TMCC Bylaws

Truckee Meadows Community College

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TMCC is an EEO/AA institution. See http://eeo.tmcc.edu for more information.

Article I – Truckee Meadows Community College Bylaws

Section A. Authorization and Scope of Bylaws

The following Bylaws of Truckee Meadows Community College have been authored in conformance with the Nevada System of Higher Education (NSHE) Board of Regents Handbook Title 2, Chapter 1, Section 1.3.4 to set forth organizational structure and personnel policies. Should these Bylaws conflict with the Board of Regents Handbook, the Board of Regents Handbook shall prevail.

Section B. Amendment of the Bylaws

Two procedures are provided for proposing an amendment to these Bylaws:

1. An amendment may be proposed by any of the following constituent bodies authorized by these Bylaws: President's Cabinet, Faculty Senate, Classified Council, or Student Government Association. Whenever any one constituent body proposes an amendment, all other constituent bodies shall have the opportunity to review the amendment and make recommendations concerning its adoption or rejection.

2. The President of TMCC may propose an amendment. Whenever the President proposes an amendment, all constituent bodies shall have the opportunity to review the amendment and make recommendations concerning its adoption or rejection. A proposed amendment must be submitted in writing to all constituent groups and the President sixty (60) calendar days prior to its presentation to the Chancellor of NSHE. The President may poll the faculty or other constituent groups for their recommendation on any proposed amendment. The adoption, amendment, or repeal of institutional bylaws requires the recommendation of the President and approval of the Chancellor.

Section C. Interpretation of the Bylaws

The President of TMCC is the final authority with respect to interpretation of the Institutional Bylaws.

Article II – Statement of Purpose

TMCC, an institution of the Nevada System of Higher Education (NSHE) was established to expand the educational opportunities for the residents of the greater Reno-Sparks community. Its mission is to promote student success, academic excellence and access to lifelong learning by supporting high quality education and services within our diverse community.

The following Bylaws are intended to promote an organization of the College that will encourage all participants in the College to cooperate in providing opportunity to the community and its citizens.

Article III – Organization of the College

Section A. Definitions

1. **Academic Faculty.** Academic faculty means instructional, counseling and library faculty as defined by the Board of Regents Handbook. Faculty on a range-zero contract are not eligible for tenure or sabbatical leave. If range-zero faculty become tenure-track faculty, up to three years of uninterrupted full-time employment in range-zero position may apply toward tenure.

2. **Adjunct Faculty.** Adjunct faculty are persons qualified to provide special services to the College on a part-time volunteer basis and receive no compensation from the NSHE.

3. **Administrators.** Administrators are administrative faculty employed in executive, supervisory, or support positions as defined in the Board of Regents Handbook. Administrators are appointed by and serve solely at the pleasure of the President of the College.

4. **Classified Staff.** Classified staff are employed to provide technical, maintenance and clerical support to the administration and faculty. Terms and conditions of their employment are set forth in the NRS 281, 284 and NAC 281, 284.

5. **Department Chairs.** Department Chairs are academic faculty positions, which have additional administrative duties associated with the operations and management of a department/unit of the College. Department Chairs may have a reduced instructional workload, additional contracted days and/or stipends to compensate them for additional responsibilities. Department Chairs duties and compensation are further defined by the TMCC-NFA Contract.

6. **Emeritus Faculty.** Emeritus/emerita status is an honor that may be awarded to full-time faculty who retire after distinguished and long-term achievement and service to TMCC. Recommendations for emeritus/emerita status will be based upon appropriate review processes and shall be approved by the President. Normally a minimum of ten years service is required prior to conferral of the title of emeritus/emerita. The President shall provide five working days notice to the institutional Faculty Senate prior to approving emeritus/emerita status.

7. **Faculty.** "Faculty" means the professional staff as established in the NSHE Board of Regents Handbook.

8. **Part-Time Faculty.** A temporary part-time faculty member is an employee of TMCC who:

   8.1 Is issued a "letter of appointment" and is employed for a period of not more than ninety (90) consecutive days; or

   8.2 Is issued a "letter of appointment" and is employed less than half-time for a period of more than ninety (90) consecutive calendar days, but less than twelve (12) months; or

   8.3 Is issued a "letter of appointment with benefits" and is employed half-time or more for a period of more than ninety (90) consecutive calendar days, but less than twelve (12) months.

9. **The President.** The President of TMCC is an officer of the NSHE. The duties and responsibilities of the President are set forth in the Bylaws of the Board of Regents. The President is responsible for the organization and operation of the College in conformance with the NSHE Board of Regents Handbook and with the Constitution and laws of the State of Nevada.

