

Title 5 - NSHE Governing Documents

Chapter 4

**TRUCKEE MEADOWS COMMUNITY COLLEGE
BYLAWS**

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ARTICLE I - Bylaws

Section A. Authorization and Scope of Bylaws

The following Bylaws of Truckee Meadows Community College, hereinafter referred to as TMCC, have been authored in conformance with the Nevada System of Higher Education Code, hereinafter referred to as NSHE Code. The NSHE Code mandates the adoption of bylaws for each member institution to set forth organizational structure and personnel policies.

Section B. Amendment of the Bylaws

Two procedures are provided for proposing an amendment to these Bylaws:

1. An amendment may be proposed by any of the constituent bodies authorized by these Bylaws (President's Cabinet, Faculty Senate, Classified Council, or Associated Students).

Whenever any one constituent body proposes an amendment, all other constituent bodies shall have the opportunity to review the amendment and make recommendations concerning its adoption or rejection.

2. The President of TMCC may propose an amendment.

Whenever the President proposes an amendment, all constituent bodies shall have the opportunity to review the amendment and make recommendations concerning its adoption or rejection.

A proposed amendment must be submitted in writing to all constituent groups and the President sixty (60) calendar days prior to its presentation to the Board of Regents. The President may poll the faculty or other constituent groups for their recommendation on any proposed amendment. The adoption, amendment, or repeal of institutional bylaws requires the recommendation of the President and approval of the Board and goes into effect upon Board approval.

Section C. Interpretation of the Bylaws

The President of TMCC is the final authority with respect to interpretation of the Institutional Bylaws.

Section D. Enabling Clause

These Bylaws shall be in effect upon recommendation of the President of TMCC and approval of the NSHE Board of Regents, and shall supplant all previous institutional Bylaws.

ARTICLE II - Statement of Purpose

TMCC, an institution of the Nevada System of Higher Education, hereinafter referred to as NSHE, was established to expand the educational opportunities for the residents of the greater Reno-Sparks community. Its mission is to create a learning environment in which students can enrich their lives and, by extension, the life of the community they live in.

TMCC is a comprehensive community college. Occupational courses train students in skills needed by local employers and provide opportunities for job-entry and advancement. General education courses expand students' awareness of the world and prepare them for further academic study. Developmental courses sharpen the academic skills necessary for successful college-level study. Community Services courses respond to community demand for a variety of training, self-development, personal interest, and special interest classes.

In addition, TMCC provides students with academic guidance, personal counseling, career exploration opportunities, tutoring, and many opportunities to enhance self-awareness and growth.

A professional staff, a part-time professional staff, a classified staff, and the students themselves make up the college community. These participants share responsibility for creating an environment that fosters learning and values diversity. The following Bylaws are intended to promote an organization of the college that will encourage all participants in the College to cooperate in providing opportunity to the community and its citizens.

ARTICLE III - Organization of the College

Section A. Definitions

1. The President. The President of TMCC is an officer of the NSHE. The duties and responsibilities of the President are set forth in the Bylaws of the Board of Regents.

The President is the chief administrative officer, also referred to as the chief executive officer, of the College. The President is responsible for all final decisions at the College level and is the chief college representative for matters decided by the Board of Regents.

The President is responsible for the organization and operation of the College in conformance with the NSHE Board of Regents Handbook, hereinafter referred to as Board of Regents Handbook, and with the Constitution and laws of the State of Nevada.

2. Faculty. "*Faculty*" means the professional staff as established in the NSHE Code.

3. Administrators. "Administrators" means administrative faculty employed in executive, supervisory, or support positions as defined in the Board of Regents Handbook.

