

Title 5 – NSHE Governing Documents  
Chapter 8

WESTERN NEVADA COLLEGE

BYLAWS

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## **Section 1. Purpose of the College**

Western Nevada College (the College), as a member of the Nevada System of Higher Education (NSHE), provides comprehensive educational opportunities for students residing in Carson City, and Churchill, Douglas, Lyon, Mineral, Pershing and Storey Counties, as well as some portions of Washoe County. Because the College is a comprehensive community College, its purpose includes instruction in applied science and technology, liberal arts, developmental education, community service as well as supporting economic development programs in the service area. To better fulfill this purpose, the College offers counseling, guidance, and library and media services. The College adheres to an open door admission policy.

Because of the comprehensive mission of the College and its wide distribution of students throughout the service area, a multi-campus organizational structure is utilized. Each campus is allowed wide autonomy in order to meet the needs of students, faculty, and the community and to fulfill the primary mission of providing quality educational instruction and services for the students of the College.

(B/R 4/05)

## **Section 2. Definitions**

- 2.1 **Administrative Faculty** consists of all professional employees except the Executive Faculty and the Academic faculty.
- 2.2 **Executive Faculty** consists of the President and the Vice Presidents.
- 2.3 **Academic Faculty** consists of all the professional employees holding academic professional contracts, (.5 FTE or more) as authorized by the Board of Regents. (Instructional faculty, counseling faculty, library faculty NSHE)
- 2.4 **Division Chairs** are Academic Faculty positions that carry additional duties associated with the operation and management of a division/unit of the College. Division Chairs may have a reduced instructional workload, additional contracted days and/or stipends to compensate them for the additional responsibilities.
- 2.5 **Administrative Faculty Senate** consists of members of and represents the Administrative Faculty. Administrative faculty holding .5 FTE or more are the voting members.
- 2.6 **Academic Faculty Senate** consists of elected representatives from the Academic Faculty.
- 2.7 **Part-time Faculty** consists of persons holding letters of appointment for part-time teaching or part-time Administrative Faculty duties.
- 2.8 **Emeritus Faculty** consists of retired members of the faculty who have been granted Emeritus status.

- 2.9 Classified Staff** are employed to provide technical and clerical support to the administration and faculty. Terms and conditions of their employment are set forth in The State of Nevada Administrative Code and the Nevada Revised Statutes.
- 2.10 Classified Council** consists of elected representatives from the Classified Staff.
- 2.11 College Committees** advise the President who has final responsibility for institutional decisions. Membership on College committees is appointed by the President. Each committee shall establish its own Bylaws.
- 2.12 The Grievance Pool** consists of eight (8) members, four (4) members of the Academic Faculty appointed by the Academic Faculty Senate Chair and ratified by the Academic Faculty Senate and four (4) members of the Administrative Faculty appointed by the Administrative Faculty Senate Chair. Members of the Grievance Pool shall serve two-year terms; terms shall be staggered.
- 2.13 A Grievance Committee** consists of three members chosen by the President from the Grievance Pool. If the grievant is a member of the Academic Faculty, two (2) members shall be chosen from the Academic Faculty in the Pool and one (1) member shall be chosen from the Administrative Faculty in the Pool. If the grievant is a member of the Administrative Faculty, two (2) members shall be chosen from the Administrative Faculty in the Pool and one (1) member shall be chosen from the Academic Faculty in the Pool. The Grievance Committee shall choose its own chair.

(B/R 4/05)

### **Section 3. Bylaws**

- 3.1 The Board of Regents delegates to the faculty of the College the authority and responsibility for organizing itself in accordance with the College bylaws and for recommending procedures on matters of faculty welfare, on the rights of faculty under the NSHE Code, and on their involvement in the College's primary mission as stated in the NSHE Code. Classified Staff are also accorded the authority and responsibility for organizing themselves into a representative body in accordance with the College bylaws.
- 3.2 Appointment of the Bylaws Committee shall follow procedures set forth in the bylaws which govern the Bylaws Committee.
- 3.3 Members of the Bylaws Committee shall select their own chair from among themselves. The Bylaws Committee's primary duties are to interpret the College bylaws and to approve proposed amendments. When questions of interpretation are directed to this committee, it shall forward recommended interpretations to the President.

