

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Nevada State College Bylaws

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

This is the first time Nevada State College has brought forward its Bylaws for approval.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approval of the Nevada State College Bylaws and inclusion in Title V of the Nevada System of Higher Education Board of Regents Handbook.

4. IMPETUS (WHY NOW?):

They have been written and been approved by the Nevada State College Faculty Senate.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

Nevada State College is requesting that the Bylaws be approved for inclusion in Title V of the Nevada System of Higher Education Board of Regents Handbook.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None.

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

If not approved, Title V of the Nevada System of Higher Education Board of Regents Handbook will remain incomplete.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # V Chapter # _____ Section # _____
- Amends Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No _____
Explain: _____

NEVADA STATE COLLEGE BYLAWS

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NEVADA STATE COLLEGE BYLAWS

Chapter 1 – BYLAWS

Section 1 Authorization

These Bylaws are authorized by Chapter 1, Section 1.3.4 of the Nevada System of Higher Education of Nevada Code, hereinafter referred to as Code, as adopted by the Board of Regents.

Section 2 Scope

The Bylaws provide for the basic organizational structure, personnel policies and personnel administrative procedures for Nevada State College. The Bylaws shall be consistent with the Code, Board of Regents Handbook and the NSHE Procedures Manual, and the laws of the State of Nevada and the United States of America. The Code, Board Handbook and the NSHE Procedures Manual will prevail should conflict arise with the Bylaws.

The Bylaws are intended to be a statement of general policy. The Policies and Procedures Manual of Nevada State College, as approved by the President, provides further policies and procedures applicable to the College.

Additional policies may be approved by the President for inclusion in the Policies and Procedures Manual. Policies and procedures having college-wide impact shall first be submitted to Faculty Senate for review and recommendation before being included in the Manual. The President may delegate authority to Departments or Units to adopt procedures for implementation of previously approved policies. In addition, where urgent action is required, the President may approve interim policies to remain in effect pending review by Faculty Senate.

Section 3 Amendments

Amendments to the Bylaws may be proposed by faculty members, the President, the Chancellor or the Board of Regents. All proposals shall be submitted in writing to the Faculty Senate for its review and recommendation. Upon approval by the Faculty Senate, amendments are forwarded to the President for review. Upon approval by the President, amendments are forwarded to the Board of Regents for final review and approval.

Section 4 Interpretation

The President shall make a final decision regarding interpretation of Bylaws, Policies and Procedures after consultation with legal counsel and where appropriate, the Faculty Senate.

Chapter 2 – ORGANIZATION

Section 1 Units

The College shall be organized into constituent units or other appropriate designations such as schools or divisions supporting the mission of the College.

Section 2 Departments of Units

Units may be further divided into constituent parts known as departments.

Section 3 Committees and Advisory Groups

The President may establish internal College Committees and external Advisory Groups to provide assistance and recommendations.

Section 4 Changes in Organization

The President shall confer with the appropriate faculty, administrators and the Faculty Senate prior to the creation, abolition, transfer or significant modification of the mission, function, or structure of units or departments.

Chapter 3 – FACULTY

Section 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, the Code, Board Policy and the NSHE Procedures Manual.

Section 2 Definitions

The College faculty shall consist of all persons holding authorized professional positions as provided in Subsection 1.4.5 of the Code. Classified staff are not subject to these rules; but are instead subject to the provisions of the State Personnel System.

- a. For the purposes of these bylaws, "administrators" will refer to a subset of the category defined in section 1.1.b of the Code, such as president, provost, vice presidents, associate and assistant vice presidents and vice provosts, deans, associate and assistant deans, directors and the like.
- b. For the purposes of these bylaws, "academic faculty" is defined in Section 1.1(a) of the Code and Title 4, Chapter 3, Section 2(1)(b), and generally consists of those professional staff members who specifically create and disseminate scholarly

information through teaching, or providing counseling or library services closely and directly supportive of teaching and research.

c. For the purposes of these bylaws, "administrative faculty" will refer to a subset of the category of administrators defined in section 1.1.b of the Code and Title 4, Chapter 3, Section 2(1)(d) such as professional staff that provide services to students, faculty, or administrators, outside the traditional classroom, counseling or library services.