Administrators are appointed by and serve solely at the pleasure of the President of the College. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. (NSHE Code)

4. TMCC-NFA Contract. The TMCC Nevada Faculty Alliance, hereinafter referred to as TMCC-NFA, has been elected as the sole and exclusive representative for purposes of collective bargaining activities as described in the Board of Regents Handbook, Title 4, Chapter 4, for all professional employees (including but not limited to instructional, counseling, and library faculty) employed by TMCC in the professional service of the System for a period exceeding six months at .50 FTE or more, but excluding adjunct faculty members, administrative faculty, and clinical faculty members. A bargaining agreement, called the TMCC-NFA Contract, has been duly entered into by both parties. The agreement controls certain aspects of professional employee rights, responsibilities, compensation and other working conditions for those faculty covered by the agreement.
5. Department Chairs. Department Chairs are academic faculty positions, which have additional administrative duties, associated with the operations and management of a department/unit of the college. Department Chairs may have a reduced instructional workload, additional contracted days and/or stipends to compensate them for additional responsibilities. Department Chairs duties and compensation are further defined by the TMCC-NFA Contract.
6. Academic Faculty. Academic faculty means instructional, counseling and library faculty as defined by the Board of Regents Handbook. Faculty on a range-zero contract are not eligible for tenure or sabbatical leave. If range-zero faculty become tenure-track faculty, up to three years of uninterrupted full-time employment in range-zero position may apply toward tenure.
7. Part-Time Faculty. A temporary part-time faculty member is an employee of TMCC who:
 - Is issued a "letter of appointment" and is employed for a period of not more than ninety (90) consecutive days; or
 - Is issued a "letter of appointment" and is employed less than half-time for a period of more than ninety (90) consecutive calendar days, but less than twelve months; or
 - Is issued a "letter of appointment with benefits" and is employed half-time or more for a period of more than ninety (90) consecutive calendar days, but less than twelve months.
8. Emeritus Faculty. Emeritus/emerita status is an honor that may be awarded to full-time faculty who retire after distinguished and long-term achievement and service to TMCC. Recommendations for emeritus/emerita status will be based upon appropriate review processes and shall be approved by the President. Normally a minimum of ten years' service is required prior to conferral of the title of emeritus/emerita. The President shall provide five working days' notice to the institutional Faculty Senate prior to approving emeritus/emerita status.

9. Adjunct Faculty. Adjunct faculty are persons qualified to provide special services to the community college on a part-time volunteer basis and receive no compensation from the NSHE.

Adjunct appointments require the approval of the appropriate Vice President.

10. Temporary Faculty. A temporary full-time faculty member is an employee of TMCC who is issued a temporary full-time contract for a period of up to a year.
11. Classified Staff. Classified staff are employed to provide technical, maintenance and clerical support to the administration and faculty. Terms and conditions of their employment are set forth in the appropriate chapters of the Nevada Administrative Code.
12. Students. Persons currently enrolled at TMCC are members of the student body. The students are an integral part of the learning process. Their participation in campus life is critical to the development of a positive educational environment.
13. Unit Administrator. An administrator who evaluates academic and/or administrative faculty as defined in Sections 3 and 6 of Article III.

Section B. Organization of the Administration

1. The President's Cabinet and the Extended Cabinet. For the purpose of coordination of efforts and generating recommendations on matters of personnel policy, institutional mission, and college policy, these Bylaws authorize the formation of two administrative groups to be known as the President's Cabinet and the Extended Cabinet.
2. Membership in the President's Cabinet. The Cabinet may be composed of executive officers of the College who report directly to the President and others designated by the President. The President shall serve as the chair of the Cabinet.
3. Meetings of the President's Cabinet. The President shall establish a regular meeting schedule for the President's Cabinet.
4. Actions of the President's Cabinet. President's Cabinet actions are advisory only; the President shall have final authority regarding all actions recommended by the President's Cabinet.
5. Membership in the President's Extended Cabinet. The President shall designate the composition of the President's Extended Cabinet. The Chairs of the TMCC Faculty Senate, Classified Council, and ASTM shall serve as members of the Extended Cabinet. The President shall serve as the chair of the Extended Cabinet.
6. Meetings of the President's Extended Cabinet. The President shall meet with the membership of the Extended Cabinet to allow a forum for deliberation of matters of administrative concern, institutional mission, and college policy.