10. **Students.** Persons currently enrolled at TMCC are members of the student body.

11. **Temporary Faculty.** A temporary full-time faculty member is an employee of TMCC who is issued a temporary full-time contract for a period of up to one (1) year.

12. **TMCC-NFA Contract.** The TMCC Nevada Faculty Alliance (TMCC-NFA) has been elected as the sole and exclusive representative for purposes of collective bargaining activities as described in the Board of Regents Handbook, Title 4, Chapter 4, for all professional employees (including but not limited to instructional, counseling, and library faculty) employed by TMCC in the professional service of the System for a period exceeding six (6) months at .50 FTE or more, but excluding adjunct faculty and administrative faculty. A bargaining agreement, called the TMCC-NFA Contract, has been duly entered into by both parties. The agreement controls certain aspects of professional employee rights, responsibilities, compensation and other working conditions for those faculty covered by the agreement.

13. **Unit Administrator.** A unit administrator is an administrator who evaluates academic and/or administrative faculty as defined in Article III, Section A, Numbers 1 and 3 of these Bylaws.

Section B. Organization of the Administration

The President's Cabinet and the President's Advisory Council. For the purpose of coordination of efforts and generating recommendations on matters of personnel policy, institutional mission, and College policy, these Bylaws authorize the formation of two administrative groups to be known as the President's Cabinet and the President's Advisory Council.

1. President's Cabinet

1.1. Membership in the President's Cabinet. The President shall designate the composition of the President's Cabinet. The President shall serve as the chair of the President's Cabinet

1.2. Meetings of the President's Cabinet. The President shall establish a regular meeting schedule for the President's Cabinet.

1.3. Actions of the President's Cabinet. President's Cabinet actions are advisory only; the President shall have final authority regarding all actions recommended by the President's Cabinet.

2. President's Advisory Council

2.1 Membership in the President's Advisory Council. The President shall designate the composition of the President's Advisory Council. Membership in the Council shall include the Chairs (or Chairs' designees) of the TMCC Faculty Senate, Classified Council, and the Student Government Association and others designated by the President. The President shall serve as the chair of the President's Advisory Council.

2.2 Meetings of the President's Advisory Council. The President shall meet with the membership of the President's Advisory Council to allow a forum for deliberation of matters of administrative concern, institutional mission, and College policy.

2.3 Actions of the President's Advisory Council. The President's Advisory Council's actions are advisory only; the President shall have final authority regarding all actions recommended by the President's Advisory Council. The President's Advisory Council's recommendationsmay be forwarded to the President through the President's Cabinet for further deliberation and recommendation.

3. Administrative Representation on Committees. Whenever administrative participation is required on institutional committees, the President shall consider recommendations from the President's Cabinet and the President's Advisory Council regarding committee membership.

4. Administrative Organization. Creation, abolition or substantial alteration in the organization of administrative units within TMCC shall be approved only after prior consultation with the Faculty Senate. For those changes requiring Board approval under Title 4, Chapter 14, Section 10, final action shall require the approval of the Board of Regents upon the recommendation of the President through the Chancellor.

Section C. Organization of the Faculty

1. Faculty Senate. These Bylaws authorize the formation of a Faculty Senate as required by the NSHE Code.

2. Membership in the Faculty Senate. All faculty members of TMCC shall be represented in the Faculty Senate.

3. Bylaws of the Faculty Senate. The Faculty Senate shall develop bylaws for its governance. All such Faculty Senate Bylaws shall be in conformance with the TMCC Bylaws and the Board of Regents Handbook and approved by the President of the College. Where the Faculty Senate Bylaws conflict with the provisions of either of these documents, the Institutional Bylaws and Board of Regents Handbook shall prevail.

4. **Amendment of Bylaws of the Faculty Senate.** Faculty Senate Bylaws may be amended according to conditions set forth within those Bylaws. All amendments require the approval of the President of the College.

5. **Faculty Senate Representation at Board of Regents Meeting.** The Faculty Senate Chair shall be present at all regular Board of Regents meetings. The Faculty Senate Chair shall be the official spokesperson for the Faculty Senate of the College.

6. **Actions of the Faculty Senate.** When applicable, the recommendations of the Faculty Senate shall be transmitted to the President.

7. **Faculty Senate Committees.** The Faculty Senate may establish committees as set forth in the Faculty Senate Bylaws. Whenever possible and appropriate, faculty representatives will be included on institutional committees as provided for in these Bylaws.

