

Title 5 - NSHE Governing Documents

Chapter 24

NEVADA STATE COLLEGE BYLAWS

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Chapter 1 – BYLAWS

Section 1 Authorization

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

Section 2 Scope

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

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

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

Section 3 Amendments

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

Section 4 Interpretation

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

Chapter 2 – ORGANIZATION

Section 1 Units

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

Section 2 Departments of Units

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

Section 3 Committees and Advisory Groups

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

Section 4 Changes in Organization

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

Chapter 3 – FACULTY

Section 1 Faculty Governance

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

Section 2 Definitions

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

- a. For the purposes of these bylaws, "administrators" will refer to a subset of the category defined in section 1.1.b of the Code, such as president, provost, vice presidents, associate and assistant vice presidents and vice provosts, deans, associate and assistant deans, directors and the like.
- b. For the purposes of these bylaws, "academic faculty" is defined in Section 1.1(a) of the Code and Title 4, Chapter 3, Section 2(1)(b), and generally consists of those professional staff members who specifically create and disseminate scholarly information through teaching, or providing counseling or library services closely and directly supportive of teaching and research.
- c. For the purposes of these bylaws, "administrative faculty" will refer to a subset of the category of administrators defined in section 1.1.b of the Code and Title 4, Chapter 3, Section 2(1)(d) such as professional staff that provide services to students, faculty, or administrators, outside the traditional classroom, counseling or library services.

Section 3 Faculty Ranks

- a. Academic faculty -- There shall be four ranks of academic faculty, designated for contract purposes by numbers, as follows: Professor (IV), Associate Professor (III), Assistant Professor (II), and Instructor (I). Ranks equivalent to these identified by corresponding numbers may be assigned appropriate titles.
- b. Administrative faculty -- There are five grades of administrative faculty as follows: Grades A, B, C, D, and E. Appropriate titles may be assigned to administrative faculty in any range.
- c. Non-tenure track academic faculty -- There shall be positions for positions with other appropriate titles, reserved for persons with special qualifications that do not fit the criteria of the four academic ranks.

Section 4 Faculty Contracts

- a. Academic faculty -- Academic faculty in the ranks Professor (IV), Associate Professor (III), Assistant Professor (II), or Instructor (I) shall be employed on annual contracts.
- b. Administrative faculty -- Administrative faculty tenured in an academic position shall be employed on annual contracts, as provided in the Code, Subsection 5.4.2(c).
- c. Non tenure track academic faculty -- Academic faculty in non-tenure track positions may be employed on an annual or partial-year basis and may be employed on a full-or part- time contract.
 - (i) The duration of employment contracts is specified in Subsection 5.4.2 of the Code. Lecturers on continuing contracts shall enjoy academic freedom and shall have the rights of reconsideration and appeal permitted by the Code and these Bylaws, faculty voting rights (except as otherwise provided in these Bylaws), salary and merit pay increases, fringe benefits, and rights of notification of non-reappointment. However, they shall not be eligible for tenure. These faculty shall possess at least a master's degree or its equivalent in the appropriate academic discipline. Exceptions to this policy shall occur only in exceptional circumstances as reviewed and approved by the departmental chair and/or the dean and the Provost. These contracts shall not be used as a substitute for the tenure system. Specifically, continuing tenure track positions shall not be converted to Lecturer to avoid terminating incumbents whose performance or educational background does not warrant the award of tenure.
 - (ii) Those employed on a full or part-time basis for a temporary term of employment as specified in contracts and/or letters of appointment approved by the President shall be appointed for a term not to exceed twelve months. There is no right to continuing renewal of such contracts and the notice and procedural protections afforded in the Code are not applicable.