7. Actions of the Extended Cabinet. Extended Cabinet actions are advisory only; the President shall have final authority regarding all actions recommended by the Extended Cabinet. Extended Cabinet recommendations shall be forwarded to the President through the President's Cabinet for further deliberation and recommendation.
8. Administrative Representation on Committees. Whenever administrative participation is required on institutional committees, the President shall consider recommendations from the President's Cabinet and the President's Extended Cabinet regarding committee membership.
9. Administrative Organization - Creation, abolition or substantial alteration in the organization of administrative units within TMCC shall be approved only after prior consultation with the Faculty Senate. Final action shall require the approval of the Board of Regents upon the recommendation of the President through the Chancellor.

Section C. Organization of the Faculty

1. Faculty Senate. These bylaws authorize the formation of a Faculty Senate as allowed by the NSHE Code.
2. Membership in the Faculty Senate. All Faculty members of TMCC shall be represented in the Faculty Senate.
3. Bylaws of the Faculty Senate. The Faculty Senate shall develop bylaws for its governance. All such Senate Bylaws shall be in conformance with the TMCC Bylaws and the NSHE Code and approved by the President of the College. Where the Senate Bylaws conflict with the provisions of either of these documents, the Institutional Bylaws and NSHE Code shall prevail.
4. Amendment of Bylaws of the Faculty Senate. Senate Bylaws may be amended according to conditions set forth within those Bylaws. All amendments require the approval of the President of the College.
5. Faculty Senate Representation at Board of Regents Meeting. A representative of the Faculty Senate may be present at all regular Board of Regents meetings. The Faculty Senate representative shall be the official spokesperson for the faculty of the college.
6. Actions of the Faculty Senate. When applicable, the recommendations of the Senate concerning general policy on matters of faculty welfare, faculty rights under the NSHE, or faculty involvement in the College's primary missions shall be transmitted to the President for decision or, if the Board of Regents' approval is needed, for recommendations from the President through the Chancellor to the Board of Regents for the Board's decision.

7. Faculty Senate Committees. The Faculty Senate may establish committees to study and make recommendations on institutional policy matters and faculty welfare in accordance with Senate Bylaws. Whenever possible and appropriate, however, faculty representatives will be included on institutional committees as provided for in these Bylaws. For convenience and efficiency, therefore, duplication of committees charged with dealing with a single institutional concern should be minimized.
8. Faculty Senate Participation in Presidential Search. Whenever a vacancy occurs or is about to occur in the position of President of TMCC, the NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an Institutional Advisory Committee. The Faculty Senate of TMCC shall nominate five faculty members for the institutional advisory committee.
9. Academic Faculty Participation in Recruitment. Whenever a vacant or new academic faculty position occurs the full-time academic faculty shall be represented on the screening committee in accordance with the TMCC-NFA Contract.

Section D. Organization of the Classified Staff

1. Classified Council. For the purpose of promoting staff participation in the college community, these Bylaws authorize the formation of an organization of classified staff to be known as the Classified Council.
2. Membership in the Classified Council. Persons employed at TMCC under the State of Nevada Classified Employees System are eligible for participation in the Classified Council.
3. Bylaws of the Classified Council. The Classified Council shall develop Bylaws for its governance. All such Council Bylaws shall be in conformance with the TMCC Bylaws and the NSHE Code, and approved by the President of the college. Where the Council Bylaws conflict with the provisions of either of these documents, the TMCC Bylaws and the NSHE Code shall prevail.
4. Amendment of the Classified Council Bylaws. Classified Council Bylaws may be amended according to conditions set forth within those Bylaws. All amendments require the approval of the President of the College.
5. Actions of the Classified Council. The Chairperson of the Classified Council or the Chairperson's designee shall communicate to the President of TMCC the results of Council deliberations on matters of personnel policy and involvement in the institutional mission. Council actions are advisory only; the President shall have final decision regarding all actions recommended by the Classified Council.

