

PROPOSED AMENDMENT

TITLE 2 - University and Community College System of Nevada CODE

CHAPTER 5

PERSONNEL POLICY FOR FACULTY

Section 5.9 Notice of Non-reappointment and Notice of Termination for System, Except DRI

5.9.1 Minimum Notice of Non-reappointment for Nontenured Academic and Administrative Faculty. Except as provided in Subsections 5.4.2 [and], 5.9.2, 5.9.3 and 5.9.4 of the University and Community College System of Nevada Code, and unless provided otherwise in an employment contract, notice of non-reappointment to employment of nontenured academic faculty and administrative faculty hired before March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units shall be given: (B/R 1/03)

- (a) Not later than March 1 of the first academic or fiscal year of service, if the employment contract terminates at the end of that year, or if an employment contract for a one year appointment terminates during an academic or fiscal year, at least 90 calendar days in advance of its termination;
- (b) Not later than December 15 of the second academic or fiscal year of service, if the employment contract terminates at the end of that year, or if the second employment contract for a one year appointment terminates during an academic or fiscal year, at least 180 calendar days in advance of its termination;
- (c) At least 365 calendar days in advance of the termination of each succeeding employment contract of one academic or fiscal year's duration after the second year of service;
- (d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, no less than 14 calendar days in advance of the termination of such contracts.

5.9.2 Shortened Notice of Nonreappointment for Nontenured Academic and Administrative Faculty for Financial Exigency.

- (a) Nonreappointment of a nontenured **academic or administrative** faculty member at the end of an existing employment contract by a System institution because of a financial exigency declared by the Board of Regents under Subsection 5.4.5 of the University and Community College System of Nevada Code shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the terminating faculty member's salary for such period, the notice of nonreappointment may be shortened to a period commensurate with the amount of funds reasonably available to make such payments.
- (b) If a nontenured **academic or administrative** faculty member is not reappointed to employment under the shortened notice of nonreappointment because of financial exigency, the faculty member's position will not be filled by a new appointee within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level.
- (c) Nothing herein shall prevent the System institutions from not reappointing nontenured **academic or administrative** faculty members at the end of the term of their employment contracts because of financial reasons without a declaration of financial exigency by the Board of Regents under Subsection 5.4.5 of the University and Community College System of Nevada Code if the notice of nonreappointment provided by Subsections 5.4.2, 5.8.2 or 5.9.1 of the University and Community College System of Nevada Code is given.

5.9.3 Notice of Termination of Faculty after Exhaustion of Leave.

- (a) A tenured or nontenured [employee] **faculty member** who is not able to return to work after the exhaustion of all available leave and the expiration of any extended sick leave granted under Title 4, Chapter 3, Section 12 (7) or Title 4, Chapter 3, Section 12 (8) shall be entitled to 15 calendar days notice of termination.
- (b) The provisions of Title 2, Chapter 6, do not apply where an employee is unable to return to work after the exhaustion of all available leave and the expiration of any extended sick leave.

Section 5.9.4 Notice of Non-Reappointment and Termination for Non-Tenured Academic and Administrative Faculty hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.2 and 5.9.3 of the University and Community College System of Nevada Code, and unless otherwise provided in the contract of employment, the employment of non-tenured academic and administrative faculty hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given notice of ~~nonreappointment~~ *termination* by the appointing authority at any time after the commencement of employment. Such (non-reappointment) *termination* notice:

- (a) If in the first academic *or fiscal* year of service ~~will~~ *shall* be given at least 90 calendar days in advance of date of termination;
- (b) If in the second academic *or fiscal* year of service ~~will~~ *shall* be given at least 180 calendar days in advance of date of termination;
- (c) If in the third and subsequent years of service ~~will~~ *shall* be given at least 365 calendar days in advance of the date of termination;
- (d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, *shall be given* no less than 14 calendar days in advance of the termination of such contracts.

The contract of employment of a non-tenured academic or administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

Section 5.9.5 Notice of ~~Non-Reappointment~~ and Termination for Non-Tenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.2 and 5.9.3 of the University and Community College System of Nevada Code, and unless otherwise provided in the contract of employment, the employment of *non-tenured* administrators of the rank of Dean or higher *to include those who directly report to the Provost or President*,, hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given a notice of ~~nonreappointment~~ *termination* by the appointing authority at any time after the commencement of employment. Such notice of termination ~~will~~ *shall* be given:

- a. 60 calendar days after the receipt of written notice of ~~non-reappointment~~ *termination*, in the first full or partial fiscal year of employment;
- b. 90 calendar days after the receipt of written notice of ~~non-reappointment~~ *termination*, in the second fiscal year of employment;
- c. 120 calendar days after the receipt of written notice of ~~non-reappointment~~ *termination*, in the third or subsequent fiscal year of employment.

The contract of employment of a non-tenured *administrative* faculty member *at the rank of Dean or higher* is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.