

Fall 2012 – Report of the University Bylaws Committee

Respectfully Submitted November 29, 2012
by Michael Mejza, Chair University Bylaws Committee
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The University Bylaws Committee reports that during the fall semester, it held two meetings on October 22, 2012 and November 19, 2012 (recaps of each meeting are attached) and completed work on one charge and made progress on the second charge assigned to it by the Faculty Senate Chair.

Regarding the charge to revise an earlier amendment proposal concerning administration consultation with the faculty, the Committee recommends that the UNLV Bylaws be amended to include the following section in Chapter 1, Section 2.

Chapter I – Organization of the University Nevada, Las Vegas

Section 2. Purpose of the UNLV Bylaws

2.3.4 Administrative Consultation of the Faculty

As used within these bylaws, "consultation" with the affected Faculty shall be organized by the Senators of the affected unit led by the Senior Senator of that unit. "Consultation" shall be advisory and may include surveys or polling of the Faculty, or other means as appropriate in the affected unit.

Regarding the charge to develop and implement a review process of college/division bylaws to ensure they contain provisions required by the UNLV Bylaws and recommended by the Faculty Senate. The Committee reports that a process for review of college/division bylaws has been designed and implementation of it has begun. Each member of the College Bylaws Subcommittee of the University Bylaws Committee has been assigned a set of college/division bylaws to review. That subcommittee will meet on November 30, 2012 to continue its work. The University Bylaws Committee aims to complete the college/division level review and make final recommendations during the spring 2013 semester. After completion of its review, the Committee will recommend that the bylaw committees of each college/division adopt this process and conduct reviews of department and unit bylaws.

List of supporting attachments

- Recaps of University Bylaw Committee Meetings (pp. 2-3)
- Consultation Amendment (pp. 4-6)
 - Proposed Faculty Senate Agenda Item (pp. 4-5)
 - Consultation Amendment Problem Definition (p. 6)
- Form for review of college/division bylaws (pp. 7-8)

Date/Time: October 22, 2012/1:00-1:45 p.m.

In attendance: Emmanuel Ayim, Elaine Bunker, Eugenie Burkett, Gary Cerefice, Margot Mink Colbert, Bill Culbreth, John Filler, Shaun Franklin-Sewell, Karu Hangawattte, Mike Mejza, Erin Rinto, Pramen Shrestha, Bryan Spangelo

Excused: Dan McLean, Satish Bhatnagar

Recap of Activities

1. The following subcommittees were formed.

Subcommittee		
<u>UNLV Bylaws</u>	<u>College Bylaws</u>	<u>Faculty Senate Bylaws</u>
Bill Culbreth (Chair)	Dan McLean (Chair)	Emmanuel Ayim (Chair)
John Filler	Satish Bhatnagar	Gary Cerefice
Elaine Bunker	Eugenie Burkett	Shaun Franklin-Sewell
Mike Mejza	Margot Mink Colbert	Pramen Shrestha
Bryan Spangelo	Karu Hangawattte	
	Erin Rinto	

2. Charges from the Faculty Senate Chair were summarized and assigned to subcommittees.
 - a. Review the critique of earlier proposed amendments to the UNLV Bylaws concerning administrative consultation with the faculty and propose a new amendment or amendments that address issues raised. The UNLV Bylaws Subcommittee was assigned to develop a draft amendment proposal to be reported to the full Committee at the next meeting on November 19, 2012.
 - b. Develop a process for ensuring that all unit bylaws are consistent with UNLV Bylaws. Assigned to the College Bylaws Subcommittee. The College Bylaws Subcommittee was assigned to begin work on this task and report its progress to the Committee at the next meeting on November 19, 2012.

Date/Time: November 19, 2012/1:00-2:00 p.m.