6. Classified Council Committees. The Classified Council may establish committees to study and make recommendations on matters of personnel policy and involvement in the institutional mission. Whenever possible and appropriate, however, members of the classified staff will be included on institutional committees as provided for in these Bylaws. For convenience and efficiency, therefore, duplication of committees charged with dealing with a single institutional concern should be minimized.
7. Classified Staff Participation In Presidential Search. Whenever a vacancy occurs or is about to occur in the position of President of TMCC, the NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an institutional advisory committee. The classified council shall nominate one classified employee for the institutional advisory committee.

Section E. Organization of Students

1. Associated Students of TMCC (ASTM). For the purpose of promoting student participation in the college community, these Bylaws authorize the formation of an association of students at TMCC, hereinafter referred to as ASTM.
2. Membership in ASTM. Students currently enrolled at TMCC in any state supported course are eligible for membership in ASTM.
3. Constitution/Bylaws of ASTM. ASTM shall have a Constitution and/or Bylaws. All provisions of the ASTM Constitution and/or Bylaws are subject to the approval of the President of TMCC and the Board of Regents. The Constitution and/or Bylaws shall be in conformance with the TMCC Bylaws and NSHE Code, and all rules, regulations, and policies as established by the Board of Regents and all applicable statutes of the State of Nevada. Where articles of the Constitution and/or Bylaws conflict with the provisions of either of these documents, or with the rules, regulations and policies of the Board of Regents, the statutes of the State of Nevada shall prevail.
4. Amendment of the ASTM Constitution/Bylaws. Provisions for amendment of the ASTM Constitution/Bylaws shall be included in the Constitution/Bylaws. Any amendment shall be subject to the approval of the President of TMCC and the Board of Regents.
5. ASTM Representation at Board of Regents Meeting. A representative of ASTM may be present at all regular Board of Regents meetings. The ASTM Representative shall be the official spokesperson for the students of the college.
6. Actions of ASTM. The President of ASTM shall promptly forward to the ASTM advisor the minutes and agenda of all meetings of the ASTM Senate for review and appropriate action. The ASTM Advisor is recommended by the Dean of Student Services and Enrollment Management.

7. Student Committees. ASTM may establish committees to deliberate student concerns.

Whenever possible and appropriate, students will be included on institutional committees as provided for in these Bylaws. For convenience and efficiency, therefore, duplication of committees charged with dealing with a single institutional concern should be minimized.

8. Student Participation in Presidential Search. Whenever a vacancy occurs or is about to occur in the position of President of TMCC, NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an Institutional Advisory Committee. The ASTM shall nominate one student representative for the institutional advisory committee.

Section F. Committees

1. Establishment of Committees. The President may appoint committees to facilitate the administration of the College.

The purposes of these committees are to:

- promote a broad base of participation in the institutional decisions
- promote a flow of information from students and staff to the President
- promote a dissemination of information about institutional decisions throughout the College

2. Responsibilities of the Committees. All committees advise the President who has final responsibility for institutional decisions.

3. Composition of Committees. The President may be guided by the following criteria for selection:

- a. The President will attempt to insure that institutional groups affected by the committee recommendations shall have representation on the committee.
- b. The President will seek recommendations for nominations to committees from the organizational governing bodies of affected groups (Faculty Senate, Classified Council, ASTM, President's Cabinet, and Extended Cabinet).

ARTICLE IV - Personnel Policies

Section A. Appointing Authority

The President of TMCC shall be the appointing authority for all faculty of TMCC. No employment contract is valid without the President's signature, and a contract form which has not been signed by the President is considered an instrument of negotiation and is not a binding contract or offer. The President shall have the authority to issue a contract for employment for any approved or budgeted position, except as otherwise stated in the NSHE Code.

Section B. Terms and Conditions of Employment

All 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 a part of the terms and conditions of every employment contract, except as may be varied in writing by the parties to the contract. Any understanding, promise, term, condition or representation not contained in the contract is of no effect.