Chapter 4 - FACULTY SENATE

Section 1 Purpose and Responsibility

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

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

Section 2 Policies and Procedures of the Faculty Senate

- a. Every member of the Faculty Senate has the obligation to speak and act in the best interests of the College. In discharging their functions, the members of the Faculty Senate shall be responsible to the faculty who elected them. However, members shall have the freedom to speak and act according to their own judgments.
- b. Actions of Faculty Senate shall be forwarded to the President and reported to the faculty through the minutes.
- c. Faculty Senate Bylaws will define voting rights, election procedures, qualifications for officers, regular and special meetings; the right of faculty to attend said meetings; amending the Bylaws and the filing and distribution of minutes; Faculty Senate organizational structure and other matters pertaining to Faculty Senate governance. The bylaws shall also provide for the recall of officers and members by the unit or other portion of the faculty from and by whom members were elected, and for discharge by that body of any of its elected members.
- d. The bylaws shall be in effect upon: 1) approval by the members of that body and 2) approval by the President.

Chapter 5 – TENURE

Section 1 Justification: Tenure and Academic Excellence

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

Section 2 Eligibility for Tenure

Except as provided in Chapter Seven of the Code, full-time academic faculty in Rank II, Rank III, and Rank IV positions shall be eligible for tenure. Administrators may be included in this condition of eligibility, but only in the capacity as academic faculty. Full-time academic faculty in non-tenure track positions, such as Lecturers, are not eligible for appointment with, nor shall have, tenure under any circumstances. See Code, Subsection 7.2.1.

Section 3 Probationary Period

As provided in the Code, Section 7.3, academic faculty eligible for appointment with tenure must serve a probationary period before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment as specified in Subsection 7.3.1(d) and 7.3.1(a) of the Code.

Section 4 Schedule for Evaluation of Probationary Faculty

Academic units shall evaluate the progress of probationary members of the faculty according to the following schedule:

- a. Reappointment - A probationary member of the faculty shall be evaluated and formally considered annually for reappointment at the department and unit levels.
- b. Three Year Review - A probationary member of the faculty must be evaluated and advised regarding progress toward tenure recommendation no later than the end of the third full academic year as a probationary member of the academic faculty of the College.
- c. Recommendations and Appointment - As provided in Subsection 7.4.1 of the Code, a probationary member of the faculty may request consideration by their department for tenure in any year of the probationary period, including the terminal year, through regular personnel procedures for such appointment.

Section 5 Standards for Recommending Tenure

As provided in Subsection 7.4.2 of the Code, the consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 7.1.2 of the NSHE Code.

The only areas evaluated for promotion and tenure decisions shall be Teaching and/or Other Professional Duties, Scholarship, and Service. To receive tenure and promotion, the NS P&T Committee must assign a candidate's portfolio a rating of "excellent" in the area of Teaching and/or Other Professional Duties and a minimum rating of "satisfactory" in the areas of Scholarship and Service. These ratings are based on the NS P&T Committee's review and are distinct from ratings in annual reviews.

5.1 Teaching and/or Other Professional Duties: Instructional faculty must have a pattern of growth and excellence as a teacher. This includes, but is not limited to, demonstrated Teaching effectiveness and use of evidence-based practices for instructional design and delivery; the ability to communicate effectively with students and create an inclusive learning environment for a diverse study body; and

demonstrated skill in class management and performance of other duties related to Teaching and mentoring students. Faculty with Other Professional Duties must have a record of excellence in performing assigned duties in the position description, including demonstrated effectiveness, efficiency, and professional growth and improvement over the course of the Probationary Period.

5.2 *Scholarship/Creative Activity:* To receive Tenure, the candidate must have a record of Scholarship including accomplishments in the Scholarship of Discovery and Creation leading to Peer-Reviewed (or equivalent externally-reviewed) contributions in the Scholarship of Dissemination that are appropriate to the candidate's field, position, and requirements or expectations of program-specific accrediting bodies. It is the candidate's responsibility to present evidence that the body of Scholarship completed during the Probationary Period is sufficient to merit granting of Tenure and promotion to the rank of Associate Professor.

