

## NOTICE OF MEETING

Notice is hereby given that the Board of Regents of the University of Nebraska will meet in a publicly convened session on Friday, October 9, 2015, at 9:45 a.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska.

In accordance with *Board of Regents Bylaw 1.11, Amendments to the Bylaws*, notice is hereby given that at the above described meeting, amendments to Chapter IV of the Bylaws shall be proposed, as indicated in the attached agenda item. An agenda of subjects not related to the proposed Bylaw amendments will be subsequently posted in accordance the law, the Bylaws and rules which govern the Board of Regents. When so posted, the full agenda for the meeting, will be available for inspection in the office of the Corporation Secretary of the Board of Regents, Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, or at <http://nebraska.edu/board/agendas-and-minutes.html>

A copy of this notice will be delivered to the Lincoln Journal Star, the Omaha World-Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, the Lincoln office of the Associated Press, members of the Board of Regents, and the President's Council of the University of Nebraska.

Dated: September 28, 2015

Carmen K. Maurer  
Corporation Secretary  
Board of Regents  
University of Nebraska

TO: The Board of Regents  
Academic Affairs

MEETING DATE: October 9, 2015

SUBJECT: Amendments to the *Bylaws of the Board of Regents*, Chapter IV, related to Rights and Responsibilities of Professional Staff.

RECOMMENDED ACTION: Approve amendments to the *Bylaws of the Board of Regents*, Chapter IV, related to the Rights and Responsibilities of Profession Staff.

PREVIOUS ACTION: Submitted for Information Only at the August 6, 2015 meeting

EXPLANATION: It is proposed that the *Bylaws of the Board of Regents*, Chapter IV, Rights and Responsibilities of Professional Staff, be amended to include “Faculty Practice and Faculty Research Appointment” in the following paragraphs of Sections 4.3(1), 4.4 (4.4.1), 4.8, 4.9, and 4.14 (4.14.2(b), 4.14.2(b)(2), and 4.14.2(h)) in Chapter IV as follows:

**4.3 Appointments: Apportionment of Faculty**

**Responsibilities; Stated in Writing.** (a) Every appointment by the University to a position as defined in Section 3.1.1.1 of these *Bylaws* shall be in writing and signed by the Board or its authorized agent. The writing shall contain the following, and may contain additional mutually agreed upon terms:

- (1) Identification of the type of appointment, either a “Special Appointment,” an “Appointment for a Specific Term,” “Continuous Appointment,” ~~or a~~ “Health Professions Faculty Appointment,” or a “Faculty Practice and Faculty Research Appointment” as defined in Sections 4.4.1, 4.4.2, 4.4.3, ~~and~~ 4.4.7, and 4.4.8 of these *Bylaws*.

**4.4 Types of Appointments: Professional Staff.** (as defined in Section 3.1.1)

- 4.4.1 **Special Appointments.** Appointments to (a) all administrative and non-faculty professional staff positions, and (b) all appointments to faculty positions that are not “Appointments for a Specific Term,” “Health Professions Faculty Appointments,” “Faculty Practice and Faculty Research Appointments,” or “Continuous Appointments” shall be “Special Appointments.” The following types of faculty appointments shall be filled by Special Appointment only: (1) temporary appointments, (2) appointments to part-time positions, (3) appointments for less than one academic year in any rank, (4) courtesy appointments,

(5) appointments to volunteer status, (6) annual appointments beyond retirement age, (7) appointments to the rank of instructor, assistant instructor, lecturer, or senior lecturer (8) appointments to ranks preceded by the designation “visiting,” and (9) appointments supported by funds over which the University does not have control or which the University cannot reasonably expect to continue indefinitely, provided, that the total period of full-time service on a faculty Special Appointment in the rank of instructor shall not exceed seven years.

**4.8 Termination of an “Appointment for a Specific Term.” or “Health Professions Faculty Appointment” or “Faculty Practice and Faculty Research Appointment” at Expiration of the Stated Term; Rights of the Appointee.**

When the University notifies a person holding an Appointment for a Specific Term, ~~or a Health Professions Faculty Appointment,~~ or a Faculty Practice and Faculty Research Appointment, that his or her appointment will not be renewed at the expiration of the term stated, the appointee shall:

(a) Have the opportunity to request a reconsideration by any individual or group making a recommendation or decision not to renew such an appointment and to offer evidence for that reconsideration.

(b) Have the right to petition the Grievance Committee, if one is established at his or her major administrative unit pursuant to Section 4.13.1, and upon such petitioning shall have the rights provided by Section 4.13.2.

