

Title 5 - NSHE Governing Documents

Chapter 7

University of Nevada, Reno Bylaws

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## **1 - INTRODUCTION**

### **1.1 - BYLAWS**

#### **1.1.1 AUTHORIZATION**

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

#### **1.1.2 SCOPE OF THE BYLAWS**

These Bylaws provide for the organizational and administrative structure and personnel policies and procedures for the faculty of the University of Nevada, Reno, hereinafter referred to as the University, and shall be consistent with all higher-level rules and regulations, which includes Board of Regents' policy, the Code, the laws of the State of Nevada and the laws of the United States. It is intended that these Bylaws be a statement of general policy.

#### **1.1.3 AMENDMENT OF THE BYLAWS**

Any member of the faculty, the President, Chancellor, or the Board of Regents may propose amendments to these Bylaws. Proposed amendments developed by the faculty shall be submitted in writing to the Faculty Senate, which shall refer the same to a Senate Bylaws Committee for its review and recommendation. If recommended for approval by a majority of the Faculty Senate, the proposed amendment shall be submitted to the faculty for a vote by a written, secret mail ballot. A proposed amendment which, after consideration by the Faculty Senate, has not been recommended for approval by a majority of that body shall be submitted to the faculty for a vote by a written, secret mail ballot if at least ten percent of the faculty sign a petition requesting this action. The amendment shall be in force upon: 1) recommendation for approval by the faculty, which shall be by at least a two-thirds majority of those voting in a written, secret mail ballot; 2) approval by the President; and 3) approval by the Board of Regents.

Proposed amendments developed by the President, Chancellor, or the Board of Regents shall likewise be submitted in writing both to the Faculty Senate for this body's full review and recommendation and also to the faculty as a whole for its vote before being forwarded to the Board of Regents for final approval.

#### **1.1.4 INTERPRETATION OF THE BYLAWS**

Questions of interpretation of these Bylaws shall be directed to the Faculty Senate, which shall review the question and forward its recommendations to the President for a decision. The President's decision shall be based upon appropriate consultation, and consistent with the Code and established University policies and procedures.

### **1.1.5 IMPLEMENTATION OF THE BYLAWS**

Procedures for implementing these Bylaws shall be published in the Administrative Manual, and these procedures shall not conflict with these Bylaws or any higher-level rules and regulations. In the event of any such conflict, the higher authority shall prevail. Any faculty member or group may propose additions, deletions, or revisions to the Manual. A Senate Bylaws Committee shall review the Administrative Manual at the request of the Faculty Senate. Changes to the Administrative Manual shall be in full force and effect upon approval by both the Faculty Senate and the President.

### **1.1.6 RECONCILIATION OF THE BYLAWS**

Any member of the faculty may petition the Faculty Senate, in writing and with confidentiality, to review specific clauses in any of the governing documents of the University to determine whether or not they are in conflict with higher-level rules and regulations. Governing documents that may be so reviewed shall include these Bylaws, the bylaws of any college or equivalent major unit, and the bylaws or policies and procedures of any department of the University.

The Faculty Senate shall refer the petition for bylaws review to a Senate Bylaws Committee for its review and recommendation. If the Faculty Senate determines that such a conflict exists, it shall inform the President and the appropriate administrator, in writing, in order to correct the conflict. Such conflicts shall be corrected using the same procedures that govern approval of other amendments to the bylaws. The Faculty Senate shall also inform the petitioner in writing of its determination.

## **2 - ORGANIZATION OF THE UNIVERSITY**

### **2.1 – MAJOR UNITS AND DEPARTMENTS**

#### **2.1.1 MAJOR UNITS OF THE UNIVERSITY**

The University shall be divided into constituent parts, referred to in these Bylaws as major units. Major academic units shall include colleges or other equivalent units administered by a dean. Major administrative units shall be administered by vice-presidents, the Executive Vice-President and Provost, or the President.

Every major unit of the University shall develop bylaws to govern its organizational and administrative structure and its personnel policies and procedures. Major unit bylaws are subordinate to and shall not conflict with these Bylaws or other higher-level rules and regulations.

Bylaws of each major unit shall be in force upon completion of the following four steps: 1) review by the Faculty Senate; 2) approval by the faculty of the major unit in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 3) approval by the dean or the designated administrator of the major unit; and 4) approval by the President. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting.

Subsequent amendment of bylaws requires a two-thirds majority of those voting. The most recently approved major unit bylaws, including any approved amendments, shall be forwarded to the Office of Faculty Senate, and made available to all faculty.

### **2.1.2 DEPARTMENTS OF THE MAJOR UNITS**

Major units as described in Section 2.1.1 may be divided into constituent parts known as departments, or by other appropriate designations, hereinafter referred to as departments. Each department's faculty may develop bylaws, to provide for its organizational and administrative structure, its personnel policies and procedures, and specific procedures for selecting, evaluating, and removing a Department Chair. Alternatively, a department may be governed by the bylaws of its major unit. Departments may also develop written policies and procedures which shall require the same approval process as department bylaws. In all cases, all academic and administrative faculty shall have the protection of bylaws at the level of their major unit or below. Department bylaws are subordinate to and shall not conflict with the bylaws of its major unit, these Bylaws and all other higher-level rules and regulations.

