

Title 5 - NSHE Governing Documents

Chapter 5

SYSTEM ADMINISTRATION BYLAWS

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CHAPTER I - Organization of the Faculty of System Administration

Section 1.1 Delegated Authority

1.1.1 The Board of Regents has delegated to the faculties of the Chancellor's Office, System Computing Services (SCS), Management Assistance Partnership (MAP), Sponsored Projects Office, and University of Nevada Press, hereinafter referred to collectively as System Administration, the authority and responsibility to organize themselves in accordance with organizational bylaws and to recommend policy on matters of faculty welfare, on the rights of faculty under the Nevada System of Higher Education Code, hereinafter known as the NSHE Code, and on their involvement in the University's primary mission of teaching, research, and public and community service. (See Chapter 1 of the NSHE Code.)

1.1.2 Definitions. In these bylaws, the following definitions shall apply:

"Area" shall mean section, department, or other subsections, which exist within System Administration.

"Senate" shall mean System Administration Faculty Senate.

"System Administration" shall refer collectively to the Chancellor's Office, System Computing Services, Management Assistance Partnership (MAP), Sponsored Projects Office, and University of Nevada Press.

"Unit" refers to the individual offices of System Administration, such as the Chancellor's Office, System Computing Services, and University of Nevada Press. It shall also include Management Assistance Partnership and Sponsored Projects Office for election and faculty senate representation purposes only.

"Unit head" shall be defined as meaning the Chancellor for the Chancellor's Office and shall also mean the administrative head of sections within the Chancellor's Office; the Vice Chancellor for Technology; the Director of the Sponsored Projects Office, the Director of Management Assistance Partnerships, and the Director of University of Nevada Press.

1.1.3 The Regular administrative channels are to the area head or equivalent, to the unit head or equivalent, and to the Chancellor. In the absence of such organization within any given unit, the administrative channels shall be determined by specific bylaws governing internal operation of that unit or as determined, in writing, by the chief administrative officer of that unit in the absence of such bylaws.

(B/R 4/08)

Section 1.2 Scope of the System Administration Bylaws

1.2.1 The System Administration Bylaws shall describe the current faculty organization of System Administration, procedures for implementing statement of policy found in the NSHE Code, statements of policy that relate to the authority and responsibility delegated to the faculty by the Board of Regents, and procedures for implementing these statements of policy. (See Chapter I of the NSHE Code.)

- 1.2.2 Questions of interpretation of these bylaws shall be directed through the Chairperson of the System Administration Faculty Senate to the Senate, which shall review the question and forward its recommendations to the Chancellor, whose ruling on the recommendations shall be final. (B/R 6/03)
- 1.2.3 An amendment to the System Administration Bylaws may be proposed by (1) 20 percent of the faculty members of System Administration, or (2) a voting majority of the System Administration Faculty Senate, or (3) a committee, appointed by the Senate for that purpose, or proposals shall first be referred to the Senate for consideration and recommendation.
- (a) The proposed amendment shall be submitted by the Senate Chairperson to a vote of all members of the System Administration faculty, along with the Senate's recommendation. Faculty acceptance of the proposed amendment requires that (1) ballots are cast by a majority of those eligible to vote and (2) at least two-thirds of those voting favor approval of the amendment. Voting shall be by written, secret, ballot.
 - (b) The proposed amendment with the faculty recommendation shall be submitted to the Chancellor for the Chancellor's consideration. Following approval by the Chancellor, the proposed amendment shall then be forwarded to the Board of Regents for final action.
 - (c) Upon approval by the Board of Regents, the amendment shall become effective upon publication and distribution by the Senate Chairperson.
- 1.2.4 Any balloting by faculty members may be conducted electronically if approved by the System Administration Faculty Senate under procedures designed to provide ballot security.
(B/R 4/08)

Section 1.3 Faculty Organization

- 1.3.1 Members of the System Administration faculty are professionals and have the responsibility to conduct themselves in accordance with accepted ethical and moral standards. (See NSHE Code, Chapter 2.)
- 1.3.2 The System Administration faculty shall be composed of all professional staff members of the Chancellor's Office, System Computing Services, Management Assistance Partnership, Sponsored Projects Office and University of Nevada Press who are employed by any of these units and who are not similarly represented by any other institution of the NSHE.
- 1.3.3 The faculty members assigned to each unit are encouraged and authorized to create bylaws relating to the internal operation of their unit.

