

**Title 5 - NSHE Governing Documents**

**Chapter 2**

**BYLAWS OF THE DESERT RESEARCH INSTITUTE  
Revised through June 2006**

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## Chapter 1 - Guiding Principles

### 1.1 Legislative Mandate

The Desert Research Institute (hereinafter, DRI) was established by the Nevada Legislature in 1959.

#### 1.1.1 Establishment

To contribute more effectively to the security of the nation and to promote the general welfare of the State of Nevada and its citizens through the development of educational and scientific research, the Board of Regents may establish for educational and scientific research a facility within the system to be known as [DRI].

(NRS 396.795; added to NRS by 1959, 285; A 1981, 900; 1993, 354).

#### 1.1.2 Purposes

The primary purposes of are to:

1. Foster and conduct fundamental scientific, economic, social or educational investigations and applied research for industry, governmental or private agencies or individuals;
2. Encourage and foster a desire in students and faculty to conduct research;
3. Discover and develop talent for conducting research;
4. Acquire and disseminate knowledge related to the projects undertaken; and
5. Promote all research within the system generally.

(NRS 396.7951; added to NRS by 1959, 286; A 1969, 1439; 1993, 354)

The Desert Research Institute is a unique institution among the institutions of the NSHE. It is exclusively designed to foster, encourage and promote pure and applied research for industry, government, educational organizations and the public in general. Given the nature of its operation and non-state sources of funding, its fiscal and personnel policies and procedures can differ significantly with Board of Regents approval from those policies and procedures which are applicable to the other institutions of the NSHE, a fact which is recognized and approved by the Legislature in NRS 396.7953 through NRS 396.7955.

#### 1.1.3 Shared Governance

In both policy setting and operations, DRI follows the principle of shared governance. Shared governance seeks to create an environment of joint effort, communication, responsibility, and cooperation among DRI personnel in order to serve the best interests of the institution. The President of DRI shall consult with appropriate representative bodies on issues of importance. Further, the President shall consult with the Faculty Senate Chair in a timely manner prior to submitting items for formal consideration by the Regents. The representative bodies shall provide review and comment to DRI's administration on institutional decisions involving general and personnel policy, planning, budget allocations, and other matters of concern. The President shall consult with DRI employees, as appropriate, on decisions regarding fundamental rights and responsibilities.

## Chapter 2 - DRI Bylaws

### 2.1 Authorization

The DRI Bylaws (hereinafter, Bylaws) are authorized by Title 2, Chapter 1 of the Nevada System of Higher Education (hereinafter, NSHE) Handbook. These Bylaws and all other DRI bylaws and procedures shall be consistent with the other portions of the NSHE Handbook, the laws of the State of Nevada, and the laws of the United States. In the event of any conflict, applicable state or federal laws or Title 2 of the NSHE Handbook shall prevail.

### 2.2 Scope

The scope of the Bylaws is DRI's organizational structure and faculty personnel policies. Policies and procedures for technologists are addressed in the DRI Technologists Manual. (B/R 6/08)

### 2.3 Implementation

Procedures for implementing the Bylaws shall be published in the DRI Administrative Manual, which procedures shall not conflict with Bylaws, Handbook, State of Nevada and Federal Policies and Laws. The President shall be responsible for compliance of the Administrative Manual with the NSHE Handbook. In the event of such conflict the Handbook will prevail. Written notice of any changes in the Administrative Manual shall be sent to the appropriate representative bodies (Faculty Senate and Executive Staff) within 10 working days of intended implementation for review, comment, and final approval by the President.

### 2.4 Amendment

An amendment to these faculty Bylaws may be proposed by (1) 20% of the voting faculty (are those whose appointment is in excess of 50 percent of an annual "A" contract except for post-doctoral appointments and visiting distinguished professors), (2) the Faculty Senate, (3) the President, (4) the NSHE Chancellor, or (5) any member of the Board of Regents (hereinafter, Regents). All proposed amendments shall be submitted to the President for adoption, and the President shall refer all such amendments to the Faculty Senate within ten working days of submission.