Bylaws of a department shall be in force upon completion of the following three steps: 1) approval by the department faculty in a written secret ballot, with sufficient notice to allow all eligible faculty to participate; 2) review by a bylaws committee of the department's major unit to ensure that the bylaws do not conflict with the bylaws of its major unit or these University Bylaws; and 3) approval by the dean or the designated administrator of the department's major unit. Faculty approval of the initial adoption of bylaws requires a simple majority of those voting. Subsequent amendment of bylaws requires a two-thirds majority of those voting. The most recently approved department bylaws, including any approved amendments and any approved policies and procedures, shall be forwarded to the office of the Faculty Senate and be made available to all faculty.

The bylaws committee of the department's major unit shall review new department bylaws or amendments after approval by the department faculty, and make its recommendations to the dean or other designated major unit administrator. The review shall be completed within 90 days, unless specified otherwise in the bylaws of the major unit. The dean or equivalent administrator shall approve or reject the new department bylaws or amendments within 30 days after receiving the recommendations of the major unit bylaws committee. If the dean or equivalent administrator rejects the new department bylaws or amendments, he or she shall provide reasons in writing to the department. A department may appeal this decision to the President, if the appeal is approved by a majority of the department faculty voting in a written secret ballot, with sufficient notice to allow all eligible faculty to participate. The President's decision on any such appeal is final.

### **2.1.3 CHANGES IN ORGANIZATION**

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

## **2.2 - THE PRESIDENT AND ADMINISTRATORS**

### **2.2.1 THE PRESIDENT**

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

### **2.2.2 RESPONSIBILITIES AND DUTIES**

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

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

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

### **2.2.4 RESPONSIBILITIES AND DUTIES OF ADMINISTRATORS**

Administrators' responsibilities and duties shall be specified by the President, and shall be published in the Administrative Manual.

### **2.2.5 BOARDS AND COMMITTEES**

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

## **2.3 - FACULTY**

### **2.3.1 FACULTY GOVERNANCE**

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

### **2.3.2 FACULTY**

The University faculty shall consist of all persons holding authorized professional positions as provided in Subsection 1.4.5 of the Code.

- a. For the purposes of these bylaws, as defined in section 1.1 of the Code, "administrators" means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents. An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the appointing authority. Reassignment and removal from an administrative position will be in accordance with Subsections 3.4.6 and 5.4.8 of the Code.
- b. As defined in Section 1.1(a) of the Code, "academic faculty" means instructional, research, and library faculty, as defined by the Board of Regents. Tenured faculty are the subset of academic faculty who have been granted tenure. Tenure-track faculty are the subset of academic faculty on probationary status and eligible to be considered for tenure. Rank 0 and Rank I faculty are the subset of academic faculty in positions of any rank that are not eligible for tenure.

### **2.3.3 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), Lecturer or Instructor (I). Tenured and tenure-track academic faculty may be employed at rank IV, III, or II. As defined in Subsection 3.2.1 of the Code. Rank 0 or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances. Faculty in Rank 0 may be employed at rank 0(IV), 0(III), 0(II), or 0(I).
- 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. Unranked faculty -- There shall be Rank Zero (0) positions for lecturers, or positions with appropriate titles, reserved for persons with special qualifications that do not fit criteria for the four ranks.

### **2.3.4 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. Unranked Academic Faculty -- Academic faculty in nontenure track positions, designated as Rank Zero faculty, may be employed on an annual or partial-year basis and may be employed on a full-or part-time contracts.

- (i) The duration of employment contracts are specified in Subsection 5.4.2(c) of the Code.

Rank zero faculty 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 nonreappointment. However, they shall not be eligible for tenure. All rank zero faculty, whether on a full- or part-time basis, shall be approved by the department faculty as provided for in department or major unit bylaws, subject to the limitations in these Bylaws. These faculty shall possess at least the 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 the dean. These contracts shall not be used as a substitute for the tenure system. Specifically, continuing tenure track positions shall not be converted to zero rank positions to avoid terminating incumbents whose performance or educational background does not warrant the award of tenure. Zero rank continuing positions may be created in programs where tenure track positions are the norm only through agreement between the department and the involved. Each such position is to be reviewed by the president every three years to be determined if it should be converted to a tenure track position.

- (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. Their contracts may be renewed upon satisfactory annual departmental evaluation and approval by the dean. However, such special appointments shall be continued for no more than a total of three years without review by the President. Such review shall determine the need to convert the special appointment to an authorized continuing professional position. If not so converted, and if the special appointment continues, it shall be reviewed at least once every three years at the initiation of the department. Faculty on special appointment shall enjoy academic freedom, and except for faculty on letters of appointment, 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), fringe benefits, and rights of notification of nonreappointment. However, they shall not be eligible for tenure or sabbatical leave. All faculty hired to teach under special appointment, whether on a full- or part-time basis, shall possess at least the master's degree or its equivalent in the appropriate academic discipline. This requirement shall not apply to currently enrolled UNR graduate students who have completed all course work for the master's degree. Exceptions to this policy shall occur only in exceptional circumstances as reviewed and approved by the departmental chair and the dean.
- (iii) Faculty in Approved Continuing Positions: For faculty members appointed to continuing positions approved by the department faculty, and designated as at least 0.5 FTE, conditions of employment and professional responsibilities shall be the same as for a full-time faculty member, except as restricted by the Code. Rights of notification of nonreappointment shall apply to faculty in these positions. Faculty in positions approved by the department faculty as continuing, and designated as at least 0.5 FTE shall be issued regular contracts in ranks defined

in these Bylaws. Salary will be established as a prorated percentage of the regular full-time salary under the appropriate salary schedule.