- 1.3.4 Recruitment and Screening Committee for the Position of Director of the University of Nevada Press. The voting membership of this committee shall consist of three members of the University of Nevada Press Editorial Advisory Board selected by the Chancellor in consultation with the Editorial Advisory Board, one professional member of the University of Nevada Press appointed by the Chancellor, and two at-large additional members and a Chairperson to be appointed by the Chancellor. Affirmative Action (EEO) requirements will be adhered to. An unranked list of at least three and not more than five candidates will be submitted to the Chancellor. The procedures for recommendation and selection shall be as outlined in Chapter 1, Section 1.6 of the NSHE Code.
- 1.3.5 Recruitment and Screening Committee for the Position of Vice Chancellor for Technology. The voting membership of this committee shall consist of three professional faculty members of the System Computing Services staff chosen by the Chancellor, and one representative each from the member institutions of the System, appointed by the President in consultation with the faculty senate of each institution. The Chairperson of this committee shall be designated by the Chancellor. Affirmative Action (EEO) requirements will be adhered to. An unranked list of at least three and not more than five candidates will be submitted to the Chancellor. The procedures for recommendation and selection shall be as outlined in Chapter I of the NSHE Code.

(B/R 4/08)

Section 1.4 Faculty Senate

- 1.4.1 The faculty of System Administration shall have representation in a faculty senate, hereinafter known as System Administration Faculty Senate or Senate. The Senate shall be composed of members elected from each unit on the basis of one representative for each 10 professional employees or fraction thereof within a unit. Each unit shall be represented by at least two representatives. The Chancellor shall not be eligible for membership in the Senate nor be counted for the purpose of determining Senate membership representation quotas.
- 1.4.2 Action of the System Administration Faculty Senate. Action of the Senate shall be approved or disapproved by a vote from the Senate (Procedure 1) or, alternatively, by a vote from the System Administration faculty (Procedure 2).

Procedure 1: Action shall be approved or disapproved by a vote of the Senate or the Senate may elect to send the action to the faculty as a whole for approval or disapproval. If the Senate votes on the action, within 15 working days of the vote the results shall be published for review by the faculty. Within 30 working days of publication, the faculty may elect to change the determination of the Senate's decision by implementing Procedure 2.

Procedure 2: The faculty submits a written request (preferably with reason) signed by 30% of the faculty membership to the Senate Chairperson, who shall present the request to the Senate. Within 15 working days of the Chairperson's presentation, ballots will be sent to all System Administration faculty members. Ballots are to be returned to the Senate Chairperson within 10 working days after they are distributed. A majority of at least 51% of the returned ballots is required for approval; a tie count constitutes disapproval.

- 1.4.3 Upon final approval of the action, whether by Senate vote or faculty vote, the procedures for approval by the Chancellor and the Board of Regents, if approval is required, shall be as outlined in Sections 1.2.3 (b) and 1.2.3 (c) of these bylaws.
- 1.4.4 In compliance with Chapter 1 of the NSHE Code, the System Administration Faculty Senate shall act as a committee of the whole to review all creations, abolitions, or substantial alteration of service or units. The Senate Chairperson will report the majority opinion to the System Administration faculty, any concerned unit head, and also to the Chancellor and the Board of Regents.
- 1.4.5 Ad hoc committees, if necessary, shall be created by the System Administration faculties through the System Administration Faculty Senate.
- 1.4.6 Meetings of the Senate shall be published in minutes, to be distributed to all System Administration faculty members not more than 15 days following any Senate meeting.
(B/R 6/03)

CHAPTER II - Policies and Procedures Relating to Faculty Welfare

Section 2.1 Purpose

The purpose of this chapter is to specify policy and procedures relating to System Administration faculty welfare and rights not generally covered by the NSHE Code. (See Chapter I of the NSHE Code.) (B/R 6/03)

