

## Faculty Senate Agenda Item

**Submitted By: University Bylaws Committee**

**Title of the Proposal: Amendment of the UNLV Bylaws, Chapter III, Section 20, Grievances**

### **Description:**

The UNLV Bylaws in Chapter III, Section 20, is entitled “Grievances”. This bylaw change is submitted to the Faculty Senate to clarify the roles of the Faculty Senate Chair and Grievance Hearing Committee in the granting of grievance extensions to the grievant as well as to the respondent. Definition of “respondent” is also clarified by these amendments.

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

### **CHAPTER III – Policies and Procedures Relating to Faculty Rights and Duties**

#### **Section 20. Grievances**

20.1 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. [NSHE Code Section 5.7.2] Grievances may not be filed by students.

20.2 Filing of Grievances. A grievance, **in the form of a petition and supporting documentation**, must be filed **with the Faculty Senate Office** within 15 calendar days, not including any days the university is not in session between regular semesters, from the date the faculty member becomes aware of the grievable act, omission or violation and has exhausted all administrative remedies. ~~The committee shall grant an extension of time for good cause.~~ When a reconsideration process as defined in the NSHE Code Section 5.2.4 leads to the grievance, the grievance may be filed only after formal notification of the decision to the faculty member by the **President**, Executive Vice President and Provost, or a Vice President, **as applicable**. For such grievances, the grievance must be filed within 15 calendar days, not including any days the university is not in session between regular semesters. The Faculty Senate shall determine the manner in which grievances are filed. **A request for an extension of time to file a grievance shall be authorized by the Faculty Senate Chair, pursuant to the procedures contained in the Faculty Senate Bylaws.**

20.3 Grievance Committee. The Grievance committee shall consist of 4 elected tenured faculty from each degree-granting college or school, four tenured librarians, and 18 representatives from the Administrative Faculty Unit. The President shall appoint two administrative representatives and two alternates.

20.4 Nature of Proceedings. All grievance proceedings are informal in nature, advisory, and constitute recommendations to the President only. Final decisions in all grievances are made by the President. Due to their informal nature, grievance proceedings shall not be recorded by

any electronic or other means.

20.5 Definitions. The person filing the grievance shall be known as the grievant, and the **University administrator person** who made the decision in question shall be known as the respondent. For grievances related to tenure, promotion, merit, or other salary increase or contractual status, the respondent shall be ~~a dean~~ **the President, the Executive Vice President and Provost, or a Vice President, as applicable,** for academic faculty or administrative faculty serving in their unit, ~~or a comparable administrator for other professional staff.~~

20.6 Hearing Committees. Each grievance shall be assigned to a Grievance Hearing Committee, which consists of five elected members of the Grievance Committee and an administrative representative selected by the Executive Committee of the Faculty Senate and approved by the Executive Vice President and Provost. The Executive Committee shall select a chair from the members. No member of the Hearing Committee may be from the same college or unit as the grievant or respondent.

20.7 Initial Grievance Procedures. After the grievant has properly filed ~~his/her~~ **their** petition and supporting documentation, the Faculty Senate Office shall notify the respondent of the grievance. The respondent shall have 15 calendar days to file a response with the Faculty Senate Office, not including any days the university is not in session between regular semesters. **A request for an extension of time to respond to a grievance shall be authorized by the Faculty Senate Chair, pursuant to the procedures contained in the Faculty Senate Bylaws. Unless an extension of time for filing a response to the grievance has been granted, failure to timely respond shall be deemed a failure to object to the grievance by the respondent, and the Hearing Committee shall recommend by default in favor of the grievant. Failure to respond within this time shall be deemed agreement by the respondent with the grievance, and the Hearing Committee shall recommend in favor of the grievant.** Upon receipt of the response, all documentation related to the grievance shall be forwarded to the Hearing Committee Chair.

20.8 Conduct of Hearing Committees. Procedures for Hearing Committees shall be jointly agreed to by the Faculty Senate and the President, and will be contained in the Faculty Senate Bylaws.

20.9 The Hearing Committee shall submit its final report to the Faculty Senate Office, which shall distribute copies to all parties and forward the report to the President, with copies to the Executive Vice President and Provost or Vice President from whose unit the grievance originated.

(B/R 3/03)

UNLV Faculty Senate Agenda Item:  
UNLV Bylaw Amendment

**Arguments For:**

The bylaw amendment clarifies that the Faculty Senate Chair or Grievance Hearing Committee may grant an extension of time for filing a grievance only after receipt of reasons for such extension. This bylaw amendment affords a similar granting of a 15 calendar day extension to the respondent of the grievance.

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

\*if required