Proposed amendments shall be reviewed by the Faculty Senate at its next scheduled meeting (input shall be requested from the Faculty Senate Bylaws Committee). The Faculty Senate Executive Board shall determine whether the proposed amendment is a Class A or B Action, and the procedure for these actions shall be followed. The amendment shall be in force upon (1) a vote by the faculty or Faculty Senate, (2) approval by the President, and (3) approval by the Regents (see sec. 4.1.4 and 4.1.5). The President, upon receipt of the results from the faculty or Faculty Senate vote, shall either forward the amendment to the Regents for approval or shall inform the Faculty Senate of his rejection of the amendment and his reasons for that rejection within 30 working days. Should the Regents approve the amendment, such approved amendments shall be distributed by the President to the entire faculty. Should the Regents reject the amendment, the President shall so inform the Faculty Senate with the President's best assessment of the reasons for the rejection within 30 working days. On amendments of the Bylaws of the Institute, the faculty (through the Faculty Senate) may appeal a decision of the President directly to the Chancellor or the Regents.

The most current version of these Bylaws is available through DRI's website at [www.dri.edu](http://www.dri.edu). The adoption, amendment or repeal of institutional Bylaws requires the recommendation of a president and the approval of the Board of Regents. Accordingly, only the most current version of these Bylaws approved by the Board of Regents of the Nevada System of Higher

Education accurately reflect DRI's current organizational structure and personnel policies, and no other version of these Bylaws may be relied upon for any purpose. The official version of the DRI Bylaws is on the NSHE website.

## **2.5 Interpretation**

Questions of interpretation of the Bylaws shall be directed to the Faculty Senate, which shall review the issue and forward any comments to the President for a decision. The President shall make the final interpretation. This shall be based on consultation with appropriate sources as well as consistency with the NSHE Handbook and established DRI policies and procedures.

## **Chapter 3 - Organization**

### **3.1 Organization**

DRI is comprised of diverse units, each having its own responsibilities and method of operation. Units serve both research and administrative purposes. Research Units tend to be based on interrelated scientific themes or programs. The Administrative Unit is based on functional responsibilities.

### **3.2 Administration and Executive Administration**

The Administration consists of all personnel who provide administrative support to the research faculty. The Executive Administration consists of the President, Vice Presidents, Assistant Vice Presidents and Executive and Senior Directors. The Chair of the Faculty Senate shall be invited to attend Executive Administration meetings.

#### **3.2.1 President**

Responsibilities and duties of the President are provided in Title 1, Article VII of the Bylaws of the Board of Regents. The President may delegate any of the duties and authority of the office unless expressly prohibited by Board of Regent policy. The procedure for screening and recruitment of the President shall follow that specified in Chapter 1 of the NSHE Code.

#### **3.2.2 Vice Presidents**

Vice Presidents are responsible to the President for the conduct of DRI affairs. Vice Presidents are responsible for such activities as finance, administration, research administration, business development, academic affairs, fund raising, public information and outreach, government relations, and other duties assigned by the President. The President, with approval by the Regents, may establish or abolish Vice Presidential positions. The President shall consult with the Faculty Senate for review and comment before submitting any additions or deletions of Vice Presidential positions to the Regents.

To fill a Vice Presidential position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee including representation from each of the Research Units while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI Faculty representation. The committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted. The President recommends appointment to the Chancellor, who informs the Board of Regents.

### 3.2.3 Assistant Vice Presidents

Assistant Vice Presidents shall report to a Vice President for responsibilities defined by the Vice President. Creation or abolition of Assistant Vice Presidential positions as well as screening and recruitment shall be the same as for Vice Presidents.