Section C. Appointment of Administrators

The appointment of the heads of administrative units within TMCC, including department chairs, and all persons reporting directly to the President shall be made by the President, and shall serve in such positions solely at the pleasure of the President. Department chairs shall be directly responsible to their supervisor or supervisors for the operation of their departments.

The duties and responsibilities of administrators described in this section shall be prescribed by the President.

Section D. Recruitment for Administrative Positions

Whenever a vacancy occurs for a professional (administrative) position, an institutional recruitment and screening committee shall be appointed by the President. This committee shall operate in accordance with relevant federal laws, TMCC personnel policies and the TMCC Affirmative Action Plan. TMCC personnel policies and the College Affirmative Action Plan shall be developed and periodically reviewed by appropriate administrators in cooperation with faculty.

Section E. Appointment of Academic Faculty

The recruitment, screening and selection of Academic Faculty will be in accordance with the TMCC-NFA Contract.

Section F. Tenure

1. Eligibility for Tenure. Full-time academic faculty shall be eligible for appointment with tenure. Exceptions for eligibility are detailed in the NSHE Code, Chapter 4. Appointments with tenure shall be made in strict conformance with the provisions of NSHE Code, Chapter 4. Academic Faculty holding a Range-0 contract shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Range-0 position.
2. Appointment with Tenure. At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended through regular personnel procedures. The President shall make recommendation for tenure to the Board of Regents. The Board has final authority in making an appointment with tenure.

3. Tenure Probationary Committees. When an academic faculty member is hired in a tenure track position, the head of the administrative unit in which the faculty member serves shall appoint a tenure probationary committee.

The committee will consist of three tenured faculty, at least two of whom are from the faculty member's department. The faculty member shall choose one member of the tenure probationary committee and the unit administrator shall choose the remaining two members. All members of the probationary committee shall be full-time faculty holding appointments with tenure.

The tenure probationary committee will have two major functions. Its members will assist the probationary faculty member in becoming an excellent contributor to the college community. The committee will also evaluate the probationary faculty member's performance each semester and will, at the end of the probationary period, submit a report to the appropriate unit administrator detailing the evaluation results and recommending appropriate action with regard to an appointment with tenure.

The tenure probationary committee must meet with the probationary faculty member at least once each semester. The probationary faculty member will be observed in the performance of the major job task by a member of the probationary committee at least once each semester. The probationary faculty member shall submit, each semester for inclusion in the probationary committee's report, documentation of achievement relating to the standards outlined in the NSHE Code, Chapter 4. -

Tenure probationary committees are responsible for keeping records of their activities and submitting timely reports to the appropriate unit administrator. Reports must be filed in November and April of each year of the probationary period.

- 3.1 Probationary Period. Except as provided in NSHE Code, Chapter 4, the total probationary period for all academic faculty eligible for an appointment with tenure shall not exceed five (5) years of uninterrupted full-time employment.
4. Administrative Evaluation. The head of the administrative unit in which the probationary faculty member serves will also evaluate the faculty member in accordance with the procedures set forth in the Evaluation of Faculty section of these Bylaws.
5. Standards for Recommending Appointment with Tenure.
An academic faculty member being recommended for appointment with tenure must receive an "excellent" rating in the following areas, whichever is applicable:
 - 5.1. If employed primarily as an instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom and/or laboratory, 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.

- 5.2. If employed primarily as a non-teacher, a record of effectiveness, efficiency and ability to perform assigned duties.

In addition, 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 limited to:

- Interest and ability in advising students;
- Membership and participation in professional organizations;
- Ability to work with the faculty and students of the member institution in the best interest of the NSHE and the people it serves, and to the extent that the job performance of the academic faculty member’s administrative unit may not be otherwise adversely affected;
- Service on college or System committees;
- Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and
- Recognition and respect outside the System community for participation and service in community, state or nationwide activity.