5.3 *Service:* The applicant must have a record of meaningful, active Service to the faculty member's program, unit, or the broader institution.

5.4 *Tenure Review Process:* For more information on the process and procedures related to tenure at Nevada State College, refer to the Promotion & Tenure Policy housed in the campus policy library.

Section 6 Notice of Tenure

As provided in Subsection 7.4.4 of the Code, when a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the President in writing.

Section 7 Annual Performance Evaluation of Tenured Faculty

Declaration of Policy - As provided in Section 5.13.1 of the Code, it is the policy of the NSHE to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the College community's expectations to such excellence in their future service and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.13 of the Code.

Section 8 Tenured Faculty in Administrative Positions

Administrative appointment, as defined in Section 1.1(b) and Section 1.6 of the Code, is separate and distinct from appointment as academic faculty. An administrator with tenure may be removed from the administrative post without cause, but shall be reassigned within the College.

Section 9 Relinquishment of Tenure on Transfer

Except as otherwise provided in the Code (See Subsection 7.4.7), in the event a tenured faculty member transfers employment from the member's institution granting an appointment with tenure to another system institution, the faculty member shall be deemed to have relinquished tenure in the former entity and shall not carry over such appointment to the latter entity.

Section 10 Termination of Tenure

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

Section 11 Financial or Curricular Reasons for Terminations

A tenured faculty member may be terminated for financial exigency or curricular reasons in accordance with the provisions of the Code and Chapter 6 of these Bylaws.

Chapter 6 – FACULTY PERSONNEL POLICIES

Section 1 Academic Freedom

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

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

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

Section 2 Personnel Files

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

Section 3 Grievance Procedures for Academic & Administrative Faculty

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

The purpose of this grievance policy is to secure, at the most immediate administrative level, equitable solutions to the problems that may arise from time to time, affecting the welfare or working conditions of academic and administrative faculty. These proceedings shall be kept confidential to those parties involved in the process. Every effort shall be made to expedite the process and to resolve the grievance as soon as possible. Before grievance procedures are pursued, faculty members are encouraged to utilize informal conflict management where appropriate.

This policy and these delineated procedures do not apply to classified staff, but rather to academic faculty members, administrative faculty members, and/ or administrators who are current members of academic faculty or who oversee academic and administrative faculty.

3.1 Definitions

Administrative Representative: An administrator above the Dean's level selected by the President or President's designee to serve on the College Grievance Committee.

Advocate: NSC academic faculty member, administrative faculty member, or legal counsel chosen by the Grievant or Respondent who may serve as their advisor during the grievance process. If the Grievant or Respondent is a member of the NFA, their advocate can be an NFA representative. The Advocate's role is solely to advise the Grievant or Respondent. Advocates are not allowed to participate in hearings.

College Grievance Committee: A five-member team composed to evaluate a grievance and provide a recommendation to the President. Title 2, Section 5.7.3 of NSHE Code states, "...if a multi-member grievance committee, board or panel is established, the institutional bylaws must provide that each such grievance committee, board or panel shall represent the administration and the faculty of the System institution."

Email: For the purposes of this policy, an email is an electronic correspondence sent from and to an official Nevada State College email account.

Grievable Act: According to Title 2, Section 5.7.2, a Grievable Act 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 promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws."

Grievant: The academic or administrative faculty member filing the grievance.

Respondent: Any person whose Grievable Act gave rise to the grievance. The Respondent shall be a Dean, Assistant or Associate Dean, Library Director, or Chair for academic faculty and/or professional staff serving in their unit; or the Director of Human Resources if a Grievance involves allegations of an error in merit pay calculation. A Respondent may not be another faculty member, as faculty-to-faculty disagreements should be pursued through other means of informal conflict management.

Working Day: For the purposes of the grievance procedure, a Working Day is Monday through Friday when college classes are scheduled and in session during fall and spring semesters.