In attendance: Elaine Bunker, John Filler, Eugenie Burkett, Margot Mink Colbert, Shannon Sumpter, Bill Culbreth, Pramen Shrestha, Karu Hangawatte, Bryan Spangelo

Excused: Dan McLean, Satish Bhatnagar, Emmanuel Ayim, Gary Cerefice, Shaun Franklin-Sewell, Erin Rinto

Recap of Activities

1. The College Bylaws Subcommittee reported its progress toward implementing a method for validating consistency between the UNLV Bylaws and individual college bylaws. The subcommittee agreed to collect each college's bylaws and identify the areas in which it is or is not consistent with the UNLV Bylaws. Each subcommittee member has been assigned a set of college bylaws to review. The subcommittee plans to meet on November 30, 2012 to continue work on this charge.
2. The UNLV Bylaws Subcommittee reported a draft UNLV Bylaws amendment proposal concerning administration consultation with faculty. The Committee accepted the report and a motion to accept the proposed amendment and recommend it to the Faculty Senate was seconded and approved.

Proposed Faculty Senate Agenda Item

Submitted By: University Bylaws Committee

Title of the Proposal: UNLV Bylaws Amendment to describe faculty responsibility for administrative consultations.

Description: Amends the UNLV Bylaws to add a bylaw that defines the channel by which faculty will engage in administrative consultations.

Sections of UNLV Bylaws Affected: Chapter I, Sec 2: 2.3.4

Additions in **bold underline**; deletions in ~~strike through~~.

Chapter I – Organization of the University Nevada, Las Vegas

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Arguments For:

- [1] It defines a faculty point of contact for administrative consultations.
- [2] It is consistent with the NSHE code, which establishes consultation as a nonbinding process. This amendment does not place conditions on administrators' appointment rights and ensures the faculty's right to build and present its positions during consultation.
- [3] It specifies the role of the Faculty Senate and the elected Senators from each college or unit in ensuring that consultation conforms to the structure and traditions of each unit.
- [4] It allows flexibility within each affected unit.

Arguments Against:

- [1] This increases the responsibility and workload of the Senators, especially the Senior Senators, to assist the administration in consultation.

This section to be completed by the Faculty Senate Office:

	Date	Signature Authority and/or Initials	Date
Submitted			
Placed On The Faculty Senate Agenda			
Faculty Senate Action Ref to cmte-issues group?			
Approved by Campus Electronic Faculty Vote* Yes- Votes or % No- Votes or %			
Approved by President*			
Approved by Chancellor*			

*if required

Charge to UNLV Bylaw Committee from Shannon Sumpter

“One item that came up at the last meeting of the Faculty Senate in April was something we have labeled the ‘consultation amendments’. The proposal was originally submitted to the Faculty Senate by the Bylaws committee. We were pretty emphatically told in that meeting that the President and the Provost would not accept the recommendation as written and so Greg referred it back to your committee. Last week when the Executive Committee of the Faculty Senate met with President and Provost, they offered some alternative language that they would be comfortable with. I am attaching the original document and at the very bottom I have included the P&P's suggestions in red. Your committee should discuss these suggested changes and figure out how to incorporate them.”

Objective

Amend the UNLV Bylaws to stipulate “provisions that describe such consultation” and that avoid conditioning the president/administration’s right to appoint administrative heads or approve organizational changes on the outcomes of consultation.

Rationale for Objective/Problems to Be Addressed

- To ensure that the faculty’s right to be consulted is exercised.
- To avoid situations where the president/administration, when required to consult with the faculty, does not consult with the faculty or consults in a manner that excludes certain faculty members from consultation. For example, if in the process of appointing a dean of a college, the president consulted with only one member of that college’s faculty, would that be considered a fulfillment of the requirement to consult with the faculty?
- To ensure that views representative of the faculty and not one or two select members are made known during consultation.