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

- 5.3. In rating applicants for appointment with tenure under the standards set forth in this subsection, the college shall rate applicants as (1) “unsatisfactory,” (2) “satisfactory,” (3) “commendable,” or (4) “excellent”. No other rating terminology shall be permitted. The standards and ratings set forth in this subsection are the minimum standards, which must be used in recommending academic faculty for appointment with tenure.
- 5.4. Recommendation for Tenure Action. Before the end of the probationary period, upon application by the probationary faculty member, and upon receipt of evaluation reports from both the tenure probationary committee and the head of the administrative unit in which the probationary faculty member serves, the unit administrator shall make a recommendation whether the faculty member should receive tenure. If the recommendation is to grant an appointment with tenure and the President agrees with the submitted recommendation, the President’s recommendation and the tenure forms shall be transmitted by the President to the Board of Regents for their decision.
6. Responsibility of the Administration. The failure to follow the provisions of this section shall not prejudice responsible officials of TMCC from acting to evaluate a faculty member for tenure consideration in accordance with the procedures and standards for tenure authorized by the NSHE Code.

Section G. Professional Salary Schedule Administration

Professional salary schedule administration is governed by the Board of Regents Handbook and as for Academic Faculty, is further defined by the TMCC-NFA Contract.

Section H. Reassignment of Administrators

An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the President. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. However, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied, the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty of TMCC until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be reassigned to duties within TMCC. Nothing in this section shall be interpreted as abrogating the notice of nonreappointment provisions.

Section I. Evaluation of Academic Faculty

1. Periodic Evaluation of Academic Faculty. The NSHE Code mandates that faculty shall be evaluated at least once annually. The following procedures are set forth for the conduct of those evaluations.
2. Evaluation of Academic Faculty – Tenured, Tenure Track and Nontenure Track. It shall be the responsibility of the faculty member in consultation with the unit administrator to develop an annual plan to fulfill teaching and non-teaching responsibilities.
3. Evaluation Documentation. The annual evaluation of professional employees placed in the employee's personnel file shall carry a signed statement indicating that the employee has read the evaluation. If the faculty member disagrees with any part of the evaluation, a written statement may be submitted within five (5) working days of the receipt of the evaluation report, which shall be attached to the written evaluation and becomes a part thereof. Should the faculty member desire to grieve the evaluation, the procedures stated under Section J, of these Bylaws must be followed.

In the event that a professional staff member refuses to sign the evaluation document, the administrator who wrote the evaluation shall, a second time, request the professional staff member to sign the evaluation form. This request will be made in the presence of another invited professional staff member who will witness the refusal to sign. The administrator will then note on the evaluation that the professional staff member has read the evaluation and refuses to sign the document indicating that he or she has read it. The note from the administrator about the refusal to sign is then verified by the signature of the witness. The ten (10) working day deadline for filing a grievance under Section J, related to evaluations, begins with the day the employee is first asked to sign the evaluation to confirm that he or she has read it.

Section J. Unsatisfactory Evaluation Review

1. **Initiation of Unsatisfactory Evaluation Review.** NSHE Code mandates a hearing to determine whether a faculty member with tenure should be retained in employment after receiving an unsatisfactory rating in the faculty member's principal employment responsibilities for two consecutive years. Therefore, the College, cognizant of its responsibilities toward tenured faculty, shall initiate an evaluation review after the first unsatisfactory rating in an annual performance evaluation for any tenured faculty member. The purpose of the evaluation review shall be two-fold: (1) to provide for the faculty member help in regaining a level of performance that will result in a positive annual performance evaluation, and (2) to forward to the President of the College an independent report of the faculty member's performance. The following procedures shall be used.
2. **Evaluation Review Committee.** Upon receipt of a first unsatisfactory annual performance evaluation, in conformance with the TMCC-NFA Contract and Memorandum of Understanding dated 5/15/00, the evaluator may, with the agreement of the faculty member, create a committee for the purpose of working with the faculty member to improve his or her performance. The faculty member shall choose one member of the committee; the evaluator shall choose another member. The two members of the committee thus chosen shall meet and choose a third member for the committee from an instructional discipline similar to the faculty member's. All members of the faculty support committee shall be faculty holding appointments with tenure.
3. **Evaluation Review Committee Responsibilities.** The evaluation review committee shall meet with the head of the administrative unit for the purpose of determining the basis for the unsatisfactory evaluation. The committee, with the cooperation of the unit administrator, will prepare objectives to be met by the faculty member in regaining a satisfactory level of job performance.