Insofar as possible, faculty members in these positions shall have all faculty duties, rights, and fringe benefits. These shall include the right to a full vote on all university-wide ballots, and the right to at least a partial vote in at least one major unit and department in accordance with major unit and department bylaws. Faculty members in these positions shall participate in academic and professional activities as provided by their major units and departments.

### **2.3.5 GRADUATE FACULTY**

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

### **2.3.6 ADJUNCT OR CLINICAL FACULTY**

Persons qualified to provide special services to the University on a part-time volunteer basis may be appointed as adjunct or clinical faculty and may be assigned appropriate rank and title. These persons shall not be subject to the requirements of Section 2.3.4.c of these Bylaws except that they shall enjoy academic freedom.

- a. For persons to be appointed to adjunct or clinical positions, it must be demonstrated that their services will be of value to the teaching, research, public, and community service, or educational support service programs of the University, and that they fulfill the appropriate requirements for the corresponding position as specified by the department concerned, by the University Bylaws, and by the Code.
- b. Adjunct or clinical appointments shall go through regular channels as provided by the University Bylaws and require the approval of the department concerned, the dean, and the President.
- c. Persons holding adjunct or clinical titles shall be nonvoting members of the faculty. If approved by the faculty of the college and the President, a term other than "adjunct" or "clinical" may be used in colleges or major units where another term denotes precisely the role played by the appointee.

### **2.3.7 ORGANIZATION OF FACULTIES**

Each of the major units and in turn each of the departments of the University shall consist of those members of the faculty assigned to that major unit or department in continuing positions approved by the department faculty.

- a. Major Unit Voting Rights - Except as may be provided in these Bylaws, every full-time faculty member assigned to a major unit shall be a voting member of that major unit. Part-time faculty of 0.5 FTE or more shall have at least the voting rights specified in Section 2.3.4.c(iii) of these Bylaws. A faculty member employed by more than one major unit shall be eligible to vote in that major unit in which the largest proportion of his/her FTE is assigned.

- b. Departmental Voting Rights - Except as may be provided in these Bylaws, every full-time member of the faculty shall have the right to vote in at least the department in which the faculty member has major assignment. Part-time faculty of 0.5 FTE or more shall have at least the voting rights specified in Section 2.3.4.c(iii) of these Bylaws.
- c. Limitations on Voting Rights - Department and major unit bylaws may limit the right to vote on tenure and promotion decisions to those faculty who have already attained the rank or status at issue. They may limit the right to vote on tenure track appointments to those faculties who hold such appointments. No faculty member may vote on his or her own appointment, tenure or promotion or in cases when a similarly clear conflict of interest exists.

### **2.3.8 MEETINGS OF THE FACULTY**

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

Members of the faculty shall receive notification of faculty meetings no later than three working days before such meetings, which shall include the date, time, place, and agenda of the meeting.

- a. Presiding Officer - The President or a designee of the President shall preside over meetings of the faculty.
- b. Secretary - The faculty shall elect a secretary for each meeting from among its own members in attendance, who shall be responsible for the maintenance of accurate records of its deliberations and transmission of recommendations.
- c. Order of Business - The presiding officer shall determine the order of business and shall provide opportunity for introduction of new business from the floor.

## **2.4 - THE FACULTY SENATE AND THE GRADUATE COUNCIL**

### **2.4.1 FACULTY SENATE**

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

to the Senate to introduce any questions of general policy or any matters related to professional rights and welfare.

#### **2.4.2 GRADUATE COUNCIL**

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

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

- a. Every member of the Faculty Senate and the Graduate Council has the obligation to speak and act in the best interests of the University. In discharging their functions, the members of each body shall be responsible to the faculty who elected them. However, members of each body shall have the freedom to speak and act according to their own judgments.
- b. Actions of each body shall be forwarded to the President and reported to the faculty through the minutes of each body.
- c. No faculty member may serve simultaneously on both bodies except as an ex-officio representative. The President or a designee shall be a nonvoting member of each body. Except as presidential designee, administrators as defined in Section 2.3.2a of these Bylaws, are not eligible for membership on the Faculty Senate.
- d. The bylaws of each body shall provide for the composition of the groups of major units herein referred to. Representation in each body shall conform as closely as possible to the proportion of faculty assigned to any major unit or group of major units, provided that each major unit or group of major units shall have at least one representative. Nominations and elections of representatives to each body shall be by secret mail ballot. Terms of office for each body shall be three years. Elections to membership in each body and of officers of each body, including special elections to fill vacancies occurring between normal election times, shall be conducted by that body following election procedures specified in its bylaws. Representation to each body from major units and groups of major units shall be examined and reapportioned if necessary at three-year intervals. The criteria for apportionment to each body shall be specified in its bylaws.
- e. Each body shall elect from among its voting members a chair, vice-chair, and such other officers, as it deems necessary. The bylaws of each body shall set forth the duties and responsibilities of each officer and procedures for electing them.
- f. Each body shall establish in its bylaws provisions relating to the following: regular and special meetings, including those called in response to faculty petition and notice thereof; the right of faculty to attend said meetings; the filing and distribution of minutes. The bylaws of each body shall provide for the recall of members by the major unit or other portion of the faculty from and by whom members were elected, and for discharge from each body by that body of any of its elected members. The

chair of each body shall be exempt from recall. However, a chair may be removed as chair by a two-thirds vote of the electing body.

