Grievance Committee

The Grievance Committee meets primarily in subcommittee to hear faculty grievances. Three such subcommittees met in spring, summer or fall of 2005 to hear promotion and tenure grievances. Subcommittee 1 met this summer and completed their work. Subcommittees 2 and 3 met during the fall of 2005 and continue to work on their promotion and tenure grievances.

Subcommittee 1 members: Chair John Swetnam, Stephen Rosenbaum, Satish Sharma, Victoria Nozero, Kazem Taghva, and Bernard Fried. The committee convened in late May to review materials submitted by the grievant and respondent. Following discussion, extensive requests were made for additional material related to the case. The College of Science provided all requested materials promptly. A meeting was held with both the grievant and his advocate, followed by a second meeting with the Dean of the College. The committee report, including a dissenting section from one member, was filed before the end of June.

Subcommittee 2 members: Chair Rebecca Nathanson, Michael Alcorn, Bill Holcomb, Ebrahim Salehi, Stephen Rosenbaum, and Penny Whitten. This committee has reviewed all of the documentation; requested and received additional information from the relevant department and college; met 6 times; and interviewed both the grievant and the department chair. We thought we would have our work wrapped up this semester but have had difficulty trying to interview some key parties because they have not responded. We should have our recommendation completed in January.

Subcommittee 3 members: Chair Joe (Nate) Bynum, Cliff McClain, John Minor, Kay Kindred, Simon Gottschalk, and Dick Morgan. The committee has reviewed all materials and is preparing to interview key parties. It hopes to complete its assignment in early February.

The remainder of this report focuses on full-committee activities, and was prepared by the chair of the full committee, Nasim Dil.

1. In view of the large membership of this Committee and following the input of members who attended the fall 2004 meeting, email communications were used in lieu of holding a meeting in the spring of 2005. No full committee meeting was held in the fall of 2005.

2. An email was sent to all members on December 2, 2004 to seek their input, (a) for revising the 1992 Bylaws document; and (b) related to their concerns and suggestions pertinent to grievance policies and procedures. (A copy of this email was sent to Faculty Senate Office). Attachments to this email included 1992 Bylaws document and Appendix 3: Faculty Senate Bylaws as revised by Patricia Mathews during the previous year.

Response to this email was provided by Felicia Campbell, Hong Lou, Ebrahim Salehi, and Penny Whitten.

3. The First Draft of Revisions to 1992 Bylaws was emailed to all Committee members for their input on April 4, 2005. (A copy of this email was sent to Faculty Senate Office).

Response to this email is received from Kari Coburn, Terry Miethe, Ebrahim Salehi, Satish Sharma.
4. A Second Draft copy of Revisions/2005 was prepared (see below) and awaits reviews/revisions and actions by the Faculty Senate Executive Committee.

(SECOND DRAFT OF REVISIONS)

Key: **Bold** represents proposed changes to the 1992 document.

[---] represents content proposed to be deleted.

0.0 Preamble

0.1 The intent of these bylaws is to facilitate the business of the University of Nevada Las Vegas (UNLV) Faculty Senate Grievance Committee. This document consists of procedures designed to supplement those outlined in the University and Community College System of Nevada Code and the UNLV [University of Nevada Las Vegas] Bylaws.

0.2 The Bylaws of the UNLV Faculty Senate Grievance Committee (Hereafter referred to as the Grievance Committee) shall be in accord at all times with the provisions of the Division, Departmental and UNLV Bylaws, and the University and Community College System of Nevada Code

Article 1: Membership

1.1 The membership of the Grievance Committee shall consist of four (4) elected tenured faculty from each degree-granting college or school, four (4) tenured librarians, and 16 (sixteen) representatives from the Professional Staff Unit. The president shall appoint two (2) administrative representatives and two (2) alternates. (UNLV Bylaws, III.20.3). [is established pursuant to Faculty Senate Bylaws [5.1] as follows: eight (8) representatives from academic faculty; four (4) from the Professional Staff Unit; and three (3) students].

1.2 The members of Grievance Committee shall be nominated and elected by their respective units (UNLV Faculty Senate Bylaws, 5.3). [1.3 The Senate shall elect (8) at-large academic faculty from a list of up to three (3) nominees from each unit, with no one college being represented more than once (Faculty Senate Bylaw 6.13.1)]. [1.4 The Professional Staff Unit shall elect four (4) at-large members to the committee with no department being represented more than once. (Faculty Senate Bylaws, 6.13.3)]

1.3 A senator will be appointed to the Grievance Committee in an ex-officio, non-voting capacity. (Faculty Senate Bylaws, 5.6) [1.6 Should the membership of the Grievance Committee not include a senator.] [Student members of the committee shall not serve on the committee unless a student is involved in the grievance (Faculty Senate Bylaw, 6.13.2)]
1.4 All Grievance Committee memberships shall be for three-year terms (Faculty Senate Bylaws, 5.7) [1.7 All Grievance Committee assignments shall be for two-year terms].