8. **Faculty Senate Participation in Presidential Search.** Whenever a vacancy occurs or is about to occur in the position of President of TMCC, the NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an Institutional Advisory Committee. The Faculty Senate of TMCC shall nominate five (5) faculty members for the Institutional Advisory Committee.

9. **Academic Faculty Participation in Recruitment.** Whenever a vacant or new academic faculty position occurs, the full-time academic faculty shall be represented on the search committee in accordance with the TMCC-NFA Contract.

Section D. Organization of the Classified Staff

1. **Classified Council.** These Bylaws authorize the formation of an organization of classified staff to be known as the Classified Council.

2. **Membership in the Classified Council.** Persons employed at TMCC under the State of Nevada as classified employees are eligible for participation in the Classified Council.

3. **Bylaws of the Classified Council.** The Classified Council shall develop bylaws for its governance. All such Classified Council Bylaws shall be in conformance with the TMCC Bylaws and the Board of Regents Handbook and approved by the President of the College. Where the Classified Council Bylaws conflict with the provisions of either of these documents, the TMCC Bylaws and the Board of Regents Handbook shall prevail.

4. **Amendment of the Classified Council Bylaws.** Classified Council Bylaws may be amended according to conditions set forth within those Bylaws. All amendments require the approval of the President of the College.

5. **Actions of the Classified Council.** The Chairperson of the Classified Council shall communicate to the President of TMCC the results of Classified Council deliberations. Council actions are advisory only; the President shall have final decision regarding all actions recommended by the Classified Council.

6. **Classified Council Committees.** The Classified Council may establish committees as set forth in the Classified Council Bylaws. Whenever possible and appropriate, members of the classified staff will be included on institutional committees as provided for in these Bylaws.

7. **Classified Staff Participation in Presidential Search.** Whenever a vacancy occurs or is about to occur in the position of President of TMCC, the NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an Institutional Advisory Committee. The Classified Council shall nominate one classified employee for the Institutional Advisory Committee.

Section E. Organization of Students

1. **Student Government Association (SGA).** For the purpose of promoting student participation in the College community, these Bylaws authorize the formation of an association of students at TMCC, hereinafter referred to as SGA.

2. **Membership in SGA.** Students currently enrolled at TMCC in any state-supported course are eligible for membership in SGA.

3. **Constitution/Bylaws of SGA.** SGA shall have a Constitution and/or Bylaws. All provisions of the SGA Constitution and/or Bylaws are subject to the approval of the President of TMCC and the NSHE Chancellor. The Constitution and/or Bylaws shall be in conformance with the TMCC Bylaws and Board of Regents Handbook, and all rules, regulations, and policies as established by the Board of Regents and all applicable statutes of the State of Nevada. Where the Constitution and/or SGA Bylaws conflict with the provisions of either of these documents, the Institutional Bylaws and NSHE Handbook shall prevail.

4. **Amendment of the SGA Constitution/Bylaws.** Provisions for amendment of the SGA Constitution/Bylaws shall be included in the Constitution/Bylaws. Any amendment shall be subject to the approval of the President of TMCC and the NSHE Chancellor.

5. **SGA Representation at Board of Regents Meeting.** A representative of SGA may be present at all regular Board of Regents meetings. The SGA representative shall be the official spokesperson for the students of the College.

6. **Actions of SGA.** The President of SGA shall promptly forward to the SGA advisor the minutes and agenda of all meetings of the SGA Senate for review and appropriate action. The SGA advisor is recommended by the Vice President for Academic Affairs and Student Services or his/her designee.

7. **Student Committees.** SGA may establish committees to deliberate student concerns. Whenever possible and appropriate, students will be included on institutional committees as provided for in these Bylaws.

8. **Student Participation in Presidential Search.** Whenever a vacancy occurs or is about to occur in the position of President of TMCC, NSHE Code provides for procedures to be followed. One of these procedures calls for the formation of an Institutional Advisory Committee. The SGA shall select one student representative for the Institutional Advisory Committee.

Section F. Committees

1. **Establishment of Committees.** The President may appoint committees to facilitate the administration of the College.

2. **Responsibilities of the Committees.** All committees advise the President who has final responsibility for institutional decisions.

3. **Composition of Committees.** The President may be guided by the following criteria for selection:

   3.1 The President will attempt to ensure that institutional groups affected by the committee recommendations shall have representation on the committee.