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

### **3 - FACULTY PERSONNEL POLICIES**

#### **3.1 - FACULTY RIGHTS**

##### **3.1.1 RIGHTS**

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

##### **3.1.2 ACADEMIC FREEDOM**

All members of the faculty and graduate fellows shall enjoy academic freedom and academic responsibilities as stated in Chapter 2 of the Code. Institutions of higher education are conducted for the common good and not to further the interest of either the individual member of the faculty or the institution. The continued existence of the common good depends upon the free search for truth and knowledge and their free exposition (Subsection 2.1.1.). Academic freedom is essential to these purposes and is applicable to both teaching and research (Subsection 2.1.2.). The concept of academic freedom is accompanied by the equally demanding concept of academic responsibility. A member of the faculty is responsible for the maintenance of appropriate standards of scholarship and instruction (Subsection 2.1.3.).

##### **3.1.3 OATHS**

No affirmation or oath shall be required of faculty except that oath provided by Article 11, Section 5, and Article 15, Section 2, of the Nevada Constitution. (B/R 12/08)

##### **3.1.4. PERSONNEL FILE**

The University shall maintain an official personnel file for each member of the faculty, which shall be the exclusive file for personnel decisions, and which includes all personnel files maintained in the department, major unit, or university administrative offices. Provisions regarding files shall apply to all that are maintained. The files shall be maintained, supervised and kept in a secure, locked place, by the appropriate administrators; department files by the chair, major unit files by the dean or director, and University files by the administrator designated by the President.

### **3.1.5 CONTENTS OF FILES**

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

### **3.1.6 ACCESS TO AND MODIFICATION OF FILES**

Personnel and payroll files of University faculty are confidential. Personnel and payroll records may only be released pursuant to the written authorization of the faculty member or pursuant to a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter, as set forth in Subsection 5.6.2 of the Code.

- a. The faculty member shall have access to his or her official personnel and payroll files, and may grant access to such files to a representative with a written authorization from the faculty member. The following additional personnel shall have access to a faculty member's personnel and payroll files solely for reasons germane to the performance of their official duties: the faculty member's supervisors, which may include department chairs, deans, director, vice presidents, provost, president, and chancellor; institution payroll officers, institution personnel officers, which may include appointed disciplinary officers; System legal counsel, internal auditors, members of the Board of Regents; faculty senate chair; and confidential institution committees including but not limited to tenure and grievance committees. As stated in Subsection 5.7.2 of the Code, alleged violations of the Code or institutional bylaws are subject to grievance.
- b. The following information in these personnel files is public information and must be disclosed to the public upon request: the employee's name, title, job description, compensation and perquisites, business address and business telephone numbers, beginning date of employment and ending date of employment.
- c. If a member of the faculty objects to the inclusion, retention, or removal of any material in the individual's personnel file, the faculty member may make a request to the appropriate administrator for its removal or modification, retention, or inclusion. If this request is denied, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to alleged violations of the Code or institutional bylaws (Subsection 5.7.2 of the Code), it is subject to grievance.

## **3.2 - GRIEVANCES**

### **3.2.1. GRIEVANCE PROCEDURES**

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

(B/R 2/09)

### **3.2.2 SCOPE OF GRIEVANCE PROCEDURES**

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

(B/R 2/09)

### **3.2.3 DEFINITIONS AND GENERAL PROVISIONS**

- a. The person or persons filing the Notice of Grievance shall be known as the "petitioner" and the person or persons allegedly responsible for the grievance shall be known as the "respondent."
- b. Although specific time limits are set forth in this section, action should be taken more expeditiously whenever possible.
- c. Any limitations on time set forth in this section may be changed by the mutual written consent of the petitioner and the respondent, subject to approval by the Chair of the Faculty Senate or, if a committee has been appointed to hear a grievance, by the chair of the grievance committee.
- d. Unless both parties agree, and the grievance committee approves, no hearing shall be held during the summer recess, or during periods of authorized leave for concerned parties, including members of the grievance committee. In cases when a hearing is delayed to the succeeding semester, all time limitations shall continue on the faculty contractual reporting date of that semester.
- e. The petitioner and respondent have the right to consult with legal counsel, at petitioner's or respondent's own expense. However, legal counsel shall not participate in grievance hearings.

(B/R 2/09)

### **3.2.4 PROCEDURES FOR INITIATING A GRIEVANCE**

- a. Reconsideration of Decisions Affecting Salary

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

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

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

b. Reconsideration of Decisions Affecting Appointment with Tenure, Promotion, or Reappointment

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

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

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

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

c. Notice of Grievance

The petitioner shall file the written Notice of Grievance with the Chair of the Faculty Senate. If the petitioner chooses not to request reconsideration, the Notice of Grievance shall be filed within 15 college working days from the date the petitioner gains knowledge of the alleged grievance. The Notice of Grievance shall contain a concise statement describing the grievance and the remedy sought. The Chair of the Faculty Senate shall serve a copy of the Notice of Grievance on the respondent at the time it is filed.

d. Final Actions

Upon completion of a hearing by the University Grievance Committee, the recommendation of the Committee shall be forwarded to the President for final decision.

Final action shall be taken by the President. However, the approval of the Board of Regents shall be required for appointment with tenure. In cases requiring the Board of Regents' approval, the President may request an oral presentation to the Regents of the reasons for and against the personnel action before final decision. Decisions of the Board of Regents are not subject to review by grievance procedures.