### 3.4 Amendments to WNCC Bylaws.

3.4.1 An amendment to the WNCC Bylaws may be proposed in two ways:

3.4.1.1 Any employee or College body may propose an amendment. The employee or College body shall present such proposed amendment to the Academic Faculty Senate, Administrative Faculty Senate or Classified Council, as appropriate, for the first phase of consideration. The endorsing Senate or Council will forward the proposed amendment to the Bylaws Committee for review and validate with state laws and NSHE Code.

3.4.1.2 The Bylaws Committee may propose an amendment to the bylaws in response to changing federal and state laws as well as NSHE Code and policies. An amendment may also be proposed during the Committee's annual review of the bylaws.

3.4.2 Proposed amendments are subject to an advisory vote of all College employees (0.5 FTE or more) and two-thirds (2/3) of the academic faculty (0.5 FTE or more). The results of the advisory vote will be forwarded to the President along with the rationale for the amendment from the Bylaws Committee.

3.4.3 If the President rejects the proposed amendment, the President shall notify all parties, in writing, of the decision and the reason(s) for rejection within twenty (20) working days after receiving the results of the advisory vote.

3.4.4 When an amendment is approved by the President and ratified by the Board of Regents, the President shall immediately publish and distribute the change.

(B/R 4/05)

## **Section 4. Personnel of the College**

### **4.1 EXECUTIVE FACULTY**

4.1.1 President. The President of the College is the chief administrative officer. The President reports to the Chancellor and his/her specific duties and responsibilities are set forth in the bylaws of the Board of Regents (NSHE Code).

4.1.1.1 The President is responsible for all final decisions at the College, and is the chief college representative for matters decided by the Board of Regents.

4.1.1.2 The administrative organization of the College shall be determined by the President, with the approval of the Board of Regents.

4.1.1.3 The President will follow College procedures to establish and appoint committees to facilitate administration of the College, and shall publish a list of these committees and their purposes.

4.1.1.4 Whenever a vacancy occurs or is about to occur in the position of President, NSHE Code provides procedures to be followed.

4.1.2 Vice Presidents. The appointment of vice presidents reporting directly to the institutional president, including interim or acting appointments, shall be subject to the approval of the chancellor. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the chancellor approves the appointments. Vice presidents shall serve in such positions solely at the pleasure of the institutional president. The appointment of vice presidents shall be reported to the Board of Regents by the president (NSHE Code 1.6.1b)

4.1.2.1 Recruitment for Vice Presidents shall follow the terms and procedures published for Administrative Faculty in the WNCC Policies and Procedures Manual.

## **4.2 ADMINISTRATIVE FACULTY**

4.2.1 Duties of Administrative Faculty shall be established by the President to promote the goals of the institution and to support instruction.

### **4.2.2 Administrative Faculty Senate**

4.2.2.1 For the purpose of promoting Administrative Faculty participation in the college community, these bylaws authorize the formation of an organization of administrators and professional staff to be known as the Administrative Faculty Senate.

4.2.2.2 The Administrative Faculty Senate shall represent Administrative Faculty and shall establish bylaws for its membership and governance. All such bylaws shall be in conformance with the College bylaws and NSHE Code. Where the Senate bylaws conflict with the provisions of either of these documents, the Senate bylaws shall be void.

4.2.2.3 The chairperson of the Administrative Faculty Senate shall communicate to the President the results of Senate deliberations on matters of policy and other college matters.

4.2.2.4 The Administrative Faculty Senate is the authorized voice for Administrative Faculty concerns.

4.2.2.5 When applicable, the recommendations of the Administrative Faculty Senate concerning college matters shall be forwarded to the President for approval.