   3.2 The President will seek recommendations for nominations to committees from the organizational governing bodies of affected groups (Faculty Senate, Classified Council, Student Government Association, President's Cabinet, and the President's Advisory Council).

Article IV - Personnel Policies

Section A. Appointing Authority

The President of TMCC shall be the appointing authority for all professional personnel of TMCC. No employment contract is valid without the President's signature, and a contract form which has not been signed by the President is considered an instrument of negotiation and is not a binding contract or offer. The President shall have the authority to issue a contract for employment for any approved or budgeted position, except as otherwise stated in the NSHE Code.

Section B. Terms and Conditions of Employment

All employment contracts shall be in writing and shall specify therein the terms and conditions of employment. The provisions of the NSHE Handbook, in their entirety, shall be a part of the terms and conditions of every employment contract, except as may be varied in writing by the parties to the contract. Any understanding, promise, term, condition or representation not contained in the contract is of no effect.

Section C. Appointment of Administrators

The appointment of administrators within TMCC and all persons reporting directly to the President shall be made by the President, and shall serve in such positions solely at the pleasure of the President. Department chairs shall be directly responsible to their supervisor or supervisors for the operation of their departments. The duties and responsibilities of administrators described in this section shall be prescribed by the President.

Section D. Recruitment for Administrative Positions

Whenever a vacancy or opening occurs for an administrative position, an institutional recruitment and search committee shall be appointed by the President. The President may waive the search requirement where he or she determines the waiver to be in the best interest of the institution. If this is the case, the President, prior to making an appointment that is not result of a search process, will consult with the leadership of groups on campus which includes, but are not limited to the TMCC Faculty Senate, TMCC Nevada Faculty Alliance (NFA), and Classified Council to gather input. The search committee shall operate in accordance with relevant federal laws, TMCC personnel policies and the TMCC Affirmative Action Plan. TMCC personnel policies and the College Affirmative Action plan shall be developed and periodically reviewed by appropriate administrators in cooperation with faculty.

Section E. Appointment of Academic Faculty

The recruitment, search and selection of Academic Faculty will be in accordance with the TMCC-NFA Contract and The Plan to Recruit, Hire and Retain a Diverse, Full-time Faculty.

Section F. Tenure

1. **Eligibility for Tenure.** Full-time academic faculty shall be eligible for tenure. Exceptions for eligibility are detailed in the NSHE Code, Chapter 4. Tenure shall be granted in strict conformance with the provisions of NSHE Code, Chapter 4. Academic Faculty holding a Range-0 contract shall not be eligible for tenure under any circumstances. A faculty member must agree to placement in a Range-0 position.

2. **Granting of Tenure.** At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for tenure may be recommended through regular personnel procedures. The President shall make recommendation for tenure to the Board of Regents. The Board has final authority in granting tenure.

3. **Tenure Probationary Committees.** When an academic faculty member is hired in a tenure track position, the head of the administrative unit in which the faculty member serves shall appoint a tenure probationary committee.

The committee will consist of three tenured faculty, at least two of whom are from the faculty member's department. The faculty member shall choose one member of the tenure probationary committee and the unit administrator shall choose the remaining two members. All members of the probationary committee shall be full-time faculty holding tenure.

The tenure probationary committee will have two major functions. Its members will assist the probationary faculty member in becoming an excellent contributor to the college community. The committee will also evaluate the probationary faculty member's performance each semester and will, at the end of the probationary period, submit a report to the appropriate unit administrator detailing the evaluation results and recommending appropriate action with regard to granting tenure.

The tenure probationary committee must meet with the probationary faculty member at least once each semester. The probationary faculty member will be observed in the performance of the major job task by a member of the probationary committee at least once each semester. The probationary faculty member shall submit, each semester for inclusion in the probationary committee's report, documentation of achievement relating to the standards outlined in the NSHE Code, Chapter 4.

Tenure probationary committees are responsible for keeping records of their activities and submitting timely reports to the appropriate unit administrator. Reports must be filed in November and April of each year of the probationary period.

3.1 Probationary Period. Except as provided in NSHE Code, Chapter 4, the total probationary period for all academic faculty eligible for an appointment with tenure shall not exceed five (5) years of uninterrupted full-time employment.

4. Administrative Evaluation. The head of the administrative unit in which the probationary faculty member serves will also evaluate the faculty member in accordance with the procedures set forth in the Evaluation of Faculty section of these Bylaws.