Section 2.2 Evaluation Procedures

- 2.2.1 Faculty evaluation must be performed annually prior to contract negotiations. A copy of each year's written evaluation will be filed in the faculty member's personnel folder. A job description or goals, standards, and objectives upon which faculty are evaluated should have been in effect for the entire previous contract period unless changes have been mutually agreed upon by the faculty member and supervisor.
- 2.2.2 Each faculty member should be evaluated by standards referenced in an employee's job description or goals, standards and objectives as set forth in Section 2.2.1 and/or as developed in the unit's administrative manual. All units are encouraged to develop an administrative manual.
- 2.2.3 A faculty member must be fully advised of all aspects of the personnel evaluation prior to its becoming a permanent part of his/her personnel record.
- 2.2.4 Any faculty member who feels he or she has been treated unfairly according to the above referenced evaluation procedures may file a request for reconsideration and/or request a peer review as outlined in Section 2.6 of these bylaws.
(B/R 4/08)

Section 2.3 Personnel Recommendations

- 2.3.1 Recommendations for appointment, reappointment, and non-reappointment of faculty members shall be as outlined in Chapter 5 of the NSHE Code.
- 2.3.2 Recommendations for multi-year contracts shall be as outlined in Chapter 5 of the NSHE Code.
- 2.3.3 Any faculty member who feels he or she has been treated unfairly according to the above-referenced recommendations and standards may file a grievance as outlined in Section 2.4 of these bylaws.

(B/R 6/03)

Section 2.4 Grievances

This section deals with grievances concerning personnel actions, including decisions, actions, or failure to act alleged to be adverse to a faculty member, as defined by Chapter 5 of the NSHE Code. This grievance procedure is limited in scope as defined in NSHE Code, Section 5.7.2. Grievances involving salary, promotion, and reappointment should be grieved as described in Sections 5.2.3 and 5.2.4 of the NSHE Code. This grievance procedure does not apply to complaints seeking disciplinary action under Chapter 6 of the NSHE Code, which are initiated by filing a complaint as specified in Section 6.8 of the NSHE Code.

2.4.1 Definitions and General Provisions

- (a) Petitioner shall mean the person or group filing the grievance. Respondent shall mean the person or group whose decision, action, or failure to act is being challenged.
- (b) Although specific time limits are set forth in this section, it is desirable, but not required, that action should be taken more expeditiously so that matters can, wherever possible, be determined in the same contractual year in which the grievance was initiated.
- (c) Any limitation of time set forth in this section may be changed by the mutual consent of the petitioner and the respondent.
- (d) The petitioner may be assisted at all stages by counsel of his or her own choice. (Employees of the office of Vice Chancellor for Legal Affairs shall not serve as counsel for a petitioner.)

2.4.2 Procedures for Initiating a Grievance

- (a) Within 15 working days of the notice of the adverse action, petitioner shall first attempt to informally resolve the matter with the petitioner's supervisor. If that is unsuccessful, petitioner shall then have 15 working days from the date the informal resolution is unsuccessful to prepare a written "Notice of Grievance" containing a brief statement of the decision, action, or failure to act being challenged, the reasons it is considered unjust or improper, and the remedy sought. The petitioner

shall serve the Notice of Grievance on the respondent and file it with the Vice Chairperson of the System Administration Faculty Senate, as specified below.

- (b) In grievances involving alleged violations of Affirmative Action/EEO policies, the grievance procedures provided in Title 4, Chapter 8, of the Board of Regents Handbook shall be followed.
- (c) In grievances involving alleged violations of sexual harassment policies, the grievance procedures provided in Title 4, Chapter 8, Section 13 of the Board of Regents Handbook shall be followed.
- (d) Petitioners initiating grievances other than those described in 2.4.2(b and c) (above) should reference the pertinent sections of the Board of Regents Handbook, the NSHE Code, or other applicable laws and/or studies.