- 4.2.2.6 The Administrative Faculty Senate may establish committees to study and make recommendations on college policies and procedures. Whenever possible and appropriate, Administrative Faculty representatives will be included on college committees.
- 4.2.3 Recruitment for Administrative Faculty shall follow the terms and procedures established in the WNCC Policies and Procedures Manual.
- 4.2.4 Administrative Faculty shall be evaluated according to the procedures set forth in the WNCC Policies and Procedures Manual.
- 4.2.5 The President shall provide the opportunity for Administrative Faculty participation in the development and revisions of college policies and procedures.

### **4.3 ACADEMIC FACULTY**

#### **4.3.1 Academic Faculty Senate**

- 4.3.1.1 These bylaws authorize the formation of an Academic Faculty Senate as allowed by NSHE Code. The purpose of the Academic Faculty Senate is to ensure faculty participation in the formulation of college policies and goals, in the implementation of these policies and goals, and in their evaluation.
- 4.3.1.2 The Academic Faculty will establish separate bylaws for the self-governance of the Academic Faculty Senate.
- 4.3.1.3 When applicable, the recommendations of the Academic Faculty Senate concerning college matters shall be forwarded to the President for approval.
- 4.3.1.4 The Academic Faculty Senate is the authorized voice for Academic Faculty concerns.
- 4.3.1.5 Provisions by the President must be made for the attendance of the Academic Faculty Senate Chair at all regular Board of Regents' meetings. The Academic Faculty Senate Chair shall be the official spokesperson for the Academic Faculty.
- 4.3.1.6 The Academic Faculty Senate may establish committees to study and make recommendations on college policies and procedures and faculty welfare in accordance with their Senate bylaws. Whenever possible and appropriate, faculty representatives will be included on College committees as provided for in these bylaws.

4.3.2 Recruitment for Academic Faculty shall follow the terms and procedures established in the WNCC Policies and Procedures Manual.

4.3.2.1 Members of the Academic Faculty are protected by tenure as detailed in the NSHE.

4.3.2.2 Members of the Academic Faculty shall be evaluated according to the procedures set forth in the WNCC Policies and Procedures Manual and NSHE Code (Chapter 3, Section 4).

4.3.2.3 The President shall provide the opportunity for Academic Faculty participation in the development and revisions, of College policies and procedures relating to academic freedom, faculty security, welfare, and general working conditions.

#### **4.4 PART-TIME FACULTY**

4.4.1 Part-time faculty are guided in their duties by the NSHE Code.

4.4.2 Part-time faculty are not eligible for tenure.

4.4.3 Part-time faculty shall be evaluated according to the procedures set forth in the WNCC Policies and Procedures Manual.

#### **4.5 CLASSIFIED STAFF**

4.5.1 Classified Council

4.5.1.1 For the purpose of promoting staff participation in the College community, these bylaws authorize the formation of an organization of Classified Staff to be known as the Classified Council. The Council shall establish bylaws for self-governance.

4.5.1.2 Persons employed .5 or more at the College under the State of Nevada Classified Employees System are eligible for membership in the Classified Council.

4.5.1.3 The Chairperson of the Classified Council shall communicate to the President the recommendations on Classified Staff matters.

4.5.2 Recruitment of Classified Staff shall be consistent with the policies established by the State of Nevada Personnel Division and the College.

4.5.3 Classified Staff shall be evaluated according to the procedures set forth in the Nevada Administrative Code and Nevada Revised Statutes.

4.5.4 The President shall provide the opportunity for Classified Staff participation in the development and revisions of college policies and procedures.

#### **4.6 PERSONNEL FILES**

- 4.6.1 Personnel Files. Copies of all evaluation reports shall be retained in the employee's personnel file. Each employee shall have access to his/her personnel file. Each employee shall receive a copy of all administrative evaluation reports. Summaries of student responses to questions, and student comments in their entirety, shall be provided to each faculty member from student evaluations of the member's performance.