3.2 Grievances Covered by Policy

Grievances covered by this policy are limited to faculty-level grievances directed upward in the chain of command. These may include alleged incident(s) directly relevant to teaching workload (as related to types, level, and creative content of classes), salary adjustments insofar as they fall under the purview of the Respondent, equity, evaluation, eligibility for merit pay, or promotion. This policy and process does not cover Title IX, faculty-to-faculty, student-to-faculty, or other types of grievances. The President's final decision on a grievance is not a Grievable Act.

Title 2, Section 5.7.2 of the NSHE Handbook states, "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 Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, and 5.9.4 of the NSHE Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures."

Section 4 Informal Resolution Process

The grievance process involves a series of steps which must be documented to ensure fairness. Therefore, this procedure notes a series of artifacts, which are either emails or forms that are signed or sent on a specific date. The completion of an artifact often provides a time constraint for the step that follows.

All grievances must begin with an attempt to resolve the issue amicably pursuant to this section.

To begin the informal resolution process, the Grievant will send an Email to the Respondent within 10 Working Days following the alleged Grievable Act, or following the first date the Grievant knew or should have known of the alleged Grievable Act, whichever is later. The Email must identify when the Grievant first learned of the alleged Grievable Act.

The Email to the Respondent should contain:

- A description of the issue and any relevant dates;
- An indication of relevant policy or practices that were allegedly violated;
- The resolution the Grievant seeks.

If the issue has not been resolved informally, or if no response is received, within 20 Working Days of the Grievant's initial correspondence to the Respondent, the Grievant may move forward with a formal grievance.

Grievants and Respondents are encouraged to document attempts to resolve the issue informally.

Section 5 Formal Grievance Process

5.1 Initiating the process. The Grievant must complete the Notice of Grievance Form, available from the Office of the Provost. The Grievant is responsible for including any email correspondence and any corroborating evidence. Failure to fully comply with the informal resolution process shall be a bar to filing a formal grievance.

For an act to be grievable, there must be an act or omission by the Respondent that meets the definition of a Grievable Act.

The Grievant must submit the completed Notice of Grievance Form to the Faculty Senate Chair via Email within ten (10) Working Days following the end of the allowable informal resolution process. If a Grievant does not file a timely Notice of Grievance Form pursuant to this section, then the matter will be considered closed.

5.2 Informing the Respondent. Within five (5) Working Days from the receipt of a completed Notice of Grievance Form, the Faculty Senate Chair shall notify the Respondent via Email.

5.3 Responding to the grievance. The Respondent must compile documentation and send it to the Faculty Senate Chair within fifteen (15) Working Days from receiving the notification.

5.4 Forming a grievance committee. Within fifteen (15) Working Days from receipt of a completed Notice of Grievance Form, the Faculty Senate Executive Committee will select the College Grievance Committee as per Section 6 below. If the Grievant or the Respondent makes a peremptory challenge to the committee composition, this process can take up to twenty-five (25) Working Days, pursuant to Section 6.5. The Faculty Senate Chair will send an Email to the Grievant and the Respondent documenting that the College Grievance Committee membership has been finalized.

5.5 Determining if a hearing is warranted. Within fifteen (15) Working Days of finalizing the College Grievance Committee, the committee will sign the Confidentiality Form (available from the Office of the Provost), review materials provided by the Grievant and Respondent, and determine by majority vote if there is sufficient cause to recommend a hearing. The Committee may request additional information to render its recommendation.

5.51 Recommendation to proceed. If the College Grievance Committee recommends a hearing, the College Grievance Committee Chair will notify the Grievant, the Respondent, and the President or President's designee via Email of the decision to schedule a hearing.

5.52 Recommendation not to proceed. If the College Grievance Committee recommends against a hearing, the College Grievance Committee Chair will notify the President or designee via Email. The Email must contain a summary of the Committee's rationale. If the President or President's designee concurs with the recommendation, the matter will be considered closed. If the President disagrees, the grievance will proceed to a hearing.