Constraints/Criteria

- Consultation is not formally defined in the NSHE code. However, the implication is that administration seeks faculty advice/views on the matter at hand.
- Must be consistent with NSHE code. That is, the amendment cannot condition the administration’s right to appoint or to approve changes on faculty approval/disapproval
- President must sign off on bylaw amendments.
- President/Provost is willing to allow a confidential vote by the faculty if they, the administration, are the one to call for the vote.
- President/Provost is willing to accept a “comment period with solicitation for input: a genuine open consultation.”

Requirement	UNLV Bylaw	Yes	No	Narrative
Organization of the University	Ch. 1			
<u>Guidelines and procedures for Tenure recommendations</u> - Establishment of standards and procedures, and voting for tenure recommendations	4.3.3 & 4.3.4			
<u>Mid Tenure Review - For Nontenured Faculty Before the End of the Probationary Period</u> - Committee reviews candidate and informs chair/dean of their opinion of the progress towards tenure of the criteria set forth in the Code, the university, college and unit bylaws, and any officially sanctioned standards provided	4.3.6.2			
<u>Definition of Regular Administrative Channels</u> - defines appropriate channels from unit to next higher level				
Policies and Procedures Relating to Educational Policy	Ch. 2			
<u>Academic Faculty and Nonacademic Course Recommendations</u> - Teaching courses each semester - Faculty shall recommend departmental courses to be taught each semester	2.1 and 2.2			
<u>Faculty Course Assignments</u> - accomplished by department chair after consultation with faculty and the dean and college/unit bylaws	3.1			
<u>Procedures for course approval, deletion, or changes</u> - with specific reference to administrative unit approval, interdepartmental or interdisciplinary courses, department chairs processing, and college curriculum committee recommendations	5, 5.1, 5.2A, 5.3.2, 5.3.3			
<u>Curricular creation of programs of study</u> - All curricular programs of study to be offered ... must be approved by department or college as specified in department or college bylaws	6.1, 6.3.2, and 6.3.3			
<u>Procedures for budget recommendations</u> - to be done in accordance with college/school/unit bylaws	7.1			
<u>Recruitment and Screening Committee for Deans and Directors of Schools</u> - election of faculty members to be screening committee	10.5.1			
<u>Selection of department chairs</u> by vote according to department or school bylaws	10.8 (a)			
<u>Consultation with Faculty on Assoc/Asst Dean appointments</u> - Requirement for consultation with faculty in appointment of associate/assistant dean as prescribed in bylaws	10.8 (f)			
<u>Removal of department chairs</u> - request to seek removal in accordance with unit bylaws	10.8.4			

Requirement	UNLV Bylaw	Yes	No	Narrative
Policies and Procedures Relating to Faculty Rights and Duties	Ch. 3			
<u>Individual Workloads</u> determined in accordance with mission, priorities of department as specified in bylaws of college or department	2.1			
<u>Workload for faculty.</u> All specified responsibilities and performance expectations shall be discussed with individual faculty as specified by department and college bylaws.	2.4			
<u>Workload policy</u> a faculty committee may write or defer to governing college, but a committee must develop a workload policy (<i>confusing the way written</i>)	2.5			
<u>Academic. Department/Unit Personnel Procedures Authorized.</u> The faculty of each academic department shall establish its own procedures and criteria for all personnel recommendations in accordance with college and departmental bylaws	6.1.A			
<u>Academic. College/School Personnel Procedures Authorized.</u> The faculty of each academic college or school shall establish its own procedures and criteria for all personnel recommendations in accordance with college, school, & institutional bylaws.	6.1.B			
<u>Establishment of Peer-Review Committee.</u> Formed in response to faculty member disagreement with annual evaluation and requests a committee of peers.	8.3			
<u>Annual Merit Recommendations - Satisfactory & meritorious performance in teaching, research, and service</u> shall be made by an elected committee of the faculty of each department and/or college as specified in the unit bylaws	10.2.2			
<u>Recruitment: Election to Faculty Senate Priority & New Program Committee</u> is in accordance with department, college and Faculty Senate bylaws	15.3			

Summative Review of Bylaws: