TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 1

ORGANIZATION AND ADMINISTRATION OF THE NEVADA SYSTEM OF HIGHER EDUCATION

Section 1.1 Definitions ................................................................. 2
Section 1.2 Constitutional Authority and the Board of Regents ........................................... 3
  1.2.1 University of Nevada. ................................................................. 3
  1.2.2 Board of Regents. ................................................................. 3
  1.2.3 Function of Board. ................................................................. 4
  1.2.4 Board's Authority and Delegation of Authority ........................................... 4
Section 1.3 Purpose and Organization of the Code ................................................................. 4
  1.3.1 Scope of Code. ................................................................. 4
  1.3.2 Interpretation of Code. ................................................................. 4
  1.3.3 Amendment of the Code ................................................................. 5
  1.3.4 Institutional Bylaws ................................................................. 5
  1.3.5 Bylaws of the Unit ................................................................. 5
  1.3.6 Student Government Constitutions .................................................. 5
Section 1.4 Organization of the Nevada System of Higher Education ................................... 6
  1.4.1 Primary Missions. ................................................................. 6
  1.4.2 Chancellor's Office ................................................................. 6
  1.4.3 Branches and Member Institutions .................................................. 6
  1.4.4 Special Units ................................................................. 6
  1.4.5 Professional Staff ................................................................. 6
  1.4.6 Faculty Policy Recommendations .................................................. 6
  1.4.7 Senates. ................................................................. 6
  1.4.8 Senate and Faculty Recommendations .................................................. 7
  1.4.9 Changes in Administrative Units .................................................. 7
  1.4.10 The Council of Presidents ...................................................... 7
  1.4.11 Committees. ................................................................. 7
Section 1.5 Officers of the Nevada System of Higher Education ........................................... 7
  1.5.1 Officers and Duties ................................................................. 7
  1.5.2 Appointment of Officers ................................................................. 8
  1.5.3 Vacancy in the Office of the Chancellor .................................................. 8
  1.5.4 Vacancy in the Office of President .................................................. 8
  1.5.5 Acting Chancellor or President ...................................................... 9
Section 1.6 Administrators ................................................................. 9
  1.6.1 Appointment of Administrators ...................................................... 9
  1.6.2 Duties and Responsibilities ...................................................... 9
  1.6.3 Recruitment ................................................................. 9
Section 1.7 Descriptive Headings ................................................................. 10
Section 1.1 Definitions

As used in the Nevada System of Higher Education Code, the terms set forth below have the meanings stated herein:

(a) "Academic faculty" means:

(1) For the universities, instructional, research and library faculty, as defined by the Board of Regents, and

(2) For the state college and community colleges, instructional, counseling and library faculty, as defined by the Board of Regents. (B/R 1/03)

(b) "Administrators" means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents. (B/R 4/91)

(c) "Calendar days" means the days counted according to the calendar.

(d) "Code" means the Nevada System of Higher Education Code.

(e) "College working days," for the purpose of calculating the time periods specified in the Nevada System of Higher Education Code, means any day other than a Saturday, Sunday or legal holiday, as designated by the Nevada Revised Statutes, or designated periods of class recess as provided by an appropriate member institution.

(f) "Curricular reasons" means the term used to characterize the bona fide discontinuance, reduction in size or reorganization of an administrative unit, project, program or curriculum for bona fide reasons pertaining to the missions of the University of Nevada, resulting in the elimination of employment positions.

(g) "Faculty" means the professional staff as established in Subsection 1.4.5 of the Nevada System of Higher Education Code.

(h) "Financial exigency" means a condition that requires the bona fide discontinuance or reduction in size of an administrative unit, project, program or curriculum due to the lack of funds available and sufficient to meet current or projected expenditures.

(i) "Furlough" means a leave of absence without pay mandated by the employer because of financial exigency.

(j) "Institutional bylaws" means the bylaws of the member institutions and the special units of the Nevada System of Higher Education.
(k) "Laid off" or "lay off" means the termination of employment, for financial exigency or curricular reasons, of a nontenured faculty member before the completion of a contract term or of a tenured faculty member. (B/R 2/90)

(l) "Nonreappointment" means not appointing a nontenured faculty member for a subsequent employment appointment after the completion of the nontenured faculty member's current contract term. (B/R 2/90)

(m) "President" means the chief executive officer of a member institution, and the term shall also include the chancellor where the context of the Nevada System of Higher Education Code requires with respect to the Unit or the special units.

(n) "System" means the Nevada System of Higher Education.

(o) "System institutions" means the member institutions and the special units.

(p) "Tenure" means academic freedom and continuing employment, which may be terminated only for the reasons specified in the Nevada System of Higher Education Code.

(q) "Tenured faculty" means members of the professional staff who have received appointments with tenure.

(r) "Unit" means the combined administrative unit consisting of the Chancellor's Office, the Nevada System of Higher Education Computing Services and the University of Nevada Press.

(s) "University of Nevada" means the state university established under Article 11, Section 4 of the Nevada Constitution.

(t) "Nevada System of Higher Education" means the system of universities, colleges, research and public service units of the University of Nevada administered by the Board of Regents.

Section 1.2 Constitutional Authority and the Board of Regents

1.2.1 University of Nevada. The University of Nevada was established by the Constitution of the State of Nevada, which provides at Article 11, Section 4 that the University shall “. . . be controlled by a Board of Regents whose duties shall be prescribed by Law.”

1.2.2 Board of Regents. The membership of the Board of Regents shall be determined by law.
1.2.3 **Function of Board.** The Board of Regents is a corporate body, legally responsible for the University of Nevada. Its function is to control and manage the Nevada System of Higher Education, primarily by setting policy. Upon approval by the Board of Regents, the appropriate officers of the System shall implement such policies.

1.2.4 **Board’s Authority and Delegation of Authority.** The Board of Regents retains the right at all times to lawfully delegate authority. However, nothing in the Nevada System of Higher Education Code shall be construed as an abrogation or limitation of the lawful authority or responsibility of the Board of Regents. The Board of Regents retains the right at all times to amend or repeal the provisions of the Nevada System of Higher Education Code and to enact supplemental policies and procedures to carry out the provisions of the Nevada System of Higher Education Code.

**Section 1.3 Purpose and Organization of the Code**

1.3.1 **Scope of Code.** The Nevada System of Higher Education Code shall establish the primary organizational structure of the System and the basic personnel policies for its faculty.

1.3.2 **Interpretation of Code.** Questions of interpretation of the Nevada System of Higher Education Code shall be directed to the Vice Chancellor for Legal Affairs of the System through the presidents of the System institutions. Appeals from the Vice chancellor for Legal Affairs interpretation may be made through presidents and the chancellor to the Board of Regents. The Board of Regents’ ruling shall be final. (B/R 2/05)

1.3.3 **Amendment of the Code**

(a) Any regent, chancellor, president of a System institution or senate may propose amendments to the Nevada System of Higher Education Code by filing proposed amendments with the secretary of the Board of Regents and requesting consideration by the Board. At least 30 calendar days before consideration by the Board, proposed amendments shall be circulated to the chancellor, each System institution president and each senate for review and comment. The Board shall take final action after giving due consideration to the opinions, if any, of the senate representatives and officers of the System.
(b) If the Board of Regents finds that an emergency exists, an amendment to the Nevada System of Higher Education Code may be adopted and become effective immediately upon adoption by the Board. An amendment so adopted may be effective for a period of not longer than 120 calendar days. An emergency amendment may be adopted only once, but the adoption of an identical amendment under paragraph (a) above is not precluded. An emergency amendment of the Nevada System of Higher Education Code shall require at least seven affirmative votes of the members of the Board of Regents.

1.3.4 Institutional Bylaws. System institutions shall adopt bylaws to set forth the institution’s organizational structure and personnel policies. The adoption, amendment or repeal of institutional bylaws shall be in accordance with procedures prescribed therein and require recommendation from the president and review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of institutional bylaws or they shall be deemed approved. Where the provisions of such institutional bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board’s policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Institutional bylaws shall be posted on the institution’s Web site.

1.3.5 Bylaws of the Unit. The Unit shall adopt bylaws to set forth the unit’s organizational structure and personnel policies. The adoption, amendment or repeal of unit bylaws shall be in accordance with procedures prescribed therein and require review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of unit bylaws or they shall be deemed approved. Where the provisions of such unit bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board’s policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Unit bylaws shall be posted on the NSHE Web site.

1.3.6 Student Government Constitutions. The adoption, amendment or repeal of a student government constitution shall be in accordance with procedures prescribed therein. Prior to a vote of the students, legal counsel shall review any such proposed revisions. If approved by the student body, the revisions shall be transmitted by the president to the Chancellor for approval. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of a student government constitution or they shall be deemed approved. Where the provisions of such student government constitutions, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board’s policies shall prevail and the conflicting provisions of such student government constitutions, or other such bylaws, procedures and regulations, shall be void and of no effect whatever.
Student government constitutions shall be posted on the institution’s Web site.

(B/R 4/09)

Section 1.4 Organization of the Nevada System of Higher Education

1.4.1 Primary Missions. The primary missions of the University of Nevada are teaching, research and public and community service.

1.4.2 Chancellor's Office. The chancellor is the chief executive officer of the System. The Chancellor's Office is the headquarters of the System and consists of the chancellor and the chancellor's staff.

1.4.3 Branches and Member Institutions. The branches of the University of Nevada and the member institutions of the Nevada System of Higher Education are: University of Nevada, Reno; University of Nevada, Las Vegas; Desert Research Institute; Nevada State College, Henderson; Community College of Southern Nevada; Great Basin College; Western Nevada Community College; and Truckee Meadows Community College. (B/R 1/03)

1.4.4 Special Units. The special units are the Chancellor's Office, the Nevada System of Higher Education Computing Services and the University of Nevada Press, which, for administrative purposes, shall be combined into the Unit with the chancellor as its president.

1.4.5 Professional Staff. The System institutions shall each have a professional staff which shall be organized in accordance with institutional bylaws. The professional staff shall consist of all persons holding professional positions as defined and authorized by the Board of Regents.

1.4.6 Faculty Policy Recommendations. Under procedures which may be established by the institutional bylaws, the faculty may recommend general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions.

1.4.7 Senates. All members of the faculty of a member institution shall be represented in each such institution in which they are employed by an entity to be known as the "senate," or by another entity or entities which may be established in the institutional bylaws, and which shall be organized in conformity with institutional bylaws. All members of the faculty of the Unit shall be represented in one senate to be known as the "Unit senate," and which is to be organized in conformity with the institutional bylaws.
1.4.8 **Senate and Faculty Recommendations.** Actions of the senates may be considered by the faculty in accordance with institutional bylaws. When applicable, the recommendations of the senates, or of the faculty acting on senate actions, concerning general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions shall be transmitted to the presidents for decision or, if the Board of Regents' approval is needed, for recommendations from the presidents through the chancellor to the Board of Regents for the Board's decision.

1.4.9 **Changes in Administrative Units.** Creation, abolition or substantial alteration in the organization of administrative units within a System institution shall be approved by the president only after prior consultation with the senate or the faculty of the administrative unit of the System institution involved. For those changes requiring Board approval under Title 4, Chapter 14, Section 9, final action shall be taken by the Board of Regents upon the recommendation of the appropriate president through the chancellor. (B/R 3/10)

1.4.10 **The Council of Presidents.**

(a) The Council of Presidents shall consist of the president of each member institution. The chancellor or the chancellor's designee shall chair the Council of Presidents.

(b) The Council of Presidents shall serve as the principal method of liaison among the member institutions and shall provide counsel to the chancellor. Review of the proposed agenda for meetings of the Board of Regents, budgets and planning will normally be discussed with the Council of Presidents.

(c) The Council of Presidents will meet upon the call of the chancellor.

1.4.11 **Committees.**

(a) The chancellor may establish Nevada System of Higher Education committees and ad hoc committees to facilitate the administration of the System. The members of such committees shall be appointed by the chancellor for one-year terms and are eligible for reappointment. The chancellor shall consult with the presidents when appointing system committees.

(b) Each president may establish and appoint committees to facilitate the administration of each System institution.

Section 1.5 **Officers of the Nevada System of Higher Education**

1.5.1 **Officers and Duties.** The officers of the System are the chancellor and the presidents of the member institutions, and their duties and responsibilities are as set forth in the bylaws of the Board of Regents.
1.5.2 **Appointment of Officers.** The officers of the System shall be appointed by, and serve at the pleasure of, the Board of Regents.

1.5.3 **Vacancy in the Office of the Chancellor.** Whenever a vacancy occurs or is about to occur in the position of chancellor, an ad hoc committee composed of members of the Board of Regents shall be appointed by the Board's chair for the purpose of recruiting and screening applicants and for recommending a nominee or nominees to the Board of Regents for appointment to the position. The committee shall be provided staff assistance by the Chancellor's Office and such other assistance as it may request. Before it makes its recommendation or recommendations to the Board, the committee shall consult with an advisory committee consisting of the presidents of the System institutions, the chairs of the senates and the presidents of the student governments.

1.5.4 **Vacancy in the Office of President.**

(a) Whenever a vacancy occurs or is about to occur in the position of president of a member institution, a Presidential Search Committee composed of six members of the Board of Regents shall be appointed by the chair of the Board for the purpose of recruiting and screening and for recommending a nominee or nominees to the Board of Regents for appointment to the position. The chair of the Board shall appoint the chair of the Presidential Search Committee. The chair of the Board of Regents shall also appoint an Institutional Advisory Committee from the member institution involved composed of five faculty members nominated by the senate, three administrators, one classified or technical employee nominated by the classified or technical employees' organization, if any, and, one undergraduate student representative and one graduate student representative nominated by the appropriate student government and one alumnus. The chair may also appoint such other persons to the Institutional Advisory Committee as may be deemed necessary. The affirmative action officer of the member institution involved, if any, shall be an ex officio, voting member of the Institutional Advisory Committee. (B/R 3/06)

(b) Both committees shall review all applications for the position and shall meet jointly at the call of the chair of the Presidential Search Committee to discuss the qualifications of applicants and the recommendations of the Institutional Advisory Committee before the Presidential Search Committee schedules candidate interviews. The committees may jointly interview and evaluate candidates, after which the Presidential Search Committee shall meet to select its nominee or nominees for consideration by the Board of Regents. The Chancellor's Office shall be responsible for the search and screening process and shall provide staff assistance to the committees. The Chancellor shall hold ex officio, nonvoting membership on both committees and shall facilitate their interaction throughout the process.
1.5.5 **Acting Chancellor or President.** During a vacancy in the position of chancellor or president, the Board of Regents may appoint an acting chancellor or president, as the case may be.

Section 1.6 **Administrators**

1.6.1 **Appointment of Administrators**

(a) The appointment of the heads of administrative units below the level of vice president within a System institution, including department chairs, and all other persons reporting directly to the institutional president shall be made by the president. In the process of making such an appointment, the president or his or her designee shall consult with faculty of the appropriate administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the president. Department chairs as administrators shall be directly responsible to their supervisor or supervisors for the operation of their departments. (B/R 1/04)

(b) The appointment of vice presidents reporting directly to the institutional president, including interim or acting appointments, shall be subject to the approval of the chancellor. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the chancellor approves the appointments. Vice presidents shall serve in such positions solely at the pleasure of the institutional president. The appointment of vice presidents shall be reported to the Board of Regents by the president.

(c) The appointment of administrators reporting directly to the chancellor, including interim or acting appointments, shall be approved by the chancellor, and such appointments shall not take effect, until a written employment contract has been executed by the chancellor. Administrators in such positions shall serve solely at the pleasure of the chancellor. The appointment of such administrators shall be reported to the Board of Regents by the chancellor. (B/R 8/04)

(B/R 12/02)

1.6.2 **Duties and Responsibilities.** The duties and responsibilities of administrators described in this section shall be prescribed by the chancellor or the president, as the case may be.

1.6.3 **Recruitment.** The procedures for recruitment and screening of candidates for administrative positions described in this section shall be included in the institutional bylaws. Procedures for recruitment and screening for the position of director of the Nevada System of Higher Education Computing Services shall provide for representation in the recruitment and screening process from all System institutions.
Section 1.7 Descriptive Headings

The descriptive headings or titles immediately preceding or within the text of individual sections and subsections in the Nevada System of Higher Education Code, except the section and subsection numbers, do not constitute part of the Nevada System of Higher Education Code and are included only for convenient reference.
<table>
<thead>
<tr>
<th>Section 2.1</th>
<th>Declaration of Policy ................................................................. 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.1</td>
<td>Higher Education and the Common Good. .................................... 2</td>
</tr>
<tr>
<td>2.1.2</td>
<td>Academic Freedom ........................................................................ 2</td>
</tr>
<tr>
<td>2.1.3</td>
<td>Academic Responsibility ........................................................... 2</td>
</tr>
<tr>
<td>2.1.4</td>
<td>Acts Interfering with Academic Freedom ...................................... 2</td>
</tr>
<tr>
<td>Section 2.2</td>
<td>Applicability .............................................................................. 3</td>
</tr>
<tr>
<td>Section 2.3</td>
<td>Freedoms and Responsibility ....................................................... 3</td>
</tr>
<tr>
<td>2.3.1</td>
<td>Freedom in Research .................................................................... 3</td>
</tr>
<tr>
<td>2.3.2</td>
<td>Freedom to Publish ...................................................................... 3</td>
</tr>
<tr>
<td>2.3.3</td>
<td>Freedom in the Classroom ............................................................ 3</td>
</tr>
<tr>
<td>2.3.4</td>
<td>Faculty as Citizens ....................................................................... 3</td>
</tr>
<tr>
<td>2.3.5</td>
<td>Obligations and Responsibilities ................................................ 3</td>
</tr>
</tbody>
</table>
Section 2.1 Declaration of Policy

2.1.1 Higher Education and the Common Good. Institutions of higher education are conducted for the common good and not to further the interest of either the individual member of the faculty or the institution. The continued existence of the common good depends upon the free search for truth and knowledge and their free exposition.

2.1.2 Academic Freedom. Academic freedom is essential to these purposes and is applicable to both teaching and research. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. Freedom in research is fundamental to the advancement of truth and knowledge. A member of the faculty has freedom and an obligation, in the classroom or in research, to discuss and pursue the faculty member's subject with candor and integrity, even when the subject requires consideration of topics which may be politically, socially or scientifically controversial. In order to insure the freedom to seek and profess truth and knowledge, as stated in Section 2.3 of the Nevada System of Higher Education Code, the faculty member, as defined in Section 2.2 of this chapter, shall not be subjected to censorship or discipline by the Nevada System of Higher Education on grounds that the faculty member has expressed opinions or views which are controversial, unpopular or contrary to the attitudes of the Nevada System of Higher Education or the community. (B/R 4/02)

2.1.3 Academic Responsibility. The concept of academic freedom is accompanied by the equally demanding concept of academic responsibility. A member of the faculty is responsible for the maintenance of appropriate standards of scholarship and instruction.

2.1.4 Acts Interfering with Academic Freedom. The Nevada System of Higher Education is committed to the solution of problems and controversies by the method of rational discussion. Acts of physical force or disruptive acts which interfere with Nevada System of Higher Education activities, freedom of movement on the campuses or freedom for students to pursue their studies are the antithesis of academic freedom and responsibility, as are acts which in effect deny freedom of speech, freedom to be heard and freedom to pursue research of their own choosing to members of the faculty or to invited guests of the Nevada System of Higher Education. (B/R 4/02)
Section 2.2 Applicability

Academic freedom is the right of all members of the faculty, part-time or full-time, including graduate assistants and fellows, in the Nevada System of Higher Education. Academic freedom is also extended to the invited guests of the Nevada System of Higher Education. (B/R 4/02)

Section 2.3 Freedoms and Responsibility

2.3.1 Freedom in Research. A member of the faculty is entitled to full freedom in research and in the professional publication of the results, subject to the satisfactory performance of the faculty member's other academic duties.