(B/R 4/05)

#### **Section 5. Budget**

- 5.1 The appropriate administrator shall request budget recommendations from the faculty and staff on a yearly basis.
- 5.2 The President or his/her designee shall ensure that all faculty and staff are informed of the status of the operating budget and biennium budget.
- 5.3 The College recognizes that faculty and staff development is a significant need. Therefore, faculty and staff development will receive due consideration in the budget process.

#### **Section 6. Grievances**

- 6.1 **Scope of Grievance Procedures.** A grievance is an act or omission to act by the respective administrations of the System institutions, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to salary, promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the Nevada System of Higher Education 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 employment of faculty as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the Nevada System of Higher Education Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures (NSHE Code 5.7.2).

#### **6.2 Grievance Procedures for Faculty**

- 6.2.1 All meetings or hearings resulting from the grievance procedure shall be internal and handled in accordance with the following procedures. Grievance timelines shall honor the most restrictive regular contract days of any of the grievance parties (This refers to the type of contract: A, B, B Plus).
- 6.2.2 Recommendations from all hearings and meetings held by committees or administrators shall be advisory. Such recommendations shall be sent to the President.

- 6.2.3 The person or group initiating the grievance is referred to herein as the Petitioner. The person or persons against whom the grievance is filed is referred to herein as the Respondent.
- 6.2.4 The Petitioner commences the grievance process by filing a Grievance Statement Form (GSF) with the WNCC Human Resources Office. The signed GSF shall contain the name of the Petitioner, the name of the Respondent, the nature of the grievance, the date, and whether the Petitioner is seeking a conference with the Respondent or requesting that the President form a grievance committee. The form will also contain a space for documenting the resolution of the grievance. The original stays with the HR Office which will establish a grievance file. One photocopy is forwarded to the Respondent. If a grievance committee is requested, a copy will also be forwarded to the President. One photocopy is forwarded to the Petitioner.
- 6.2.5 If the Petitioner elects to request a meeting with the Respondent, the Respondent shall schedule a conference with the Petitioner within ten (10) contract days after the date on the GSF. The only people allowed to be present at the meeting shall be the Petitioner, the Respondent, and one WNCC representative for each party. During the meeting the Respondent and the Petitioner shall attempt to resolve the problem. The Respondent shall prepare a written summary of whether a resolution was achieved and the nature of the resolution for the Petitioner to review within ten (10) contract days of the scheduled meeting. If both agree to this summary of the resolution, the document shall be signed by both the Respondent and the Petitioner, with each party retaining a copy of the document and a copy affixed to the GSF and filed at the WNCC HR Office. The resolution shall be forwarded to the President for final approval.
- 6.2.6 If the Respondent and the Petitioner are not able to reach a mutually acceptable resolution and the Petitioner wants to pursue the grievance, he/she must submit a new GSF within ten (10) contract days after the meeting with the Respondent to request a grievance committee.
- 6.2.7 The President shall notify the Senate Chair(s) within ten (10) contract days after the GSF filing. The Senate chair(s) shall make their representative appointments to form the grievance committee within ten (10) contract days. The members of grievance committee shall meet and choose their chair within ten (10) contract days of formation in accordance with these bylaws. The committee chair will notify the Petitioner within 24 hours of the first meeting
- 6.2.8 Within ten (10) contract days of committee chair selection, a narrative written by the Petitioner to the grievance committee shall be delivered to the committee chair in person or through the mail with return receipt requested. The narrative shall set forth in detail the nature of the grievance and the name of the Respondent. It shall contain any factual or other data that the Petitioner deems pertinent to the case. The narrative should conclude with a statement of the relief sought.

6.2.9 If the grievance committee elects to seek more information from other sources at WNCC, the Petitioner, the Respondent, and one WNCC representative for each party will be allowed access and response to such information. Such action should be taken within ten (10) contract days after the receipt of the narrative (6.2.8).