5. Standards for Recommending Appointment with Tenure. An academic faculty member being recommended for tenure must receive an "excellent" rating in one of the following areas, whichever is applicable:

5.1 If employed primarily as an instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom, laboratory, and/or clinical setting, the ability to communicate effectively with students and demonstrated skill in handling classroom and other duties related to teaching. Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter and to evoke response in students.

5.2 If employed primarily as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties.

In addition, an academic faculty member being recommended for tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

a. Interest and ability in advising students;

b. Membership and participation in professional organizations;

c. Ability to work with the faculty and students of the member institution in the best interest of the academic community and the people it serves, and to the extent that the job performance of the academic faculty member's administrative unit may not be otherwise adversely affected;

d. Service on College or System committees;

e. Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

f. Recognition and respect outside the System community for participation in activities that use the faculty member's knowledge and expertise or further the mission of the institution, or that provide an opportunity for professional growth through interaction with industry, business, government, and other institutions of our society within the state, the nation, or the world.

The burden of demonstrating that these standards have been met lies with the applicant for tenure.

5.3 In rating applicants for tenure under the standards set forth in this subsection, the College shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be permitted. The standards and ratings set forth in this subsection are the minimum standards, which must be used in recommending academic faculty for tenure.

5.4 Recommendation for Tenure Action. Before the end of the probationary period, upon application by the probationary faculty member, and upon receipt of evaluation reports from both the tenure probationary committee and the head of the administrative unit in which the probationary faculty member serves, the unit administrator shall make a recommendation whether the faculty member should receive tenure. If the recommendation is to grant an appointment with tenure and the President agrees with the submitted recommendation, the President's recommendation and the tenure forms shall be transmitted by the President to the Board of Regents for their decision.

6. **Responsibility of the Administration.** The failure to follow the provisions of this section shall not prejudice responsible officials of TMCC from acting to evaluate a faculty member for tenure consideration in accordance with the procedures and standards for tenure authorized by the NSHE Code.

Section G. Professional Salary Schedule Administration

Professional salary schedules are set forth in the Board of Regents Handbook and, for Academic Faculty, is further defined by the TMCC-NFA Contract.

Section H. Reassignment of Administrators

An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the President. Such an administrator may be removed from the administrative position; however, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied, the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty of TMCC until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be reassigned to duties within TMCC. Nothing in this section shall be interpreted as abrogating the notice of nonreappointment provisions.

Section I. Evaluations

1. **Classified Staff.** Rules governing the evaluation of Classified staff are listed in NRS 284 and NAC 284. TMCC follows the policies and procedures set forth in those documents.

2. **Administrative Faculty.** The performance of administrative faculty will be reviewed annually in accordance with the NSHE Code, Title 2, Chapter 5, Section 5.12. The appraisal process promotes and supports appropriate management and leadership skills and assures that administrators have goals, which are in line with the overarching goals of TMCC. Procedures for evaluation of administrative faculty are provided on the TMCC Human Resources website.

2.1 In addition to the annual administrative faculty evaluations of deans, vice presidents and other administrators who supervise academic faculty, a performance survey, sent to all faculty and classified staff supervised by the administrator, will be conducted by the Faculty Senate every two years. The survey results shall be compiled by the employee's supervisor. The compiled results of the survey will become part of the annual evaluation of the administrator and will include input from faculty and classified staff supervised by the administrator. The supervisor will also notify the Faculty Senate Chair (in writing) that the survey results were a part of the administrator's evaluation.

3. Academic Faculty. The NSHE Code mandates that faculty be evaluated at least once annually. The faculty evaluation process is outlined in the TMCC-NFA Contract.

Section J. Merit Awards

1. Eligibility for merit awards

1.1 Academic and Administrative Faculty shall be eligible to be considered for merit awards during fiscal years when a merit pool appropriation is provided (NSHE Code, Chapter 3).

1.2 Academic and Administrative Faculty with full time regular contracts, both tenured and tenure track, shall be eligible to be considered for merit awards. Faculty holding a Rank 0 contract shall be eligible to be considered for merit awards. Faculty who are grant funded, and whose grants include funding for merit pay for that faculty member, shall be eligible to be considered for merit pay. All other temporary one-year and half-year contracted faculty shall not be eligible for merit awards.

1.3 Academic and Administrative faculty who begin employment after December 31 of the applicable year shall not be eligible to be considered for merit awards for that year. The applicable year is defined as the year that starts on July 1st and ends on June 30 of the year immediately prior to the fiscal year in which the merit award is disbursed.

1.4 Awards of merit for administrative faculty shall be based on the overall rating received by the faculty member on the Administrative Faculty Performance Review – Form "A" for the applicable year.