2.3.2 Freedom to Publish. A member of the faculty is entitled to full freedom to publish literary, academic, technical or other noteworthy works as required in the performance of the faculty member's duties and/or obligations to the Nevada System of Higher Education. (B/R 4/02)

2.3.3 Freedom in the Classroom. A member of the faculty is entitled to freedom in the classroom in discussing a subject, but the faculty member should be careful not to persist in discussing matters, which have no relation to the subject taught.

2.3.4 Faculty as Citizens. A member of the faculty is a citizen of the community, a member of a learned profession and an employee of an educational institution. A faculty member speaking, writing or acting as a citizen shall be free from institutional censorship or discipline.

2.3.5 Obligations and Responsibilities. The special position of a member of the faculty imposes special obligations and responsibilities. As a person of learning and an employee of an educational institution, a faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances and acts. Therefore, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others and should indicate clearly that the faculty member is not an institutional spokesperson. (B/R 4/02)
TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 3

TENURE FOR UNIVERSITY FACULTY

Section 3.1 Declaration of Policy ................................................................. 2
  3.1.1 Limited to Universities ................................................................. 2
  3.1.2 Conditions on Tenure ................................................................. 2
Section 3.2 Eligibility for Tenure .............................................................. 2
  3.2.1 University of Nevada, Reno; University of Nevada, Las Vegas .......... 2
  3.2.2 Academic Faculty Paid with Short Term, Nonstate Funds ................. 2
  3.2.3 Rank O ....................................................................................... 3
Section 3.3 Probation ................................................................................ 3
  3.3.1 Probationary Period ................................................................... 3
  3.3.2 Consideration for Tenure during Probation .................................... 4
  3.3.3 Full-Time Service at Other Institutions ....................................... 4
  3.3.4 Completion of Probationary Period ............................................. 5
Section 3.4 Appointment with Tenure ...................................................... 5
  3.4.1 Recommendations and Appointment ......................................... 5
  3.4.2 Standards for Recommending Appointment with Tenure .............. 5
  3.4.3 Recommendations for Tenure .................................................... 7
  3.4.4 Notice of Tenure ....................................................................... 7
  3.4.5 Reasons for and Reconsideration of Denial of Appointment with Tenure......................................................................................... 7
  3.4.6 Tenure for Academic Faculty Occupying Administrative Positions ......................................................................................... 7
  3.4.7 Relinquishment of Tenure ........................................................... 8
  3.4.8 Transfer to the Chancellor's Office ............................................. 9
  3.4.9 Resignation or Termination ....................................................... 9
Section 3.1 Declaration of Policy

3.1.1 Limited to Universities. Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the universities of the System only.

3.1.2 Conditions on Tenure. The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges afforded by tenure.

Section 3.2 Eligibility for Tenure

3.2.1 University of Nevada, Reno; University of Nevada, Las Vegas. Except as provided in this chapter, full-time and part-time academic faculty in Rank II, Rank III, and Rank IV positions at the University of Nevada, Reno, and the University of Nevada, Las Vegas shall be eligible for tenure. For the purpose of this section, part-time academic faculty shall be equal to at least .5 FTE. Administrators may be included in this condition of eligibility, but only in the capacity of academic faculty. Full-time academic faculty in these institutions in Rank O or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances. (B/R 4/99)

3.2.2 Academic Faculty Paid with Short Term, Nonstate Funds.

(a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid with more than .5 FTE short term, nonstate funds are not eligible for such appointment with, nor shall have, tenure under any circumstances. (B/R 4/99)

(b) Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983, shall continue to be employed with tenure subject to the provisions of this Code.

(c) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon the request of the academic faculty member and the approval of the president, as part of the probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.
3.2.3 **Rank O.**

(a) Faculty placed in Rank O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Rank O position.

(b) Upon the request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Rank O position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Rank O position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

(c) Academic faculty at the University of Nevada, Reno and the University of Nevada, Las Vegas who have been placed in Rank O positions may be given such academic titles as the member institution, at the president's discretion, may consider appropriate, but such academic faculty shall not be eligible for appointment with, nor shall have, tenure under any circumstances by reason of the granting of such academic titles.

Section 3.3 **Probation**

3.3.1 **Probationary Period.**

(a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 3.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president's designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution's bylaws.
(b2) The President of the institution, without seeking Board of Regents’ approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year.

(c) Authorized periods of leave, paid or unpaid, may be excluded from service toward the seven-year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member’s request to exclude periods of leave shall be based upon the sole discretion of the president. The president’s decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed seven years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member’s request to exceed the seven-year probationary period shall be based upon the sole discretion of the President. The decision of the President is final. The request for an extension of the seven-year period of probation must state the reasons for such extension.

3.3.2 Consideration for Tenure during Probation. Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

3.3.3 Full-Time Service at Other Institutions. Upon the request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.
3.3.4 **Completion of Probationary Period.** After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be reappointed at any rank providing eligibility for such appointment unless such appointment is with tenure.

(B/R 12/11)

Section 3.4 **Appointment with Tenure**

3.4.1 **Recommendations and Appointment.** At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for appointment with tenure shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 3.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

3.4.2 **Standards for Recommending Appointment with Tenure.**

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the three standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 3.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

In standards one and two, an academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of these standards and no less than a “satisfactory” rating in the other.

1. **Standard One: Teaching/Performance of Assigned Duties**

   Either of the following:

   (A) If applying for tenure as a university 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, to evoke response in students and to demonstrate competence in advising students.)
(B) If applying for tenure as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties.

2. **Standard Two: Scholarly and Creative Activity**
Demonstrated continuing professional growth related to the academic faculty member’s discipline or program area as shown by a record of scholarly research or creative activity resulting in publication or comparable productivity.

3. **Standard Three: Service**
In addition to standards one and two, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A) Membership and participation in professional organizations;

(B) Ability to work with the faculty and students of the member institution in the best interests 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;

(C) Service on university or System committees;

(D) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

(E) 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.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used in evaluating the applicant for appointment with tenure.
The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in this subsection of the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

3.4.3 **Recommendations for Tenure.** The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures, which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

3.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or any misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

3.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

3.4.6 **Tenure for Academic Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in an administrative position is a separate and distinct concept from employment as a member of the academic faculty. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reasons or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which the appointment with tenure was made.
3.4.7  Relinquishment of Tenure.

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 3.2.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers employment from the member institution granting an appointment with tenure to another System institution, the faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold a tenured appointment under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.
3.4.8 **Transfer to the Chancellor's Office.** A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the President of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

3.4.9 **Resignation or Termination.** A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/11)
TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 4

TENURE FOR COMMUNITY COLLEGE FACULTY

Section 4.1 Declaration of Policy

4.1.1 Limited to Community Colleges

4.1.2 Conditions on Tenure

Section 4.2 Eligibility for Tenure

4.2.1 Applicable Faculty Positions

4.2.2 Faculty Paid with Short Term, Nonstate Funds

4.2.3 Range O

4.2.4 Employment by Multiple System Institutions

Section 4.3 Probation

4.3.1 Probationary Period

4.3.2 Consideration for Tenure during Probation

4.3.3 Full-Time Service at Other Institutions

4.3.4 Completion of Probationary Period

Section 4.4 Appointment with Tenure

4.4.1 Recommendations and Appointment

4.4.2 Standards for Recommending Appointment with Tenure

4.4.3 Recommendations for Tenure

4.4.4 Notice of Tenure

4.4.5 Reasons for and Reconsideration of Denial of Appointment with Tenure

4.4.6 Tenure for Faculty Occupying Administrative Positions

4.4.7 Relinquishment of Tenure

4.4.8 Transfer to the Chancellor's Office

4.4.9 Resignation or Termination
Section 4.1 Declaration of Policy

4.1.1 Limited to Community Colleges. Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the community colleges of the System only.

4.1.2 Conditions on Tenure. The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges provided by tenure.

Section 4.2 Eligibility for Tenure

4.2.1 Applicable Faculty Positions.

(a) Except as provided in this chapter, full-time academic faculty at the Community College of Southern Nevada, the Great Basin College, the Truckee Meadows Community College and the Western Nevada Community College shall be eligible for appointment with tenure. (B/R 4/99)

(b) Administrative faculty who have already been appointed with tenure as administrators prior to July 1, 1990 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code. Administrative faculty who have been employed in tenure track positions as of April 5, 1991 will continue to be eligible for tenure until the completion of their probationary periods. (B/R 4/91)

4.2.2 Faculty Paid with Short Term, Nonstate Funds.

(a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid in whole or in major part with short term, nonstate funds are not eligible for appointment with, nor shall have, tenure under any circumstances. (B/R 4/91)

(b) Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code.

(c) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon the request of the faculty member and the approval of the president, as part of the
probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment. (B/R 4/91)

4.2.3 Range O.

(a) Faculty placed in Range O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Range O position. (B/R 4/91)

(b) Upon the request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Range O position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Range O position is subsequently appointed to a range capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment. (B/R 4/91)

4.2.4 Employment by Multiple System Institutions.

(a) Full-time academic faculty who are partly employed by more than one of the member institutions identified in Subsections 3.2.1 and 4.2.1 of the University and Community College System of the Nevada Code and who are employed in positions which otherwise confer eligibility for appointment with tenure shall be eligible for such appointment in the institution having the largest portion of the qualified FTE. In the event that FTE is equally shared between such member institutions, the chancellor shall determine the member institution in which eligibility for appointment with tenure shall exist.

Section 4.3 Probation

4.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 4.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed five years of uninterrupted full-time employment.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period, and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president’s designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution’s bylaws.
(b2) The President of the institution, without seeking Board of Regents’ approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year.

(c) Authorized period of leave, paid or unpaid, may be excluded from service toward the five year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member’s request to exclude periods of leave shall be based upon the sole discretion of the President. The President’s decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed five years upon written request of the faculty member and approval of the President. The decision of whether to grant the faculty member’s request to exceed the five-year probationary period shall be based upon the sole discretion of the President. The President’s decision is final. The request for an extension of the five-year period of probation must state the reasons for such extension.

4.3.2 Consideration for Tenure during Probation. Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

4.3.3 Full-Time Service at Other Institutions. Upon the request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.
4.3.4 **Completion of Probationary Period.** After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be employed at any range unless such appointment is made with tenure.

(B/R 12/11)

Section 4.4 **Appointment with Tenure**

4.4.1 **Recommendations and Appointment.** At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for such appointment shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 4.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

4.4.2 **Standards for Recommending Appointment with Tenure.**

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the two standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 4.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

1. **Standard One: Teaching/Performance of Assigned Duties**

An academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of the following areas, whichever is applicable.

(A) 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.)

(B) 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.
2. **Standard Two: Service**

In addition to standard one, an academic faculty member being recommended for appointment with 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 interests 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.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used in evaluating the applicant for appointment with tenure.

(c) The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the standards set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in this subsection of the Nevada System of Higher Education Code.
Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

4.4.3 **Recommendations for Tenure.** The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures, which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

4.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

4.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

4.4.6 **Tenure for Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in a particular administrative position is a separate and distinct concept from employment with tenure. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reasons or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which an appointment with tenure was made.

4.4.7 **Relinquishment of Tenure.**

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 4.2.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers from the member institution granting an appointment with tenure to another System institution, the tenured faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.
Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold tenure under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.

4.4.8 Transfer to the Chancellor's Office. A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the President of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

4.4.9 Resignation or Termination. A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.
Section 5.1 Applicability ................................................................. 3
Section 5.2 Personnel Actions ........................................................... 3
5.2.1 Recommendations for Action ..................................................... 3
5.2.2 Final Approval ........................................................................... 3
5.2.3 Denial of Appointment with Tenure, Promotion or Reappointment ........ 3
5.2.4 Reconsideration of Personnel Action Denying Appointment with
Tenure, Promotion or Reappointment .................................................. 3
5.2.5 Faculty Not Eligible for Tenure. .................................................. 3
Section 5.3 Appointing Authority ........................................................ 4
Section 5.4 Appointment and Termination .............................................. 4
5.4.1 Recruitment Procedures .............................................................. 4
5.4.2 Duration of Employment Contracts ............................................. 4
5.4.3 Terms and Conditions of Employment ......................................... 6
5.4.4 When Binding ............................................................................ 6
5.4.5 Financial Reasons for Termination .............................................. 6
5.4.6 Curricular Reasons for Termination ............................................ 8
5.4.7 Procedures for Furlough, Pay Reduction or Termination of
Employment Due to Financial Exigency or Curricular Reasons ............ 8
5.4.8 Reassignment of Administrators .................................................. 11
Section 5.5 Salaries ........................................................................ 11
5.5.1 Development and Review of Salary Schedules. ......................... 11
5.5.2 Salary Schedule - Universities .................................................... 11
5.5.3 Salary Schedule – State College .................................................. 12
5.5.4 Salary Schedule – Community Colleges ........................................ 12
5.5.5 Salaries for Faculty in Rank 0 and Range 0. ................................. 12
5.5.6 DRI Salaries ............................................................................. 12
5.5.7 Unpaid Leave or Temporary Workload Increases ....................... 12
Section 5.6 Faculty Benefits ............................................................. 13
Section 5.7 Grievance Procedures ....................................................... 14
5.7.1 Authority to Establish Grievance Procedures. ............................. 14
5.7.2 Scope of Grievance Procedures .................................................. 14
5.7.3 Grievance Procedures ............................................................... 14
Section 5.8 Continuation and Termination of Faculty Appointments at Desert
Research Institute (DRI) ................................................................. 14
5.8.1 Declaration of Policy ................................................................ 14
5.8.2 Bridge Funding. ....................................................................... 14
5.8.3 Termination of Faculty Appointments ........................................ 17
Section 5.9 Notice of Nonreappointment and Notice of Termination for System,
Except DRI (B/R 2/05) ................................................................. 19
5.9.1 Minimum Notice of Nonreappointment for Nontenured Academic and
Administrative Faculty ................................................................. 19
5.9.2 Shortened Notice of Nonreappointment for Nontenured Academic
and Administrative Faculty for Financial Exigency. (B/R 2/05) .......... 19
5.9.3 Notice of Termination for Non-Tenured Academic and Administrative
Faculty hired on or after March 1, 2005, Except DRI ......................... 20
5.9.4 Notice of Termination for Non-Tenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI.............21

5.9.5 Effective Date of a Notice of Non-Reappointment or Notice of Termination ...........................................................................................................21

Section 5.10 Termination Upon Exhaustion of Leave or Falsification of Credentials ........................................................................................................21

5.10.1 Notice of Termination of Faculty after Exhaustion of Leave........21

5.10.2 Termination for Falsification of Credentials. .................................22

Section 5.11 Academic and Equivalent Ranks and Titles........................................22

5.11.1 Academic Rank. ...............................................................................22

5.11.2 Community College Titles. ...............................................................23

Section 5.12 Evaluation...................................................................................23

5.12.1 Evaluations.......................................................................................23

5.12.2 Procedures. .......................................................................................23

5.12.3 Review of Evaluations. .....................................................................23

Section 5.13 Annual Performance Evaluation of Tenured Faculty................23

5.13.1 Declaration of Policy.........................................................................23

5.13.2 Evaluation Procedure. .....................................................................24

Section 5.14 Oaths or Affirmations ...............................................................24

Section 5.15 Resignations/Leave ...................................................................25

Section 5.16 Review of Evaluations and/or Denial of Salary Increase...........25
Section 5.1  **Applicability**

Unless otherwise stated, the provisions of this chapter apply to all faculty of the System having an employment contract provided for herein, but excluding letters of appointment.

Section 5.2  **Personnel Actions**

5.2.1  **Recommendations for Action.** All recommendations for personnel actions shall be directed through regular administrative channels.

5.2.2  **Final Approval.** The president must approve all recommendations concerning appointments to employment, nonreappointment to employment of nontenured faculty members, salary, promotion, or appointment with tenure within the president's System institution. However, an appointment with tenure shall also require, before becoming effective, the approval of the Board of Regents. The president must provide 5 working days notice to the institutional faculty senate prior to approving a promotion to the position of Associate Professor (Rank III) or Professor (Rank IV). In accordance with the requirements of NRS 281.210, employees who are related to the institution president within the third degree of consanguinity or affinity must be appointed by the Board of Regents. (B/R 9/10)

5.2.3  **Denial of Appointment with Tenure, Promotion or Reappointment.** A faculty member who has been denied appointment with tenure, promotion, reappointment to employment, or who has received a notice of termination may, within 15 calendar days after notification of such denial or termination, provide a written request to the department chair, supervisor, or dean who rendered the negative decision asking for a statement in writing of the reasons for the denial or notice of termination. The response must be received by the faculty member within 15 calendar days after the appropriate administrator receives the written request for reasons. (B/R 12/06)

5.2.4  **Reconsideration of Personnel Action Denying Appointment with Tenure, Promotion or Reappointment.** Within 15 calendar days after receipt of the written reasons for denial of appointment with tenure, promotion or reappointment to employment, or for the issuance of a notice of termination, a faculty member may request reconsideration. The request shall be submitted in writing to the faculty member's department chair, supervisor, or dean who rendered the negative decision together with the reasons, arguments and documentation supporting the request for reconsideration. The request for reconsideration shall be promptly directed through regular administrative channels with recommendations for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the president after receipt of the recommendations, except that if the president, after reconsideration, decides to recommend appointment with tenure should be granted, the final decision must be made by the Board of Regents. (B/R 12/06)

5.2.5  **Faculty Not Eligible for Tenure.** Faculty of the special units and the Desert Research Institute shall not be eligible for appointment with, nor shall have, tenure under any circumstances, except for such tenured appointments as have already been made prior to July 1, 1983.
Section 5.3 Appointing Authority

The president of each System institution shall be the appointing authority for all faculty of the System institution. 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 Subsections 1.6.1 and 5.4.2 of the Nevada System of Higher Education Code.

Section 5.4 Appointment and Termination

5.4.1 Recruitment Procedures. Each System institution shall develop procedures for recruitment and selection of faculty. These procedures shall be published in the administrative manual of the System institution. Such procedures shall be consistent with the provisions of the Nevada System of Higher Education Code.

5.4.2 Duration of Employment Contracts.

(a) Except as provided in this subsection, an employment contract shall be for a term not to exceed twelve months. In any case, an employment contract's termination shall coincide with the conclusion of a fiscal year of the System. Except as provided in this subsection, an employment contract for a term in excess of twelve months or which overlaps a fiscal year requires the approval of the Board of Regents prior to being issued or becoming binding.

(b) At the time of the initial appointment to employment of a faculty member who would otherwise be eligible for tenure and after consultation with the applicable department or other similar administrative unit, a president may offer, at the president's discretion, and the faculty member may agree to accept, an employment contract for a period of up to three years which would not provide for eligibility for an appointment with tenure. A faculty member employed under such a contract shall not be eligible for appointment with, nor shall have, tenure during the period of such contract under any circumstances. At the termination of such an initial employment contract, succeeding employment contracts for periods of up to three years each under the same conditions as stated in this paragraph may be offered by the president at the president's discretion and accepted by the faculty member. Alternatively, the contract, at the discretion of the president, may be renewed on an annual basis and accepted as such by the faculty member. Faculty members accepting employment contracts authorized by this paragraph shall be placed in Rank O or Range O, as the case may be. During the term of such contracts such faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the Nevada System of Higher Education Code at the same time and under the same conditions as other faculty members of the System. An initial employment contract authorized by this paragraph for a term of up to one year shall require at least 90 calendar days notice of nonrenewal of appointment prior to the contract's termination, such a contract for a term
of two years shall require at least 180 calendar days notice of nonrenewal of appointment prior to the contract's termination and such a contract for a term of three years shall require at least 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. All succeeding employment contracts authorized by this paragraph of whatever duration shall require 365-calendar days notice of nonrenewal of appointment prior to the contract's termination. Nothing in this paragraph shall prevent the president from offering at the president's discretion, and the faculty member from accepting, an employment contract for a position providing eligibility for tenure after the termination of any employment contract authorized by this paragraph.