The evaluation review committee shall then meet with the faculty member for the purpose of preparing a plan to meet the objectives the committee has developed. The faculty member shall be given the opportunity to suggest revisions in the objectives, and the committee shall decide whether these are appropriate.

The evaluation review committee shall meet at least twice with the faculty member during the year following the first negative evaluation for the purpose of reviewing progress and offering assistance in meeting the objectives.

4. **Evaluation Review Committee Report.** At the time for submission of the next annual performance review after the first unsatisfactory evaluation, the evaluation review committee shall submit a report to the President of the College detailing the objectives that were established and the committee's evaluation of the faculty member's performance in meeting the objectives. The committee shall not make a recommendation on personnel action, but shall limit its report to a detailed, objective accounting of the faculty member's performance in meeting the objectives.

A copy of the evaluation review committee's report shall be made available to the faculty member under review. A copy of the evaluation review committee's report shall also be made available to the head of the administrative unit.

5. Responsibility of Administration. The failure to follow the provisions of this section shall not prejudice responsible officials of TMCC from acting to evaluate a faculty member for tenure consideration in accordance with the procedures and standards for tenure authorized by the NSHE Code.

Section K. Personnel Documents

The TMCC Human Resource Office shall maintain an official personnel file for each member of the faculty. Faculty members may request their unit administrator to forward material to the human resource office for inclusion in the personnel file. No anonymous material except duly authorized student evaluations shall be placed in the file. Any member of the faculty shall have the right to examine and duplicate the contents of his/her file during regular office hours.

Section L. Grievances

Grievance is defined as an act or omission to act by the respective administrations of the system institutions, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to salary, promotion, appointment with tenure or aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws. Faculty of the college who feel aggrieved because of an act or an omission as defined herein must follow these grievance procedures:

For faculty covered by the TMCC-NFA Contract: The TMCC-NFA Contract establishes certain working conditions and agreement provisions within the agreement. For working conditions and agreement provision grievances, under the contract, the aggrieved employee must follow the grievance procedures detailed in the TMCC-NFA Contract, Article 9.

For faculty not covered by the TMCC-NFA Contract: The aggrieved employee must follow the following grievance procedures:

1. Informal Grievance

Any grievance should be brought to the immediate supervisor of the grievant prior to the formal filing of a grievance. Informal grievances are frequently the quickest and most efficient method by which such matters can be resolved. Supervisors are encouraged to resolve such informal grievances within their authority as soon as possible.

Recommendations from all hearings and meetings held by committees or administrators shall be advisory only. Such recommendations shall be sent to the President. If the grievance is not resolved at the informal step, grievant may file a formal grievance at Step One within twenty-eight (28) calendar days following the act or omission giving rise to the grievance pursuant to the procedures stated below.

2. Formal Process

If, because of the nature of the grievance, a grievant wishes to file a formal grievance directly at Step One and the substance of the formal grievance has not been raised with the immediate supervisor as an Informal Grievance, the grievance must be filed with the grievant's unit administrator on forms to be provided by the TMCC Human Resource Office (or the website) within fourteen (14) calendar days following the act or omission giving rise to the grievance or following the first time the grievant knew or should have known of the act or omission, if that is later. The initial filing shall contain the name and office and home address of the grievant, a description of the act or omission which gave rise to the grievance including the date of such act or omission, the Code or bylaw section allegedly violated, if any, and the remedy sought.