2.4.3 System Administration Appeals Committee

- (a) There shall be a System Administration Appeals Committee consisting of all members of the System Administration Faculty Senate, with the exception of any employee of the Vice Chancellor for Legal Affairs' office. The Appeals Committee, acting through its Hearing Subcommittees, shall hear properly filed grievances as specified in 2.4.2. It shall be the responsibility of such Hearing Subcommittees to determine whether the grievance has merit and to make recommendations to the Chancellor.
- (b) The Vice Chairperson of the Senate shall serve as Chairperson of the Appeals Committee. Within 5 working days of the receipt of the petitioner's grievance, the Vice Chairperson shall select three Senate members to serve on the Hearing Subcommittee. The selection process shall insure the exclusion of the petitioner, the respondent, and their counsels and the inclusion of one administrator. If an administrator is not available from the Senate membership, the Senate Vice Chairperson shall select an administrator from System Administration.
- (c) The Hearing Subcommittee may enlist the help of System Administration faculty members in the conduct of investigations or hearings and shall have access to all relevant records and materials. Faculty members are expected as part of their professional responsibility to cooperate with the Hearing Subcommittee.
- (d) The Hearing Subcommittee shall elect a Chairperson at its first meeting. Within 20 days of the first meeting, the Hearing Subcommittee shall hold a formal hearing on the grievance at a time mutually agreed upon by all parties.

- (e) The hearing shall be held in either Reno or Las Vegas, the place to be decided as follows: An arithmetical count will be taken of the individuals primarily involved in the hearing, i.e., the petitioner(s), respondent(s), the person and/or attorney assisting the respondent, and the Subcommittee members; the place of work of a simple majority of those persons shall be the city in which the hearing is held. In the case of a tie, the city shall be chosen by the petitioner. If travel between Reno and Las Vegas is involved for any of those persons named in this section, the travel expense shall be borne by the unit in which the person is employed.
- (f) All written materials to be considered shall be submitted at least 5 working days before the hearing to the Subcommittee Chairperson and the adverse party. No written material submitted after this deadline shall be considered by the Subcommittee except upon unanimous agreement of all the parties and the Subcommittee members.
- (g) Prior to the commencement of the hearing, the Subcommittee Chairperson shall, after consultation with each party to the dispute, impose a reasonable limit on the amount of time to be allowed for completion of the testimony offered in the case; such time to be allowed for testimony shall be equal for each party to the dispute. Any request for additional time shall be granted at the discretion of the Subcommittee members for good cause shown, and an affirmative vote by two of the three Subcommittee members shall be required for the granting of the additional time requested.
- (h) The Subcommittee shall hear the evidence presented at the hearing and shall reach its decision on the basis of the evidence, written and oral, presented at the hearing. The legal rules of evidence shall not apply, but the Subcommittee shall make every effort to consider only relevant and reliable evidence. A decision shall be made within 5 working days of the completion of the hearing.
- (i) The findings and recommendations of the Subcommittee shall be submitted in writing within 3 working days to the Chairperson of the Appeals Committee, who shall forward them to the Chancellor, petitioner, and respondent, within 2 days of their receipt. The Chancellor shall then provide written notification of a decision within 10 working days to the Chairperson of the Appeals Committee, the petitioner, and the respondent. The Chancellor's decision is final. The Chairperson of the Appeals Committee shall then relay the Chancellor's decision to the members of the Hearing Subcommittees.
- (j) In cases where the Chancellor is the subject of the grievance, the Chancellor shall have 30 calendar days from the receipt of the Subcommittee's recommendation to act upon the recommendation and to notify the petitioner and the Subcommittee chairperson of the action taken. If the Hearing Subcommittee is dissatisfied with the action taken, it may, upon majority affirmative vote and upon the concurrence of the affected employee, submit the recommendations directly to the

Chairperson of the Board of Regents, who shall present the recommendation to the Board within 2 regular meetings from the date of receipt of the recommendation.

(B/R 4/08)

Section 2.5 Layoffs for Curricular Reasons

2.5.1 Unless the Chancellor has already made such an initial determination, whenever a unit head makes an initial determination to discontinue, reduce in size or reorganize a unit or a subunit, project or program within a unit for bona fide reasons pertaining to the mission of the unit and which would result in the elimination of an employment position or positions, the unit head shall inform the Chancellor of such a determination. (B/R 6/03)

2.5.2 The Chancellor shall inform the System Administration Faculty Senate of the initial determination and shall request the Senate to appoint an ad hoc review committee to review the determination. The committee shall be composed of one person from each unit in System Administration. The committee shall elect its own chair. All members of the committee shall be entitled to a vote. Every member of System Administration shall be eligible to serve on the review committee with the following exceptions:

The Chancellor, unit heads, and those persons who have substantially assisted the Chancellor or unit head to make the initial determination.