5.6 Selecting an Advocate. If the grievance advances to a hearing, any Grievant bringing an Advocate must so advise the College Grievance Committee Chair by Email at least ten (10) Working Days prior to the hearing; the College Grievance Committee Chair will in turn inform the Respondent(s), who may then request representation by NSC General Counsel. The Grievant(s) or the Respondent(s) is allowed one Advocate, who serves only in an advisory capacity. If either party fails to provide notification of an Advocate to the College Grievance Committee Chair at least ten (10) Working Days prior to the hearing, they will not be permitted to have an Advocate present at the hearing.

5.7 Holding a hearing. The hearing is to be attended only by the five (5) members of the College Grievance Committee, the Grievant, the Respondent, and any Advocates. The hearing shall occur within fifteen (15) Working Days of the date in which the Email (detailed in 5.5) was sent from the College Grievance Committee to the Grievant, Respondent, and President or President's designee.

5.8 Reaching a recommendation. The decisions of the College Grievance Committee panel shall be in the form of recommendations and are advisory only. Such recommendations shall be sent to the President.

The College Grievance Committee shall reach its recommendation based solely on the evidence presented by the Grievant and Respondent and any additional evidence requested by the College Grievance Committee. The College Grievance Committee Chair forwards the Final Recommendation Form, available from the Office of the Provost, via Email to the President or the President's designee, the Grievant, and the Respondent within ten (10) Working Days of concluding the hearing.

5.9 Formal determination. Upon receipt of the Final Recommendation Form, the President or President's designee shall provide Email notification of a decision regarding the grievance within fifteen (15) Working Days to the Grievant, the Respondent, and the College Grievance Committee Chair. The College Grievance Committee Chair will inform the College Grievance Committee of the decision. The decision of the President or the President's designee is final.

Section 6 Selecting a College Grievance Committee

6.1 Determining eligible committee members. The Faculty Senate Chair requests a list from the Office of Human Resources of faculty who are eligible to serve on the committee. The following criteria determine eligibility:

- Must have greater than 50% full-time equivalent (FTE) at NSC;
- A minimum of three of the five committee member must have the same faculty classification as the Grievant:
 - Must be academic faculty in cases in which the Grievant is an academic faculty member;
 - Must be administrative faculty in cases in which the Grievant is an administrative faculty member.

6.2 Distributing the list. Upon receipt of the list from HR, the Faculty Senate Chair will send the list of eligible faculty to the Grievant, the Respondent, and the President or President's designee.

6.3 Submitting preferred candidates. Within five (5) Working Days of receiving the list of eligible faculty, the Grievant and Respondent will each provide five (5) names from the list for consideration.

6.4 Composing the committee. The Faculty Senate Chair will compose the College Grievance Committee of the following members: two (2) faculty chosen from the preferred list provided by the Grievant and two (2) faculty chosen from the preferred list provided by the Respondent. An Administrative Representative chosen from the list of eligible faculty by the President or President's designee serves as the fifth member. The Faculty Senate Chair will appoint one member of the College Grievance Committee to serve as the College Grievance Committee Chair. The Faculty Senate Chair will send an Email to the Grievant, the Respondent, and the President or President's designee documenting the committee membership.

6.5 Exercising a peremptory challenge. Within five (5) Working Days from receipt of the preliminary list of committee members, the Grievant and the Respondent may each exercise a peremptory challenge of one member of the College Grievance Committee. In the case of a peremptory challenge, the Faculty Senate Executive Committee will reconvene within five (5) Working Days to select a replacement member from the pool of eligible faculty and administration members or consult with the President or designee for an alternate Administrative Representative. The Faculty Senate Chair will notify the Grievant, Respondent, and President or President's designee via Email of the finalized committee membership.

Section 7 Confidentiality & Record Retention

As grievances are personnel matters, confidentiality of grievance files shall be maintained, excepting instances of court order or requests for reproduction to the extent required by law. The files shall be secured in the Office of Human Resources Access to the files shall be granted only for the purpose of evaluating or determining a grievance and shall be limited to the College Grievance Committee, the Grievant, the Respondent, and the President or President's designee. Each person authorized to view the file will sign a document agreeing to preserve the confidentiality of its contents at the beginning of the grievance process, and the Office of Human Resources shall maintain a log detailing who has requested access to the files and their reason for reviewing them.

NSC will follow a "FY + 7 years" retention period set forth in the NSHE Procedures and Guidelines Manual, Chapter 16; a copy of the grievance and decision will be kept for seven (7) years past the fiscal year of the faculty member's last date of employment.

FORMS/INSTRUCTIONS

See Appendix for Forms.

1. Informal Resolution Process
Routing: Grievant → Respondent
2. Notice of Grievance Form
Routing: Grievant → Faculty Senate Chair → College Grievance Committee Chair → President
→ Office of Human Resources
3. Confidentiality Form
Routing: College Grievance Committee Chair → Grievant/Respondent → Office of Human

Resources

4. Final Recommendation Form

Routing: College Grievance Committee Chair → President → Office of Human Resources

Section 8 Evaluations

Each academic and administrative faculty member shall be evaluated annually by Department Chairs, supervisors or heads of administrative units. The annual performance evaluation provides constructive, developmental feedback to the faculty member. All performance evaluations shall be based on the criteria specified in the Title 2, Section 5.12 of the NSHE Code and Title 4, Chapter 3, Section 4(2) of the Board Handbook. The categories of evaluation include the following ratings: excellent, commendable, satisfactory or unsatisfactory.

Each person shall submit documentation on each of the applicable areas. The College may recommend a specific form of submission. In addition, department or unit bylaws may contain more specific requirements. Evidence of excellent performance in specified professional responsibilities shall be a requirement for tenure or promotion.

Annual evaluations of tenured faculty shall comply with Title 2, Chapter 5, Section 5.13 of the Code. For academic faculty, evaluation for promotion and tenure shall include peer review within the department or unit.

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

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

Section 9 Personnel Recommendations

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

Section 10 Merit Determinations

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

If a faculty member challenges the award of merit or the annual evaluation, the Grievance

Procedure must be used for review of both issues.

Section 11 Nonreappointment of Nontenured Faculty

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

Section 12 Dismissal

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

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

Section 13 Sabbatical Leave

The number of slots for sabbatical leaves is determined by the NSHE, and is limited by available funding. The major purpose of sabbatical leaves is to provide the faculty opportunity for continued professional growth and new or renewed intellectual achievement through study, research, writing, creative work and travel, so that teaching effectiveness may be enhanced, scholarly usefulness increased, and the institution's academic, research, and service programs strengthened.

Any faculty member with academic equivalent rank, including the rank of lecturer, who shall, at the beginning of the proposed leave, have served full-time on either a ten- or twelve-month contract for six or more consecutive salaried years without a sabbatical leave is eligible to apply for sabbatical leave. If there is an approved leave of absence during the six consecutive years, the time accrued toward earning a sabbatical will not be lost, and will continue once the leave is completed.

Requests for sabbatical leave shall be made following procedures outlined in the Nevada State Sabbatical Leave Policy. Any sabbatical shall be conditioned upon returning to the College for at least one year following the conclusion of the sabbatical.

Chapter 7 – SEARCH PROCEDURES

Section 1 General Policy

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

Section 2 Office of the President

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

Section 3 Provost/Vice Presidents

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

Section 4 Deans

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

Section 5 Department Chairs

Department chairs shall be nominated and selected according to procedures established in campus policy. The name of the department chair shall be forwarded to the Provost and President for approval. The nit Dean may make interim appointments to fill vacancies.

Section 6 Faculty

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

Affirmative Action/Equal Opportunity Statement

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

(B/R 06/07)