

## Faculty Senate Agenda Item

**Submitted By: University Bylaws Committee**

**Title of the Proposal: Amendment of the Faculty Senate Bylaws, Appendix 3, Section IV, Committee Review of Grievances**

### **Description:**

The Faculty Senate Bylaws, Appendix 3, is entitled “Procedures for Reviewing Faculty Grievances”. This bylaw change is submitted to the Faculty Senate to create a new subsection: e) Extension of Time for Grievant or Respondent. The new subsection provides guidance to the person requesting a time extension during the grievance process. The identification of “respondent” is also clarified in these proposed amendments.

**Sections of Regents Handbook, Senate Constitution/Bylaws Affected:** (deletions indicated by ~~strikethrough~~ and additions by **bold underline**):

### **Appendix 3 – revised December 2007**

#### **Faculty Senate Bylaws**

#### **Procedures for Reviewing Faculty Grievances**

#### **IV. Committee Review of Grievances**

a) A grievance must be filed within fifteen calendar days (not including any days the University was not in session between spring and fall semesters) from the date the faculty member becomes aware of the grievable act, omission or violation and has exhausted all administrative remedies. For example, when the processing or outcome of a petition for reconsideration, as described in NSHE Code Subsection 5.2.4, is the subject matter of a grievance, such grievance may be filed only after formal notification of the decision to the faculty member by the President. In such case, the grievance shall be filed no more than fifteen calendar days after of receipt of such decision.

b) The person filing the grievance shall be known as the grievant, and the **University administrator person** who made the ~~alleged~~ decision ~~in question or omission~~ shall be known as the respondent. ~~In the case of For~~ grievances related to tenure, promotion, merit, or other salary increase or contractual status, the respondent shall be the **President, the Executive Vice President and Provost, or a Vice President, as applicable for academic faculty or administrative faculty serving in their unit.** ~~department chair, supervisor or dean or their designee, who rendered the initial, aggrieved decision or omission.~~

c) The burden rests with the grievant to prove that all allegations of fact are more likely than not true by submission of **the grievance petition and** credible **supporting documentation evidence.**

d) The completed grievance petition and any response thereto, must be filed with all **supporting documentation evidence in support thereof** and in accordance with filing instructions issued from time to time by the Faculty Senate.

**e) Extension of Time for Grievant or Respondent. An extension of time to file a grievance or to file a response to a grievance shall be authorized by the Faculty Senate Chair only upon good reason(s). A request for an extension of time must be submitted in writing to the Faculty Senate Office within the time period prescribed for filing a grievance or a response, as applicable. In extraordinary circumstances, the Faculty Senate Chair may consider a written request for an extension of time to file a grievance after the 15 calendar day deadline has passed, but in no event will such request be considered more than 60 days after the 15 calendar deadline has passed. In either case, the request for extension must set forth sufficient information to allow the Faculty Senate Chair to assess whether the request is reasonable and to set an appropriate deadline for the applicable filing. The Faculty Senate Chair will notify the person requesting an extension of time in writing to his/her official University e-mail within 10 calendar days of the Faculty Senate Office receiving the written request. When an extension is requested by the grievant or respondent, the 15 calendar days in which to file a grievance or a response, as applicable, is suspended until the person is notified of the decision to grant or deny the request. Subject to extensions which may be granted, the grievance hearing committee will normally fulfill its obligation within 90 calendar days or no later than the end of the following semester.**

e) f) No grievance shall be considered properly filed unless it contains the following items, or a separate statement as to each explaining why such item has not been filed, on a fully completed grievance **petition form**, as shall be available from the **Faculty Senate Office**: (1) a statement of the decision or omission being grieved; (2) the identity, by name and university title, of the respondent; (3) the name and university title of the UNLV faculty member who will serve as the advocate for the grievant (hereinafter “advocate”), if the grievant so elects; and (5) all **supporting documentation evidence**, including any documents and sworn or unsworn witness statements, supporting the grievance.

~~f) g)~~ g) Upon proper filing of a grievance, the Faculty Senate Office shall notify the respondent of the grievance by delivering a copy of the grievance **petition form** and all **supporting documentation either by: (1) personal delivery; (2) official campus mail; (3) U.S. First Class Mail; or (4) email to his/her official University electronic mail evidence submitted in person and/or by U.S. First Class Mail.** The respondent shall have fifteen calendar days from hand **or electronic** delivery or eighteen calendar days from the date of mailing (not including any days the University was not in session between spring and fall semesters) to file a response with the Faculty Senate Office, **which can include any supporting documentation.** Failure to timely respond shall be deemed **a failure to object to the grievance consent** by the respondent ~~to the grievance~~, and the Hearing Committee shall recommend **by default** in favor of the grievant, noting that the recommendation was based on failure of the respondent **to object** ~~to contest~~ the grievance, and making no other findings or conclusions.

~~g) h)~~ h) No amendments to the grievance or **to** any response thereto, nor additional **supporting documentation evidence** by grievant or **by** respondent, **will be considered by the Grievance Hearing Committee unless: (1) the Grievance Hearing Committee approves such submission in writing; and (2) the party submitting the proposed amendment or additional supporting documentation provides written notice to the opposite party using**

**the notice provisions listed in Appendix 3, Article IV, Section g. may be submitted without the written approval of Grievance Hearing Committee upon written notice of the proposed amendment or supplement to the file to the opposite party. An amendment or additional supporting documentation may be submitted only once by either the grievant or the respondent.**

**Arguments For:**

The bylaw amendment clarifies the process for requesting a time extension for filing a grievance (grievant) and for responding to a grievance (respondent). Specific time frames are added to the Faculty Senate Bylaws to provide guidance to the Faculty Senate Chair and a convened Grievance Hearing Committee.

**Arguments Against:**

This amendment may increase workload of the Faculty Senate Chair and a convened Grievance Hearing Committee. Explicit descriptions of grievance extensions in the Faculty Senate bylaws may increase the use of such extensions by the grievant and respondent.

This section to be completed by the Faculty Senate Office:

	Date	Signature Authority and/or Initials	Date
Submitted			
Placed On The Faculty Senate Agenda			
University Bylaw Committee	2-2-17 3-2-17 5-4-17	First consideration by committee Further consideration of proposed amendments Final form of amendments approved by committee	
Faculty Senate Action			
Approved by Campus Electronic Faculty Vote* Yes- Votes or % No- Votes or %	Voting ended	N/A	

UNLV Faculty Senate Agenda Item:  
UNLV Bylaw Amendment

Approved by President*		N/A	
Approved by Chancellor*		N/A	

\*if required