Section 3 Faculty Ranks

a. Academic faculty -- There shall be four ranks of academic faculty, designated for contract purposes by numbers, as follows: Professor (IV), Associate Professor (III), Assistant Professor (II), and Instructor (I). Ranks equivalent to these identified by corresponding numbers may be assigned appropriate titles.

b. Administrative faculty -- There are seven ranges of administrative faculty as follows: Ranges 1, 2, 3, 4, 5, 6, and 7. Appropriate titles may be assigned to administrative faculty in any range.

c. Non tenure track academic faculty -- There shall be positions for lecturers, or positions with other appropriate titles, reserved for persons with special qualifications that do not fit the criteria of the four academic ranks.

Section 4 Faculty Contracts

a. Academic faculty -- Academic faculty in the ranks Professor (IV), Associate Professor (III), Assistant Professor (II), or Instructor (I) shall be employed on annual contracts.

b. Administrative faculty -- Administrative faculty tenured in an academic position shall be employed on annual contracts, as provided in the Code, Subsection 5.4.2(c).

c. Non tenure track academic faculty -- Academic faculty in non tenure track positions may be employed on an annual or partial-year basis and may be employed on a full-or part-time contract.

(i) The duration of employment contracts is specified in Subsection 5.4.2 of the Code. Lecturers on continuing contracts shall enjoy academic freedom and shall have the rights of reconsideration and appeal permitted by the Code and these Bylaws, faculty voting rights (except as otherwise provided in these Bylaws), salary and merit pay increases, fringe benefits, and rights of notification of non-reappointment. However, they shall not be eligible for tenure. These faculty shall possess at least a master's degree or its equivalent in the appropriate academic discipline. Exceptions to this policy

shall occur only in exceptional circumstances as reviewed and approved by the departmental chair and/or the dean and the Provost. These contracts shall not be used as a substitute for the tenure system. Specifically, continuing tenure track positions shall not be converted to Lecturer to avoid terminating incumbents whose performance or educational background does not warrant the award of tenure.

(ii) Those employed on a full or part-time basis for a temporary term of employment as specified in contracts and/or letters of appointment approved by the President shall be appointed for a term not to exceed twelve months. There is no right to continuing renewal of such contracts and the notice and procedural protections afforded in the Code are not applicable.

Chapter 4 - FACULTY SENATE

Section 1 Purpose and Responsibility

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 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 College 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.

Section 2 Policies and Procedures of the Faculty Senate

- a. Every member of the Faculty Senate has the obligation to speak and act in the best interests of the College. In discharging their functions, the members of the Faculty Senate shall be responsible to the faculty who elected them. However, members shall have the freedom to speak and act according to their own judgments.
- b. Actions of Faculty Senate shall be forwarded to the President and reported to the faculty through the minutes.
- c. Faculty Senate Bylaws will define voting rights, election procedures, qualifications for officers, regular and special meetings; the right of faculty to attend said meetings; amending the Bylaws and the filing and distribution of minutes; Faculty Senate organizational structure and other matters pertaining to Faculty Senate governance. The bylaws shall also provide for the recall of officers and members by the unit or other portion of the faculty from and by whom members were elected, and for discharge by that body of any of its elected members.

d. The bylaws shall be in effect upon: 1) approval by the members of that body and 2) approval by the President.

Section 3 Department Chairs

Department chairs shall be nominated and selected according to procedures established in Faculty Senate Bylaws and where established, Department or Unit Bylaws. The name of the department chair shall be forwarded to the Provost for approval. The Provost may make interim appointments to fill vacancies.