### 3.2.4 Executive and Deputy Executive Directors

The Executive Director of a Research Unit is the chief administrative officer of the Research Unit and shall be an ex officio member of the Research Unit's committees. The Executive Director shall be responsible for fiscal viability of the unit, research administration, development and implementation of research programs, and supervision of faculty and administrators within the unit. Screening and recruitment of Executive Directors shall be the same as for Vice Presidents. Each Executive Director shall be directly responsible to the President, unless the responsibility is assigned to someone else. The President, with approval by the Regents, may establish or abolish Executive Director positions. The President shall consult with the Faculty Senate for review and comment before submitting any additions or deletions of Executive Director positions to the Regents. Executive Directors may choose to appoint a Deputy Executive Director to assist in managing the research unit, after consultation with the President. The Deputy Executive Director shall be responsible to the Executive Director.

To fill an Executive Director position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee from the DRI faculty while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI faculty representation. The faculty committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted.

### 3.2.5 Senior Director

A Senior Director heads each of the DRI Integrated Science Centers and is responsible for the management and activities of the Centers. Senior Directors appointments are to be 49% or less and the remainder is to be as a faculty member in a division. The primary evaluation of each Senior Director is by the appropriate Division Executive Directors with input from the Integrated Science Centers supervisor.

To fill a Senior Director position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee from the DRI faculty while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI faculty representation. The faculty committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted.

### 3.2.6 Reassignment of Administrative Faculty

Executive administrative faculty (Vice Presidents, assistant Vice Presidents, Executive and Senior Directors) serve at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration (Title 4, Chapter 3). 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. Up to 6 months of salary support will be provided for Executive Administrative Faculty who has moved to a faculty position, with a salary not to exceed that of the highest paid faculty member of the unit. Nothing in this section shall be interpreted as abrogating the notice of non-reappointment provisions of Subsections 6.4.3 of the DRI Bylaws and Section 5.4.8 of the NSHE Code.

### 3.2.7 Responsibilities of the Executive Administration

The Executive Administration provides managerial, financial, academic, research administration, promotional, and operational support to the Research Units. This support includes but is not limited to the functions and services of the following: Presidential and Vice Presidential offices, Controller's Office, Human Resources, Facilities, Institutional Advancement, Information Technology, Library, Technology Transfer, Dandini Research Park, and Sponsored Research.

### 3.2.8 Committees

The President, in consultation with the Faculty Senate Chair may establish and appoint committees. Members of these committees report to the President and shall serve for a term or until discharged by the President.

## 3.3 Research Units

### 3.3.1 Scope

Research Units shall be organized as thematic or programmatic groupings of faculty. The Executive Director oversees the Research Units employees. Research Units shall emphasize continuation of established programs, development of new opportunities, collaboration with other DRI Research Units as well as NSHE and non-NSHE institutions, and undergraduate and graduate education.

### 3.3.2 Authority

Each Research Unit shall be delegated authority in all matters concerning its internal policy except where such authority may be retained by the Regents or the President, or specifically delegated elsewhere by the President. Each Research Unit shall establish the procedures under which it may act and shall formulate programs consistent with DRI's policies and objectives.

### 3.3.3 Employee Assignment

At the time of appointment, the President will determine the appropriate research unit for each research faculty member and the appropriate research and/or administrative unit for each administrative faculty member for administrative purposes including promotion, evaluation, and mentorship.

### 3.3.4 Changes in Organization

The President may propose to the Regents the establishment or abolition of Research Units. The President shall consult with the Faculty Senate before submitting to the Regents any proposed action to establish or abolish a Research Unit. The Faculty Senate determines whether the organizational change affects faculty rights and responsibilities, in which case the proposed change is a Class A action subject to review and comment by the faculty. All proposed changes in the addition or abolition of DRI's Research Units are subject to approval by the Regents.

## Chapter 4 - Faculty Advisory Bodies

### 4.1 Faculty Senate

The Faculty Senate is the principal representative body of the research and administrative faculty, with exception of executive-level administrators and is composed of representatives elected by the faculty under the provisions of the Faculty Senate Bylaws. The Faculty Senate makes recommendations to the President on matters related to DRI's organization, policies, and procedures as well as policies and procedures related to the rights and welfare of the faculty. All faculty members have access to the Faculty Senate to introduce any questions of general policy or any issues related to faculty rights and welfare.

#### 4.1.1 Authority

The Faculty Senate shall be delegated authority to make recommendations for the faculty in all matters specified in Title 2, Chapter 1 of the NSHE Code. All actions shall be within the limitations of NSHE policy.

#### 4.1.2 Membership

The Faculty Senate shall be fixed at 15 voting members. Executive Directors and Deputy Executive Directors, Vice Presidents, Assistant Vice Presidents and Senior Directors, whether the individuals in these positions are on regular, acting, interim or part-time appointments shall not be eligible for Faculty Senate membership. The President shall be a non-voting member of the Faculty Senate. Except as specifically provided in the Faculty Senate Bylaws, each Senator shall serve for three years and shall not be eligible to serve for one year following expiration of this term. The terms of the Senators shall be staggered so that, insofar as possible, an equal number of terms will expire at each election. Nomination and election of Senators shall be by secret ballot of the faculty.

#### 4.1.3 Faculty Senate Bylaws

The Faculty Senate shall establish Bylaws for itself. The Faculty Senate Bylaws shall set forth precise and detailed election procedures for all members and shall provide a method consistent with the normal procedures for filling of vacancies in the event that a Senator is temporarily or permanently unable to serve.

#### 4.1.4 Actions

The Faculty Senate Executive Committee shall classify each agenda item as one of the following, with such classification subject to modification by a majority of the Faculty Senate:

- (a) Class A Action – an action affecting the fundamental rights or responsibilities of all faculty members.
- (b) Class B Action – an action affecting institutional organization or policy.
- (c) Class C Action – an action pertaining to the operations of the Faculty Senate.
- (d) Information

#### 4.1.5 Procedure for Review of Actions

Class A Actions. A Class A Action of the Senate shall be approved or disapproved by one of two alternative procedures: Procedure I and Procedure II (explicitly described in the following two paragraphs). The Senate shall decide by vote which procedure is to be employed. Upon approval (by either procedure), the action becomes final only after additional approval by the President and if appropriate by the Board of Regents.

Approval of Action Under Procedure I. A Class A Action of the Senate shall be approved or disapproved by Procedure I when it has been approved by vote of the Senate, providing that the voting faculty has been informed within fifteen working days of this decision, and the voting faculty has not elected within fifteen calendar days of publication of the Senate's decision to change the determination to Procedure II.

Approval of Action Under Procedure II. A Class A Action of the Senate shall be approved or disapproved by Procedure II accordingly as it is approved or disapproved by a simple majority vote through a secret mail ballot sent to the entire voting faculty within fifteen days of the meeting and to be returned within seven days. A tie count constitutes disapproval; a simple majority of at least 50% of eligible voting faculty is required for approval. If less than 50% of the eligible faculty vote the issue will be referred to the Senate for action under Procedure I.

(A) Changing to Procedure II. The voting faculty may change the determination of a Class A Action of the Senate to Procedure II by submitting to the Chairman of the Senate, within fifteen days after publication of the Senate's decision, written requests, with reasons, for such a diversion, signed by at least 10 percent of its members or at least 40 percent of the members of any one of its research or administrative units.

(B) Modification of Action under Procedure II. In Procedure II, if upon submission of a Class A Action of the Senate in writing to all members of the voting faculty, significant proposed changes, as judged by the Executive Committee, are made in writing to the Senate Chairman by any member(s) of the faculty, then these changes shall be considered by the Senate at its next meeting.

A Class B Action shall be approved or disapproved by majority vote of the Faculty Senate. A tie vote constitutes disapproval. Following such approval, the faculty shall be informed of this decision within fifteen working days. If 15% of the faculty request within fifteen working days of the announcement that the issue requires Class A Action, then the action shall be reclassified and submitted to all faculty for their approval or disapproval.

A Class C Action of the Faculty Senate shall be approved or disapproved by majority vote of the Faculty Senate.

#### 4.1.6 Implementation of Actions

Class A and B Actions are recommendations of the faculty to the President and, when determined appropriate by the President, to the Regents. Changes in faculty rights or responsibilities and institutional organization or policy are not effective until proposed by the President and approved by the Regents. Class C Actions are effective upon approval by a majority of the Faculty Senate.

## **4.2 Faculty Meetings**

The faculty may hold meetings for the purpose of taking appropriate action on any matter related to faculty rights and responsibilities or receiving information from the Administration or the Faculty Senate. The President may call meetings of the faculty and shall call a meeting as soon as feasible upon request by 15% of the members of the faculty or when requested by a majority of the Faculty Senate. The President shall determine the order of business and, in doing so, shall provide opportunity for introduction of new business from the floor.

### **4.2.1 Meeting Officers**

The President is presiding officer of meetings of the faculty. The faculty shall elect a secretary from among its own membership who shall be responsible for maintenance of accurate records of its deliberations. Minutes of faculty meetings shall be transferred to the DRI libraries for archiving.

### **4.2.2 Parliamentary Authority**

The rules contained in the current edition of Roberts' Rules of Order, Newly Revised shall govern meetings of the faculty, insofar as they may be applicable and which are not covered in or by the DRI Bylaws.

### **4.2.3 Actions**

At any meeting, the faculty may recommend action to the President by majority vote of the faculty present on any matter within its jurisdiction.

### **4.2.4 Determination of Jurisdiction**

If any dispute arises regarding appropriate faculty action, which cannot be resolved by application of the provision of these Bylaws, then the President shall determine jurisdiction and report to the disputing parties.

## **Chapter 5 - Faculty Appointments**

### **5.1 Research and Administrative Faculty**

DRI faculty shall consist of all persons holding authorized professional positions as provided in the NSHE Code, Section 5.10.2:

*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 regionally accredited institutions. All vacancy announcements or advertisements for faculty and professional staff positions shall include explicit reference to these requirements. 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.*

The Professor track faculty (Ranks II- IV) and postdoctoral fellows emphasize the scholarly aspect of their studies, leading to significant scientific or technological advances through research or teaching or both, with scholarly criteria similar to equivalent university positions, while expected to obtain funding appropriate for their rank. The Research Associate track (I - IV) faculty generally emphasizes acquisition and use of highly developed specialized skills leading to key support for the Institute research programs in selected areas of endeavor. Each track requires the ability to develop and manage programs such that the criteria for success converge for advancement to rank IV. Professional administrative faculty (Rank 0), provide general support for DRI activities and executive administrative faculty oversee all DRI operations.

A national search is required for appointments to Professor tracks Ranks II-IV and Research Associate track Ranks III and IV. A local search is required for appointments to Rank 0 and Research Associate track Ranks I and II. A national search is optional for Rank 0 and Research Associate tracks Rank I and II. The initial salaries of Executive Directors and Vice Presidents shall be determined by the President based on professional credentials and leadership potential within the ranges set in the Executive Salary Schedule, Board of Regents Handbook, Title 4, Chapter 3, Section 2. DRI shall utilize a ranking system for its faculty to consists of Ranks 0 through IV. The initial salaries of the research faculty will be based on their qualifications and the requirements of the rank of the position - rank I through IV.

The initial salaries of Rank 0 Administrative faculty shall be based on the salary range assigned the qualification and requirements of the position according to an approved salary schedule. The Human Resources office will notify the president's office on a yearly basis of those Rank 0 employees who exceed the salary range of their position. Exceeding the range requires presidential approval. 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. (Regents Code, Chapter 5, Section 5.5) (B/R 6/05) (B/R 1/03)

## **5.2 Joint and Separate Appointments**

There are three types of arrangements between NSHE and the Desert Research Institute (DRI): teaching agreements, joint appointments, and separate appointments. These agreements pertain to all schools and colleges of the System that involve DRI faculty in their instructional programs, or on graduate student committees.

Teaching agreements are generally on a semester basis between an academic department or program and an individual DRI faculty member. Funds for the teaching and/or advising students are transferred to DRI for payment of the faculty member.

DRI faculty may accept joint appointments with other NSHE institutions if approved by the Research Unit Executive Director and the President. Respective responsibilities shall be determined by the faculty member and department chair with approval by the Research Unit Executive Director at the beginning of each academic year. Involvement with another institution shall not exceed 49% of the faculty member's time averaged over the period of an "A" contract. Promotion and salary increases shall be assessed based on the faculty member's contributions to each institution, with advisory input from the non-DRI institution. Joint appointments between institutions shall maintain the same rank and title as the DRI appointment.

Faculty from other NSHE units may accept joint appointments with DRI if approved by the Research Unit Executive Director and by the President. Respective responsibilities shall be determined by the faculty member and department chair with the Research Unit Executive Director at the beginning of each academic year. Involvement with DRI shall not exceed 49% of the faculty member's time averaged over the period of an "A" contract. Promotion and salary increases shall be assessed based on the faculty member's contributions to each institution, with advisory input from DRI. Joint appointments between institutions shall maintain the same rank and title as their appointment at their major institution.

A faculty member with separate appointments will have two contracts, one with each institution. Each institution may have a different salary schedule, title, evaluations, etc. and the employment percentage could be variable. The employment details would be determined by the institutions hiring authorities and the employee. The two contracts together may not exceed 100% of an "A" contract.

For both joint and separate appointments DRI may issue full or partial "B" contracts to NSHE employees if requested by the employee.

### **5.3 Special Appointments/Positions**

#### **5.3.1 Adjunct Faculty**

Any individual qualified in a particular field of knowledge and not employed by the NSHE may receive an adjunct appointment as a Research or Administrative Faculty or Executive Administrator provided that the following conditions are met: (1) demonstrated value of the prospective adjunct faculty member to DRI; (2) fulfillment of the requirements for the corresponding position, i.e. without the title "adjunct", specified by the Research or Administrative Unit concerned; and (3) approval by the Research Unit Executive Director or an appropriate Vice President and the President. Adjunct faculty are unpaid and nonvoting members of the faculty. All adjunct appointments will be evaluated annually by the President.

#### **5.3.2 Visiting Professor/Scientist**

An individual supported by DRI funds may be appointed by the President to a nonrenewable temporary position in the Research Professor or Research Associate ranks with the designation "visiting" for a period of not more than 364 days. An individual supported from non-DRI funds (appointment does not provide NSHE salary or benefits), upon recommendation by a DRI Division, may be appointed to an annually renewable position in the Research Professor or Research Associate ranks. The form *Application for Visiting Professor/Scientist* must be completed and filled with the Human Resources Office. Visiting Professors/Scientists are nonvoting members of the faculty.  
(B/R 8/08)

#### **5.3.3 Postdoctoral Fellow**

Postdoctoral Fellow (Rank I) is a temporary, scholarly position under the direction of a faculty sponsor established for the fellow's continuing education and professional growth. Completion of a doctoral degree in an appropriate discipline is a requirement for appointment. Postdoctoral Fellows are salaried, and appointments are for a limited term (one calendar year with renewal for a sequential second and third year depending on funding and performance). Renewal beyond this period shall be made only under exceptional circumstances to be determined by the appropriate Vice President in consultation with the Executive Director but shall in no cases exceed five sequential calendar years. Postdoctoral Appointees receive benefits and employment conditions as defined in Title 4, Chapter 7 of

the NSHE Code with the following addition: Postdoctoral appointees receive grant-in-aid benefits for employee and dependents according to Title 4, Chapter 18, Section 5. (B/R 12/08)

#### 5.3.4 Graduate Research Assistants

A Graduate Research Assistant is an appointment offered to a student who is actively pursuing a graduate degree in a department within the NSHE. The terms of this appointment shall be specified by contract.