1.5 Awards of merit for academic faculty shall be based on the overall rating received by the faculty member in the annual evaluation process as defined by Article 12 of the TMCC-NFA contract for the applicable year.

1.6 Academic and administrative faculty must receive a "commendable" or "excellent" overall rating on their annual evaluation for the applicable year to be eligible for consideration for merit awards.

1.7 Faculty who do not participate in the evaluation process for the applicable year shall not be eligible to be considered for merit award for that year.

1.8 Faculty on leave without pay for more than one half of their contract period of the applicable year shall not be eligible to be considered for merit award for that year.

1.9 Academic Faculty on sabbatical for the applicable year shall be eligible to be considered for merit awards for that year.

1.10 Merit awards shall be added to the base salary for all faculty.

2. Distribution of merit awards

2.1 The amount of merit pay award for each faculty member shall be determined by that faculty member's overall annual evaluation rating for the applicable year.

2.2 Evaluations shall be completed by May 1st of the year in which the associated merit award is being distributed.

2.3 Merit awards shall be distributed only to eligible faculty members who receive a "commendable" or "excellent" overall rating on their annual evaluation.

2.4 Merit pay awards shall be distributed to eligible faculty by a "3-4-5-6" distribution plan. Under this plan there will be four levels of merit pay awarded with each tied to an evaluation rating score. The lowest level award will be equivalent to three-sixths (3/6) of the highest level award. The second level award will be equivalent to four-sixths (4/6) of the highest level award, and the third level will be equivalent to five-sixths (5/6) of the highest level award.

2.5 Faculy who receive an overall "commendable" evaluation rating shall receive either a three-sixths (3/6) award for a "commendable 1" rating, or a four-sixths (4/6) award for a "commendable 2" rating. Faculty who receive an overall "excellent" evaluation rating shall receive either a five-sixths (5/6) award for "excellent 1" or six/sixths (6/6 - highest level) award for "excellent 2".

2.6 The highest level merit pay award amount will be determined by dividing the pool of merit money appropriated to TMCC for eligible academic and administrative faculty by the sum of all of the awards given in each rating level multiplied by the corresponding fraction for that award rating.

Example:
There are 300 total eligible faculty and a merit appropriation of $400,000.

Faculty evaluation ratings earned:

excellent 2 (6/6):	69 faculty
excellent 1 (5/6):	90 faculty
commendable 2 (4/6):	72 faculty
commendable 1 (3/6):	54 faculty
satisfactory:	12 faculty
unsatisfactory:	3 faculty
	300 total faculty

The highest award m would be calculated:

$400,000 = (69 x 6/6*m*) + (90 x 5/6*m*) + (72 x 4/6*m*) + (54 x 3/6*m*)
$400,000 = (69 + 75 + 48 + 27)*m*
m = $1,826.48

Thus the merit awards for each rating would be:

excellent 2 (6/6 of $1,826.48):	$1,826.48
excellent 1 (5/6 of $1,826.48):	$1,522.07
commendable 2 (4/6 of $1,826.48):	$1,217.66
commendable 1 (3/6 of $1,826.48):	$913.24
satisfactory:	$0
unsatisfactory:	$0

3. Appeal of evaluation for merit award

3.1 Evaluation ratings that affect merit awards may be appealed by the faculty member under this section or under the NFA contract, Article 13, whichever is applicable. Evaluation appeals for an overall "unsatisfactory" rating may follow the procedures in Section K. Unsatisfactory Evaluation Review.

3.2 If a faculty member wishes to appeal an evaluation rating that affects their merit award, he/she shall seek a meeting with the evaluator and shall contact the evaluator within ten (10) working days of the receipt of the evaluation report to request such a meeting.

3.3 The evaluator shall meet with the faculty member and issue a written determination and deliver it to the faculty member within ten (10) working days of the meeting request, stating if the evaluation rating shall be maintained or modified.

3.4 If the faculty member is not satisfied with the results of the meeting with the evaluator, the faculty member may request a review of the evaluation by a Merit Award Appeals Committee (MAAC). There shall be an academic MAAC and an administrative MAAC, to review evaluations of the respective faculty. The Merit Award Appeals Committees shall be comprised of three (3) faculty members appointed by the Faculty Senate, and cannot include the affected faculty member. The academic MAAC shall have at least two academic faculty members, and the administrative MAAC shall have at least two administrative faculty members. The MAAC shall review cases and issue a written statement within ten (10) working days of the faculty member's request.