Chapter 5 – TENURE

Section 1 Justification: Tenure and Academic Excellence

The major purpose of tenure is to ensure a faculty committed to excellence. Tenure is a means to certain ends, specifically: 1) academic freedom for teaching, scholarly research, and of extramural activities; and 2) a sufficient degree of economic security to make faculty appointment at the College attractive to persons of ability. The objective of tenure is not to afford job security to persons who have performed satisfactorily or without incident, but rather to provide a substantial degree of security to those persons whose record of excellence convinces the College that their expected future performance justifies the degree of permanence afforded by tenure. See Code, Subsection 7.1.2. For further details and NSC procedures dealing with tenure, please see the Faculty Handbook.

Section 2 Eligibility for Tenure

Except as provided in Chapter Seven of the Code, full-time academic faculty 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 as academic faculty. Full-time academic faculty in non tenure track positions, such as Lecturers, are not eligible for appointment with, nor shall have, tenure under any circumstances. See Code, Subsection 7.2.1.

Section 3 Probationary Period

As provided in the Code, Section 7.3, academic faculty eligible for appointment with tenure must serve a probationary period 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 as specified in Subsection 7.3.1(d) and 7.3.1(a) of the Code.

Section 4 Schedule for Evaluation of Probationary Faculty

Departments (or a School if there is no department within the School) shall evaluate the progress of probationary members of the 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 unit levels.
- b. Three 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 College and, if not granted tenure, annually thereafter.
- c. Recommendations and Appointment - As provided in Subsection 7.4.1 of the Code, a probationary member of the faculty may request consideration by his or her department for tenure in any year of the probationary period, including the terminal year, through regular personnel procedures for such appointment.

Section 5 Standards for Recommending Tenure

a. As provided in Subsection 7.4.2 of the Code, the consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 7.1.2 of the NSHE Code. The sole criteria for tenure decisions are in the areas of teaching, scholarship and service. For a complete listing of how the criteria are used in the tenure application process, see the NSC Faculty Handbook.

Section 6 Notice of Tenure

As provided in Subsection 7.4.4 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.

Section 7 Annual Performance Evaluation of Tenured Faculty

Declaration of Policy - As provided in Section 5.13.1 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 will be encouraged to realize the College community's expectations to such excellence in their future service and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.13 of the Code.

Section 8 Tenured Faculty 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 as academic faculty. An administrator with tenure may be removed from the administrative post without cause, but shall be reassigned within the College.

Section 9 Relinquishment of Tenure on Transfer

Except as otherwise provided in the Code (See Subsection 7.4.7), 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.

Section 10 Termination of Tenure

After a faculty member has been appointed with tenure, his or her service may be terminated only through established College procedures as specified in the Code and these Bylaws, or upon resignation from the College.

Section 11 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 Chapter 6 of these Bylaws.

Chapter 6 – FACULTY PERSONNEL POLICIES

Section 1 Academic Freedom

All members of the academic faculty enjoy academic freedom in the exercise of their professional duties.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter that has no relation to their subject.

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

Section 2 Personnel Files

The personnel file of a faculty member maintained by Human Resources shall constitute the official record of employment related actions and shall include such items as applications, resumes, transcripts, employment contracts, evaluations, promotions, leave records, employment notices, awards, disciplinary actions and related records. The File shall be maintained confidentially in accordance with the Code, Chapter 5, Section 5.6.

Section 3 Grievance Procedures for Faculty

Pursuant to the Code, Section 5.7, a Grievance Committee shall be established, in accordance with approved Faculty Senate procedures, to hear all grievances that fall within the scope authorized under the Code. Depending on Faculty Senate Bylaws, the Grievance Committee may be a standing committee, or it may be formed on an ad hoc basis. The Grievance Committee shall have representation as required by Section 5.7.3 of the Code, and proceedings are to be informal in nature.

A Grievance Committee shall not be invoked to address disputes by a faculty member against another faculty member (unless that faculty member is an administrator), nor shall the Grievance Committee hear complaints by students against faculty members or administrators. Other processes may be adopted by the College to resolve such matters. The grievance procedure also does not apply to alleged violations of Equal Opportunity policies or sexual harassment, which are covered by Title 4, Chapter 8, Sections 9 and 13, of the Board of Regents' Handbook.