(c) Except as provided in this paragraph, after the third year of employment, a president may offer at the president's discretion, and a nontenured faculty member may accept, an employment contract for a period of up to three years. At the termination of such an employment contract, succeeding employment contracts for periods of up to three years each may be offered by the president at the president's discretion and accepted by the nontenured faculty member. Alternatively, the contract, at the discretion of the president, may be renewed on an annual basis and accepted as such by the faculty member. During the term of such contracts, such nontenured faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the Nevada System of Higher Education Code at the same time and under the same conditions as other faculty members of the System. The minimal notice of nonrenewal of appointment shall be as provided in Section 5.9 of the Nevada System of Higher Education Code. The provisions of this paragraph shall not be applicable to faculty employed for a probationary period in a position providing eligibility for tenure or employed under paragraph (b) herein. The president may establish specific criteria in the institutional bylaws for issuance of extended contracts under this paragraph. Nothing in this paragraph shall give rise to any appointment or eligibility for appointment with tenure under any circumstances.

(d) Nontenured faculty at the William S. Boyd School of Law, after the third year of employment, may be offered and may accept an employment contract for a period of up to five years. At the termination of such an employment contract, succeeding employment contracts for periods of up to five years each may be offered. All such employment contracts shall be on the same basis as, and subject to the same limitations, terms and conditions as those described in paragraph (c) herein. (B/R 12/08)

(e) The appointment of athletic coaches and assistant coaches, including interim or acting appointments, shall require only Chancellor approval as long as a) the contract does not exceed 24 months, including option periods and b) the salary is $150,000 or less for a contract year. For these purposes salary does not include standard perquisites available to all NSHE employees nor does it include performance bonuses if such bonuses would not exceed $25,000 in any contract year. Such appointments shall not take effect, and no employment contracts for such
positions shall be issued or binding, until the Chancellor approves the
appointments. The appointments shall be reported to the Board of
Regents by the President on approval by the Chancellor. (B/R 8/08)

5.4.3 **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 Nevada System of Higher Education Code, 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.

5.4.4 **When Binding.** An employment contract shall not be binding until executed by
both the appointee and the appointing authority and approved as may be
provided in this Nevada System of Higher Education Code.

5.4.5 **Financial Reasons for Termination.**

(a) A faculty member may be furloughed, have pay reduced, or be laid off as
an employee before the end of the contract term because of a financial
exigency declared by the Board of Regents. For faculty members of the
Desert Research Institute, however, refer to Section 5.8 of the Nevada

(b) Faculty members may be furloughed, have pay reduced, or be laid off
under this subsection for a financial exigency upon a declaration of the
Board of Regents, after a recommendation for same by the chancellor
and by the presidents of the System institutions to be affected by the
proposed financial exigency, that a financial exigency exists in the
System, a System institution, or an administrative unit of a System
institution. Nothing in this provision shall prevent the layoff of a faculty
member under this subsection without such a declaration of the Board of
Regents when such faculty member’s employment contract contains the
specific provision that such faculty member’s continued employment
during the term of the contract is dependent on the availability of funds,
nor is a declaration of financial exigency (with the accompanying
requirements of Section 5.4.7) required in order for the Board of Regents
to consider and implement pay reductions or unpaid leave equating to 6%
(six percent) or less of base pay as a result of final legislative action to
generally reduce all state employee pay by that amount. Such
legislatively authorized pay reduction shall not be implemented earlier
than the start of the next fiscal year commencing after the date of Board
of Regents approval nor without first considering the recommendation of
the Chancellor and the Council of Presidents after consultation with the
faculty senates, with consideration of alternative means of reducing
expenses to meet budget reductions and methods of maintaining
recognition of base pay and salary schedules. The pay reductions or
unpaid leave shall be for no more than two years. If the final legislative
action continues to generally reduce all state employee pay beyond a two
year period, the Board of Regents may likewise extend such reductions
beyond two years, up to a cumulative cap of 6% for the entire period of
the reduction, based on the same process of consultation and
recommendation required for the initial implementation.
(c) Before a recommendation is made to the Board of Regents by the chancellor and the president or presidents that a financial exigency should be declared:

1. The chancellor and the president or presidents shall be satisfied that all available means to reduce the expenditure levels (i) are exhausted, (ii) would not be adequate, (iii) would not be feasible or (iv) would not be appropriate.

2. The president or presidents shall seek the advice of the senates or senate representatives of System institutions to be affected by the proposed declared financial exigency concerning said exigency and such advice shall be forwarded to the Board of Regents along with recommendations of the chancellor and the president or presidents.

(d) After a financial exigency has been declared by the Board of Regents, depending upon the circumstances, the Board may choose to immediately implement a financial exigency or authorize the following provisions to be put into effect:

1. Each System institution affected shall select an ad hoc financial exigency committee to prepare recommendations for a plan to implement the discontinuance or reduction in size of administrative units, projects, programs or curricula, to include furloughs, pay reductions or faculty lay-offs if necessary, due to the financial exigency. Each such plan shall establish the criteria necessary for recommending and determining such actions.

2. The president shall determine the number of persons to serve on the ad hoc financial exigency committee, shall choose the chair of the committee and, in addition, shall choose one half of the remaining membership of the committee. The senate shall elect one half of the membership of the committee. The chair shall vote only in case of a tie vote. The plan recommended by the committee must receive the approval of the president.

3. The plan, as approved by the president, must be submitted to the chancellor within a time limit agreed to by the president and the chancellor. If the plan is not submitted within that time, the chancellor, at the chancellor's option, may extend the time for such submission or may prepare a plan for the System institution which fails to submit such plan within the time limit set or as may be extended.

4. In the case of a System-wide financial exigency, all plans must be forwarded to the Council of Presidents for review and recommendations as to any necessary coordination between the System institutions in the implementation of the plans and to harmonize or eliminate any material conflicts in the plans.
5. All plans must be reviewed by the chancellor and the president or presidents before being forwarded to the Board of Regents.

6. All plans must be forwarded to the Board of Regents with the recommendations of the chancellor and the president or presidents and all plans must receive the approval of the Board, which shall be final. The Board may appoint an ad hoc financial exigency committee composed of members of the Board to work with the System institutions in preparing and reviewing plans and to report to the Board concerning plans prior to their consideration by the full Board.

7. A plan shall take into consideration the affirmative action goals of the System, the responsibility of the System and the System institutions to continue to offer the appropriate ranges of programs or curricula to its enrolled students and the missions of the University of Nevada.

(e) A financial exigency, once declared, may be reviewed every 180-calendar days or sooner if appropriate, by the Board of Regents on the issue of whether it should continue or be declared ended. Before making a recommendation to the Board of Regents on whether a state of financial exigency should be continued or be declared ended, the president or presidents shall seek the advice of the senates of the System institutions to be affected by the financial exigency and shall obtain their respective recommendations concerning whether the state of financial exigency should continue or be declared ended. The senate recommendations shall be forwarded to the Board of Regents along with the recommendations of the chancellor and the president or presidents.

(B/R 6/10)

5.4.6 Curricular Reasons for Termination. A faculty member may be laid off because an administrative unit, project, program or curriculum has been discontinued, reduced in size or reorganized for bona fide reasons pertaining to the missions of the System institutions resulting in the elimination of the faculty member's position. Such curricular revisions shall come as a consequence of the academic planning process as established in writing and approved by the presidents of the member institutions affected, and which may be set forth in the institutional bylaws. For faculty members of the Desert Research Institute, however, refer to Section 5.8 of the Nevada System of Higher Education Code.

5.4.7 Procedures for Furlough, Pay Reduction or Termination of Employment Due to Financial Exigency or Curricular Reasons.

(a) If a faculty member is furloughed, pay is reduced or the faculty member is threatened with lay off or is laid off because of financial exigency or for curricular reasons as provided in this chapter, the provisions of this subsection shall be applicable.
(b) The faculty member shall be continued in employment, if possible and if such employment does not result in the termination of employment of another faculty member, in an appropriate qualified professional capacity within the System institution involved.

(c) If a faculty member is laid off for the above stated reasons, the faculty member's position will not be filled within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level.

(d) If a faculty member is notified of a lay off for curricular reasons on or before December 1 of the faculty member's current contract year, the layoff shall not be in effect until the following June 30. If a faculty member is notified of a lay off for curricular reasons after December 1 of the faculty member's current contract year, the layoff shall not be in effect until the completion of the contract year immediately following the June 30 of the contract year of notice.

(e) A lay off for financial exigency shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the salary of the faculty member being laid off for such period, the notice period of termination may be shortened to a period commensurate with the amount of funds reasonably available to make such payments. Notice of furlough or pay reduction for financial exigency shall require at least 15-calendar days notice.

(f) Notice of the furlough or pay reduction of faculty members for financial exigency or notice of a lay off for financial exigency or curricular reasons, except for notice of nonreappointment to employment of faculty members given under Subsections 5.4.2, 5.8.2, 5.9.1 or 5.9.2 of the Nevada System of Higher Education Code, shall be in writing and shall furnish the faculty member with a reasonably adequate statement of the basis for the decision to furlough, reduce pay or lay off the faculty member, a reasonably adequate description of the manner in which the decision was arrived at and a reasonably adequate disclosure of the information and data upon which the decision-maker or makers relied. The notice shall also inform the faculty member of the right to reconsideration, the procedures for reconsideration and the identity of the person or persons to whom a request for reconsideration should be directed.

(g) Within 15 calendar days after receipt of the notice of furlough, pay reduction or lay off, the faculty member may request reconsideration of the decision to furlough, reduce pay or to lay off at which time the following provisions and procedures are applicable:

1. The reconsideration process shall be limited in its scope to the issue of whether there is sufficient evidence to support the specific decision to furlough, reduce pay or to lay off the faculty member requesting the reconsideration or whether there has been material
deviation from the procedures established on which such a specific furlough, pay reduction or lay off decision has been based, or both. There shall be no reconsideration of the policy decisions to declare a financial exigency, to discontinue or reduce in size an administrative unit, project, program or curriculum because of financial exigency or to discontinue, reduce in size or reorganize an administrative unit, project, program or curriculum because of curricular reasons.

2. In the event decisions are made to furlough, reduce pay or to lay off faculty members under this section because of financial exigency or because of curricular reasons, the president shall establish one or more employment review committees. The president shall determine the number of persons to serve on each committee, shall determine their terms of service, shall choose the chair of each committee and, in addition, shall choose one half of the remaining membership of each committee. The senate shall elect one half of the membership of each committee. A chair shall vote only in case of a tie vote. No one who took part in making the specific recommendation to the president to furlough, reduce pay or to lay off the faculty member requesting the reconsideration may be a member of an employment review committee.

3. The request for reconsideration shall be submitted in writing to the president, together with the reasons, arguments and documentation supporting the request for reconsideration. The president shall immediately send the request for reconsideration, together with a copy of the notice of furlough, pay reduction or lay off, to the employment review committee.

4. The employment review committee shall hold a hearing on the request for reconsideration within 15 calendar days of its receipt or, given the number of requests that may be received, as soon after that time limit as is reasonably feasible. The hearing shall be informal and nonadversarial in nature. The committee shall have the discretion to consolidate hearings.

5. The faculty member requesting reconsideration may have an advisor. Evidence presented must possess reasonably probative value, materiality and relevancy to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decision to furlough, reduce pay or to lay off cannot be sustained.

6. The System institution in which the furlough, pay reduction or the layoff is due to take place shall have an opportunity through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the committee.
7. The employment review committee shall forward its written recommendation to the president on the issue or issues presented by the request for reconsideration within 10 calendar days after the conclusion of the hearing. The president shall make a decision within 5 calendar days after receipt of the recommendation. The president's decision shall be final and shall be sent, in writing, to the faculty member requesting reconsideration.

(h) The review provided by this subsection for furloughs, pay reductions or for lay-offs because of financial exigency or curricular reasons shall be the exclusive means of review of such decisions. However, such review shall not be applicable to the issuance of notices of nonreappointment to employment of faculty members as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the Nevada System of Higher Education Code.

(B/R 6/10)

5.4.8 **Reassignment of Administrators.** An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. 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 the System institution in which the administrator was employed 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 the System institution. Nothing in this section shall be interpreted as abrogating the notice of nonreappointment provisions of Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the Nevada System of Higher Education Code.

Section 5.5 **Salaries**

5.5.1 **Development and Review of Salary Schedules.** Salary schedules for the universities, special units, state college, and the community colleges shall be reviewed every four years, in an odd numbered year, by joint efforts of the faculty, the presidents and the chancellor. The salaries paid to part-time instructors shall be reviewed every four years, including a review of benefits paid. Any proposed revisions to the schedules shall not go into effect until approved by the Board of Regents. (B/R 2/08)

5.5.2 **Salary Schedule - Universities.** The salary schedule for academic faculty at the universities shall be related to academic rank, as defined in Section 5.11 of the Nevada System of Higher Education Code, except for faculty in Rank O as provided in Subsection 3.2.3 of the Nevada System of Higher Education Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the Nevada System of Higher Education Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators. (B/R 1/03)
5.5.3 **Salary Schedule – State College.** The salary schedule for academic faculty at the state college shall be related to academic rank, as defined in Section 5.11 of the Nevada System of Higher Education Code, except for faculty in Rank 0 as provided in Subsection 7.2.3 of the Nevada System of Higher Education Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the Nevada System of Higher Education Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators. (B/R 1/03)

5.5.4 **Salary Schedule – Community Colleges.** All community colleges in the Nevada System of Higher Education shall adopt a single salary for the academic faculty, except for faculty in Rank 0 as provided in Subsection 4.2.3 of the Nevada System of Higher Education Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.10 of the Nevada System of Higher Education Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators. (B/R 1/03)

5.5.5 **Salaries for Faculty in Rank 0 and Range 0.** Faculty employed in Rank 0 and Range 0 shall receive such salaries as are approved by the presidents. Salaries for such faculty may be identical with salary schedules establishing ranks or ranges, but this provision shall not be interpreted to mean that such faculty is employed in any rank or range other than 0, nor to mean that such faculty is eligible for tenure.

5.5.6 **DRI Salaries.** The Desert Research Institute will determine initial salaries of its faculty based upon their qualifications and the requirements of the rank and position. Annual salary adjustments thereafter will be based on cost of living changes, incentive and/or merit, promotion and equity. The DRI shall utilize a ranking system for its personnel, to consist of Ranks 0 through IV. (B/R 6/05)

(B/R 1/03)

5.5.7 **Unpaid Leave or Temporary Workload Increases.**

Notwithstanding Title 2, Section 5.4, as the 75th Session of the Nevada Legislature has explicitly appropriated a lower amount for NSHE salaries than would otherwise be authorized and appropriate according to the NSHE salary policies, the Board of Regents does hereby and for the 2009-2011 biennium only, temporarily reduce salaries through the use of unpaid leave in an amount equivalent to the amount of legislative salary cut for FY 2011. The Board shall, to the extent feasible, devise methods that protect base compensation and benefits and shall offer tenured faculty an alternative of unpaid teaching workload increases in lieu of unpaid leave. The various Presidents shall consult with their respective faculty senates regarding the implementation of this section. Unpaid leave or temporary workload increases required by this section are final and not subject to appeal, grievance or reconsideration. The provisions of this section shall constitute constructive notice to all faculty and no individual notice to any such faculty member shall be required hereunder to implement the foregoing. To the extent any conflict or inconsistency between this and any other section of the Code exists, the provisions of this section shall control. This section will terminate on June 30, 2011.

(B/R 09/09)
Section 5.6  Faculty Benefits

5.6.1  The Board of Regents, with the consultation of the officers of the System and the senates, may adopt such policies concerning fringe benefits for faculty as are considered appropriate. These may include, but are not limited to, policies concerning annual leave, sick leave, sabbatical leave, consulting services, retirement, insurance, tax-sheltered annuities and grants-in-aid. These policy statements shall be codified as provided by the Board of Regents’ Bylaws, and it shall be the responsibility of each president to include such policy statements, or a summary thereof, in the administrative manual or faculty handbook of the member institution or special unit. Failure to include such policy statements or summary in an administrative manual or faculty handbook shall not inure to the benefit of a faculty member.

5.6.2  Personnel and payroll files of Nevada System of Higher Education professional staff are confidential. Personnel and payroll records may only be released pursuant to the written authorization of the professional staff member or pursuant to a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter. The provisions of Title 2, Chapter 5, Sections 5.6.2 and 5.6.3 apply to letters of appointment. (B/R 12/05)

(a)  The professional staff member shall have access to his or her official personnel and payroll files, and the professional staff member may grant access to such files to a representative with a written authorization from the staff member. The following additional personnel shall have access to a professional staff member’s personnel and payroll files solely for reasons germane to the performance of their official duties: the staff member’s supervisors, which may include a departmental chair, dean, director, vice-president, provost, president, and chancellor; institution payroll officers; institution Personnel officers, which may include appointed disciplinary officers; System legal counsel; internal auditors; members of the Board of Regents; faculty senate chair; and confidential institution committees including but not limited to tenure and grievance committees. (B/R 1/04)

(b)  The following information in these personnel files is public information and must be disclosed to the public upon request: the employee’s name, title, job description, compensation and perquisites, business address and business telephone numbers, beginning date of employment and ending date of employment, educational background and work history. (B/R 12/06)

(B/R 1/02)

5.6.3  Any information contained in employment application materials (e.g. letters of interest, curriculum vitae, application, employment and educational records, publications or work samples) submitted for consideration of employment within NSHE are confidential, except the position of Chancellor, during search processes until such time as a candidate accepts employment within NSHE. During search processes, such documents can only be released pursuant to
the written authorization of the prospective professional staff member or a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter. Upon acceptance of an employment offer, information contained in the application materials as stated in 5.6.2 (b) shall become public records. (B/R 12/06)

Section 5.7 Grievance Procedures

5.7.1 Authority to Establish Grievance Procedures. Each System institution may establish in their respective institutional bylaws procedures for reviewing faculty grievances as defined in Subsection 5.7.2 of the Nevada System of Higher Education Code.

5.7.2 Scope of Grievance Procedures. A grievance is 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 promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the Nevada System of Higher Education Code or institutional bylaws. Decisions of the Board of Regents are not subject to review by grievance procedures. Any decision which involves the nonreappointment to or termination of employment of faculty as provided in Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the Nevada System of Higher Education Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures. (B/R 12/06)

5.7.3 Grievance Procedures. In a System institution, which elects to establish grievance procedures, the institutional bylaws shall establish the procedures to be used in reviewing grievances. However, if a multi-member grievance committee, board or panel is established, the institutional bylaws must provide that each such grievance committee, board or panel shall represent the administration and the faculty of the System institution. Such institutional bylaws must also provide that hearings before a grievance officer, committee, board or panel shall be informal in nature. The institutional bylaws must provide that the decisions of the grievance officer, committee, board or panel shall be in the form of recommendations and are advisory only. Such recommendations shall be sent to the president.