Employees of the Vice Chancellor for Legal Affairs' office. (B/R 2/05)

Faculty who may potentially be affected by the proposed layoff.

(B/R 6/03)

2.5.3 Faculty in the unit, subunit, project, or program to be affected by the proposed decision shall be notified of the initial determination referred to in Section 2.5.1 above, and they shall also be notified that a review of that initial determination by an ad hoc review committee will be undertaken, as provided in these bylaws.

2.5.4 Upon being informed of the formation of the review committee, the Chancellor or the unit head involved shall, as soon as reasonably possible, provide the committee with a reasonably adequate statement of the basis for the initial determination, a reasonably adequate description of the manner in which the decision was arrived at, and a reasonably adequate description of the information and data, including the provision of copies of relevant documents, upon which the Chancellor or the unit head involved relied in making such an initial determination. Within a reasonable time, the review committee shall review this information and shall make a recommendation to the Chancellor on whether the initial determination ought to be implemented, rejected, or modified, together with reasons for such a recommendation. Faculty in the unit, subunit, project, or program to be affected shall also be notified of this recommendation and be given the opportunity to give input to the review committee on the matter prior to the formation of the recommendation. (B/R 6/03)

- 2.5.5 Upon receipt of such a recommendation, the Chancellor shall make a final decision on whether the initial determination ought to be implemented, rejected, or modified. If the final decision requires layoffs of faculty for curricular reasons, as that term is defined in the NSHE Code, Section 1.1(f), affected faculty shall be notified of such decision and shall be entitled to a reconsideration of such decision, including a hearing, in accordance with the provisions of the NSHE Code, Subsection 5.4.7. (B/R 6/03)
- 2.5.6 Before layoffs for curricular reasons take effect, alternatives to such layoffs shall be investigated by the Chancellor or the Chancellor's designee as follows:
- (a) All reasonable steps will be taken to identify a suitable, alternative appointment within System Administration for each faculty member who may be displaced, as is required by Subsection 5.4.7(b) of the NSHE Code. In consultation with the ad hoc review committee, the Chancellor or the Chancellor's designee shall designate appropriate receiving areas within System Administration for each potentially affected faculty member. A displaced faculty member may be appointed to a vacancy in such a designated receiving area under Subsection 5.4.7(b) of the NSHE Code unless the area demonstrates that the displaced faculty member is not suitable for such vacancy or unless the threat of layoffs for curricular reasons is removed. (B/R 6/03)
 - (b) All reasonable steps should be taken to investigate suitable, alternative appointments within other NSHE institutions and to facilitate communication between each affected faculty member and other NSHE institutions, when requested by said faculty member. (B/R 6/03)
 - (c) A careful review and evaluation of administrative appointment, early retirement options, retraining programs, or other alternatives shall be conducted and discussed with the affected faculty member, when requested by said faculty member. (B/R 10/85).

Section 2.6 Request for Reconsideration and Peer Review Procedures

This section deals with requests for reconsideration and the peer review process with regard to merit and evaluation, including decisions, actions, or failure to act alleged to be adverse to a faculty member, as defined by Chapter 5 of the NSHE Code . The request for reconsideration and peer review procedures are limited in scope as defined in NSHE Code, Section 5.7.2 and 5.16. This request for reconsideration and peer review procedure does not apply to complaints seeking disciplinary action under Chapter 6 of the NSHE Code, which are initiated by filing a complaint as specified in Section 6.8 of the NSHE Code.

- 2.6.1 Request for reconsideration and peer review procedures shall be applicable to NSHE non-tenured administrative faculty in the following units: System Administration, System Computing Services, University of Nevada Press, Management Assistance Partnership, and Sponsored Projects Office.

