

Adopted 1/27/2018, Revised 11/1/2019

## **Nevada Faculty Alliance (NFA) Legal Defense Policy and Procedure**

### **I. POLICY PURPOSE**

The purpose of this policy is to state the accessibility of legal defense services for NFA members.

### **II. POLICY STATEMENT**

- A. Each NFA Member in good standing shall have access to legal defense in cases related to teaching, research, and administrative responsibilities and obligations and grievances at institutions of higher learning in the State of Nevada.
- B. NFA members may obtain legal defense support with respect to the grievance process and the defense of contracts on an individual or class-action level depending upon the case's merit and parameters.

### **III. PROCEDURE**

- A. NFA members may obtain legal defense support at the chapter level.
  - 1. Each chapter should have an NFA Chapter Board that includes a legal defense representative or a legal defense committee or if no such person is available, then the responsibility devolves to the Chapter President.
  - 2. The merit and parameters of each case will be evaluated individually by the NFA Chapter Legal Defense Representative with respect to Institution Policy, Collective Bargaining Agreements, Nevada System of Higher Education (NSHE) code, Nevada Revised Statute (NRS), and Federal Law and Regulations.
  - 3. If the NFA member obtains private legal counsel at their own expense, then that lawyer will take precedence over the NFA with respect to communications between the Institution and the NFA member.
  - 4. NFA may advise members and non-members depending on the merit and parameters of the case; however, priorities are given to NFA members in good standing.
- B. NFA members may obtain legal defense support at the state level.
  - 1. Once the Chapter has determined the case's merit and parameters require state support, then the case is referred to the NFA State Legal Coordinator and/or State NFA Vice President.
  - 2. The Legal Coordinator obtains all information from the NFA member and chapter legal defense representative.
  - 3. The Legal Coordinator enlists the expertise of the Legal Evaluator to determine the validity of the case and the path to resolution and may approve one to two (1 to 2) hours of initial legal counsel.
  - 4. If minimal legal counsel is recommended by the Legal Evaluator, then the Legal Coordinator and the NFA State Executive Committee may approve five (5) total hours or less of legal counsel that includes the first 2 initial hours.

5. If substantial legal counsel is recommended by the Legal Evaluator, then the NFA State Board may approve any additional hours beyond 5.
- C. NFA members may request legal defense support at the national level.
1. If the case is significant to academic freedom, then the NFA State Executive Director/AAUP Liaison may be directed by the NFA State Board to enlist the resources available through AAUP.
  2. If the case is significant to collective bargaining contract compliance, then the NFA State Executive Director/AAUP Liaison may be directed by the NFA State Board to enlist the resources available through AAUP.
  3. AAUP may provide assistance, but cannot be compelled to do so.
- D. Follow-up to case resolution
1. Each Chapter Legal Defense should provide a written report of the outcome of each case to the NFA State Legal Defense Coordinator and/or the State NFA Vice President within 30 days of the case's resolution.
  2. The NFA State Legal Coordinator and/or the State NFA Vice President should provide a Legal Defense report concerning active cases, resolved cases, and potential legal defense issues to the NFA State Executive Committee each semester and a general Legal Defense report to the NFA State Board at each NFA State Board meeting.
  3. Any NFA Member receiving NFA Legal Defense assistance should submit an evaluation of the NFA Legal Defense assistance at the Chapter, State, and/or National level within 60 days after the case's resolution.

#### **IV. AVOIDANCE OF CONFLICTS OF INTEREST**

- A. NFA advocates representing faculty in grievances or other personnel issues shall not represent a faculty member in their own major unit. If no chapter advocate is available, the state Legal Defense Coordinator may arrange for representation by a NFA advocate from another NSHE institution.
- B. For cases where there is a potential conflict of interest between the parties of a grievance or other personnel involving NFA chapter or state leadership, or other sensitive relationships, the Legal Defense Coordinator is authorized retain an outside attorney for up to two hours to evaluate the case as to whether it is in the interest of NFA to provide legal assistance and to recommend a path to resolution. Additional outside attorney time requires approvals as given in section III(B).

#### **V. GENERAL COUNSEL**

The NFA State Board may appoint a General Counsel, combining the roles of the Legal Defense Coordinator and Legal Defense Evaluator positions, to work in coordination with appropriate chapter representatives and thereby comprehensively address statewide and campus legal issues. The General Counsel shall hold a law degree and report semiannually or as requested to the NFA State Board and to the NFA state Executive Committee as often as needed.