall be cause for termination of employment. Hearings to consider terminations initiated by this section shall be held by a special hearing officer and special hearing committee under Section 6.12 of the Code. All other provisions of Chapter 6 of the Code should be followed to the extent applicable. Notwithstanding the provisions of Subsections 6.12.4, 6.13.1, and 6.14.2 of the Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations, which initiated the hearing, shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the University.

(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.

(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.

(Chancellor 9/2014)

3.4.8  TENURED FACULTY MEMBERS IN ADMINISTRATIVE POSITIONS

Administrative appointment, as defined in Section 1.1(b) and Section 1.6 of the Code, is separate and distinct from appointment to the academic faculty. An administrator with tenure may be removed from the administrative post without cause, but shall be reassigned within the University.

(Chancellor 9/2014)
3.4.9 RELINQUISHMENT OF TENURE ON TRANSFER

Except as otherwise provided in the Subsection 3.4.7 of the Code, in the event a tenured faculty member transfers employment from the member’s institution granting an appointment with tenure to another system institution, the faculty member shall be deemed to have relinquished tenure in the former entity and shall not carry over such appointment to the latter entity.

3.4.10 EXPIRATION OF TENURE

A faculty member relinquishes or waives the right to tenure upon resignation from the University.
(Chancellor 9/2014)

3.4.11 TERMINATION OF TENURE

After a faculty member has been appointed with tenure, the faculty member’s service may be terminated only through established University procedures as specified in the Code and these Bylaws.
(Chancellor 9/2014)

3.4.12 FINANCIAL OR CURRICULAR REASONS FOR TERMINATIONS

A tenured faculty member may be terminated for financial exigency or curricular reasons in accordance with the provisions of the Code and section 3.4 of these Bylaws.

3.5 - NONREAPPOINTMENT, DISMISSAL, TERMINATION, AND CHANGES IN CONTRACTUAL STATUS

3.5.1 NONREAPPOINTMENT AND TERMINATION OF NONTENURED FACULTY MEMBERS

Notification of nonreappointment of nontenured members of the faculty hired before March 1, 2005 and notification of termination of nontenured members of the faculty hired on or after March 1, 2005 shall be made in accordance with the provisions prescribed in Chapter 5 of the Code. Administrative decisions or recommendations involving the nonreappointment or termination of a nontenured faculty member shall be communicated in writing, within 15 calendar days of the decision, to the faculty member by the administrator making the initial decision or recommendation.

Written notices of nonreappointment or termination should inform the nontenured faculty members of their right to provide the administrator who issued the notice a written request asking for a statement in writing of the reasons for the notice. Faculty members who choose to make such requests must do so in writing within 15 calendar days of receipt of the written notice of nonreappointment or termination. The response must be received by the faculty member within 15 calendar days after the appropriate administrator received the written request for reasons.
3.5.2 DISCIPLINARY SANCTIONS FOR PROFESSIONAL EMPLOYEES

In accordance with Sections 6.6.1 to 6.6.8 of the Code, 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 Code. Procedures under 6.6 differ from procedures established in Sections 6.7 to 6.14 of the Code. Procedures in Section 6.6 of the Code are to be used whenever possible, as an alternative to those in Sections 6.7 to 6.14 of the Code.

Section 6.6.3 of the Code 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.

3.5.3 DISMISSAL

All faculty members are subject to dismissal for cause as specified in the Section 6.2 of the Code. No person shall be dismissed for cause except through regular University personnel procedures, which shall include an opportunity for a hearing prior to dismissal.

3.5.4 FINANCIAL REASONS FOR FURLOUGH, REDUCTION IN PAY OR LAY OFF

Faculty members should consult sections 5.4.5 and 5.4.6 of the Code for regulations and procedures governing furloughs, pay reductions, and lay offs due to a financial exigency declared by the Board of Regents.

(Chancellor 2/2016)

3.5.5 CURRICULAR REASONS FOR LAY OFF

Faculty members should consult sections 5.4.7 and 5.4.8 of the Code for regulations and procedures governing lay offs due to curricular reasons.

(Chancellor 2/2016)

3.5.6 SABBATICAL LEAVE

The major purpose of sabbatical leaves is to provide the faculty opportunity for continued professional growth and new or renewed intellectual achievement through study, research, writing, creative work and travel, so that teaching effectiveness may be enhanced, scholarly usefulness increased, and the institution's academic, research, and service programs strengthened. Any faculty member with academic equivalent rank, including the rank of lecturer, who shall, at the beginning of the proposed leave, have served full-time on either a ten- or twelve-month contract for six or more salaried years without a sabbatical leave is eligible to apply for sabbatical leave.
3.5.7 **CHANGES IN CONTRACTUAL STATUS**

There shall be consultation between the faculty member affected and the appropriate administrator prior to any changes in that faculty member's contractual status. "Changes" shall include conversion to payment by short-term, nonstate funds.

3.6 – APPOINTMENT OF ADMINISTRATORS AND SEARCH PROCEDURES

3.6.1 **APPOINTMENT OF ADMINISTRATORS**

The appointment of the heads of administrative major 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 the President’s designee shall consult with faculty of the appropriate major 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.

(Chancellor 9/2014)

3.6.2 **OFFICE OF THE PRESIDENT**

Whenever a vacancy occurs or is about to occur in the position of President of the University, an Institutional Advisory Committee shall be appointed and shall function in accordance with the procedures set forth in Subsection 1.5.4 of the Code.

3.6.3 **VICE-PRESIDENTS**

The President, in making a nomination for vice-president to the Chancellor, shall consult with the faculty. Consultation shall involve a faculty screening committee selected in accordance with provisions defined by the Administrative Manual. The committee shall present a list of three or more candidates to the President and shall meet with the President to discuss the proposed candidates.

(Chancellor 11/2009)

3.6.4 **DEANS**

The President shall appoint deans of the major academic units for a renewable term of five years or less. Searches for deans shall be conducted in accordance with University hiring policies and procedures. The search committee shall be composed of no less than five and no more than twelve voting members. The Provost shall appoint a majority of the committee members from a list of nominees recommended by the major unit, and the major unit faculty shall nominate twice as many persons as the Provost will appoint, broadly representative of the faculty and departments of the major unit. The Provost may then appoint the remainder of the committee in order to complement those appointed from the major unit nominees. The Provost shall name a chairperson, who shall not vote except in case of a tie. Membership on
the committee is not restricted to academic or administrative faculty. Upon completing the search process, the committee shall present the Provost with an unranked list of those applicants it considers best suited for the position of dean. The Provost shall recommend appointment to the President. The Provost may recommend to the President the appointment of an interim dean without a search, for a renewable term of one year or less. In making this recommendation, the Provost shall consult with the faculty of the major unit or their representatives, according to the major unit’s bylaws.

(Chancellor 8/2015)

3.6.5 ASSOCIATE AND ASSISTANT DEANS

The dean, in making a nomination for associate or assistant dean, shall follow the major unit bylaws.

3.6.6 DEPARTMENT CHAIRS

Nomination of department chairs shall follow department and major unit bylaws. The dean shall submit such nominations to the President for approval.

3.6.7 FACULTY

Recommendations for the appointment of new faculty members shall originate in the department concerned and shall follow department and major unit bylaws. The terms and conditions of employment shall be specified in the contract in accordance with the Code. In recruiting and selecting academic and administrative faculty members, the objective shall be to conduct a thorough and appropriate search in an effort to hire the most suitable candidate for the position. Prior to transferring a faculty member from one department to another, administrators must consult with the faculties of both departments.

(Chancellor 9/2014)