Section 5.8 Continuation and Termination of Faculty Appointments at Desert Research Institute (DRI)

5.8.1 Declaration of Policy. The DRI derives the vast majority of its funding for salaries of its research faculty from grants and contracts. While it is in the best interest of the DRI and its faculty either to have grants and contracts renewed or to replace them in new areas of research, this is not always possible. It is, therefore, necessary that the DRI have the flexibility to fund faculty during times of reduced funding so that they may recover their funding and remain productive.

5.8.2 Bridge Funding. Bridge funding defines conditions and mechanisms under which research faculty, otherwise in good scientific standing, who find themselves in serious financial circumstances, can be helped to bridge such temporary times. This process is intended to smooth out unpredictable and
unavoidable fluctuations through an opportunity to recover stability through short-
term changes of direction and fields of endeavor. Bridge funding is available to
all research faculty but not available to Executive Directors and Vice Presidents
and Rank 0 Faculty.

Faculty on bridge funding remain in good standing and are entitled to all faculty
rights and privileges defined by the NSHE and DRI. The faculty member will
continue to accrue service days and is eligible for all funds within DRI. Bridge
funding is not severance pay nor is it a benefit earned without further obligation.
Bridge funding is available only to faculty in Professor ranks II, III, and IV and
those in Research Associate ranks I, II, III, and IV. Bridge funding duration is
based on service days, which are defined as one day for each calendar month of
uninterrupted employment and are prorated as a percent of contract (i.e. 0.50
FTE is one half day per month). The maximum number of service days is one
year. Rank days are: 20 working days for Rank I and II personnel, 40 working
days for Rank III personnel and 60 working days for Rank IV personnel.
Postdoctoral positions accumulate no rank or service days.

(a) Conditions. A faculty member will be placed on bridge funding by the
Executive Director of their Research Unit if for three consecutive months
the faculty member generates less than 50% of their appointment salary
and benefits from all funding sources external to their research unit and
approved for use (including but not limited to grants, contracts, other
external funding, recharge centers, institutional project assignments,
sabbatical leave, and other DRI funds). The Executive Director, with the
faculty member approval, may seek a temporary waiver from the
President of DRI so that the faculty member is not placed on bridge
funding. Placement on bridge funding may be appealed by a faculty
member to a DRI-wide committee established by the Faculty Senate and
reporting to the President. If the committee finds and the President
concurs that bridge funding was not justified, then the faculty member
shall be reinstated with all service days restored.

Bridge funding shall not begin until after three consecutive months of
reduced (<50%) funding. A recovery plan shall be negotiated by the
faculty member and Research Unit Executive Director (or designated
representative) during the first two weeks of bridge funding. If the faculty
member and the Executive Director are unable to reach concurrence on
the recovery plan, the faculty member or the Executive Director may
appeal to a DRI-wide committee established by the Faculty Senate and
reporting to the President. If the faculty member does not follow the
agreed upon recovery plan termination for cause may follow. Bridge
funding shall be used to support faculty salary to further proposal
development and other duties negotiated with the Research Unit or DRI
Administration. Faculty receiving bridge funding shall meet all contract
requirements and may change their appointment percentage with
approval of the Research Unit Executive Director. The minimum level of
appointment during bridge funding is 51% of a full-time equivalent
position.
(b) **Review of Recovery Plan.** The faculty member and appropriate Executive Director will review the recovery plan before 50% of the bridge funding is spent. If they concur that the Recovery Plan is inadequate, then the plan shall be rewritten within two weeks. The approval and review mechanism that applies to the original recovery plan shall also apply to rewrites of the recovery plan.

(c) **Extension and Service Days.** While a faculty member is receiving bridge funding, any work performed to complete other funded responsibilities shall be charged to those sources. Expenditure of time not covered by these sources shall be charged to a bridge funding account. Bridge funding will be considered a pool of funds similar to any other account that a faculty member may use. It is up to the faculty member to manage these funds in a manner that best benefits him or her. Charges to accounts other than the bridge funding account shall extend the duration of bridge funding in an amount equal to the time charged to extramural sources. Time will be charged based on percent of effort, similar to other accounts. Use of bridge funding shall expend service days that a faculty member has accumulated based on length of service.

(d) **Reinstatement.** Bridge funding shall end and the faculty member will not face termination when 70% or more funding of salary and benefits of the desired contract has been demonstrated for the past nine months or upcoming nine months or more from all funding sources external to the research unit. Service days expended under bridge funding shall not be reinstated.

(e) **Notice of Nonreappointment.** An executive director or vice president shall determine whether a professional contract of a DRI faculty member shall be given a notice of nonreappointment. A notice of nonreappointment must be approved by the President. Rank III research faculty with two total years of full-time employment and Rank IV research faculty with one total year of full-time employment at DRI are not subject to nonreappointment as a means for termination. The minimum notice for full-time employees shall be 1) one working day of notice for each calendar month of uninterrupted employment for all rank I associate track employees, 2) one working day of notice for each calendar month of uninterrupted employment plus 20 working days for rank II employees, 3) one working day of notice for each calendar month of interrupted employment plus 40 working days for rank III employees, and 4) one working day of notice for each calendar month of uninterrupted employment plus 60 working days for rank IV employees. All service days are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). Administrative Faculty (rank 0) employed by DRI after (July 1, 2005), will receive 60 working days of notice of nonreappointment. Administrative faculty already employed by DRI on or before July 1, 2005, may use 60 working days or their earned service days; whichever is larger as their nonreappointment notice. The maximum amount of notice that any faculty member can accrue shall not extend beyond 12 calendar months. The affected faculty member can request a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision. (B/R 12/05)
5.8.3 **Termination of Faculty Appointments.** Vice Presidents and Executive Directors, determine continuation and termination of appointments of personnel who report to them. Termination decisions shall be made in consultation with the President or appropriate Vice President as set forth in Chapter 5 of the NSHE Code. Employment may be terminated for:

(a) **Cause (Chapter 8 of the NSHE Code).** Termination for cause involves any prohibited activity, listed in Section 8.3 of NSHE Code.

A decision resulting in the termination of a faculty member for cause may be appealed to the Board of Regents. See, Chapter 8, Sections 8.4.6, NSHE Code. (B/R 12/05)

(b) **Programmatic or Adverse Financial Conditions (Chapter 5 of the NSHE Code).** DRI Faculty function through their diverse disciplines coupled to their ability, directly or indirectly, to raise funds from outside the Institute for their projects and associated personnel. The Institute derives much of its strength from this combined function. It is inevitable that some individuals will experience extremes of funding – both increasing and decreasing.

The minimum level of appointment during bridge funding is 51% of a full-time equivalent position. The Research Unit Executive Director shall advise and counsel faculty members on bridge funding to implement the recovery plan and obtain funding to return to regular faculty status. The faculty member has the primary responsibility to recover their funding.

1. **Notice of Termination.** A DRI research faculty member’s employment may be terminated during the contract term for programmatic or adverse institutional financial conditions. Notice of termination shall follow the period of bridge funding for research faculty (for those faculty in Professorial ranks II, III, and IV and Research Associate ranks I, II, III, and IV) if the faculty member is unable to generate sufficient funds to meet the requirements for reinstatement. Termination is the only option available for a decision “not to reinstate.” Research Faculty will receive a termination time equal to their rank days as defined under bridge funding. A faculty member receiving notice of termination shall remain under contract (full or partial at a minimum of 51% of an annual “A” contract) and work to meet the conditions of reinstatement. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. The deadline for termination shall not be extended for faculty who renegotiate their contract to less than 100% of an annual “A” contract (each rank day will count as one termination day). The faculty who elect to remain under contract are expected to meet the obligations of their contract to obtain termination funding. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports only to the President, who makes the final decision.
2. **Conditions.** For research faculty, notice of termination shall be given when bridge funding is exhausted and the faculty member has not regained at least 70% funding of salary and benefits from all sources external to the research unit for the upcoming nine months for the desired contract. The date of termination shall be computed from the point of bridge funding exhaustion until all rank days are expended. Rank days are defined above in the bridge funding section. The Executive Director(s) or designated representative will continue to advise and counsel faculty members on termination funding to obtain extramural funding to end the termination.

3. **Reinstatement.** Faculty members who have received notice of termination may be reinstated by demonstrating 70% funding or more from all sources external to the research unit for the upcoming nine months for their desired contract. At this point, the faculty member’s termination notice shall be revoked and all rank days reinstated.

4. **Contract Discontinuance for Research Faculty.** If a faculty member who has received notice of termination is unable, by the termination date, to regain 70% funding or more from all sources for the upcoming nine months for their desired contract it will be terminated immediately. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. Faculty who elect to remain under contract are expected to meet the obligations of their contract.

5. **Notice of Termination for Rank 0 Faculty.** Rank 0 Faculty may receive employment termination due to programmatic or adverse financial conditions. Administrative Faculty employed by DRI after the time of the adoption of this document June 23, 2005, will receive 60 working days of termination notice before contract will be terminated during the contract term. Administrative faculty already employed by DRI at the time of the adoption of this document June 23, 2005 may use sixty (60) working days or their earned service days, whichever is larger as their termination notice. The maximum termination notice by accumulated service days cannot exceed one year. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports to the President, who makes the final decision. (B/R 11/07)

6. **Notice of Termination or Non-Reappointment of Post Doctoral Faculty.** Post-doctoral employees will receive a minimum notice for termination of existing contract of 60 working days and the cause for this termination. They may also file a request for a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.

(B/R 6/05)
Section 5.9 Notice of Nonreappointment and Notice of Termination for System, Except DRI. (B/R 2/05)

5.9.1 Minimum Notice of Nonreappointment for Nontenured Academic and Administrative Faculty. Except as provided in Subsections 5.4.2, 5.9.2, 5.9.3 and 5.9.4 of the Nevada System of Higher Education Code, and unless provided otherwise in an employment contract, notice of nonreappointment to employment of nontenured academic faculty and administrative faculty hired before March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units shall be given: (B/R 2/05)

(a) Not later than March 1 of the first academic or fiscal year of service, if the employment contract terminates at the end of that year, or if an employment contract for a one year appointment terminates during an academic or fiscal year, at least 90 calendar days in advance of its termination;

(b) Not later than December 15 of the second academic or fiscal year of service, if the employment contract terminates at the end of that year, or if the second employment contract for a one year appointment terminates during an academic or fiscal year, at least 180 calendar days in advance of its termination;

(c) At least 365 calendar days in advance of the termination of each succeeding employment contract of one academic or fiscal year's duration after the second year of service;

(d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, no less than 14 calendar days in advance of the termination of such contracts.

5.9.2 Shortened Notice of Nonreappointment for Nontenured Academic and Administrative Faculty for Financial Exigency. (B/R 2/05)

(a) Nonreappointment of a nontenured academic or administrative faculty member at the end of an existing employment contract by a System institution because of a financial exigency declared by the Board of Regents under Subsection 5.4.5 of the Nevada System of Higher Education Code shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the terminating faculty member's salary for such period, the notice of nonreappointment may be shortened to a period commensurate with the amount of funds reasonably available to make such payments. (B/R 2/05)

(b) If a nontenured academic or administrative faculty member is not reappointed to employment under the shortened notice of nonreappointment because of financial exigency, the faculty member's position will not be filled by a new appointee within a period of two years,
unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level. (B/R 2/05)

(c) Nothing herein shall prevent the System institutions from not reappointing nontenured academic or administrative faculty members at the end of the term of their employment contracts because of financial reasons without a declaration of financial exigency by the Board of Regents under Subsection 5.4.5 of the Nevada System of Higher Education Code if the notice of nonreappointment provided by Subsections 5.4.2, 5.8.2 or 5.9.1 of the Nevada System of Higher Education Code is given. (B/R 2/05)

5.9.3 Notice of Termination for Non-Tenured Academic and Administrative Faculty hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.2 and 5.9.4 of the Nevada System of Higher Education Code, and unless otherwise provided in the contract of employment, non-tenured academic and administrative faculty hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given notice of termination by the appointing authority at any time after the commencement of employment. Such (non-reappointment) termination notice: (B/R 12/05)

(a) If in the first academic or fiscal year of service shall be given at least 90 calendar days in advance of date of termination;

(b) If in the second academic or fiscal year of service shall be given at least 180 calendar days in advance of date of termination;

(c) If in the third and subsequent years of service shall be given at least 365 calendar days in advance of the date of termination;

(d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, shall be given no less than 14 calendar days in advance of the termination of such contracts.

The contract of employment of a non-tenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

For non-tenured academic faculty if the notice period expires during the semester the contract terminates at the end of the semester.

(B/R 2/05)
5.9.4 Notice of Termination for Non-Tenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.2 and 5.9.3 of the Nevada System of Higher Education Code, and unless otherwise provided in the contract of employment, non-tenured administrators of the rank of Dean or higher to include those who directly report to the Provost or President, hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given a notice of termination by the appointing authority at any time after the commencement of employment. Such notice of termination shall be given: (B/R 12/05)

a. 60 calendar days after the receipt of written notice of termination, in the first full or partial fiscal year of employment;

b. 90 calendar days after the receipt of written notice of termination, in the second fiscal year of employment;

c. 120 calendar days after the receipt of written notice of termination, in the third or subsequent fiscal year of employment.

The contract of employment of a non-tenured administrative faculty member at the rank of Dean or higher is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

(B/R 2/05)

5.9.5 Effective Date of a Notice of Non-Reappointment or Notice of Termination

The effective date of a Notice of Non-Reappointment under Subsections 5.9.1 and 5.9.2, or a Notice of Termination under Subsections 5.9.3 and 5.9.4 is the date of delivery if hand-delivered, or if mailed, the date of mailing. Notices are deemed received on the date the notice is hand-delivered or the date the notice is mailed. (B/R 12/05)

Section 5.10 Termination Upon Exhaustion of Leave or Falsification of Credentials

5.10.1 Notice of Termination of Faculty after Exhaustion of Leave.

(a) A tenured or nontenured faculty member who is not able to return to work after the exhaustion of all available leave and the expiration of any extended sick leave granted under Title 4, Chapter 3, Section 12 (7) or Title 4, Chapter 3, Section 12 (8) shall be entitled to 15 calendar days notice of termination.

(b) The provisions of Title 2, Chapter 6, do not apply where an employee is unable to return to work after the exhaustion of all available leave and the expiration of any extended sick leave.

(B/R 2/05)
5.10.2 Termination for Falsification of Credentials.

(a) It is the policy of the Nevada System of Higher Education that all academic faculty (including academic faculty on letters of appointment) and professional staff positions shall require a minimum of a bachelor’s degree, or appropriate professional experience in lieu of post secondary education equivalent to such degree, and that all such academic degrees shall have been awarded by an accredited institution as recognized by the United States Department of Education and/or the Council on Higher Education Accreditation (CHEA). All vacancy announcements or advertisements for faculty and professional staff positions shall include explicit reference to these requirements. If the applicant earned their degrees outside of the United States, the applicant must have their transcripts evaluated by an approved evaluating entity. The expense of the evaluation shall be born by the applicant. Each institution shall independently verify academic credentials within 30 calendar days from the effective date of employment and develop a procedure to ensure that the verification process takes place. Further, each institution shall independently verify academic credentials obtained after an employee’s original hire date prior to recognizing such credentials in official personnel files, academic catalogues, institutional publications, other official documents, or for the purpose of promotion or title change. (B/R 12/06)

(b) Each candidate interviewed for a professional position within the NSHE shall sign a pre-employment declaration before they are interviewed. This declaration shall certify that application materials submitted in support of their candidacy for employment are a true and accurate representation of their education and qualifications and acknowledging that falsification of employment applications or documents submitted to the NSHE, or making other false or fraudulent representation in securing employment is prohibited.

(c) Falsification or misrepresentation of credentials, or evidence that degrees offered in support of candidacy for employment have been issued from non-accredited institutions, shall invalidate the employment contract and shall be grounds for immediate termination. The provisions of Title 2, Chapter 6, do not apply when employment is terminated under these circumstances.

(B/R 6/04)

Section 5.11 Academic and Equivalent Ranks and Titles

5.11.1 Academic Rank. The universities & state college shall provide in their institutional bylaws for policies and procedures pertinent to the use of academic ranks, such academic ranks to consist of lecturer or instructor, which shall be at Rank I; assistant professor, which shall be at Rank II; associate professor, which shall be at Rank III; and professor, which shall be at Rank IV. Such bylaws, which shall be consistent with the Nevada System of Higher Education Code and with generally accepted practice among universities and colleges in the United States, shall establish policies and procedures for appointment of faculty to these ranks and promotion through the ranks. (B/R 1/03)
5.11.2 **Community College Titles.** After prior consultation with the faculty senate, each president of a community college, at the president's option, may establish academic titles for the college's faculty as provided in this subsection. Nontenured faculty shall have the academic title of "Instructor." Tenured faculty shall have the title of "Community College Professor." Community College titles shall not be related to salaries or salary levels in any form whatsoever. (B/R 2/90)

Section 5.12 **Evaluation**

5.12.1 **Evaluations.** Faculty shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit.

5.12.2 **Procedures.** All performance evaluations of untenured faculty shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." All performance evaluations of tenured faculty shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory" unless institutional bylaws require a rating of only (i) "satisfactory" or (ii) "unsatisfactory." The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty shall be established in Board policies and institutional bylaws. All performance evaluations shall include a narrative addressing each area of performance, and at least every three years a narrative addressing progress toward tenure and/or promotion, if applicable. The three year narrative progress assessment shall be prepared in consultation with the appropriate tenure review committee or promotion committee, if any. Evaluations of instructional faculty shall include an assessment incorporating teaching evaluations completed by their students.

(B/R 10/08)

5.12.3 **Review of Evaluations.** Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member’s adverse annual evaluation rating, as provided in Section 5.16 of the NSHE Code. Academic and administrative faculty who disagree with the supervisor’s evaluation may submit a written rejoinder, as provided for in Title 4, Ch. 3, Sec. 4(5).

(B/R 12/06)

Section 5.13 **Annual Performance Evaluation of Tenured Faculty**

5.13.1 **Declaration of Policy.** It is the policy of this System to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the academic community's expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.11 of the Nevada System of Higher Education Code. (B/R 1/04)
5.13.2 **Evaluation Procedure.**

(a) If the annual performance evaluations provided for in Section 5.11 of the Nevada System of Higher Education Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment.

(b) An overall “unsatisfactory” rating in two consecutive annual performance evaluations as provided in this section shall be cause for termination of employment. Hearings to consider terminations initiated by this section shall be held by a special hearing officer and special hearing committee under Section 6.12 of the Nevada System of Higher Education Code. All other provisions of Chapter 6 of the Nevada System of Higher Education Code should be followed to the extent applicable.  (B/R 1/04)

Notwithstanding the provisions of Subsections 6.12.4, 6.13.1 and 6.14.2 of the Nevada System of Higher Education Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations which initiated the hearing shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the System institution.

(c) The provisions of this section shall not apply to administrators who hold tenure as academic faculty members at the universities as long as they continue as administrators. Only the performance of such administrators of their assigned administrative duties shall be evaluated under Section 5.11 of the Nevada System of Higher Education Code. Commencing five years after such administrators are discontinued as administrators, the provisions of this section shall be applied to them as tenured faculty members.

(d) After the completion of the annual performance evaluations provided for in Section 5.11 of the Nevada System of Higher Education Code, the presidents shall submit an annual report to the Board of Regents detailing the process and outcomes of the annual performance evaluations.