1.5 After Grievance Committee membership has been determined, the Faculty Senate Executive Committee shall appoint a Chair from the membership. (Faculty Senate Bylaws, 5.5).

1.6 Each grievance submitted by the faculty or professional staff shall be assigned to a Grievance Hearing Committee by the Faculty Senate Executive Committee (UNLV Bylaws, III.20.6).

1.7 The membership of each Grievance Hearing Committee shall consist of five (5) elected members of the Grievance Committee and an administrative representative selected by the Executive Committee of the Faculty Senate and approved by the Provost. The Executive Committee shall select a Chair from the assigned members. No member of the Grievance Hearing Committee may be from the same college or unit as the Grievant or Respondent (UNLV Bylaws, III.20.6).

1.8 There shall be no proxies for the members of the Grievance Hearing Committee. (Faculty Senate Bylaws, 5.13). [Two]Alternates for each area of representation [(Faculty, Professional Staff Unit and students)] would be selected in the same manner and at the same time the Grievance Hearing Committee is selected. This pool of [six] alternates would only be drawn from in the event a conflict of interest exists between a committee member and a person or persons involved in the grievance.

Article 2: Responsibility

2.1 The Grievance Committee shall periodically review policy regarding faculty and professional staff grievances, recommending revisions in current policy whenever desirable. (Faculty Senate Bylaws, 6.10).

2.2 The Grievance Committee Chair will be responsible for maintaining minutes, agenda, Committee correspondence, and all supporting documentation. A copy of each of these items must be submitted to the Faculty Senate Office. (Faculty Senate Bylaws, 5.5.2).

2.3 The Grievance Committee Chair will be responsible for presenting twice a year a brief report on committee business at a regularly scheduled Senate meeting. (Faculty Senate Bylaws, 5.5.1). This report must be submitted to the Faculty Senate Office at least three (3) working days prior to consideration of said report (Faculty Senate Bylaws, 5.11).

2.4 The Grievance Committee Chair shall submit to the Faculty Senate Office the attendance record of each Committee member at the end of each semester (Faculty Senate Bylaws 5.12)
2.5 The [Faculty Senate] Grievance Hearing Committee shall investigate grievance submitted by any faculty or professional staff of the University community. (Faculty Senate Bylaws, 6.10). [unless previously established procedures exist elsewhere for the resolution of the particular grievance]. [as charged through UNLV Bylaws Chapter I, Section 4.6 will consider grievance submitted to it by any faculty, or professional staff or student member of the university community,] [The Grievance committee shall investigate complaints filed by student and faculty. An effort shall be made to resolve problems informally.]

2.6 Grievable issues are any alleged violation, questionable interpretation or administration of any existing university regulation (code, bylaws, departmental regulations, etc.).

2.7 The Grievance Hearing Committee will be appointed only after the Grievant has exhausted all administrative remedies through the Vice-President or the Provost. (Faculty Senate Bylaws, 6.10).

2.8 The Grievance Hearing Committee is an advisory body that hears cases involving but not limited to denial of appointment with tenure, salary increases, equity, merit, tenure, promotion, or reappointment (Faculty Senate Bylaws, 6.10; UCCSN Code Section 5.7.2).

2.9 The Grievance Hearing Committee’s major function shall be to investigate and determine whether the procedures and criteria involved in the decision were fairly and appropriately followed and equitably applied; and whether there is sufficient cause for a grievance and/or hearing and present a recommendation to the President (Faculty Senate Bylaws, 6.10). [Indicating whether probable cause has been shown and that the President appoints a panel to hold a formal hearing.]

2.10 The Grievance Committee Chair is responsible to secure a signed Statement of Confidentiality from each Committee member.

Article 3: Procedures

3.1 Before Grievance Hearing Committee is appointed, the [committee chair] Faculty Senate Program Officer will inform and guide the Grievant on the best procedures to follow. (A referral Guide sheet is included in the Grievance Procedures Packet). [In the event previously established procedures exist elsewhere for the resolution of the particular grievance,]. To begin with, the Grievant will have to attempt to [initially attempt to] resolve grievance [informally] with the party alleged to have committed the violation and all appropriate supervisory levels of the unit involved. [This informal attempt to resolve the grievance should include appropriate supervisory levels of the unit involved.]
3.3 In case, the grievance is not resolved at all appropriate supervisory levels of the unit involved, the Grievant will file a formal grievance to the Faculty Senate.

3.4 The Grievant is then advised by the Faculty Senate Program Officer [Grievance Committee chair.] to submit a completed Grievance [Procedures] Packet to the Faculty Senate Office [Chair of the Grievance Committee] within fifteen (15) working days, not including any days the university is not in session between regular semesters, after the Grievant has exhausted all administrative remedies for [final informal presentation or attempted resolution of] the alleged violation.

3.5 After the Grievant has properly filed grievance and supporting documentation, the Faculty Senate Office shall notify the Respondent of the grievance to submit her/his response within fifteen (15) working days, not including any days the university is not in session between regular semesters. Upon Receipt of the response, the Faculty Senate Executive Committee will review the packets submitted by the Grievant and the Respondent and determine that the (a) matter should be referred to mediation, and (b) [A] matter is within the jurisdiction of the Grievance Committee. (UNLV Bylaws, III.20.7) [shall be submitted to the Committee by the faculty Senate Chair.].

3.6 Upon determination of this matter, all documentation related to the grievance shall be forwarded to the Grievance Hearing Committee Chair (UNLV Bylaws III.20.7). [The Grievant sends, at the same time, a complete copy of the Grievance Procedures Packet to the person, persons, department, or body that has been alleged to have committed the violation.]. [3.6 Within fifteen (15) working days of the receipt of the Grievance [procedures] Packet, the alleged violator will submit his/her reply or comments regarding the grievance to the chair of the Grievance Committee.].

3.7 The Faculty Senate Executive Committee will establish a Grievance Hearing Committee and appoint a Chair from the selected members of the Grievance Hearing Committee.

3.8 The Grievance Hearing Committee, [with an appropriately constituted quorum selected by the Chair based on the nature of the grievance,] will meet within fifteen (15) [ten (10)] working days, not including any days the university is not in session between regular semesters, of the receipt of both packets [statements] to discuss the grievance merits. The committee will require both sides of the issue to be presented at the committee meetings and provide opportunities to both the Grievant and the Respondent by inviting them to the meetings to answer questions asked of them by the Committee members. Written statements will be allowed in lieu of an appearance only under special circumstances. The Committee may also request additional statements from other parties as appropriate and request additional materials as needed. The Committee shall have the authority to obtain relevant testimony from persons whom it deems may provide useful information.
3.9 The Grievance Hearing Committee will in due course reach a conclusion and make its recommendation. A final written report signed by all members of the Committee (along with the minority report/s, if applicable) will be submitted to the Faculty Senate Chair for action and to be forwarded to the President of the University (UNLV Bylaws, III.20.9).

3.10 Final decisions in all grievances are made by the President (UNLV Bylaws, III.20.4) who may:

3.10.1 Dismiss the Charge
3.10.2 Affirm the Charge
3.10.3 Take corrective action as required.

3.11 If not satisfied with the President’s decision, the grievant may then pursue the issue through other channels.

Article 4: Meetings, Agenda, Minutes, and Quorum

4.1 The Grievance Committee Chair shall conduct a minimum of two (2) meetings each academic year in order to address charges from the Faculty Senate and at the end of the academic year to assess and recommend for the future. The date, time, and place of each of these meetings shall be made known to each member of the Committee at least three (3) full working days in advance of the meeting.

4.2 The Chair of the Grievance Committee shall prepare an agenda which shall allow for the introduction of new business at each meeting and which shall accompany notification of the meeting.

4.3 A copy of the minutes of each Grievance Committee meeting as prepared by the Chair or committee or a designee, shall be distributed to each member of the Committee and the Faculty Senate Office.

4.4 The quorum of the Grievance Committee will be at least fifty percent of the voting members of the Committee. Units that have not elected members will not count against the quorum. (Faculty Senate Bylaws, 5.13).

4.5 The actions of the Grievance Hearing Committee will be by simple majority vote, (Faculty Senate Bylaws, Appendix 3). [Quorum of a Grievance Committee Hearing shall consist of no fewer than three (3) members from the constituent group(s) being identified in the grievance. For example, if the grievant is a member of the professional staff and the alleged violator is a faculty member, then a minimum of three (3) professional staff and three (3) faculty members must hear the grievance. The administration shall be represented by an administrator designated by the President (Faculty Senate bylaw, 6.13.4)]
4.6 Use of audio and video recording equipment or cellular telephones is prohibited during Grievance Hearing Committee meetings (Faculty Senate Bylaws, 5.21).