Section 4 Initiating a Grievance

A grievance is initiated by filing a written statement, signed by the faculty member, detailing the adverse action taken and the reasons the action should be modified or reversed. Pertinent documents may be attached. The Grievance should be filed within 15 working days of becoming aware of an adverse action or failure to act, except where another form of authorized process, such as a request for reconsideration, is appropriately filed, in which case any grievance is due within 15 working days after notice of the conclusion of the alternative process. The President may extend this time period for good cause shown.

The grievance should be filed with the NSC Faculty Senate Chair for immediate referral to the Grievance Committee.

Faculty members are strongly advised to pursue all available alternative avenues of redress, such as a request for reconsideration, before invoking formal grievance procedures.

Section 5 Mediation

If agreed to by the faculty member and the administrator involved, the parties shall in good faith participate in mediation in attempt to amicably resolve their differences. Either the President or the Chair of the Faculty Senate may select the mediator, and the parties may be consulted regarding the selection.

Section 6 Grievance Resolution Procedures

Upon receipt of a grievance, the Grievance Committee Chair will forward the grievance to the administrator involved. A written response, together with any appropriate documentation, will be delivered to the Grievance Committee within ten working days.

The Grievance Committee shall gather such other information as necessary to resolve the grievance. A hearing is not required, but may be invoked as necessary to resolve factual disputes or assess credibility of the parties and witnesses. Written statements and other documentary evidence may be accepted if a hearing is not required. This written documentation shall be shared with the parties, and further response from the parties shall be allowed, either in writing or at a hearing.

The Grievance Committee should typically confer and arrive at a recommendation to the President within 30 working days of receiving the response to the grievance, except where the process is suspended due to mediation efforts. The Grievance Committee may extend the time period by an additional 30 working days where necessary. Unless the matter has irreversible consequences if not resolved earlier, grievances filed less than 15 days before the end of the academic year may be postponed for resolution until the start of the next academic year.

The President will make the final decision on the grievance, except where Board of Regents approval or review is required by the NSHE Code or Board policy.

The faculty member and the administrator shall have the right to consult with legal counsel at their own expense in connection with the grievance process. However, legal counsel shall not participate as advocates in the grievance hearing.

Section 7 Evaluations

Each academic and administrative faculty member shall be evaluated annually by Department Chairs, supervisors or heads of administrative units. One of the purposes of annual performance evaluations is to provide constructive, developmental feedback to the faculty member. All performance evaluations shall be based on the criteria specified in the Title 2, Section 5.12 of the NSHE Code

and Title 4, Chapter 3, Section 4(2) of the Board Handbook. The categories of evaluation include the following ratings: excellent, commendable, satisfactory or unsatisfactory. Each person shall submit documentation on each of the applicable areas. The College may recommend a specific form of submission. In addition, department or unit bylaws may contain more specific requirements. Evidence of excellent performance in specified professional responsibilities shall be a requirement for tenure or promotion.

Annual evaluations of tenured faculty shall comply with Title 2, Chapter 5, Section 5.13 of the Code. For academic faculty, evaluations shall include peer review within the department or unit. For tenure-track faculty members, external peer review shall be required for promotion or tenure.

The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the appropriate administrative unit.

The evaluation of each person shall carry a signed statement indicating that he or she has read the evaluation or has waived the right to read it. If the faculty member disagrees with any part of the evaluation, he or she may submit a written statement, which shall be attached to the written evaluation and become a part thereof as specified in Title 4, Chapter 3, Section 4(5). In addition, the faculty member may seek reconsideration if permitted by the Code and/or file a grievance with respect to the evaluation. In the event reconsideration is sought, the final step of the reconsideration for an academic faculty member will be to the Dean, and the final step for an administrative faculty member will be to the appropriate Vice President or Provost. If the College adopts a peer committee evaluation review process, the peer committee process may be used as an alternative to a grievance. The peer committee shall be comprised of members outside the department or unit. All reconsideration determinations must have the approval of the President.