Section 5.14 **Oaths or Affirmations**

No affirmation or oath shall be required of faculty, except that oath provided by Article 11, Section 5 and Article 15, Section 2 of the Nevada Constitution.
Section 5.15 Resignations/Leave

1. Resignations.

a. All resignations by a member of the academic or administrative faculty should be in writing and should be submitted to the appointing authority at least 30 calendar days in advance of its effective date. The resignation must be accepted in writing by the appointing authority (or designee).

b. If a resignation is tendered verbally or is conveyed to an employee other than the appointing authority, the resignation must still be accepted in writing by the appointing authority (or designee).

c. A resignation should indicate an effective date. If the resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance and this date must be reflected in the written acceptance.

d. Once an employee’s resignation is accepted by the appointing authority, the employee shall have three working days after such acceptance to revoke the resignation. Thereafter, the employee may not revoke the resignation, regardless of the effective date set forth in it. A revocation of a resignation must be in writing and must be delivered to the appointing authority within the foregoing time period to be effective.

e. The decision of an appointing authority not to accept a request to rescind a resignation more than three working days after its written acceptance is not subject to grievance or appeal processes.

2. Leave

Leave may only be taken in accordance with the policies in Title 4, Chapter 3. Unauthorized leave is charged as leave without pay pursuant to Title 4, Chapter 3, Section 39, and may subject the employee to disciplinary action under Title 2, Chapter 6.

(B/R 12/06)

Section 5.16 Review of Evaluations and/or Denial of Salary Increase.

Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member’s adverse annual evaluation rating and a procedure to review denial of a salary increase. In connection with review of merit pay, “denial of a salary increase” means review of the step or level of merit at those institutions that award a standard amount of merit pay based on a certain step or level. The procedure adopted must include at least one of the following review processes:

a. Reconsideration pursuant to the Nevada System of Higher Education Code, Section 5.2 (except that the supervisor is not required to state reasons for an adverse annual evaluation under Section 5.2.3 if the reasons for the evaluation are stated in the evaluation);
b. Grievance pursuant to the Nevada System of Higher Education Code, Section 5.7;
c. Peer review pursuant to Title 4, Chapter 3, Section 4(5); or
d. Any other similar review procedure that provides reasonable opportunity to challenge an adverse annual evaluation or denial of a salary increase.

The result of any review procedure must be in the form of a recommendation to the president for a final decision (or in the case of the System Office, to the Chancellor), except that if the bylaws authorize a grievance, peer review, or other similar review procedure and also authorize reconsideration, then the bylaws may provide that the request for reconsideration terminates at a level below the president (or Chancellor), such as at the provost, executive vice president, academic vice president or dean level. In the event the bylaws provide for more than one review process, the bylaws may also specify an order in which the procedures are initiated.

In addition to the procedure for review adopted in the bylaws, the faculty member also has the right to submit a rejoinder as specified in Title 4, Chapter 3, Section 4(5).

If a merit pay determination is directly tied to the outcome of a faculty member’s evaluation review, then the bylaws shall provide that the same process is followed for both the evaluation review and the merit pay determination.

Regardless of the review procedure, the process for the president to adopt or reject the recommendation regarding an annual evaluation shall be the same as that specified for peer evaluations in Title 4, Chapter 3, Section 4(5).

In the event the bylaws fail to specify a procedure for review of an adverse annual evaluation rating or denial of merit, the faculty member will have the right to pursue reconsideration and a grievance, in addition to submitting a written rejoinder.

(B/R 12/06)
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.8</td>
<td>Decision to Hold Hearings</td>
<td>14</td>
</tr>
<tr>
<td>6.8.1</td>
<td>Complaints</td>
<td>14</td>
</tr>
<tr>
<td>6.8.2</td>
<td>Investigation, Informal Resolution or Recommendation for Hearing</td>
<td>15</td>
</tr>
<tr>
<td>6.8.3</td>
<td>Types of Hearings</td>
<td>16</td>
</tr>
<tr>
<td>6.8.4</td>
<td>Notice to Parents or Legal Guardians of Minor Students</td>
<td>16</td>
</tr>
<tr>
<td>6.8.5</td>
<td>Factors to be Considered</td>
<td>16</td>
</tr>
<tr>
<td>6.8.6</td>
<td>Waiver of Hearing</td>
<td>16</td>
</tr>
<tr>
<td>6.9</td>
<td>Provisions Applicable to Hearings</td>
<td>16</td>
</tr>
<tr>
<td>6.9.1</td>
<td>Applicable Provisions</td>
<td>16</td>
</tr>
<tr>
<td>6.9.2</td>
<td>Hearing Arrangements</td>
<td>17</td>
</tr>
<tr>
<td>6.9.3</td>
<td>Notice</td>
<td>17</td>
</tr>
<tr>
<td>6.9.4</td>
<td>Evidence</td>
<td>17</td>
</tr>
<tr>
<td>6.9.5</td>
<td>Administrative Officer’s Duties</td>
<td>18</td>
</tr>
<tr>
<td>6.9.6</td>
<td>Advisors, Attorneys</td>
<td>18</td>
</tr>
<tr>
<td>6.9.7</td>
<td>Technical Errors</td>
<td>18</td>
</tr>
<tr>
<td>6.9.8</td>
<td>Closed Hearings</td>
<td>18</td>
</tr>
<tr>
<td>6.9.9</td>
<td>Consolidated Hearings</td>
<td>19</td>
</tr>
<tr>
<td>6.9.10</td>
<td>Absence of the Person Charged</td>
<td>19</td>
</tr>
<tr>
<td>6.9.11</td>
<td>Subpoena</td>
<td>19</td>
</tr>
<tr>
<td>6.9.12</td>
<td>Waiver or Extension of Time</td>
<td>19</td>
</tr>
<tr>
<td>6.9.13</td>
<td>Repetition of Hearing</td>
<td>20</td>
</tr>
<tr>
<td>6.10</td>
<td>General Hearing Officer</td>
<td>20</td>
</tr>
<tr>
<td>6.10.1</td>
<td>Appointment</td>
<td>20</td>
</tr>
<tr>
<td>6.10.2</td>
<td>Office Hearings by a General Hearing Officer</td>
<td>20</td>
</tr>
<tr>
<td>6.10.3</td>
<td>Findings and Recommendations</td>
<td>20</td>
</tr>
<tr>
<td>6.11</td>
<td>Special Hearing Officer and Special Hearing Committee</td>
<td>20</td>
</tr>
<tr>
<td>6.11.1</td>
<td>Appointment of Special Hearing Officer</td>
<td>20</td>
</tr>
<tr>
<td>6.11.2</td>
<td>Duties of the Special Hearing Officer</td>
<td>20</td>
</tr>
<tr>
<td>6.11.3</td>
<td>Appointment of the Special Hearing Committee</td>
<td>21</td>
</tr>
<tr>
<td>6.11.4</td>
<td>Duties of the Special Hearing Committee</td>
<td>22</td>
</tr>
<tr>
<td>6.11.5</td>
<td>Hearings to be Recorded</td>
<td>22</td>
</tr>
<tr>
<td>6.11.6</td>
<td>Challenges</td>
<td>23</td>
</tr>
<tr>
<td>6.11.7</td>
<td>Hearing and Recommendation</td>
<td>24</td>
</tr>
<tr>
<td>6.11.8</td>
<td>Summary of Time Limits</td>
<td>24</td>
</tr>
<tr>
<td>6.12</td>
<td>President’s Decision</td>
<td>25</td>
</tr>
<tr>
<td>6.12.1</td>
<td>Options Available</td>
<td>25</td>
</tr>
<tr>
<td>6.12.2</td>
<td>Decision and Notification</td>
<td>25</td>
</tr>
<tr>
<td>6.13</td>
<td>Appeals</td>
<td>26</td>
</tr>
<tr>
<td>6.13.1</td>
<td>Requirements for Appeals</td>
<td>26</td>
</tr>
<tr>
<td>6.13.2</td>
<td>Decision on Appeal</td>
<td>26</td>
</tr>
<tr>
<td>6.14</td>
<td>Records</td>
<td>27</td>
</tr>
<tr>
<td>6.15</td>
<td>Dismissed Charges</td>
<td>27</td>
</tr>
<tr>
<td>6.16</td>
<td>Classified Employees and Research Technologists</td>
<td>27</td>
</tr>
<tr>
<td>6.17</td>
<td>Lie Detector Tests</td>
<td>28</td>
</tr>
<tr>
<td>6.18</td>
<td>Applicability to Others</td>
<td>28</td>
</tr>
</tbody>
</table>
Section 6.1  **Scope of the Chapter**

6.1.1  **Applicability of Procedures and Sanctions.** The procedures and sanctions established in this chapter are applicable to the resolution and determination of charges against members of the community of the Nevada System of Higher Education for allegedly engaging in conduct prohibited by the Nevada System of Higher Education Code or by other applicable stated policies, procedures, rules, regulations or bylaws of the System institutions. Except as otherwise provided in this chapter, the NSHE institutions and professional schools may establish written policies, procedures and sanctions for the discipline of its students that may be used in lieu of the policies, procedures and sanctions of this chapter, including but not limited to the establishment of student judicial councils, subject to the prior review by the Chief Counsel and to the approval of the president of the institution. (B/R 1/07)

6.1.2  **Proceedings Concurrent.** Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

Section 6.2  **Cause**

6.2.1  **Prohibited Activity - Faculty Only.** The following conduct, being incompatible with the purposes of an academic community, is prohibited for all members of the faculty of the System, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in Section 6.3 of the Nevada System of Higher Education Code.

(a)  Failure to perform the duties for which the faculty member is employed.

(b)  Failure to maintain a required level of performance as provided in Section 5.12 of the Nevada System of Higher Education Code.

(c)  Incompetence or inefficiency in performing the duties for which the faculty member is employed.

(d)  Insubordination.

(e)  Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.

(f)  Dishonesty.

(g)  Conviction of any criminal act involving moral turpitude.

(h)  Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes, while on duty, due consideration being given to NRS 284.379.
(i) Unauthorized absence from duty or abuse of leave privileges.

(j) Personal or professional conduct which shows that the faculty member is unfit to remain in the faculty member's employment position or which has an ascertainable harmful or adverse effect on the efficiency of the faculty member's administrative unit.

6.2.2 Standards of Conduct. The following conduct, being incompatible with the purposes of an academic community, is prohibited for all members of the community of the System, including but not limited to the faculty and students, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in Section 6.3 of this chapter. Students are also subject to the prohibitions contained in this subsection under the procedures and disciplinary sanctions that may be established by the institution or professional school as authorized by Section 6.1.1 of the Nevada System of Higher Education Code. Specific acts of misconduct include, but are not limited to:

(a) Commission of any of the acts specified in Subsection 2.1.4 of the Nevada System of Higher Education Code;

(b) The use of, or threat to use, force or violence against any member or guest of the System community, except when lawfully permissible;

(c) Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the premises of the System;

(d) The intentional disruption or unauthorized interruption of functions of the System, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the System;

(e) Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on premises occupied by, the System;

(f) Knowing possession on any premises of the System of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the president of any System institution or the president's authorized agent, unless such possession reasonably relates to duly recognized System functions by appropriate members of the faculty, other employees or students;

(g) Continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the System after having been ordered to leave by the president of a System institution or the president's designee;

(h) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the Nevada System of Higher Education;
(i) Making an accusation which is intentionally false or is made with reckless
disregard for the truth against any member of the System community by
filing a complaint or charges under this Nevada System of Higher
Education Code or under any applicable established grievance
procedures in the System;

(j) The repeated use of obscene or abusive language in a classroom or
public meeting of the System where such usage is beyond the bounds of
generally accepted good taste and which, if occurring in a class, is not
significantly related to the teaching of the subject matter;

(k) Willful incitement of persons to commit any of the acts herein prohibited;

(l) Disorderly, lewd or indecent conduct occurring on System premises or at
a System sponsored function on or off such premises;

(m) Any act prohibited by local, state or federal law which occurs on System
premises or at a System sponsored function on or off such premises;

(n) The use of threats of violence against a faculty member or the faculty
member's family in order to secure preferential treatment for grades,
loans, employment or other service or privilege accorded by the System;

(o) Any act of unlawful discrimination based on race, creed, color, sex, age,
handicap or national origin or any act of employment or educational
retaliation against any person who has made a complaint about such
discrimination;

(p) Any act of sexual harassment when submission to a request or demand
of a sexual nature is either an explicit or implicit term or condition of
employment or of academic study or grading, or where verbal or physical
conduct of a sexual nature has the effect of creating an intimidating,
offensive or hostile work or educational environment;

(q) Acts of academic dishonesty, including but not limited to cheating,
plagiarism, falsifying research data or results, or assisting others to do the
same;

(r) Willfully destroying, damaging, tampering, altering, stealing,
misappropriating, or using without permission any system, program or file
of the Nevada System of Higher Education;

(s) Acts of hazing. Hazing is defined as any method of initiation into or
affiliation with the university or community college community, a student
organization, a sports team, an academic association, or other group
engaged in by an individual that intentionally or recklessly endangers
another individual; and

(t) Any other conduct which violates applicable stated prohibitions, policies,
procedures, rules, regulations or bylaws of the Board of Regents or a
System institution.

(B/R 1/07)
6.2.3 **Disciplinary Actions.**

(a) Individuals charged with investigating or reviewing acts of misconduct at an NSHE institution or professional school must receive training approved by NSHE legal counsel.

(b) Any final action resulting from a disciplinary proceeding shall become part of the student’s disciplinary record.

(c) In the absence of institutional or professional school policies and procedures authorized under Section 6.1.1, the provisions of this chapter apply to the investigation and resolution of charges of student misconduct.

*(B/R 1/07)*

6.2.4 **Mental or Physical Incapacity.** The inability or incapacity to perform the duties for which the faculty member is employed due to mental or physical reasons may lead to suspension or termination of employment as provided in Subsections 6.3.6(b) and 6.3.7(b) of the Nevada System of Higher Education Code, due consideration being given to the provisions of NRS 284.379.

*(B/R 1/07)*

6.2.5 **Sexual Harassment.**

(a) The Board of Regents deems the sexual harassment of students and employees to be unacceptable and prohibited.

1. Because of the particularly offensive and degrading nature of sexual harassment, the danger of academic or employment retaliation for accusations of sexual harassment and the difficult and tense academic or employment environment which can result while allegations of sexual harassment are investigated or heard, it is the policy of the Board of Regents that, pending the completion of an investigation and/or disciplinary hearing into the allegations of sexual harassment, and only to the extent deemed necessary by the facts of each case, contacts between the complainant(s) and the person accused of sexual harassment shall be kept to a minimum or eliminated altogether by physical separation, assignment to other duties or classes or placement on administrative leave.

2. Such action shall be deemed to be without prejudice to any person involved or determination of the truth or falsity of the allegations.

3. Any such action shall be taken or maintained in such manner as to afford the least possible disruption to the day-to-day activities of the institution but the ease of reassigning students or employee subordinates in place of instructors or supervisors shall not be a factor in taking such action.

*(B/R 3/93)*
(b) An alleged victim of sexual harassment shall have the opportunity to select an independent advisor for assistance, support and advice. The alleged victim shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the alleged victim to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged victim. The institutional affirmative action officer or the administrative officer shall advise the alleged victim of this right. The means and manner by which an independent advisor shall be made available shall be determined by each institution or unit. (B/R 3/93)

(B/R 1/07)

Section 6.3 Disciplinary Sanctions

The following sanctions are applicable to members of the community of the Nevada System of Higher Education for conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code. Depending on the seriousness of the misconduct, these sanctions may be imposed in any order.

6.3.1 Warning. Notice, oral or written, that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action.

6.3.2 Reprimand. A formal censure or severe reproof administered in writing to a person engaging in prohibited conduct.

6.3.3 Restitution. The requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft or misappropriation of property. The failure to make restitution shall be the cause for more severe disciplinary action.

6.3.4 Probation. Probation is applicable to students only. It consists of a trial period not exceeding one year in which the conduct of the student will be evaluated in terms of whether any prohibited acts are committed. Probation may include exclusion from participation in privileged or extracurricular activities of the System. The person placed on probation shall be notified, in writing that the commission of prohibited acts will lead to more severe disciplinary sanctions. The official transcript of the student on probation may be marked "DISCIPLINARY PROBATION" for the period of the probation and any exclusions may also be noted. Parents or legal guardians of minor students shall be notified of the action.

6.3.5 Reduction in Pay. A reduction in pay may be imposed at any time during the term of an employment contract upon compliance with the procedures established in this chapter.
6.3.6 **Suspension.**

(a) For Students Only:

1. Exclusion for a definite period of time from attending classes and from participating in other activities of the System, as set forth in a written notice to the student. The official transcript of the student shall be marked "DISCIPLINARY SUSPENSION EFFECTIVE ___ TO _____." Parents or legal guardians of minor students shall be notified of the action.

2. A student who is enrolled in his or her last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous semester may request that the notation of the disciplinary suspension be removed from the official transcript when two years have elapsed since the expiration of the student's suspension. Such request must be submitted in writing to the president or his designee in accordance with 6.3.8. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.

(b) For Employees Only. Exclusion from assigned duties for one or more workweeks without pay, as set forth in a written notice to the employee. The phrase "workweek" has the meaning ascribed to it in the Fair Labor Standards Act; 29 U.S.C. § 207(a).

(B/R 4/08)

6.3.7 **Expulsion or Termination.**

(a) For Students Only. Termination of student registration and status for an indefinite period of time. Permission of the president shall be required for readmission. The official transcript of the student shall be marked "DISCIPLINARY EXPULSION EFFECTIVE ______." The parents or legal guardians of minor students shall be notified of the action.

A student who is enrolled in his or her last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous semester may request that the notation of the disciplinary expulsion or termination be removed from the official transcript when four years have elapsed since the expiration of the student's expulsion or termination. Such request must be submitted in writing to the President or designee in accordance with 6.3.8. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.

(b) For Employees Only. Termination of employment for cause. A hearing held under the procedures established in Section 6.9 and other applicable provisions of this chapter shall be required before the employment of an employee may be terminated for cause.

(B/R 4/08)
6.3.8 **Expunging of Student Disciplinary Records.** Records of disciplinary actions resulting in a student’s suspension, expulsion, or termination shall be maintained for a period of at least six years from the date of the disciplinary action unless, pursuant to a written request, an official order to expunge a specific disciplinary record and remove from the student’s transcript is issued by the President or designee as prescribed in 6.3.6 and 6.3.7.

A student may request that his or her disciplinary record be expunged and any such notation be removed from the student’s transcript during the student’s last semester before graduation or any time following graduation. The burden demonstrating reasonable cause for considering the expunging of a disciplinary record lies with the student. In considering such requests, the institution may consider the:

(a) Stated reason for request and circumstances surrounding request;
(b) Date and seriousness of the violation;
(c) Student’s behavior and disciplinary record since the violation, including successful completion of any imposed sanctions;
(d) The impact, if any, on the public that failure to give such notice may cause; and
(e) Consequences of denying request.

The grant or denial of a request to expunge a student’s disciplinary record shall rest solely within the discretion of the institution, and the enumeration of the foregoing factors shall not in any way imply a duty on the institution to grant such a request by means of a balancing or other test. If a request is not granted, the student at yearly intervals thereafter may request that his or her disciplinary record be expunged. The denial of a request to expunge is not appealable.

(B/R 1/07)

6.3.9 **Revocation of a Degree**

(a) The Board and its institutions reserve the right to withdraw academic degrees in the event that a case is brought after graduation for material academic misconduct that impacts the reputation of the institution, including misrepresentation of academic credentials or material falsification in an application, if the act occurred before graduation and during the time the student applied to, or was enrolled at an NSHE institution, but a complaint had not been filed prior to graduation. Institutions who are investigating acts of misconduct prior to a student graduating may postpone the awarding of a degree pending the outcome of the investigation and imposing of appropriate disciplinary sanctions.
(b) Upon receipt of a complaint that a degree was conferred to a student accused of academic misconduct under subsection (a), the institution shall commence an investigation under Section 6.8. The purpose of the investigation is for the administrative officer to make a recommendation to the President whether the charges are warranted, and if so, whether the violation is of such severity to warrant revocation of degree.