3.5 The written statements produced by the evaluator and the MAAC will be reviewed by the appropriate Vice President or senior staff member in a timely manner. For academic faculty the Vice President of Academic Affairs shall be the reviewer. For administrative faculty the appropriate senior staff member as determined by the president shall be the reviewer. The decision from the reviewer shall be final and cannot be further appealed and shall become a part of the evaluation documentation.

3.6 The appeals process shall be finalized by June 26 of the year in which the associated merit award is being distributed.

Section K. Unsatisfactory Evaluation Review

1. **Initiation of Unsatisfactory Evaluation Review.** NSHE Code mandates a hearing to determine whether a faculty member with tenure should be retained in employment after receiving an unsatisfactory rating in the faculty member's principal employment responsibilities for two consecutive years. Therefore, the College, cognizant of its responsibilities toward tenured faculty, shall initiate an evaluation review after the first unsatisfactory rating in an annual performance evaluation for any tenured faculty member. The purpose of the evaluation review shall be two-fold: (1) to provide for the faculty member help in regaining a level of performance that will result in a positive annual performance evaluation, and (2) to forward to the President of the College an independent report of the faculty member's performance. The following procedures shall be used:

2. **Faculty Support Committee.** Upon receipt of a first unsatisfactory annual performance evaluation, in conformance with the TMCC-NFA Contract, the evaluator may, with the agreement of the faculty member, create a committee for the purpose of working with the faulty member to improve his or her performance. The faculty member shall choose one member of the committee; the evaluator shall choose another member. The two members of the committee thus chosen shall meet and choose a third member for the committee from an instructional discipline similar to the faculty member's. All members of the faculty support committee shall be tenured faculty.

3. **Faculty Support Committee Responsibilities.** The Faculty Support Committee shall meet with the head of the evaluator for the purpose of determining the basis for the unsatisfactory evaluation. The committee, with the cooperation of the evaluator, will prepare objectives to be met by the faculty member in regaining a satisfactory level of job performance.

3.1 The Faculty Support Committee shall then meet with the faculty member for the purpose of preparing a plan to meet the objectives the committee has developed. The faculty member shall be given the opportunity to suggest revisions in the objectives, and the committee shall decide whether these are appropriate. The plan will then be recommended to the evaluator for approval.

3.2 The Faculty Support Committee shall meet at least twice with the faculty member during the year following the first unsatisfactory evaluation for the purpose of reviewing progress and offering assistance in meeting the objectives.

4. **Faculty Support Committee Report.** Prior to April 1 in the year following the first unsatisfactory evaluation, the Faculty Support Committee shall submit a report to the appropriate Dean detailing the objectives that were established and the committee's evaluation of the faculty member's performance in meeting the objectives. A copy of the Faculty Support Committee's report shall be made available to the faculty member under review.

4.1 The Dean shall prepare the faculty member's evaluation, taking into account the report of the Faculty Support Committee.

5. **Responsibility of Administration.** The failure to follow the provisions of this section shall not prejudice responsible officials of TMCC from acting to evaluate a faculty member for tenure consideration in accordance with the procedures and standards for tenure authorized by the NSHE Code.

Section L. Personnel Documents

The TMCC Human Resource Office shall maintain an official personnel file for each member of the faculty. Faculty members may request their unit administrator to forward material to the Human Resource Office for inclusion in the personnel file. No anonymous material except duly authorized student evaluations shall be placed in the file. Any member of the faculty shall have the right to examine and duplicate the contents of his/her file during regular office hours.

Section M. Grievances

Grievance is defined as 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 aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws. Faculty of the College who feel aggrieved because of an act or an omission as defined herein must follow these grievance procedures:

For faculty covered by the TMCC-NFA Contract: The TMCC-NFA Contract establishes certain working conditions and agreement provisions within the agreement. For working conditions and agreement provision grievances, under the contract, the aggrieved employee must follow the grievance procedures detailed in the TMCC-NFA Contract.

For faculty not covered by the TMCC-NFA Contract: The aggrieved employee must follow the following grievance procedures:

1. **Informal Grievance**
Any grievance should be brought to the immediate supervisor of the grievant prior to the formal filing of a grievance. Recommendations from all hearings and meetings held by committees or administrators shall be advisory only. Such recommendations shall be sent to the President. If the grievance is not resolved at the informal step, the grievant may file a formal grievance within twenty-eight (28) calendar days following the act or omission giving rise to the grievance pursuant to the procedures stated below.