If a grievant wishes to file a formal grievance at Step One and the substance of the formal grievance has been raised with the immediate supervisor as an Informal Grievance, the grievance must be filed with the grievant's unit administrator on forms to be provided by the TMCC Human Resource office within twenty-eight (28) calendar days following the act or omission giving rise to the grievance or following the first time the grievant knew or should have known of the act or omission, if that is later. The initial filing shall contain the name and office and home address of the grievant, a description of the act or omission which gave rise to the grievance including the date of such act or omission, the Code or bylaw section allegedly violated, if any, and the remedy sought. The unit administrator may grant an adjournment for up to one month to permit the immediate supervisor to conclude the processing of the Informal Grievance.

3. Step One

The unit administrator or designee shall offer to meet with the grievant within fourteen (14) calendar days of the filing of a grievance. The meeting shall be informal in nature. The grievant shall have the opportunity to explain the circumstances surrounding the grievance and present witnesses, if any. The unit administrator or designee shall respond to the grievance in writing within fourteen (14) calendar days following the meeting with his or her recommendation to the President, which is advisory only. The response shall provide reasons for the recommendation.

4. Step Two

If the grievant is not satisfied with the response at Step One, the grievant may appeal that response to the appropriate Vice President by filing an appeal with the office of the appropriate Vice President on the forms to be provided by the TMCC Human Resource office within ten (10) calendar days following the issuance of the response at Step One. The Vice President or designee shall offer to meet with the grievant within thirty (30) calendar days following the filing of the appeal, and grievant shall have the opportunity to explain the circumstances surrounding the grievance. The meeting shall be informal in nature. The grievant shall not present witnesses at this meeting, but witnesses may be invited at the discretion of the Vice President or designee. The Vice President or designee shall issue a written recommendation to the President, which is advisory only, within fourteen (14) calendar days following the close of the meeting. The recommendation shall provide reasons for the recommendation.

5. Step Three

If the grievant is not satisfied with the response at Step Two, the grievant may appeal that response to the President by filing an appeal with the office of the President on forms to be provided by the TMCC Human Resource Office within fourteen (14) calendar days following the issuance of the response at Step Two. The appeal shall indicate whether a meeting with the President is requested. The President or designee shall offer to meet with the grievant within twenty-one (21) calendar days following the receipt of the appeal. The meeting shall be informal in nature. The grievant shall have the opportunity to explain the circumstances surrounding the grievance and the appeal. Witnesses will not be permitted at the meeting with the President.

If no meeting takes place, the grievant shall submit a brief statement containing argument explaining why the response at Step Two was in error. The President shall issue a response in writing within twenty-one (21) calendar days following the meeting, if any, or following the filing of the appeal with the President's Office in the event no meeting is held. The response shall provide reasons for the decision.

6. Timeliness: Filing; Issuance of a Decision

A grievance or an appeal shall be considered filed at the time a copy of the grievance or appeal is presented to the appropriate office as specified in this grievance procedure.

A response or decision shall be considered issued at the time it is handed personally to the grievant or mailed return receipt requested, in an envelope bearing an address indicated by the grievant on the initial grievance or at such other address subsequently indicated by the grievant in writing to the office issuing the response.

7. Failure to File or Answer

Failure at any step of this procedure to issue a response within the time limits specified shall mean that the grievant may deem the grievance to be denied and may, therefore, appeal to the next step. Failure at any step of this procedure to appeal a response to the next step shall be deemed an acceptance of the response.

8. Representation

All documents used by the grievant in presenting the grievance shall be made available to TMCC in a timely and expeditious manner. All non-confidential documents relevant to the process of the grievance requested by the grievant shall be made available to the grievant in a timely and expeditious manner. TMCC Human Resource Director determines the relevance and confidentiality of the documents.

9. Meetings

Meetings for the purpose of discussing a grievance shall be held during working hours at mutually agreeable places and times.

10. Retaliation

No retaliation shall be taken against any employee by reason of having filed a grievance or participated in a grievance meeting.

11. Expenses

Each party to a grievance shall bear the expense of presenting its case.
(B/R 3/03)