(B/R 2/09)

### **3.2.5 THE UNIVERSITY GRIEVANCE COMMITTEE**

- a. There shall be a University Grievance Committee Pool which will be the pool of faculty from which will be selected members who will serve on grievance committees. The responsibility of these committees shall be to hear and make recommendations on properly filed grievances as provided in these Bylaws.
- b. The grievance process is critical to faculty rights, and service on the grievance committee is a responsibility of all faculty. The Grievance Committee pool shall thus consist of all members of the faculty designated as at least .50 FTE, who have completed at least five years of employment at the university. Probationary tenure-track faculty and faculty on approved leave shall be excluded from the pool, along with the president, provost, vice presidents, associate and assistant vice presidents and chief administrators of major units or their administrative equivalents. Faculty may be otherwise excused from a grievance committee only with written permission of the Provost.
- c. There shall be a subset of the Grievance Committee Pool, the Grievance Subcommittee Chair Pool, from which will be selected members who will serve as the chair of each grievance committee responsible for hearing a grievance. The Grievance Committee Chair pool shall consist of members of the faculty who have completed at least ten years of employment at the university, and have been selected by the Faculty Senate Chair with the approval of the Provost. Once selected, members shall remain in the Grievance Committee Chair Pool until removed by either the Provost or the Faculty Senate Chair.

- d. The Faculty Senate shall establish procedures to ensure that the responsibility of service on grievance committees is equitably distributed among faculty. The Chair of the Faculty Senate shall be responsible for the selection of grievance committee members and administration of the process.
- e. Within five college working days from receipt of the Notice of Grievance, the Faculty Senate Chair shall select, by lot, five members of the Grievance Committee Chair Pool, plus fifteen other members of the Grievance Committee Pool, and they shall be numbered in the order selected. If the petitioner is academic faculty, then these members shall be academic faculty. If the petitioner is administrative faculty, then these members shall be administrative faculty. The lists of members of the Pool and members of the Chair Pool shall be forwarded to the petitioner and the respondent. The composition of the grievance committee may be changed only by mutual written consent of the petitioner, the respondent, and the Faculty Senate Chair. These members may not include anyone from the same major unit as either the petitioner or the respondent, nor may they include two members from the same department, nor may they include anyone with a clear conflict of interest. If the grievance concerns denial of appointment with tenure, the members must be tenured faculty. If the grievance concerns denial of an academic promotion to a higher rank, the members must be of that rank or above.
- f. Within five college working days from receipt of the lists, the petitioner and the respondent may exercise one peremptory challenge each for the grievance committee chair and up to three peremptory challenges each for the other members. The grievance committee chair, and four other members shall be chosen for the grievance committee in the order they were originally selected.
- g. Once the grievance committee is constituted, the Chair of the Faculty Senate shall call a meeting of the committee as soon as possible. At the first meeting, the grievance committee chair shall schedule a hearing on the grievance as soon as possible. The hearing shall be informal in nature. Sufficient time must be allowed for all parties to prepare their evidence. All written materials to be considered shall be submitted at least ten college working days before the hearing to the Faculty Senate Chair for distribution to the committee, the petitioner, and the respondent. The committee shall hear the evidence presented at the hearing and shall reach its decision based solely on the evidence, written and oral, presented at the hearing. The hearing shall be informal in nature, and the legal rules of evidence shall not apply at the hearing, but the committee shall make every effort to consider only relevant and reliable evidence. The committee may request additional information in order to render its decision if this information is related to information presented in the hearing. Either side may bring a colleague, who may serve as spokesperson, to the hearing. The colleague must be a UNR employee and may not be an attorney a member of the Faculty Senate Executive Board, the university ombudsperson, or any executive faculty at the equivalent level of dean or above. Any party bringing a colleague must so advise the grievance committee chair in writing at least ten days prior to the hearing, and the grievance committee chair will in turn inform the other party.

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

(B/R 2/09)

### **3.3 - PROFESSIONAL RESPONSIBILITIES, EVALUATION AND PERSONNEL RECOMMENDATIONS**

#### **3.3.1 PROFESSIONAL RESPONSIBILITIES**

All personnel evaluations shall be made on the basis of written and specific professional responsibilities and performance expectations mutually agreed upon by the individual faculty member and the responsible agent within the department as specified by department bylaws. All specifications of professional responsibilities for a member of the faculty shall be in accordance with the mission and priorities of that person's department, as defined in Section 2.1.2 of these Bylaws. Any deviations from the mission and priorities described in the department bylaws must be justified and approved in writing by the dean and the President. The agreement shall be subject to appropriate periodic review by the individual faculty member and the responsible agent within the department who shall make every effort to accommodate subsequent changes that may be desired by either party. If a member of the faculty and the responsible agent in the department are unable to reach an agreement about specified professional responsibilities, the matter is subject to the grievance procedure outlined in these Bylaws. The agreed upon specification of professional responsibilities may be subject to review by the dean or other appropriate administrators.

#### **3.3.2 EVALUATION**

Each faculty member shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units according to the above-specified professional responsibilities. All performance evaluations shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." An overall evaluation of "excellent" or "commendable" shall be considered meritorious. Each person shall submit documentation, as specified in department, major unit, and these bylaws, for evaluation. The evaluation of each 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 the annual evaluation rating, he or she may submit a written rejoinder (Section 5.16 of the Code) and/or may initiate a reconsideration and/or grievance through regular administrative channels as specified in these Bylaws.

All evaluations shall be initiated by the department and shall be made on the basis of equitable and uniform criteria. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. Quality of performance for each area of professional activity shall be assessed according to procedures and criteria specified in department, major unit, and these bylaws. For academic faculty, evaluations shall include peer review. For tenure-track faculty members, external peer review shall be required for promotion or tenure, as specified in major unit and/or department bylaws. All evaluations shall be conducted in accordance with principles of judicious review, here defined as careful and professional assessment of admissible evidence materials presented so as to insure a just and equitable recommendation. Faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor. Faculty members receiving an overall rating of “unsatisfactory” on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first “unsatisfactory” rating.