(c) If the President determines that the charges are warranted and the violation, if proven, is of sufficient severity to warrant revocation of degree, then a special hearing committee and special hearing officer shall be appointed in accordance with Section 6.11.

(d) The charged party shall receive all due process required by this Chapter in the investigation and hearing.

(e) The President may consider alternatives to revocation of degree, depending on the severity of the offense.

(f) After receiving the recommendation of the special hearing officer and special hearing committee, if it is determined that revocation of the degree is warranted, the President may revoke the degree. The charged party shall have an opportunity to appeal to the Board of Regents based on the procedure and grounds for appeal specified in Section 6.13.

(g) On appeal, the Board may take such action as specified in Section 6.13.2(d).

(h) The fact of degree revocation will appear permanently on the student's transcript.

(i) Events of misconduct discovered more than 7 years following graduation from an NSHE institution are not subject to the provisions of this section.

(j) NSHE institutions shall appropriately inform students of the Board’s degree revocation policy.

(B/R 4/08)

Section 6.4 Authority of the President

6.4.1 Exercise of Authority. The president shall exercise authority in disciplinary actions in accordance with the procedures established in this chapter and other laws and regulations as are applicable.

6.4.2 President Has Final Decision-Making Authority. All determinations and findings made within the System institutions are in the nature of recommendations to the president who shall have the final decision making authority, except as otherwise provided in the Nevada System of Higher Education Code.
6.4.3 **Designation of Hearing Officers.** The designation of hearing officers and decisions on the challenges of any hearing officer for cause, as provided in this chapter, shall be made by the president or the president's designee.

6.4.4 **Delegation of Authority.** The functions of the president, as prescribed in this chapter, may be delegated by the president to individual designees who are members of the staff of the System institution and such designees shall exercise these functions in the president's name. All references in the procedures established by this chapter to the president include such designees.

**Section 6.5 Administrative Leave** (B/R 5/92)

6.5.1 **President to Order Administrative Leave.** The president of each System institution may order any member of the System community to be placed on administrative leave for the interim period pending a disciplinary hearing whenever the president determines that administrative leave is required in order:

(a) To protect life, limb or property;

(b) To ensure the maintenance of order; or

(c) To remove a person from the University of Nevada System community when an act of sexual harassment has been alleged against such person and the accuser or the accused person cannot be assigned to other duties or classes or placed elsewhere in the System institution apart from each other pending the completion of an investigation and/or disciplinary hearing into the allegation. (B/R 5/92)

6.5.2 **Hearing.** Any person placed on such administrative leave shall be afforded an opportunity to a hearing with respect to the issue of the leave. The hearing on the administrative leave will be held no later than 10 college working days of the leave, unless the person placed on leave agrees to delay the hearing to a later time. The hearing shall be held under the hearing procedures established in Section 6.9 of the Nevada System of Higher Education Code, so far as can be made applicable, and by a general hearing officer as established in Section 6.10 of the Nevada System of Higher Education Code. The president's decision upon the hearing officer's recommendation shall be final. The issue shall be limited to whether the continued administrative leave of the individual involved pending the outcome of a disciplinary hearing is warranted. (B/R 5/92)

6.5.3 **Expulsion from Premises.** Administrative leave under this section will be coupled with a withdrawal of consent by the System for the individual involved to remain on System premises whenever there is reasonable cause to believe that life, limb, property or the maintenance of order are in danger. (B/R 5/92)

6.5.4 **Administrative Officer's Duties.** The administrative officer, as established in Section 6.7 of the Code, shall be responsible for presenting evidence that the administrative leave, withdrawal of consent to remain on System premises, or both, should be continued. (B/R 5/92)
6.5.5 **Administrative Leave With Pay.** Administrative leave under this section shall be with pay and other benefits. (B/R 5/92)

Section 6.6 **Disciplinary Sanctions for Professional Employees**

6.6.1 **Authority of Administrators to Discipline.** Vice presidents, deans, directors and persons in equivalent positions shall have the authority to issue reprimands or warnings (as defined under 6.3.1 and 6.3.2) to faculty members and other professional employees under procedures stated in 6.6 of the NSHE Code. Procedures under 6.6 differ from procedures established in Sections 6.7 to 6.14 of the NSHE Code. Code 6.6 procedures are to be used whenever possible, as an alternative to those in 6.7 to 6.14. (B/R 06/99)

6.6.2 **Right to Notice.** Before issuing a warning or reprimand, a person proposing to issue the disciplinary sanction shall notify the person whom it is proposed to so discipline in writing of the charges involved. The notice shall also schedule a meeting between the person charged and the person proposing to issue the disciplinary sanction for the purpose of discussing the charges. At least fifteen (15) working days before issuing a warning or reprimand, the vice president or dean, director or persons in equivalent positions proposing to issue the disciplinary sanction shall notify the affected person in writing of the charges involved and the proposed action. The notice shall:

1. Include all materials and documentation to support the charges;
2. Clearly state that it activates the processes set forth in 6.6 of the NSHE Code, and also state the alternatives available under 6.6.3 to the affected person; and
3. Advise the affected person of his or her rights according to 6.6.6.

After the person proposing the disciplinary action has sent the notification, ten (10) working days must elapse before section 6.6.3 is implemented, during which time no documentation of the proposed action may be placed in the affected person’s personnel file. (B/R 06/99)

6.6.3 **Choice of Response.** The person affected by the proposed disciplinary action shall have:

1. the right to mediation as outlined in 6.6.4, or through 6.6.8.
2. the right to accept the reprimand or warning or to respond, in writing to the warning or reprimand and to have that response immediately placed in his or her personnel file.
3. The right to grieve the warning or reprimand unless mediation is selected. If the affected person elects to grieve the warning or reprimand, mediation may not be used.
Choice of mediation shall delay the filing of any warning or reprimand in the affected person’s file until after the mediation proceeding is concluded and a final decision rendered:

6.6.4 **Use of Mediation.** If the person affected by the proposed decision to reprimand or warn chooses to select mediation procedures outlined below, he or she must notify, in writing, the vice president or dean within ten (10) working days of receiving notification of the intent to reprimand or warn. The mediator will be selected within fifteen (15) working days following request for mediation using a procedure jointly developed by the campus administration and Faculty Senate. All materials relevant to the proposed disciplinary sanction shall be delivered to the mediator within five (5) working days of the appointment of the mediator. All parties may view all materials deposited with the mediator.

6.6.5 **Mediation.** The mediator will call a meeting of both parties to facilitate an informal resolution of the matter. Both parties must participate in good faith in the mediation procedures. The meeting will take place within fifteen (15) working days after the appointment of the mediator. The mediator shall conduct the meeting with attention to fairness and due process, and shall seek to preserve the rights of all affected parties. The mediator shall have the right to call witnesses if deemed necessary by the mediator.

6.6.6 **Rights of the Affected Person When Mediation has Been Chosen.** The person shall have:

1. the right to access all materials and documents relevant to the proposed disciplinary action at least (10) working days prior to the meeting with the mediator;

2. the right to have a colleague present, and the right to introduce materials in response to the proposed warning or reprimand; and

3. the right to appeal any decision to the president.

(B/R 6/99)

6.6.7 **Burden of Proof.** The burden of proof rests with the administrator or the person issuing the charges.

6.6.8 **Decision.** Any agreement reached by the affected person and the administrator through the mediation process shall be placed in the affected persons’ personnel file. This agreement may not be appealed through any grievance process. If there is not an agreement between the parties, the mediator will submit a written report within fifteen (15) working days to the immediate supervisor of the administrator bringing the charges. A copy of the mediator’s report shall also be given to the administrator bringing the charges and the affected person. The immediate supervisor must make a decision within ten (10) working days about whether the warning or reprimand will be issued. If the decision is to warn or reprimand the affected person the affected person may appeal to the president. The affected person may file a written appeal with the president within 15 working days. The written appeal shall contain the reasons, arguments and documentation supporting the appeal. The president shall reach a decision.
within a reasonable time after receipt of the written appeal. The president may uphold, modify or reverse the disciplinary sanction. The president's decision shall be final and cannot be grieved. (B/R 6/99)

Section 6.7 Administrative Officer

6.7.1 Appointment of Administrative Officer. The president of each System institution shall appoint, on either an ad hoc or a continuing basis, a person who shall have the authority to perform the duties established for the administrative officer in this chapter. The president may assign either a staff member of the System institution, or alternatively, may engage the services of an attorney who has been a member of the State Bar of Nevada at least five years or who is otherwise qualified by professional experience in administrative law. The person so assigned to these duties shall serve in this assignment at the pleasure of the president.

It is the intent of the Board that this position shall not be used to create the basis for an on-campus staff attorney appointment that will report directly or indirectly to the institutional president. In order to assure an appropriate separation of responsibilities, the job description of the person appointed as administrative officer must be approved by the Executive Vice Chancellor & Chief Counsel prior to appointment. The person appointed to perform the duties of administrative officer shall not represent the System institution nor engage in the practice of law on behalf of the System institution, including, but not limited to, the rendering of legal advice or opinions.

6.7.2 Titles. Although termed the "administrative officer" for the purposes of this chapter, the person selected as administrative officer may use such local, administrative title as the president may determine.

6.7.3 Assistants. All references in this chapter to the administrative officer shall include other persons who are authorized by the president to assist the administrative officer and to act in the administrative officer's name.

6.7.4 Combined Duties. The president may combine the duties of the administrative officer with those of any other person employed by the System institution, but may not combine such administrative officer duties with those performed by hearing officers or hearing committee members under the procedures of this chapter.

(B/R 4/08)

Section 6.8 Decision to Hold Hearings

6.8.1 Complaints. Except as may be provided in Section 6.6 of the Nevada System of Higher Education Code, all complaints alleging conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code or by applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the System institutions shall be filed with the administrative officer. The complaint shall be in writing, shall be signed by the complainant and shall, to the extent reasonably possible, specify the date, time, place, person or persons involved and the circumstances of the alleged prohibited conduct, including the name or names of persons who may have witnessed the alleged prohibited conduct.
6.8.2 Investigation, Informal Resolution or Recommendation for Hearing.

(a) The administrative officer shall investigate complaints with the purpose of clarifying the facts and the positions taken by the parties. The investigation shall be completed within 60 calendar days after the receipt of the complaint. (B/R 5/92)

(b) The administrative officer shall present a charging letter to the person charged who may present a written answer within 7 college working days after receipt thereof. At a minimum, the charging letter shall contain the information specified in Subsection 6.8.1 of the Nevada System of Higher Education Code. The administrative officer shall inform the person charged in writing that, although the person charged is free to make a written reply, there is no requirement or compulsion to do so.

(c) If deemed appropriate to do so, the administrative officer, with the approval of the president, may informally resolve the complaint by conciliating with the parties, by permitting the complainant to voluntarily drop the complaint or by permitting the person charged to voluntarily accept disciplinary sanctions.

(d) Within 7 college working days of the completion of the investigation, and if the complaint cannot be informally resolved, the administrative officer shall make a recommendation to the president as to whether or not the complaint should proceed to a hearing and, if a hearing is recommended, the administrative officer shall recommend the type of hearing which may be held, as specified in Subsection 6.8.3 of the Nevada System of Higher Education Code.

(B/R 5/92)

(e) A hearing shall be held whenever the president accepts the administrative officer's recommendation to that effect or does not accept a contrary recommendation from the administrative officer. The president shall decide the kind of hearing to be held, as authorized in Subsection 6.8.3 of the Nevada System of Higher Education Code. The president shall make this decision within 7 college working days after receipt of the administrative officer's recommendation. Within the above-referenced time, the president shall inform the administrative officer of the president's decision and, if deciding to hold a hearing under Section 6.9 of the Nevada System of Higher Education Code, shall also inform the faculty senate chair of the decision. If the hearing is to be held under Section 6.9 of the Nevada System of Higher Education Code on a charge or charges of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code, the president shall also inform the president of the appropriate student government within the above-referenced time period if a student or graduate student is involved in the charge as an alleged victim.

(B/R 4/08)
(f) If it is determined by the president that the matter should not proceed to a hearing, then unless new evidence, sufficient in the opinion of the president to reopen the case, is subsequently discovered, the complaint shall be dismissed and the disciplinary procedure shall be considered closed. All documents relating to the case shall be deposited with the president's office where they shall be retained for a period of one year, after which time they shall be released to the person charged, if requested by that person, or shall be destroyed unless destroyed sooner pursuant to regulations, policies or procedures established by the System institution.

6.8.3 **Types of Hearings.** Except as mandated by Subsections 6.3.7(b) and 6.5.2 of the Nevada System of Higher Education Code, based upon the recommendation of the administrative officer and such other considerations as may be pertinent, the president shall decide whether a disciplinary hearing shall be held:

1. By a general hearing officer, in an office hearing as provided in Section 6.10 of the Nevada System of Higher Education Code; or

2. By a special hearing officer and special hearing committee, as provided in Section 6.11 of the Nevada System of Higher Education Code.

(B/R 4/08)

6.8.4 **Notice to Parents or Legal Guardians of Minor Students.** If the proposed action against the person charged may lead, in the opinion of the administrative officer, to suspension or expulsion and the person charged is a minor, the parents or legal guardians shall be notified of the charges and of the proposed hearing at least 7 calendar days prior to the pending hearing by certified or registered mail, return receipt requested, sent to the parents' or legal guardian's last known address posted on the records of the registrar of the member institution involved.

6.8.5 **Factors to be Considered.** In making a recommendation or decision to hold a type of hearing, the administrative officer or the president, respectively, may consider as nonbinding factors the wishes of the person charged, the degree of apparent complexity of the facts or issues and the seriousness of the offense.

6.8.6 **Waiver of Hearing.** The person charged may waive a hearing and accept a disciplinary sanction recommended by the administrative officer and approved by the president as provided in Subsection 6.8.2 of the Nevada System of Higher Education Code.

Section 6.9 **Provisions Applicable to Hearings**

6.9.1 **Applicable Provisions.** The provisions of this section shall be applicable to hearings held pursuant to Sections 6.9 through 6.11 of the Nevada System of Higher Education Code.
6.9.2 **Hearing Arrangements.** The administrative officer shall make physical and scheduling arrangements for hearings required by Sections 6.9 through 6.11 of the Nevada System of Higher Education Code.

(B/R 4/08)

6.9.3 **Notice.**

(a) The person charged must receive, at least 10 college working days before the hearing, written notice from the administrative officer containing:

1. The date, time and place of the hearing;

2. Specification of the misconduct charged by citing the applicable provision of the Nevada System of Higher Education Code or the applicable stated policy, prohibition, procedure, rule, regulation or bylaw of a System institution which has been alleged to have been violated;

3. Specification, to the extent reasonably possible, of the time, place, person or persons involved and the circumstances of the alleged prohibited conduct, including the name or names of persons who may have witnessed the alleged prohibited conduct;

4. Notification that the person charged may be accompanied by an advisor of the charged person's choice, and of the time within which the person charged must inform the administrative officer of the name and address of the advisor, if any, and whether the advisor is an attorney, or else forfeit the right to have an advisor present, as provided in Subsection 6.9.6 of the Nevada System of Higher Education Code; and

5. Such other information as the administrative officer may wish to include.

(b) The administrative officer shall be responsible for preparing and delivering notices required by this section. Notices shall be either personally delivered to the person charged or shall be sent to the person charged by certified or registered mail, return receipt requested. Notice delivered by mail shall be considered delivered when sent, provided that 3 additional college working days shall be added to the time period set forth for minimum notice. A copy of the applicable disciplinary hearing procedures shall accompany each notice.

6.9.4 **Evidence.**

Evidence shall be admitted if it possesses reasonably probative value, materiality and relevancy. No evidence other than that received at the hearing shall be considered in the decision. Upon request, the person charged, the person's advisor, if any, and the administrative officer shall have the right to examine, at least 5 college working days prior to the hearing during reasonable business hours, any documentary evidence to be presented at the hearing. The parties
shall also have the right to present, challenge or rebut evidence and to question or cross-examine witnesses. Formal rules of evidence shall not apply, but irrelevant or unduly repetitious evidence shall be excluded.

6.9.5 **Administrative Officer's Duties.**
The administrative officer shall marshal and present the evidence against the person charged.

6.9.6 **Advisors, Attorneys.**

(a) The person charged may be accompanied by one advisor of the person's choice, who may represent and advise the person and may present the evidence on the person's behalf. The person charged must give written notice of the name and address of the advisor, and whether the advisor is an attorney, to the administrative officer no later than 5 college working days before the time set for the hearing. An advisor will not be permitted at the hearing without such notice. (B/R 1/06)

(b) Should a person charged advise that the person will be accompanied by an attorney as advisor, the administrative officer shall advise the Executive Vice Chancellor & Chief Counsel so that an attorney will be present at the hearing to represent and advise the administrative officer and to present the evidence on behalf of the administrative officer. (B/R 1/06)

6.9.7 **Technical Errors.** Technical departures from or errors in following the procedures established in the Nevada System of Higher Education Code or in any applicable stated prohibition, policy, procedure, rule, regulation or bylaw of a System institution under which disciplinary procedures are being invoked shall not be grounds to withhold disciplinary action unless, in the opinion of the president, the technical departures or errors were such as to have prevented a fair and just determination of the charges.

6.9.8 **Closed Hearings.** The hearing shall be closed unless the person charged requests an open hearing. Only the person charged and one advisor, the administrative officer and one advisor, the person or persons conducting the hearing, a person designated to record a hearing, as may be provided in this chapter, and witnesses while such witnesses are presenting evidence may be present for a closed hearing. When a hearing is held on a charge made under Subsection 6.2.2(o) of the Nevada System of Higher Education Code, the institution's affirmative action officer may also be present for a closed hearing. When a hearing is held on a charge made under Subsection 6.2.2(p) of the Nevada System of Higher Education Code, the institution's affirmative action officer may also be present for a closed hearing, and any person who alleges to be the victim of an act of sexual harassment may have a non-attorney supporter present for a closed hearing during the person's testimony only. (B/R 6/92)
6.9.9 Consolidated Hearings.

(a) When more than one person is charged with prohibited conduct arising out of a single occurrence, or out of multiple occurrences, a single hearing may be held for all of the persons so charged. Such persons may request that their cases be consolidated with others or separated from others. The administrative officer shall make determinations regarding consolidation. All such determinations shall be subject to revision by the general hearing officer, institutional hearing committee or special hearing officer, as the case may be. In the event of such revision, all cases affected shall be rescheduled for hearing.

(b) The separation of one or more cases from a group of cases previously set for a consolidated hearing shall not be considered to affect the consolidation of the remaining cases in the group.

6.9.10 Absence of the Person Charged. If the person charged does not appear, either personally or through an advisor, at a hearing without satisfactory explanation for the absence having been made at the earliest opportunity, or should the person charged leave the hearing before its conclusion, the hearing shall proceed without the person charged and the general hearing officer, institutional hearing committee or the special hearing officer and special hearing committee, as the case may be, shall make findings of fact, recommendations or a report, as the case may be, on the available evidence. The fact that an administrative hearing or a civil or criminal trial for the person charged is pending shall not be considered a satisfactory explanation for absence unless the actual hearing or trial date conflicts with a date for a hearing held under this chapter, or unless it is physically impossible for the person charged, through no fault of that person, to attend a hearing held under this chapter.

6.9.11 Subpoena. The president shall issue subpoenas to compel the attendance of persons and the presentation of documents at all hearings established under this chapter upon the request of the person charged or of the administrative officer. Such subpoena authority shall be exercised under the authority conferred by NRS 396.323.