Section 8 Personnel Recommendations

All tenure, promotion, merit determinations and annual evaluations shall be made on the basis of the person's professional performance in meeting his or her assigned responsibilities, with due consideration to such additional activities undertaken with the approval of the faculty member's supervisor.

Section 9 Merit Determinations

Where funds have been allocated for merit during a given year, merit shall be awarded by the department or unit based on the annual evaluation. Merit funds shall not be routinely distributed evenly between members of the department or unit, but must instead be awarded to individual faculty members to recognize substantial contributions leading to an annual evaluation of commendable or excellent.

If a faculty member challenges the award of merit or the annual evaluation, the same process must be used for review of both issues.

Section 10 Nonreappointment of Nontenured Faculty

Notification of nonreappointment or termination of nontenured members of the faculty shall be made in accordance with the provisions prescribed in the Code, Section 5.9, et. seq. The faculty member involved has the right to request the reasons for nonreappointment or termination in accordance with Section 5.2.3 of the Code. This section is not applicable to temporary or part-time faculty.

Section 11 Dismissal

All faculty members are subject to dismissal for cause as specified in the Title 2, Chapter 6 of the Code, as well as pursuant to certain other more specific policies stated in Title 2, Chapter 5 of the Code, including, but not limited to termination for financial exigency or curricular reasons, abandonment of job, falsification of application materials or degree, and/or failure to return to work after exhaustion of all available leave.

In addition, certain contracts of employment may have more specific terms stated in the contract pertaining to termination.

Section 12 Sabbatical Leave

The number of slots for sabbatical leaves is determined by the NSHE, and is limited by available funding.

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 consecutive salaried years without a sabbatical leave is eligible to apply for sabbatical leave. The request shall be made to the Provost, who shall consult with the department or unit, and with the President, prior to making a decision. Any sabbatical shall be conditioned upon returning to the College for at least one year following the conclusion of the sabbatical.

If there is an approved leave of absence during the six consecutive years, the time accrued toward earning a sabbatical will not be lost, and will continue once the leave is completed.

Chapter 7 – SEARCH PROCEDURES

Section 1 General Policy

All full-time positions, except for temporary or interim appointments, should be filled through an established search process, except where an exception is approved by the President.

Section 2 Office of the President

In accordance with the Code, Chapter 1, Section 1.5.4, an Institutional Advisory Committee shall be appointed whenever a vacancy in the position of President occurs.

Section 2 Provost/Vice Presidents

Consultation with faculty by the President will occur in all searches for Provost and Vice President positions. Such consultation will usually occur in the form of participation on an appointed screening committee.

Section 3 Deans

Consultation with faculty in the unit concerned by the Provost will occur in all searches for Dean positions. Such consultation will usually occur in the form of participation on an appointed screening committee.

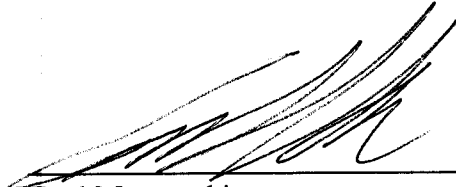
Section 4 Faculty

Recommendation for new faculty appointments shall originate in the academic departments or administrative units, upon authorization by the Provost and appropriate Dean/Director/Supervisor. The objective of the recruitment and screening process shall be to hire the most suitable candidate for each academic and administrative position through an appropriate search process.

Affirmative Action/Equal Opportunity Statement

Nevada State College is an Equal Opportunity/Affirmative Action employer and is committed to excellence through diversity. Nevada State College will not tolerate discrimination based on race, color, religion, age, sex, national origin, ancestry, sexual orientation, disability, or Vietnam-era and/or disabled veteran status, in any of its programs, organizations, and/or conditions of employment and admission.

Approved:



Fred Maryanski
President, Nevada State College

5/21/07

Date

Revised:

Date

Revised 5/21/07