6.2.10 The grievance committee can take one of three actions:

- a. It may decide that the narrative does not have sufficient grounds or information to support the relief sought. If so, the committee shall inform the Petitioner of their finding with the rationale for their finding, in writing, within fifteen (15) contract days after receiving the narrative. The Petitioner may appeal this finding to the President.
- b. It may find that the narrative has sufficient grounds to recommend the relief sought. The committee will seek to bring about a resolution of the issues that is satisfactory to the parties. If such resolution is agreed upon by the parties, the resolution will be recommended to the President within fifteen (15) contract days after receiving the narrative.
- c. It may decide that resolution is not possible. The committee will report its findings and recommendations to the Petitioner and the President within fifteen (15) contract days after receiving the narrative.

6.2.11 If a resolution is not reached the President must meet with the Petitioner within ten (10) contract days after receiving the recommendation of the committee.

6.3 The President must respond in writing within ten (10) contract days after the meeting with the Petitioner. The response must state the President's acceptance of the grievance and a plan of action to remedy it or the President's rejection of the grievance and the reasons for the rejection. The President may propose a compromise between acceptance and rejection and the plan of action to be undertaken.

6.3.1 The Petitioner may appeal the President's written response within ten (10) contract days after the date of the response. The President must conduct a meeting between the Petitioner and the Respondent. Both the Petitioner and the Respondent may have one WNCC representative present.

6.4 Classified grievances shall be resolved in accordance with the Nevada Administrative Code and the Nevada Revised Statutes. A WNCC ombudsman recommended by Classified Council may be used to resolve grievances internally prior to the deadlines delineated in the State Administrative Manual.

(B/R 4/05)

## Section 7. Tenure

- 7.1 Faculty eligible for appointment with tenure must serve a probationary period. The total probationary period for faculty eligible for tenure shall not exceed five years of uninterrupted full-time employment in Ranges I through V. 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 the president's 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 the member institution's bylaws.
- 7.2 At the expiration of a probationary period or at any time during a probationary period, faculty eligible for appointment with tenure may be recommended through regular personnel procedures for such appointment. Recommendations for such appointment shall be made by the President to the Board of Regents.
- 7.3 A faculty member being recommended for appointment with tenure must receive an "excellent" rating in one of the following areas, whichever is applicable: If employed primarily as an instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom and/or laboratory, the ability to communicate effectively with students and demonstrated skill in handling classroom and other duties related to teaching. OR If employed as a non-teacher, a record of effectiveness, efficiency and ability to perform assigned duties.
- 7.4 In addition, a 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. Interest and ability in advising students;
  - b. Membership and participation in professional organizations;
  - c. Ability to work with the faculty and students of the member institution in the best interests of the University of Nevada and the people it serves, and to the extent that the job performance of the Academic Faculty member's administrative until may not be otherwise adversely affected;
  - d. Service on College or System committees;
  - e. Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and
  - f. Recognition and respect outside the System community for participation and service in community, state or nationwide activity.

The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure. In rating applicants for appointment with tenure under the standards set forth in this section, WNCC shall rate applicants as (i) "unsatisfactory," (ii) "satisfactory," (iii) "commendable," or (iv) "excellent." No other rating terminology shall be permitted.

- 7.5 The President shall seek a recommendation concerning appointment with tenure for a faculty member under the following procedures:
- 7.5.1 By January 31<sup>st</sup> of each probationary year, the faculty member shall submit a self-evaluation of the previous calendar year to his/her Ad Hoc Committee, as constituted by the WNCC Faculty Senate Bylaws. The Division Chair or immediate supervisor shall serve as an ex-officio member of the Ad Hoc Committee. The probationary employee shall have ten (10) working days to review any ad hoc report prior to its submission.
  - 7.5.2 By March 1<sup>st</sup> of each probationary year, the Ad Hoc Committee shall submit a report to the Professional Development Committee, incorporating, but not limited to a work-site visitation, student evaluations, and the employee's self-evaluation. The probationary employee shall have ten (10) working days to review any PDC report for errors of fact prior to its submission.
  - 7.5.3 By May 1<sup>st</sup> of each probationary year, the Professional Development Committee shall submit a copy of its report to the probationary employee and to the vice President of Academic and Student Affairs or appropriate administrator. A copy shall be placed in the WNCC Human Resources Office.
  - 7.5.4 If the probationary employee decides to apply for tenure, he/she must notify the President and the Chair of the Academic Faculty Senate by September 1<sup>st</sup>. Final recommendations by the Professional Development Committee shall be due to the President by December 1<sup>st</sup>. By February 1<sup>st</sup> the President will inform the tenure applicant in writing of his/her tenure recommendation.