- 2.6.2 If a professional employee disagrees with his or her evaluation and/or merit, then he or she can file a request for reconsideration and/or request a peer review. A request for reconsideration may only be filed prior to requesting a peer review.
- 2.6.3 Request for Reconsideration: Within fifteen calendar days after receipt of the evaluation and/or merit recommendation, the employee may submit a written request for reconsideration to the Unit Head. The Unit Head shall provide a written response to the employee within fifteen calendar days of receipt of the request. If the employee disagrees with the response submitted by the Unit Head, he or she may request a peer review.
- 2.6.4 Peer Review: Within thirty calendar days after receipt of the evaluation and/or merit recommendation, or response to request for reconsideration, the employee may request in writing to the Chancellor or Executive Vice Chancellor the formation of a committee of peers to conduct a separate annual evaluation.
- 2.6.5 The Peer Review Committee shall be constituted within fifteen calendar days after receipt of a request for a peer review. The Chancellor or Executive Vice Chancellor should contact the Chief Human Resources Officer for assistance in the creation of a Peer Review Committee. Human Resources will advise each person in his or her selection.
- (a) The Peer Review Committee shall consist of three (3) professional staff members, one of which shall be designated as the chair of the committee. The employee shall appoint one person and the supervisor shall appoint one person. The chair will be appointed by the Chancellor or Executive Vice Chancellor. The chair will be a professional staff member from a department other than that of the employee and supervisor.
 - (b) The committee's purpose shall be to file a report which either recommends upholding the supervisor's original evaluation and/or merit recommendation or providing an alternative evaluation and/or merit recommendation.
- 2.6.6 The employee may provide relevant materials to the committee chair that he or she feels will help the committee with its review. The supervisor may also submit relevant materials to the chair of the committee for review. Performance evaluations, job descriptions and other documents used in support of the evaluation and/or merit recommendation should be included in the materials submitted by the supervisor. The peer review shall include all relevant written materials submitted by both the employee and the supervisor.
- 2.6.7 The peer review may include interviews with the employee and the supervisor. The interviews shall be restricted to information regarding the appeal. The committee may request interviews with other personnel at its discretion. However, the interviews shall be limited to persons who have a direct bearing or knowledge of the evaluation or intimate knowledge of the employee's work. Character interviews should not be allowed. Parties shall be interviewed separately. The committee may ask questions during the interviews to clarify.

2.6.8 The committee's recommendation shall be based upon a thorough review of the materials provided by the supervisor and employee as well as any interviews conducted. The report must state and explain any ratings in the evaluation and/or merit recommendation that the committee believes should be amended.

(a) The Peer Review Committee Report should be comprehensive, but normally not more than two or three pages. The report of the committee should include the following:

- Introduction
- The position of the employee (i.e., if the employee takes issue with the evaluation prepared by the supervisor on certain points, the issues should be listed).
- The resolution requested by the employee.
- A brief summary of the supervisor's evaluation and/or merit recommendation and the points of contention.
- Committee Findings: The committee should state its conclusions and include materials and information provided by the employee and the supervisor.
- Committee Conclusion

(b) It is not the responsibility of the committee to make the case for the employee or department. The committee is to review and reach a conclusion based on the information provided by the employee and the supervisor.

(c) The committee must avoid conclusions based primarily on hearsay or emotional displays.

(d) The entire peer review process is confidential and will not be discussed with persons who are not party to the proceedings.

2.6.9 The Peer Review Committee shall complete its work within 60 days of notification. If the Peer Review Committee recommends that the initial evaluation be changed, that recommendation shall be forwarded to the Chancellor or Executive Vice Chancellor, who, at his or her discretion, may change the faculty member's evaluation by means of an addendum attached to the front of the evaluation stating how the evaluation is being changed and the reasons for the change. If the Chancellor or Executive Vice Chancellor does not change the evaluation, the reasons shall also be stated by means of an addendum attached to the front of the evaluation. The Chancellor or Executive Vice Chancellor shall sign the addendum and provide a copy to the faculty member.

(a) In cases where the Chancellor is the supervisor of the employee, the Chancellor shall have 30 calendar days from the receipt of the Peer Review Committee's recommendation to act upon the recommendation and to notify the employee and the Peer Review Committee chairperson of the action taken. If the Peer Review Committee is dissatisfied with the action taken, it may, upon majority affirmative vote and upon the concurrence of the affected employee, submit the recommendations directly to the Chairperson of the Board of Regents, who shall present the recommendation to the Board within 2 regular meetings from the date of receipt of the recommendation.