6.9.12 Waiver or Extension of Time.

(a) Matters preliminary to hearings shall be decided, hearings conducted and cases determined under these procedures as quickly as is reasonably feasible, consistent with reasonable notice.

(b) With the approval of the administrative officer only, a person charged may waive all time limits established in this chapter, except the time limits stated in Subsections 6.10.2 and 6.11.7 of the Nevada System of Higher Education Code.

(c) Extension of time for hearings shall be authorized by general hearing officers, institutional hearing committee chairs or special hearing officers only upon good and compelling reasons. The possibility or pendency of administrative, civil or criminal proceedings against the person charged is not such a good and compelling reason for extension of time unless the
hearing or trial of such is scheduled for the same date as a hearing to be held under this chapter, or unless it is physically impossible for the person charged, through no fault of that person, to attend a hearing to be held under this chapter.

6.9.13 Repetition of Hearing. A hearing may not be held more than once on the basis of any specific complaint after a hearing process has been completed except as may be provided in this chapter.

(B/R 4/08)

Section 6.10 General Hearing Officer

6.10.1 Appointment. The president shall designate one or more general hearing officers who shall serve for terms as determined by the president.

6.10.2 Office Hearings by a General Hearing Officer. Office hearings by a general hearing officer shall be informal in nature and subject to such procedures as the president may determine. A hearing shall be held and a recommendation made to the president as soon as is reasonably possible, but no later than 6 months after the filing of the complaint with the administrative officer. (B/R 5/92)

6.10.3 Findings and Recommendations. Findings of fact and recommendations of the general hearing officer shall be made in writing to the president within a reasonable time after the close of the hearing with copies to the person charged and to the administrative officer. The full range of sanctions established by Section 6.3 of the Nevada System of Higher Education Code is available, except as may be limited therein. (B/R 5/92)

Section 6.11 Special Hearing Officer and Special Hearing Committee

6.11.1 Appointment of Special Hearing Officer.

(a) Within 5 college working days after making a decision to hold a hearing before a special hearing officer and a special hearing committee, the president shall select a special hearing officer and, within the above-referenced time period, shall inform the person charged and the administrative officer of the identity of the special hearing officer. (B/R 5/92)

(b) Special hearing officers shall be attorneys who have been members of the State Bar of Nevada for at least 5 years or who are otherwise qualified by professional experience in presiding at judicial or quasi-judicial adversary proceedings. They will not hold any employment or other contractual relationship with any System institution during the period of their service.

6.11.2 Duties of the Special Hearing Officer. The function of the special hearing officer shall be that of presiding officer of a special hearing committee during a hearing with the following authority:
(a) To make all rulings on matters relating to the conduct of the hearing, including the admission of evidence;

(b) To maintain order, and the special hearing officer may exclude anyone who refuses to be orderly;

(c) To recognize witnesses for the purpose of giving testimony during which the special hearing officer may also question witnesses;

(d) To make such rulings on procedure deemed appropriate so long as not inconsistent with the applicable procedures established in this chapter;

(e) To act as general advisor to the special hearing committee, but shall have no voting authority;

(f) To prepare, at the conclusion of the hearing, a written report which shall contain, as to the person charged, the following:

1. Findings of fact as determined by the special hearing officer together with a determination that the person charged did or did not commit the act or acts charged.

2. A finding that the act or acts did or did not constitute one or more of the causes for discipline or suspension or termination for cause established in this Code or other applicable stated prohibition, policy, procedure, rule, regulation or bylaw of a System institution.

3. Such further information as the special hearing officer may consider appropriate.

The special hearing officer's report shall be prepared and submitted to the president, with copies to each member of the special hearing committee, the person charged and the administrative officer, within a reasonable time after the conclusion of the hearing.

6.11.3 Appointment of the Special Hearing Committee.

(a) A faculty-hearing panel, composed of at least fifteen faculty members, shall be selected by the faculty senate of each System institution. Both academic faculty and administrators shall be eligible to serve. The members of the faculty-hearing panel shall serve one-year terms and upon agreeing to serve shall commit themselves in writing to serve on a special hearing committee when needed. System institution administrators are obligated by the provisions of this subsection to grant special hearing committee members administrative leave or other assistance necessary to enable them to fulfill their responsibilities as members of special hearing committees. This might require providing teaching assistance from classes or other administrative relief from assigned duties. (B/R 8/92)
(b) Except as provided in subparagraph (c) below, within 5 college working days after receipt from the president of notice of the president's decision to hold a hearing under Section 6.12 of the Nevada System of Higher Education Code, the faculty senate chair shall select the names of nine persons from among the faculty hearing panel, the selection to be made by lot, to serve on a special hearing committee and the faculty senate chair, within the above-referenced time period, shall inform the person charged and the administrative officer of the names of the persons selected.  (B/R 8/92)

(c) If a hearing is to be held on a charge or charges of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code and if a student or graduate student is involved in the charge as an alleged victim, within 5 college working days after receipt of notice of the president's decision to hold a hearing under Section 6.8.3 of the Nevada System of Higher Education Code, the faculty senate chair shall select the names of eight persons from among the faculty hearing panel, the selection to be made by lot, and the appropriate student government president shall nominate three students, to serve on a special hearing committee and the faculty senate chair and the appropriate student government president, within the above-referenced time period, shall inform the person charged and the administrative officer of the names of the persons selected or nominated.

(B/R 4/08)

6.11.4 **Duties of the Special Hearing Committee.** The function of the special hearing committee shall be:

(a) Together with the special hearing officer, to hear evidence presented at a hearing held under this chapter during which the committee members may also question witnesses; and

(b) To make recommendations, after reviewing the report of the special hearing officer, to the president at the conclusion of a hearing for dismissal of charges or imposition of a sanction or sanctions. Such recommendations shall be in writing and shall be made by the committee within a reasonable time after reviewing the special hearing officer's report with copies sent to the person charged and the administrative officer. The full range of sanctions established by Section 6.3 of the Nevada System of Higher Education Code is available.

6.11.5 **Hearings to be Recorded.** A tape recording will be made of the hearing and kept in the president's office for at least one year before being destroyed, unless the matter is brought before the courts during which time the recording will be kept until the matter is decided in the courts. Except as provided herein or for purposes of appeal, a tape recording of a closed hearing shall be confidential. The person charged, on request of and at the charged person's expense may have or, under supervision may make, a copy of such recording. No tape recording by the person charged or by other persons at the hearing will be permitted. The person charged may, at the charged person's expense, provide for a certified court reporter. A copy of the court reporter's transcript shall also be made available to the president upon the president's request and at the System institution's expense.
6.11.6 **Challenges.**

(a) Within 7 college working days after the faculty senate chair, and the appropriate student government president under Subsection 6.11.3(c) of the Nevada System of Higher Education Code, has informed the person charged and the administrative officer of the identities of the persons selected from the faculty hearing panel or nominated by the student government president, the administrative officer and the person charged or the adviser of the person charged shall meet in person or by telephone to exercise, in alternate order, the peremptory challenges provided in subparagraph (c) of this subsection. The person charged or the adviser shall exercise the first peremptory challenge. Peremptory challenges not exercised at this time shall be waived. At this time, the person charged or the adviser shall also submit written challenges for cause, as provided in subparagraph (b) of this subsection. No challenge for cause may be exercised after this date.

(b) The person charged may challenge the special hearing officer or the members of the special hearing committee for cause for the following reasons: (B/R 5/92)

1. The person challenged was a participant in the event out of which the alleged prohibited conduct arose; or

2. The person challenged bears a relationship to some party to the proceedings which may prejudice the charged person's ability to obtain a fair and impartial hearing and decision.

The person charged shall submit a written statement setting forth the allegations underlying the challenge to the administrative officer. The administrative officer shall send the written challenge to the president the same day it is received, with a copy to the person challenged. Within 7 college working days after receipt of the written challenge, the president or the president's designee shall determine whether the facts present grounds for disqualification. The decision of the president shall be final. A hearing shall not be held until the challenge is decided by the president. The special hearing officer or special hearing committee members may be disqualified on their own motions. (B/R 5/92)

(c) The administrative officer and the person charged each shall have the right to challenge: (B/R 8/92)

1. In the case of a hearing to be held to hear a charge of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code in which a student or graduate student is an alleged victim, no more than two members of the faculty hearing panel selected by lot and no more than one student government nominee without cause;  (B/R 8/92)

2. In all other cases, no more than two members of the faculty hearing panel selected by lot without cause. (B/R 8/92)
(d) In cases of consolidated hearings, the persons charged shall be limited to a total of the number of challenges without cause appropriate under either subparagraph (c)(1) or (c)(2) above. (B/R 8/92)

(e) Replacements for disqualified special hearing officers shall be made by the president within 3 college working days after the president's decision on a challenge for cause. Replacements for disqualified special hearing committee members shall be made by lot from the faculty hearing panel or shall be nominated by the appropriate student government president as the case may be within 3 college working days after the president's decision on a challenge for cause. No further challenges for cause of either a special hearing officer or members of a special hearing committee shall be permitted. (B/R 8/92)

(f) The special hearing committee shall consist of five members. In the event a member is unable to serve due to unavoidable reasons, the administrative officer may choose to have the vacancy filled by the procedure stated in subparagraph (e) of this subsection or proceed to a hearing with the remainder of the special hearing committee, provided that the special hearing committee shall consist of no fewer than three members. (B/R 8/92)

(B/R 4/08)

6.11.7 **Hearing and Recommendation.** A hearing shall be held and a recommendation made to the president no later than 6 months after the filing of the complaint with the administrative officer. (B/R 5/92)

6.11.8 **Summary of Time Limits.** For the sake of convenience, the time limits for procedures specified throughout this section are summarized as follows:

(a) The complaint is filed.

(b) Within 60 calendar days after receipt of the complaint, the administrative officer completes the investigation. During that time period, the administrative officer shall issue a charging letter to the person charged who then has 7 college working days after receipt of the charging letter to respond to it, if desired.

(c) Within 7 college working days after the completion of the investigation, the administrative officer makes a recommendation to the president on whether to hold a hearing or not.

(d) Within 7 college working days after receipt of the administrative officer's recommendation, the president makes a decision on whether to hold a hearing or not and informs the administrative officer and faculty senate chair of the decision.

(e) Within 5 college working days after notification of the president's decision, the president shall choose a special hearing officer and the faculty senate chair shall choose nine names from the faculty hearing panel and each shall forward the names to the person charged and the administrative officer.
(f) Within 7 college working days after the president and the faculty senate chair have forwarded the name of the special hearing officer and the names chosen from the faculty hearing panel, the administrative officer and the person charged or the adviser of the person charged meet to exercise peremptory challenges and to transmit challenges for cause.

(g) The same day that challenges for cause are received by the administrative hearing officer, the administrative hearing officer shall send such challenges to the president.

(h) Within 7 college working days after receipt of challenges with cause, the president shall make a decision on the challenges.

(i) Within 3 college working days after the president's decision on challenges for cause, vacancies in the appointments of special hearing officer or members of a special hearing committee shall be filled.

(j) Within six months after the filing of the complaint with the administrative officer, the hearing shall be held and a recommendation made to the president for action.

(B/R 1/07)

Section 6.12 President's Decision

6.12.1 Options Available. The president shall review the findings of fact and recommendations of the general hearing officer or the institutional hearing committee or, in cases heard before a special hearing officer and special hearing committee, the report of the special hearing officer and the recommendations of the special hearing committee. The president may:

(a) Dismiss the charge;

(b) Affirm the recommended sanction;

(c) Impose a lesser sanction than recommended;

(d) Impose a greater sanction than recommended; or

(e) Order a new hearing.

6.12.2 Decision and Notification. The president shall reach a written decision within a reasonable time after receipt of findings of fact and recommendations from the general hearing officer or institutional hearing committee or after receipt of reports and recommendations from the special hearing officer and the special hearing committee. The president shall notify the person charged and the administrative officer of the decision. If the action taken is reduction in pay, suspension, expulsion or termination, the person charged shall either be notified by personal delivery of the decision or shall be notified by certified or registered mail, return receipt requested. If a minor student is suspended or expelled, the minor's parents or legal guardian shall be notified of the action by certified or
registered mail, return receipt requested, sent to the parents' or legal guardian's last known address posted on the records of the registrar of the member institution involved. If there is no appeal, the president's decision is final.

(B/R 1/07)

Section 6.13 Appeals

6.13.1 Requirements for Appeals.

(a) Appeals from the decision of the president must be filed by the person charged within 10 college working days of the receipt of the decision. The appeal must be in writing and shall be directed to the administrative officer.

(b) The facts set forth in the appeal must reasonably establish that:

1. The procedures under which the person was charged are invalid or were not followed;
2. The person charged did not have adequate opportunity to prepare and present a defense to the charges;
3. The evidence presented at the hearing was not substantial enough to justify the decision; or
4. The sanction imposed was not in keeping with the gravity of the violation.

6.13.2 Decision on Appeal.

(a) Within 7 college working days after receipt, the administrative officer shall direct the appeal, together with any reply the administrative officer deems necessary provided a copy of the reply is sent to the person charged, to:

1. The president for reconsideration when the sanction imposed is suspension or reduction in pay or a lesser sanction.
2. To the Board of Regents for action when the sanction imposed is expulsion or termination.

(b) A decision on the appeal shall be made within a reasonable time after receipt of the appeal by the president or within a reasonable time after the next Board of Regents meeting during which the appeal was considered. For applicable appeals, the appeal shall be placed on the meeting agenda of the Board of Regents as soon as is legally possible under Nevada law after receipt of the appeal. The president or the Board of Regents, as the case may be, shall give notification of the decision in the same manner as is provided in Subsection 6.12.2 of the Nevada System of Higher Education Code.
(c) The president or the chair of the Board of Regents, as the case may be, may request a personal appearance of the person charged if the president or the chair of the Board of Regents, as the case may be, is of the opinion that justice will be served by such appearance. The appearance of the person charged shall be limited to the issues raised by the appeal as provided in Subsection 6.13.1 of the Nevada System of Higher Education Code. The person charged must be informed that an appearance is not compulsory and a nonappearance will not prejudice the appeal.

(d) The president or the Board of Regents, as the case may be, may:

1. Dismiss the charge;
2. Affirm the charge;
3. Impose a lesser sanction; or
4. Order a new hearing.

(B/R 2/08)

Section 6.14 Records

All reports and decision reached after hearings or appeals held under this chapter are declared to be public records subject to the provisions or exclusions of the public records laws of the Nevada Revised Statutes as they may be interpreted by the courts. (B/R 5/92)

(B/R 1/07)

Section 6.15 Dismissed Charges

Whenever charges against a person are dismissed, all documents relating to the case will be deposited with the president where they shall be retained for a period of one year, after which time they shall be released to the person who was charged if requested by that person, or shall be destroyed unless destroyed sooner pursuant to regulations, policies or procedures established by the System institution.

(B/R 1/07)

Section 6.16 Classified Employees and Research Technologists

(a) Employees of the System who are in the classified service of the State of Nevada shall be disciplined only under the procedures established by the Nevada Revised Statutes and the State Personnel Division Rules for Personnel Administration.
(b) Research technologists of the Desert Research Institute shall be disciplined only under the procedures established in the DRI Technologists Manual, as authorized by the Board of Regents.

(B/R 6/08)

Section 6.17 Lie Detector Tests

Lie detector tests shall not be required in conjunction with System personnel proceedings nor in relation to System personnel matters.

(B/R 1/07)

Section 6.18 Applicability to Others

In the event any person who is not a member of the System community should engage in conduct prohibited by this chapter, the president or the president's designee shall inform that person that the person is not authorized to remain on the premises owned or occupied by the System and shall direct such person to leave the premises. In the event such person fails to leave the premises after being ordered to do so, the president or the president's designee may cause such person to be ejected. Nothing herein shall be so construed as to authorize or prohibit the presence of any such person prior to such violation nor to affect such person's liability for trespass or loitering as prescribed by law.

(B/R 1/07)
TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 7

TENURE FOR STATE COLLEGE FACULTY

Section 7.1 Declaration of Policy ...................................................................................................................... 2
  7.1.1 Limited to State College ........................................................................................................................... 2
  7.1.2 Conditions on Tenure ............................................................................................................................. 2
Section 7.2 Eligibility for Tenure .......................................................................................................................... 2
  7.2.1 Nevada State College ............................................................................................................................... 2
  7.2.2 Academic Faculty Paid with Short Term, Nonstate Funds ................................................................. 2
  7.2.3 Rank O .................................................................................................................................................... 2
Section 7.3 Probation ............................................................................................................................................ 3
  7.3.1 Probationary Period ................................................................................................................................. 3
  7.3.2 Consideration for Tenure during Probation ......................................................................................... 4
  7.3.3 Full-time Service at Other Institutions ............................................................................................... 4
  7.3.4 Completion of Probationary Period ...................................................................................................... 4
Section 7.4 Appointment with Tenure .................................................................................................................. 5
  7.4.1 Recommendations and Appointment .................................................................................................. 5
  7.4.2 Standards for Recommending Appointment with Tenure ................................................................ 5
  7.4.3 Recommendations for Tenure ............................................................................................................. 7
  7.4.4 Notice of Tenure .................................................................................................................................... 7
  7.4.5 Reasons for and Reconsideration of Denial of Appointment with Tenure ........................................ 7
  7.4.6 Tenure for Academic Faculty Occupying Administrative Positions .............................................. 7
  7.4.7 Relinquishment of Tenure .................................................................................................................... 8
  7.4.8 Transfer to the Chancellor’s Office ..................................................................................................... 9
  7.4.9 Resignation or Termination .................................................................................................................. 9
Section 7.1 Declaration of Policy

7.1.1 Limited to State College. Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the state college of the System only.

7.1.2 Conditions on Tenure. The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges afforded by tenure.

Section 7.2 Eligibility for Tenure

7.2.1 Nevada State College. Except as provided in this chapter, full-time and part-time academic faculty in Rank II, Rank III, and Rank IV positions at Nevada State College shall be eligible for tenure. For the purposes of this section, part-time academic faculty shall be equal to at least .5 FTE. Administrators may be included in this condition of eligibility, but only in the capacity of academic faculty. Full-time academic faculty in these institutions in Rank O or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances.

7.2.2 Academic Faculty Paid with Short Term, Nonstate Funds.

   (a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid with more than .5 FTE short term, nonstate funds are not eligible for such appointment with, nor shall have, tenure under any circumstances.

   (b) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon request of the academic faculty member and the approval of the president, as part of the probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

7.2.3 Rank O.

   (a) Faculty placed in Rank O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Rank O position.
(b) Upon request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Rank O position may be counted towards the completion of a probationary period for tenure in the event an academic faculty member employed in a Rank O position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

(c) Academic faculty at Nevada State College who have been placed in Rank O positions may be given such academic titles as the member institution, at the president’s discretion, may consider appropriate, but such academic faculty shall not be eligible for appointment with, nor shall have, tenure under any circumstances by reason of the granting of such academic titles.

Section 7.3 Probation

7.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 7.1.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president’s designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution’s bylaws.

(b2) The President of the institution, without seeking Board of Regents' approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted
tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year.

(c) Authorized periods of leave, paid or unpaid, may be excluded from service toward the seven-year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member’s request to exclude periods of leave shall be based upon the sole discretion of the president. The president’s decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed seven years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member’s request to exceed the seven-year probationary period shall be based upon the sole discretion of the president. The decision of the president is final. The request for an extension of the seven-year period of probation must state the reasons for such an extension.