(B/R 4/05)

## **Section 8 Evaluation**

- 8.1 Faculty (Executive, Administrative and Academic) shall be evaluated at least once annually by supervisors or heads of administrative units.
- 8.1.1 Evaluation of teaching faculty shall include teaching evaluations completed by their students. (NSHE Code) To facilitate the process, results of student evaluations will be distributed to teaching faculty by supervisors as soon as they become available.
  - 8.1.2 Evaluation of non-teaching faculty (Executive, Administrative and Academic) shall include evaluations completed by their staff or others whom they serve.

- 8.2 Executive and administrative faculty evaluation will be based upon the ongoing contract year.
- 8.3 Academic Faculty evaluations will be based upon the previous calendar year and shall be consistent with criteria listed in Section 7 of these bylaws.
- 8.3.1 By January 31<sup>st</sup>, Academic Faculty shall submit a self-evaluation of the previous calendar year to his/her supervisor or the head of his/her administrative unit.
- 8.3.2 For faculty who are probationary tenure track and for faculty who have served fewer than three years on a non-tenure track contract, evaluation procedures shall follow those outlined in Section 7 of these bylaws. (Note: these provisions apply only to *evaluation* procedures for non-tenure track employees who are not considered eligible for tenure).
- 8.3.3 For faculty who are tenured and for faculty who have served WNCC a minimum of three years on a non-tenure track contract, evaluation procedures are as follows:
- 8.3.3.1 On or before January 31 of each year tenured faculty and non-tenure track faculty who have served three years will submit a self-evaluation to the Vice-President of Academics and Student Affairs or appropriate administrator.
- 8.3.3.2 A Peer Evaluation will be conducted cyclically in accordance with Academic Faculty Senate Bylaws. The Peer Evaluation Group (PEG) will consist of a member in a closely related discipline, an advocate chosen by the individual being evaluated, and the Division Chair or immediate supervisor of the individual being evaluated; decisions of all members will be weighed equally.
- 8.3.3.3 For reasons articulated in writing, the Vice-President of Academic and Student Affairs or appropriate administrator can request that the PEG perform an evaluation of the faculty member before the scheduled cyclical evaluation. To ensure due process and checks and balances, no PEG member may initiate the request.
- 8.3.3.4 Within two days following an in-class or work-site evaluation and before the narrative is written, the PEG will meet with the faculty member to give immediate feedback. The PEG's written evaluation will consist of objective guidelines and a subjective narrative. If two member of the PEG agree but the third member does not, the dissenting member will attach a minority report stating his or her opposition and the reasons for it. The PEG report will be given to the faculty member by March 1. The faculty member may submit a written response to counter the PEG evaluation. All reports will be considered parts of the faculty member's evaluation. By March 15<sup>th</sup> the PEG shall submit all reports to the Vice-President of Academic and Student Affairs or appropriate administrator, and a copy will be provided to the faculty member.

8.3.3.5 By May 1<sup>st</sup> the Vice-President of Academic and Student Affairs or appropriate administrator will complete a substantive performance evaluation with equal weight given to the self-evaluation, student evaluations, and the PEG evaluation.

8.3.3.6 The completed substantive evaluation will be immediately forwarded to the Academic Faculty member and a copy will be filed in the WNCC Human Resources Office.

(B/R 4/05)