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

### **3.3.3 PERSONNEL RECOMMENDATIONS**

All tenure, promotion, and annual evaluations shall be made on the basis of the person's professional performance in meeting the responsibilities specified in Section 3.3.1 of these Bylaws. All such evaluations shall be initiated at the department level and forwarded to the appropriate administrator. After review, the administrator shall inform each faculty member of the final recommendation, within 15 calendar days from the date of making the recommendation. If the faculty member disagrees with the recommendation regarding tenure, an annual evaluation rating, a salary increase, promotion or reappointment to employment, he or she may ask for reconsideration through regular administrative channels as specified in the Subsections 5.2.4, 5.12.13, and 5.16 of the Code, within 15 calendar days of the receipt of the written reasons (except that the supervisor is not required to state reasons for an adverse annual evaluation under section 5.2.3 if the reasons for the evaluation are stated in the evaluation).

Any changes in title of an academic faculty member within Rank 0 status shall be subject to the same established personnel review procedures as used in changes in rank.

Subsections 5.11.1 and 5.11.2 of the Code requires that procedures for annual evaluation shall be established in institutional bylaws. These evaluations provide a primary source for decisions concerning tenure, promotion, and salary increases. Therefore, each major unit within the University is obligated to define further the procedures employed for the annual evaluation process as well as provisions for accountability.

The purpose of meritorious evaluations should be perceived by the faculty and administration alike not only as the rewarding of excellence, but as an opportunity for each faculty member to assess his or her performance within the academic community and to improve that performance with reference to specific and uniform written criteria applied by each department or appropriate major unit in the evaluation process. Moreover, it is understood that a meritorious evaluation is a matter of academic record, a recognition of performance deserving of special note, regardless of the current availability of funds for direct merit award.

### **3.3.4 SCHEDULE FOR MERIT**

All members of the faculty (administrators, administrative faculty, and tenured, tenure-track, and nontenure-track academic faculty) shall be evaluated and eligible faculty shall be formally considered annually for merit increases. In the event that merit funds were not available the previous year(s), the record of the previous evaluation period(s) shall also be considered in the awarding of merit increases.

### **3.3.5 PROCESS AND SCHEDULE FOR PROMOTION OF ACADEMIC FACULTY**

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

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

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

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

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

A member of the academic faculty may request consideration by his or her department for promotion in any year.

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

### **3.3.6 RECLASSIFICATION OF ADMINISTRATIVE FACULTY POSITIONS**

A reclassification of an administrative faculty member is in recognition of the level of work and responsibilities assigned to that position. A member of the administrative faculty may request reclassification of the administrative range of his/her current position at any time.

### **3.3.7 NOTICE OF PERSONNEL RECOMMENDATIONS**

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

### **3.3.8 UNIVERSITY PERSONNEL COMMITTEES**

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

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

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

- a. The Academic Faculty Promotion and Tenure Committee shall review recommendation and reconsiderations for promotion and tenure for academic faculty.
- b. The Administrative Faculty Salary Placement Committee shall review salary placement recommendations for new and revised administrative faculty positions.
- c. The Merit Policy Committee shall review and made recommendations on policies pertaining to the distribution of merit money and provide an oversight function to ensure that all colleges/schools/major units have policies for distributing merit in a fair, equitable and consistent manner.
- d. The Academic Salary Equity Committee shall conduct internal analysis to assure that academic faculty with similar characteristics and performance evaluations receive comparable salaries, and review and made recommendation on individual requests in which there are perceived inequities.
- e. The Administrative Salary Equity Committee shall review and made recommendation on the equitable movement of administrative faculty members within a salary range based on predetermined criteria.

### **3.4 - TENURE**

#### **3.4.1 JUSTIFICATION: TENURE AND ACADEMIC EXCELLENCE**

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

#### **3.4.2 ELIGIBILITY FOR TENURE**

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

### **3.4.3 PROBATIONARY PERIOD**

As provided in Section 3.3 of the Code, academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 3.2.1 of the Code before receiving such an appointment. Except as provided in Subsection 3.3.1 of the Code, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV. At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the president or his designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in these bylaws. Upon the request of the academic faculty member and the approval of the President, up to three years of uninterrupted full-time employment in a Rank 0 position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Rank 0 position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Upon the request of the academic faculty member and the approval of the president, up to three years of full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment. After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be reappointed at any rank unless such appointment is with tenure.

### **3.4.4 SCHEDULE FOR EVALUATION OF PROBATIONARY FACULTY**

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

- a. Reappointment - A probationary member of the faculty shall be evaluated and formally considered annually for reappointment at the department and major unit levels.
- b. 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 university and, if not granted tenure, annually thereafter. The probationary faculty member shall be informed of this evaluation in writing, including the program of improvement that must be undertaken to be considered for tenure at a later date.
- c. Recommendations and Appointment - As provided in Subsection 3.4.1 of the Code, at the expiration of a probationary period, or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. The process and schedule for applying for tenure shall follow that specified in these Bylaws for the promotion of academic faculty. Recommendations for appointment with tenure shall be made by the President to the Board of Regents. The board has final authority in making an appointment with tenure, and such appointment shall not be granted to

any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the board, a quorum being present.

### **3.4.5 STANDARDS FOR RECOMMENDING APPOINTMENT WITH TENURE**

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

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

Either of the following:

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

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

#### **(2) Standard Two: Scholarly and Creative Activity**

Demonstrated continuing professional growth related to the academic faculty member's discipline or program area as shown by a record of scholarly research or creative activity resulting in publication or comparable productivity.