7.3.2 Consideration for Tenure during Probation. Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

7.3.3 Full-time Service at Other Institutions. Upon request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.

7.3.4 Completion of Probationary Period. After completion of a probationary period, an academic faculty member eligible for such appointment with tenure shall not be reappointed at any rank providing eligibility for such appointment unless such appointment is with tenure.

(B/R 12/11)
Section 7.4  Appointment with Tenure

7.4.1  Recommendations and Appointment.  At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for appointment with tenure shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 7.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

7.4.2  Standards for Recommending Appointment with Tenure.

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the three standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 7.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

1.  Standard One:  Teaching or Other Professional Duties
An academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of the following areas, whichever is applicable:

(A) If applying for tenure as a college 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, demonstrated skill in handling classroom and other duties related to teaching, mentoring, and student advisement. (Such a record may include, for example, a showing of the ability to impart knowledge, to excite students’ interest in the subject matter, to evoke response in students.)

(B) If applying for tenure 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 to standard one, an academic faculty member being recommended for appointment with tenure must receive at least a “satisfactory” rating in standards two and three:
2. **Standard Two: Scholarship/Creative Activity**

Demonstrated continuing professional growth in the academic faculty member's discipline or program area as shown by a record of scholarship and/or creative activity, including, but not limited to, creation, application, synthesis, or transmission of knowledge; cross-disciplinary collaboration; acquiring and sustaining faculty expertise; and, in appropriate fields or disciplines, visual, performing, and literary arts that express original ideas, interpretations, imaginations, thoughts, or feelings.

3. **Standard Three: Service**

Including, but not 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 interests of the academic community and the people it serves, and to the extent that the job performance of the academic faculty’s administrative unit may not be otherwise adversely affected;

(D) Service on college or System committees;

(E) Recognition among colleagues for possessing professional 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.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used in evaluating the applicant for appointment with tenure.
The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

7.4.3 Recommendations for Tenure. The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures which shall be established in the member institution’s bylaws. The procedures shall include a review of the faculty member’s annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

7.4.4 Notice of Tenure. When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or any misstatement of the Board of Regents’ actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

7.4.5 Reasons for and Reconsideration of Denial of Appointment with Tenure. An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

7.4.6 Tenure for Academic Faculty Occupying Administrative Positions. An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in an administrative position is a separate and distinct concept from employment as a member of the academic faculty. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reason or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which the appointment with tenure was made.
7.4.7 **Relinquishment of Tenure.**

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 7.1.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers employment from the member institution granting an appointment with tenure to another System institution, the faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the President shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The President of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold a tenured appointment under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.
7.4.8 Transfer to the Chancellor's Office. A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the President of the institution in which the faculty member has tenure. In the case of the chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor’s Office under any circumstances. If such faculty member’s employment at the Chancellor’s Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

7.4.9 Resignation or Termination. A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/11)
RULES AND DISCIPLINARY PROCEDURES FOR MEMBERS OF THE DESERT RESEARCH INSTITUTE (DRI)

| Section 8.1 | Scope of the Chapter .............................................................................................................. | 2 |
| Section 8.2 | Informal Discipline (Counseling – Informal Discussion) .................................................... | 2 |
| Section 8.3 | Cause ....................................................................................................................................... | 2 |
| 8.3.1 | Prohibited Activity .................................................................................................................. | 2 |
| 8.3.2 | Additional Prohibited Activity ............................................................................................... | 3 |
| 8.3.3 | Mental or Physical Incapacity ................................................................................................. | 5 |
| 8.3.4 | Sexual Harassment .................................................................................................................. | 5 |
| Section 8.4 | Formal Discipline ..................................................................................................................... | 6 |
| 8.4.1 | Administrative Leave ................................................................................................................ | 6 |
| 8.4.2 | Stage 1 Formal Verbal Warning ............................................................................................. | 6 |
| 8.4.3 | Stage 2 Written Warning ........................................................................................................ | 7 |
| 8.4.4 | Stage 3 Final Written Warning ............................................................................................. | 7 |
| 8.4.5 | Stage 4 Review ...................................................................................................................... | 8 |
| 8.4.6 | Stage 5 Appeal and Sanctions ............................................................................................... | 8 |
| 8.4.7 | Proceedings Concurrent ............................................................................................................ | 9 |
| Section 8.5 | Research Technologists ......................................................................................................... | 9 |
Section 8.1 Scope of the Chapter

Desert Research Institute (DRI) expects good standards of conduct and work performance from all employees and these standards will be enforced in a just and systematic way. Employees should have a fair opportunity to remedy problems of conduct or performance. To this end, should an employee fail to meet the DRI’s required standards, the following procedure is outlined and is approved by Nevada System of Higher Education (NSHE) Board of Regents for Desert Research Institute. All matters relating to the disciplinary procedure are strictly confidential to the parties and their representatives involved and breaches of this confidentiality may in itself result in disciplinary action.

The President of DRI shall exercise authority in disciplinary actions in accordance with the procedures established below and with other laws and regulations as applicable. All determinations and recommendations go to the President who shall have the final decision making authority. The President or the President’s designee shall make the designation of an administrative officer. The function of the President may be delegated by the President to individual designees who are members of the staff of NSHE and such designees shall exercise these functions in the President’s name.

Section 8.2 Informal Discipline (Counseling – Informal Discussion)

Counseling consists of an informal discussion between an employee and his or her supervisor regarding problems with the employee’s work performance or conduct. Counseling should consist of a private discussion to define a desired course of action to improve the employee’s performance or behavior and identify the supervisor’s expectation for the employee. The counseling session is documented in a written memo to the employee that identifies the expected actions, and a copy of the memo should be retained in the supervisor’s files and not the employee’s personnel file. The employee may be referred to the employee assistance program (EAP) at this time if the issue can best be addressed by the EAP.

Section 8.3 Cause

The objective of this procedure is to ensure consistent and equitable treatment of an employee who is liable to disciplinary action. At every stage in the procedure the employee will be advised of the nature of the complaint and will be provided with all relevant information and the potential scope of the disciplinary action. A supervisor may stop the disciplinary action at any stage with documentation that satisfactory conduct or performance has been achieved.

Disciplinary action should primarily be corrective and provide the employee with the opportunity where necessary to improve conduct and/or job performance to a standard acceptable by DRI. Disciplinary action is appropriate when an employee fails to meet satisfactory standards with regard to the prohibited activity listed in NSHE Code, Subsections 8.3.1, 8.3.2, 8.3.3 and 8.3.4.

8.3.1 Prohibited Activity. The following conduct or performance, being incompatible with the purposes of an academic community, is prohibited for all employees of the DRI, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in this chapter of the NSHE Code.
(a) Failure to perform the duties for which the employee is employed (lack of funding is not considered a prohibited activity).

(b) Failure to maintain a required level of performance as indicated by a rating of unsatisfactory.

(c) Incompetence or inefficiency in performing the duties of the employee’s position.

(d) Insubordination.

(e) Falsification of employment applications or documents submitted to the DRI, its member institutions or its special units, or making other false or fraudulent representations in securing employment.

(f) Dishonesty.

(g) Conviction of any criminal act involving moral turpitude.

(h) Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes (284.406), while on duty, due consideration being given to NRS 284.379. In compliance with the drug-free workplace Act of 1988, the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the work place.

(i) Unauthorized absence from duty or abuse of leave privileges.

(j) Personal or professional conduct which shows that the employee is unfit to remain in his or her position or which has an ascertainable harmful or adverse effect on the efficiency of his or her research or administrative unit.

8.3.2 Additional Prohibited Activity. The following conduct, being incompatible with the purposes of DRI, is prohibited for all employees of the DRI. This prohibited conduct shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in this chapter of the NSHE Code.

(a) Commission of any of the acts specified in Subsection 2.1.4 of the NSHE Code.

(b) The use of, or threat to use, force or violence against any member or guest of the System community, except when lawfully permissible.

(c) Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the premises of the System.

(d) The intentional disruption or unauthorized interruption of functions of the System, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the System.
(e) Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on premises occupied by, the System.

(f) Knowing possession on any premises of the System of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the president of any System institution or the president’s authorized agent, unless such possession reasonably relates to duly recognized System functions by appropriate members of the faculty, other employees or students.

(g) Continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the System after having been ordered to leave by the president of a System institution or the president’s designee.

(h) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the NSHE.

(i) Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the System community by filing a complaint or charges under this NSHE Code or under any applicable established grievance procedures in the System.

(j) The repeated use of obscene or abusive language in a classroom or public meeting of the System where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class, is not significantly related to the teaching of the subject matter.

(k) Willful incitement of persons to commit any of the acts herein prohibited.

(l) Disorderly, lewd or indecent conduct occurring on System premises or at a System sponsored function on or off such premises.

(m) Any act prohibited by local, state or federal law which occurs on System premises or at a System sponsored function on or off such premises.

(n) The use of threats of violence against an employee or the employee’s family in order to secure preferential treatment for grades, loans, employment or other service or privilege accorded by the System.

(o) Any act of unlawful discrimination based on race, creed, color, sex, age, handicap or national origin or any act of employment or educational retaliation against any person who has made a complaint about such discrimination.

(p) Any act of sexual harassment when submission to a request or demand of a sexual nature is either an explicit or implicit term or condition of employment or of academic study or grading, or where verbal or physical conduct of a sexual nature has the effect of creating an intimidating, offensive or hostile work or educational environment.
(q) Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same.

(r) Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program or file of the NSHE.

(s) Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the university or community college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.

(t) Any other conduct which violates applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the Board of Regents or a System institution.

8.3.3 Mental or Physical Incapacity. The inability or incapacity to perform the duties for which the faculty member is employed due to mental or physical reasons may lead to suspension or termination of employment as provided in Subsection 8.4.5 in this Chapter, due consideration being given to the provisions of NRS 284.379.

8.3.4 Sexual Harassment.

(a) The Board of Regents deems the sexual harassment of students and employees to be unacceptable and prohibited.

1. Because of the particularly offensive and degrading nature of sexual harassment, the danger of academic or employment retaliation for accusations of sexual harassment and the difficult and tense academic or employment environment which can result while allegations of sexual harassment are investigated or heard, it is the policy of the Board of Regents that, pending the completion of an investigation and/or disciplinary hearing into the allegations of sexual harassment, and only to the extent deemed necessary by the facts of each case, contacts between the complainant(s) and the person accused of sexual harassment shall be kept to a minimum or eliminated altogether by physical separation, assignment to other duties or classes or placement on administrative leave.

2. Such action shall be deemed to be without prejudice to any person involved or determination of the truth or falsity of the allegations.

3. Any such action shall be taken or maintained in such manner as to afford the least possible disruption to the day-to-day activities of the institution but the ease of reassigning students or employee subordinates in place of instructors or supervisors shall not be a factor in taking such action.
(b) An alleged victim of sexual harassment shall have the opportunity to select an independent advisor for assistance, support and advice. The alleged victim shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the alleged victim to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged victim. The institutional affirmative action officer or the administrative officer shall advise the alleged victim of this right. The means and manner by which an independent advisor shall be made available shall be determined by each institution or unit.

Section 8.4 Formal Discipline

Disciplinary action will normally follow the progressive stages. In special situations involving threats to life, limb or property the President of DRI will determine if a misconduct or failure to perform is serious enough to warrant eliminating stages 1 and 2.

Formal disciplinary procedures normally follows five stages:

Stage 1 Formal Verbal Warning
Stage 2 Written Warning
Stage 3 Final Written Warning
Stage 4 Review
Stage 5 Appeal and Disciplinary Action

8.4.1 Administrative Leave. In certain cases where serious allegations have been made, including cases of gross misconduct, administrative leave may be imposed pending an investigation. Administrative leave is defined as leave for an interim period pending a disciplinary review whenever the president determines that administrative leave is required in order to 1) protect, life, limb, or property, 2) ensure the maintenance of order, or 3) remove a person from NSHE when an act of sexual harassment has been alleged against such a person and the accuser or the accused person cannot be assigned to other duties apart from each other pending the completion of an investigation and or disciplinary review into the allegation. During administrative leave an employee maintains his or her full salary and benefits but is not permitted on DRI property and has no job responsibilities.

8.4.2 Stage 1 Formal Verbal Warning. An employee will receive a formal verbal warning if the employee fails to respond to earlier informal discipline. At a private meeting with the employee, the supervisor will advise the employee that he or she is being given a formal verbal warning, a record of which will be put in the employee’s personnel file. The warning shall include all documents and records to support the disciplinary action. The employee will also be told the improvement required and when the conduct or performance will be reviewed (not less than 20 working days). This warning will be confirmed in writing and a copy of the warning will be placed in the employee’s personnel file. The employee may write a written response to this warning if he or she does not agree, which will also be placed in the employee’s personnel file. All written material through stage 3, including the employee responses will be placed in the employee’s personnel file.
The employee may request mediation within 5 working days of a verbal warning. The President will select the mediator and the meeting(s) and final resolution will be completed and reported in 10 working days. If both the employee and supervisor accept the mediator's recommendations the subsequent stages will be terminated. If either one does not accept the recommendations the procedure will continue. The mediation process will run concurrent with 20 working days for the next review.

8.4.3 **Stage 2 Written Warning.** If an employee does not sufficiently improve in the described period of time after the formal verbal warning, a written warning will be issued. Disciplinary warnings should specify standards required and/or the extent to which performance or conduct falls short, and as far as possible detail the remedies required to rectify the situation and the likely consequences if the required improvement is not forthcoming. The employee may write a response to this written warning if he or she does not agree. The employee will be told that a first written warning is being given, and that a copy of the warning will be retained in the employee's personnel file. The written warning will specify how the employee must improve and establish a time period (not less than 20 working days) when the conduct or performance will be reviewed. Depending on the nature and seriousness of the offence involved, a first written warning may be given where no previous verbal warning has been given (section 8.4).

8.4.4 **Stage 3 Final Written Warning.** If, following a first written warning, an employee persists in not improving conduct or performance, the Director of Human Resources and the supervisor will meet with the employee to review the increasingly serious nature of the situation, and to advise the employee that a final written warning will be issued. A copy of the warning will be retained in the employee's personnel file. The employee may write a response to this final written warning if he or she does not agree. The employee will be told that a final written warning is being issued which will indicate the improvement required and establish a time period (not less than 20 working days) when the conduct or performance will be reviewed. The employee will be advised that failure to improve his or her conduct or performance may result in disciplinary sanctions up to and including termination. In more serious cases where no verbal or written warnings have previously been given, a final written warning may be issued (section 8.4).

If required improvement in conduct or performance is not accomplished within the established time period then an investigation of the factual basis for the final written warning will be conducted to review the documents and records which support the disciplinary action and the actions to date. An administrative officer chosen by the President will conduct the investigation into the action. The employee may object to the choice of the administrative officer if a reasonable basis to believe a bias or conflict exists. The administrative officer shall investigate all material for the purposes of clarifying the facts and positions taken by the employee and the supervisor. The investigation shall be completed within 10 working days of the issuance of the charge to the administrative officer. The administrative officer shall make a written recommendation to the President as to whether a faculty review should occur (stage 4) or all disciplinary action should be dropped. The President will make the final decision within 5 working days of receiving the administrative officer's recommendation. No sanctions will be taken against an employee until the case has been investigated and the facts established.
8.4.5 **Stage 4 Review.** Stage 4 applies after the completion of Stage 3, a Division Executive Director or Vice President replaces the supervisor (if other than an Executive Director or Vice President) in conducting the disciplinary action.

The President may order any employee to be placed on administrative leave if he or she believes the situation warrants that type of action (subsection 8.4.1).

A faculty review will occur unless the employee specifically requests that a review not be conducted. If there is no review the process will move directly to sanctions. The Faculty Senate will form a review committee for the President (composed of at least three members of the faculty who are not employed in the employee’s unit), which will review all documents and records and determine what additional information is needed to complete their review. During this review the employee must be able make a statement to the committee and present documents contesting the final written warning. At the chair’s discretion the committee may interview witnesses. The chair will be responsible for the confidential records (written and/or taped) of all review proceedings and maintain all documents and records. The President will select the chair and the employee or supervisor may challenge any committee member if a reasonable basis to believe a bias or conflict exists. Both the Executive Director or Vice President and employee have the right to review and comment on all material prior to the final report being delivered to the President. A written recommendation of the Faculty Senate Review committee shall be submitted to the President, within 10 working days of receiving its charge. The President shall make the final decision in the matter. The President will provide both the employee and Executive Director or Vice President with a summary of the findings and his or her decision within 10 working days.

8.4.6 **Stage 5 Appeal and Sanctions.** The employee may appeal for action (in writing, within 5 working days) to the President for the following:

1. The procedures under which the person was charged are invalid or were not followed;
2. The person charged did not have adequate opportunity to prepare and present a defense to the charges;
3. The information presented for the review was not substantial enough to justify the decision; or
4. The sanction, except termination, imposed was not in keeping with the seriousness of the conduct or performance.

The employee may appeal for action (in writing, within 5 working days) to the Board of Regents for the sanction of termination.

The President or the Board of Regents, as the case may be, may:

1. Dismiss the charge
2. Affirm the charge
3. Impose a lesser or greater sanction; or
4. Order a new review.
The possible sanctions are:

1. Restitution. Is the requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft or misappropriation of property. The failure to make restitution shall be the cause for a more severe sanction.

2. Reduction in Pay. A reduction in pay may be imposed at any time during the term of an employment contract upon compliance with the procedures established in this chapter.

3. Suspension. Exclusion from assigned duties for one or more workweeks without pay. The normal workweek for DRI employees is 40 hours. The workweek begins at 12:01 a.m. Sunday and ends 11:59 p.m. on Saturday.

4. Termination. Immediate ending of employment after the appropriate completion of all the stages in this chapter.

8.4.7 Proceedings Concurrent. Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

Section 8.5 Research Technologists

Research technologists of the Desert Research Institute shall be disciplined and sanctioned only under the procedures established in the DRI Technologists Manual, as authorized by the Board of Regents. The causes resulting in disciplinary action will be the same for technologists as for other employees.

(B/R 6/08)
Section 9.1  Definitions

9.1.1 For the purposes of all approved Board policies and procedures, the following are deemed to be restricted access research, and are therefore confidential, such that unauthorized disclosure is prohibited:

(a) “Classified Research” is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency, that will require government-issued security clearances for participation;

(b) “Sensitive but not Classified Research” is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency that is treated as confidential by state or federal law or regulation;

(c) “Proprietary Research” includes, but is not limited to, trade secrets, confidential business information, and all other intellectual property, inventions and copyrightable works. As used in this section:

(1) “Trade secret” means information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(2) “Confidential business information” means any private financial or commercial information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or customers. “Confidential business information” does not include the financial terms of a contract or the identity of a contractor, except in extraordinary circumstances where state or federal law or regulation may require the non-disclosure of such information.

(3) “Intellectual property” as defined in Title 4, Chapter 12.

(4) "Inventions" as defined in Title 4, Chapter 12.

(5) "Copyrightable works" as defined in Title 4, Chapter 12.

(B/R 6/07)

(d) “Confidential Research Information” includes, but is not limited to any and all records of an institution that have been created, developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution concerning research that has not been published, patented or otherwise disclosed, such as:
(1) information contained in research proposal funding applications and human, animal, or clinical research protocols;

(2) preliminary research data and memorandum discussions regarding preliminary data;

(3) unpublished manuscripts or unpublished lecture notes, data, and other information relating to research;

(4) creative works in process; or

(5) intellectual property disclosures, laboratory notebooks and computer records associated with confidential research information, and scholarly correspondence prior to official publication of research results.

(e) Nothing in this policy shall be construed to require release of any confidential patient or other medical records in violation of federal and state privacy laws.

(B/R 10/07)