**4.9 Termination of an “Appointment for a Specific Term.” or a “Health Professions Faculty Appointment” or “Faculty Practice and Faculty Research Appointment” Prior to Expiration of the Stated Term: Reasons; Rights of the Appointee.** An Appointment for a Specific Term, ~~or a Health Professions Faculty Appointment,~~ or Faculty Practice and Faculty Research Appointment may be terminated prior to the expiration of its term only for the reasons stated in Section 4.11, and before such termination the appointee shall have the rights specified in Section 4.14.2.

**4.14 Academic Freedom and Tenure Committee.**

**4.14.2 Academic Freedom and Tenure Committee: Powers; Rules of Procedure.** The Committee established by Section 4.14.1 shall have the following powers and rules of procedure:

(b) The Committee shall consider a complaint filed against any member of the faculty seeking to terminate his or her Continuous Appointment, his or her Appointment for a Specific Term prior to the termination date stated in the appointment, or his or her Special Appointment as a faculty member prior to its termination date, or his or her Health Professions Faculty Appointment, or his or her Faculty Practice and Faculty Research Appointment prior to the end of its stated term.

(1) The Board, or the President, shall have the authority to direct that proceedings under this subsection be instituted in the manner herein provided.

(2) Any Chancellor, Dean, director, or department chair, any Grievance Committee, or Professional Conduct Committee believing that there is reasonable cause to terminate a Continuous Appointment, an Appointment for a Specific Term, ~~or a Health Professions Faculty Appointment,~~ or a Faculty Practice and Faculty Research Appointment prior to the end of its stated term, shall certify his, her or its conclusion to that effect to the President, who shall determine if the complaint has sufficient merit to warrant investigation.

(i) In cases where the grounds for termination of ~~an Continuous Appointment or an Appointment for a Specific Term~~ are based in whole or in part on questions of professional competence, no such certification shall be made until the tenured members of the faculty member's school, division or department, or college in the absence of smaller units, have been consulted on the issues involving professional competence. Such consultation shall be effected through the appropriate administrator (department chair, school or division director, or dean) calling on fourteen (14) days' notice a meeting of the tenured faculty of the unit for the specific purpose of discussing the faculty member's professional competence. Votes on substantive matters relating to the faculty member's professional competence shall be by secret ballot. The report of such meeting, in the form of approved minutes containing a summary of the matters discussed and the votes taken, shall be forwarded by the administrator to the Chancellor for transmission to the President. In cases where the grounds for termination of an appointment are based in whole or in part on questions of professional competence, no such certification shall be made until the tenured members of the faculty member's school, division or department, or college in the absence of

smaller units, have been consulted on the issues involving professional competence. Such consultation shall be effected through the appropriate administrator (department chair, school or division director, or dean) calling on fourteen (14) days' notice a meeting of the tenured faculty of the unit for the specific purpose of discussing the faculty member's professional competence. Votes on substantive matters relating to the faculty member's professional competence shall be by secret ballot. The report of such meeting, in the form of approved minutes containing a summary of the matters discussed and the votes taken, shall be forwarded by the administrator to the Chancellor for transmission to the President.

(ii) In cases where the grounds for termination of a UNMC Health Professions Faculty Appointment, or a UNL Faculty Practice and Faculty Research Appointment are based in whole or in part on questions of professional competence, no such certification shall be made until the faculty holding such a UNMC or UNL appointment who have received at least one promotion in academic rank while holding such an appointment and the tenured members of the faculty member's school, division or department, or college in the absence of small units, have been consulted on the issues involving professional competence. Such consultation shall be effected through the appropriate administrator (department chair, school or division director, or dean) calling on fourteen (14) days' notice a meeting of the eligible consulting faculty of the unit for the specific purpose of discussing the faculty member's professional competence. Votes on substantive matters relating to the faculty member's professional competence shall be by secret ballot. The report of such meeting, in the form of approved minutes containing a summary of the matters discussed and the votes taken, shall be forwarded by the administrator to the Chancellor for transmission to the President.

(h) In all proceedings before the Committee in which the termination of a Continuous Appointment, the termination of an Appointment for a Specific Term prior to its stated termination date, the termination of a Special Appointment as a faculty member prior to its termination date, or the termination of a Health Professions Faculty Appointment or a Faculty Practice and Faculty Research Appointment prior to its stated termination date are in issue, the University shall have the burden of proving adequate cause for the termination by a ~~preponderance~~ the greater weight of the evidence.

**SPONSOR:** Joel D. Pedersen  
Vice President and General Counsel

**RECOMMENDED:** Susan M. Fritz  
Executive Vice President and Provost

**DATE:** September 17, 2015