2. **Formal Process**
If a grievant wishes to file a formal grievance, it must be filed with the grievant's unit administrator within fourteen (14) calendar days following the act or omission giving rise to the grievance or following the first time the grievant knew or should have known of the act or omission, if that is later. The grievance will be filed on forms provided by the TMCC Human Resource Office (or on the website). The initial filing shall contain the name and office and home address of the grievant, a description of the act or omission, the Code or Bylaw section allegedly violated, if any, and the remedy sought.

If a grievant wishes to file a formal grievance at Step One and the substance of the formal grievance has been raised with the immediate supervisor as an Informal Grievance, the grievance must be filed with the grievant's unit

administrator on forms to be provided by the TMCC Human Resource Office within twenty-eight (28) calendar days following the act or omission giving rise to the grievance or following the first time the grievant knew or should have known of the act or omission, if that is later. The initial filing shall contain the name and office and home address of the grievant, a description of the act or omission which gave rise to the grievance including the date of such act or omission, the Code or bylaw section allegedly violated, if any, and the remedy sought. The unit administrator may grant an adjournment for up to one month to permit the immediate supervisor to conclude the processing of the Informal Grievance.

3. Step One

The unit administrator or designee shall offer to meet with the grievant within fourteen (14) calendar days of the filing of a grievance. The meeting shall be informal in nature. The grievant shall have the opportunity to explain the circumstances surrounding the grievance and present witnesses, if any. The unit administrator or designee shall respond to the grievance in writing within fourteen (14) calendar days following the meeting with his or her recommendation to the President, which is advisory only. The response shall provide reasons for the recommendation.

4. Step Two

If the grievant is not satisfied with the response at Step One, the grievant may appeal that response to the appropriate Vice President within ten (10) calendar days following the issuance of the response at Step One. The appeal will be filed on forms provided by the TMCC Human Resource Office. The Vice President or designee shall offer to meet with the grievant within thirty (30) calendar days following the filing of the appeal, and the grievant shall have the opportunity to explain the circumstances surrounding the grievance. The meeting shall be informal in nature. The grievant shall not present witnesses at this meeting, but witnesses may be invited at the discretion of the Vice President or designee. The Vice President or designee shall issue a written recommendation to the President, which is advisory only, within fourteen (14) calendar days following the close of the meeting. The recommendation shall provide reasons for the recommendation.

5. Step Three

If the grievant is not satisfied with the response at Step Two, the grievant may appeal that response to the President by filing an appeal with the office of the President within fourteen (14) calendar days following the issuance of the response at Step Two. The appeal will be filed on forms provided by the TMCC Human Resource Office. The appeal shall indicate whether a meeting with the President is requested. The President or designee shall offer to meet with the grievant within twenty-one (21) calendar days following the receipt of the appeal. The meeting shall be informal in nature. The grievant shall have the opportunity to explain the circumstances surrounding the grievance and the appeal. Witnesses will not be permitted at the meeting with the President.

If no meeting takes place, the grievant shall submit a brief statement containing argument explaining why the response at Step Two was in error. The President shall issue a response in writing within twenty-one (21) calendar days following the meeting, if any, or following the filing of the appeal with the President's Office in the event no meeting is held. The response shall provide reasons for the decision.

6. Timeliness: Filing; Issuance of a Decision

A grievance or an appeal shall be considered filed at the time a copy of the grievance or appeal is presented to the appropriate office as specified in this grievance procedure.

A response or decision shall be considered issued at the time it is handed personally to the grievant or mailed return receipt requested, in an envelope bearing an address indicated by the grievant on the initial grievance or at such other address subsequently indicated by the grievant in writing to the office issuing the response.

7. Failure to File or Answer

Failure at any step of this procedure to issue a response within the time limits specified shall mean that the grievant may deem the grievance to be denied and may, therefore, appeal to the next step. Failure at any step of this procedure to appeal a response to the next step shall be deemed an acceptance of the response.

8. Representation

All documents used by the grievant in presenting the grievance shall be made available to TMCC in a timely and expeditious manner. All non-confidential documents relevant to the process of the grievance requested by the grievant shall be made available to the grievant in a timely and expeditious manner. TMCC Human Resource Director determines the relevance and confidentiality of the documents.

9. Meetings

Meetings for the purpose of discussing a grievance shall be held during working hours at mutually agreeable places and times.

10. Retaliation

No retaliation shall be taken against any employee by reason of having filed a grievance or participated in a grievance meeting.

11. Expenses

Each party to a grievance shall bear the expense of presenting its case.

(B/R 3/03)