#### **(3) Standard Three: Service**

In addition to standards one and two, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A) Membership and participation in professional organizations;

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

(C) Service on University or System committees;

- (D) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and
  - (E) Recognition and respect outside the System community for participation and service in community, state, or nationwide activity.
- b. In rating applicants for appointment with tenure under the standards set forth in this subsection, the University shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be used in evaluating the applicant for appointment with tenure.
  - c. The standards and the ratings set forth in this subsection are the standards that must be used by the University and its major units in recommending academic faculty for appointment with tenure. However, major unit Bylaws may provide for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Code and must not be less stringent than the standards provided therein.

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

Recommendations for Tenure. As stated in 3.4.3 of the Code, the president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures, which shall be established in these bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

#### **3.4.6 NOTICE OF TENURE**

As provided in Subsection 3.4.4 of the Code, when a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the President in writing.

#### **3.4.7 ANNUAL PERFORMANCE EVALUATION OF TENURED FACULTY**

- a. Declaration of Policy - As provided in Section 5.13 of the Code, it is the policy of the NSHE to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the academic community's expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.11 of the Code.
- b. Evaluation Procedure -
  - (i) If the annual performance evaluations provided for in Section 5.11 of the Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment.

- (ii) An overall “unsatisfactory” rating in two consecutive annual performance evaluations as provided in this section shall be cause for termination of employment. Hearings to consider terminations initiated by this section shall be held by a special hearing officer and special hearing committee under Section 6.12 of the Code. All other provisions of Chapter 6 of the Code should be followed to the extent applicable. Notwithstanding the provisions of Subsections 6.12.4, 6.13.1, and 6.14.2 of the Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations, which initiated the hearing, shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the University.
- (iii) The provisions of this section shall not apply to administrators who hold tenure as academic faculty members at the university as long as they continue as administrators. Only the performance of such administrators of their assigned administrative duties shall be evaluated under Section 5.11 of the Code. Commencing five years after such administrators are discontinued as administrators, the provisions of this section shall be applied to them as tenured faculty members.
- (iv) After the completion of the annual performance evaluations provided for in Section 5.11 of the Code, the President shall submit an annual report to the Board of Regents detailing the process and outcomes of the annual performance evaluations.

### **3.4.8 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 University.

### **3.4.9 RELINQUISHMENT OF TENURE ON TRANSFER**

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

### **3.4.10 EXPIRATION OF TENURE**

A faculty member relinquishes or waives his right to tenure upon resignation from UNR.

### **3.4.11 TERMINATION OF TENURE**

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

### **3.4.12 FINANCIAL OR CURRICULAR REASONS FOR TERMINATIONS**

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

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

### **3.5.1 NONREAPPOINTMENT OF NONTENURED FACULTY**

Notification of nonreappointment of nontenured members of the faculty shall be made in accordance with the provisions prescribed in the Subsections 5.9.1 to 5.9.4 of the Code.

In accordance with Section 3.3.7 of these bylaws, when a recommendation or decision not to renew an appointment has first been reached, the faculty member involved will be informed of that recommendation or decision in writing by the body or individual making the initial recommendation or decision, and the faculty member may request written notice of reasons.

### **3.5.2 DISCIPLINARY SANCTIONS FOR PROFESSIONAL EMPLOYEES**

In accordance with Sections 6.6.1 to 6.6.8 of the Code, vice presidents, deans, directors and persons in equivalent positions shall have the authority to issue reprimands or warnings (as defined under 6.3.1 and 6.3.2) to faculty members and other professional employees under procedures stated in 6.6 of the Code. Procedures under 6.6 differ from procedures established in Sections 6.7 to 6.14 of the Code. Procedures in Section 6.6 of the Code are to be used whenever possible, as an alternative to those in Sections 6.7 to 6.14 of the Code.

Section 6.6.3 of the Code provides the affected person with the option to request mediation. The guidelines for selecting the mediator will be jointly developed by the campus administration and Faculty Senate. Copies of the guidelines will be maintained in the office of the Faculty Senate.

### **3.5.3 DISMISSAL**

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

### **3.5.4 TERMINATION FOR FINANCIAL EXIGENCY OR CURRICULAR REASONS**

All faculty members are subject to termination for financial exigency or curricular reasons as specified in the Subsections 5.4.5 through 5.4.7 of the Code.

- a. After a financial exigency has been declared by the Board of Regents, an ad-hoc financial exigency committee shall be appointed by the president, together with the Faculty Senate, as described in Subsection 5.4.5.d.2 of the Code. To the extent possible, this committee shall represent all components of the university, and shall seek the views of all members of the university community. The committee shall make recommendations on ways and means to implement any required terminations. In making its recommendations, the committee shall take into account the missions of the university, the responsibilities to continue to offer the range of curricula traditionally considered basic to a university, the university's goal of diversity, and academic freedom. In its recommendations, it shall seek to minimize the termination of tenured faculty members or person on probationary appointment before the end of the term specified in their contracts. Its recommendations shall be reviewed by the Faculty Senate. These recommendations together with the recommendations from the Faculty Senate, shall be reported to the President, who shall report them to the Board of Regents.
- b. Termination of faculty members for curricular reasons is described in Subsection 5.4.6 of the Code. Formal consultation as described in Section 2.1.3 of these bylaws shall include the following procedure:
  - (i) The department to be affected shall formally consider the proposed change and make its recommendation to the appropriate elected major unit committee(s) as described in unit bylaws;
  - (ii) The appropriate major unit committee(s) shall formally consider the proposed change and make its recommendation to its faculty;
  - (iii) Such faculty shall formally consider for approval, rejection, or modification the recommendation of the appropriate major unit committee;
  - (iv) The recommendation of the department and of the major unit faculty shall be forwarded to the Faculty Senate, which shall formally consider the matter and forward its recommendation to the President.

The decision to discontinue, deactivate, reduce in size, or reorganize a program or department of instruction shall be based upon educational considerations, i.e., long-range judgments that the educational mission of the University as a whole will be enhanced by such change.

### **3.5.5 PROCEDURES IN TERMINATIONS FOR REASONS OF FINANCIAL EXIGENCY OR CURRICULAR CHANGE**

Before termination of a faculty member due to financial exigency or curricular change, the university will first make every effort to place the faculty member concerned in another appropriate qualified professional position within the university. If a tenured faculty member transfers to another system institution, he or she will retain tenure, subject to approval by the other system institution. If terminated, the position of the affected faculty member shall not be filled by a new appointee within a period of two years unless the terminated faculty member has been offered reinstatement at a minimum of the same rank, salary level, and tenure status and has not accepted such offer within 20 calendar days from the date the offer was received.

Terminated faculty members shall receive minimum notice in accordance with Subsection 5.4.7 of the Code. If a faculty member is notified of a layoff for reasons of financial exigency, that notice must be provided to the faculty member at least 60 calendar days before the effective date of the layoff, except that if a financial exigency is such that adequate funds to not exist to pay the salary of the faculty member being laid off for such period, the notice period of termination may be shortened to a period commensurate with the amount of funds reasonably available to make such payment. If a faculty member is notified of a layoff for curricular reasons on or before December 1, the layoff shall not be in effect until the following June 30. If a faculty member is notified of a layoff for curricular reasons after December 1, the layoff shall not be in effect until the completion of the contract year immediately following June 30 of the contract year of notice.

### **3.5.6 NOTICE PROCEDURES FOR PERSONS FURLOUGHED OR LAID OFF BECAUSE OF FINANCIAL EXIGENCY OR CURRICULAR CHANGE**

Notice of the furlough or layoff of a faculty member by reasons of financial exigency or curricular reason, except for notice of non-reappointment to employment of faculty members given under Sections 5.4.2, 5.9.1, 5.9.2, or 5.9.3 of the Code, shall be in writing and, as provided by Subsection 5.4.7(f) of the Code, shall inform the faculty member of the following: the existence and extent of the financial exigency or the reasons for the curricular change, the procedures used to determine who should be terminated, the faculty member's right to reconsideration, the procedures for reconsideration, and the identity of the person or persons to whom a request for reconsideration should be directed..

### **3.5.7 SABBATICAL LEAVE**

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

### **3.5.8 CHANGES IN CONTRACTUAL STATUS**

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

## **3.6 – APPOINTMENT OF ADMINISTRATORS AND SEARCH PROCEDURES**

### **3.6.1 APPOINTMENT OF ADMINISTRATORS**

The appointment of the heads of administrative major units below the level of vice president within the University, including department chairs, and all other persons reporting directly to the president shall be made by the president. In the process of making such an appointment, the president or his or her designee shall consult with faculty of the appropriate major administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the president. Department chairs as administrators shall be directly responsible to their supervisor or supervisors for the operation of their departments.

### **3.6.2 OFFICE OF THE PRESIDENT**

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

### **3.6.3 VICE-PRESIDENTS**

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

### **3.6.4 DEANS**

The President, in making a nomination for dean or director to the Board of Regents, shall consult with the faculty of the major unit concerned. Consultation shall involve a faculty screening committee selected according to the bylaws of the major unit.

### **3.6.5 ASSOCIATE AND ASSISTANT DEANS**

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

### **3.6.6 DEPARTMENT CHAIRS**

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

### **3.6.7 FACULTY**

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

(B/R 10/08 WHOLE CHAPTER)

Attachment 1: Conversion Table from Old to New Numbering for the UNR Bylaws

<b>New Numbering</b>	<b>Old Numbering</b>	
1	<b>Part 1 – Introduction</b>	
1.1	<b>Chapter I – BYLAWS</b>	
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1.1.2	2	<u>SCOPE OF THE BYLAWS</u>
1.1.3	3	<u>AMENDMENT OF THE BYLAWS</u>
1.1.4	4	<u>INTERPRETATION OF THE BYLAWS</u>
1.1.5		<u>IMPLEMENTATION OF BYLAWS (proposed)</u>
1.1.6		<u>RECONCILIATION OF BYLAWS (proposed)</u>
2	<b>Part 2 - Organization of the University</b>	
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2.1.3	7	<u>CHANGES IN ORGANIZATION</u>
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2.2.2	9	<u>RESPONSIBILITIES AND DUTIES</u>
2.2.3	10	<u>EXECUTIVE VICE PRESIDENT AND PROVOST, VICE-PRESIDENTS AND OTHER ADMINISTRATORS</u>
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2.4.3	23	<u>POLICIES AND PROCEDURES OF THE FACULTY SENATE AND THE GRADUATE COUNCIL</u>
3	<b>Part 3 - Faculty Personnel Policies</b>	
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3.1.2	25	<u>ACADEMIC FREEDOM</u>
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3.1.4	27	<u>PERSONNEL FILE</u>
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<b>New Numbering</b>	<b>Old Numbering</b>	
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