#### 5.3.5 Letters of Appointment

Letters of appointment may be issued for temporary appointments not to exceed 0.25 FTE in any 12-month period, 50% FTE for 6 months, or 100% FTE for three months. Temporary appointments shall be issued only for clearly defined duties and shall be subject to approval by the President or the President's designee. Persons with letters of appointment may be reappointed. Persons with letters of appointment are not eligible for benefits and are nonvoting members of the faculty.

#### 5.3.6 Temporary Positions

Temporary positions are for greater than or equal to 50% FTE employment of faculty for less than 365 calendar days and do not require recruitment. Appointments of 50% or greater are granted benefits on a prorated basis. Appointment may be extended for one month under special situations if approved by the Director of Human Resources. If the position becomes a regular position, recruitment must be conducted and the employee on the temporary contract may compete for the position through the normal recruitment process. Temporary employees will receive an initial 2-day sick leave accrual, and will accrue sick leave at 2-days per month or prorated by FTE.

#### 5.3.7 Affiliate Faculty Position

Affiliate Faculty is a part-time position for less than 50% FTE time and does not carry any benefits. Individuals in this position must have appropriate education and experience to be considered as a research or administrative faculty member. These positions are considered hourly for payment purposes and are not paid on a salary basis. Approval by the Research Unit Executive Director or an appropriate Vice President and the President are required. Affiliate faculty are nonvoting members of the faculty. All affiliate appointments will be evaluated annually by the President.

#### 5.3.8 Sabbatical Appointments

Sabbatical appointments are for visiting faculty members on sabbatical leave from other institutions and appointment cannot exceed 364 calendar days. These appointments may or may not carry salary and earned benefits (TBD by division director with president's approval). Assistance may include clerical support, computer resources, travel, or other stipends. The appointees are nonvoting members of the faculty.

#### 5.3.9 Emeriti Status

Emeriti status is an honor attained through appointment upon retirement from DRI. Any faculty member who retires from DRI and has held an appointment in excess of a 50% for at least ten years (or ten years equivalent service) is eligible for this honorable status. (BOR Handbook Title 4, Chapter 3, Section 36) Upon retirement the individual may elect to be nominated for emeriti status by an Executive Director, Vice President or a current faculty member. The President shall make the final decision following review and comment by the Faculty Senate. Faculty who retire after serving DRI for less than ten years may be considered, but conferral of the status in such cases is exceptional and will be made only when the individual's service has been judged outstanding. The faculty member's title will be

Emeritus or Emerita plus their title when retiring from DRI. Those with emeriti status are nonvoting members of the faculty. Benefits include ID card, Grant-in-aid for emeriti and their spouse and dependents, computer account, computer dial-up account, DRI e-mail, library privileges, listing in the DRI telephone directory, may have the use of an office and any other negotiated benefit.

#### 5.3.10 Volunteer Positions

A volunteer is someone who has agreed to perform certain duties under the supervision of a DRI employee for DRI without receiving compensation for those duties. The volunteer by signing the Volunteer Agreement is covered under indemnification, worker's compensation insurance, confidentiality, jurisdiction, and proprietary information. A parent must sign the agreement if the volunteer is under 18 years of age.

## Chapter 6 - Faculty Personnel Policies

### 6.1 Nepotism

DRI prohibits the concurrent employment of relatives if one person will be the immediate supervisor or be in the direct line of authority of any relative within the 3rd degree of consanguinity or affinity, including members of the Board of Regents [The third degree of consanguinity or affinity is defined as spouse, mother, father, brother, sister, or child (including half, step, and in-law relationships in the same categories), first cousin, aunt, uncle, niece, nephew, grandparent, or grandchild]. Information concerning related employees is public information subject to disclosure under the public records law. Employees certify that they are not related to any other person within the NSHE, with the 3rd degree of consanguinity or affinity, except as disclosed on NSHE pre-employment certification.

No employee of DRI shall participate in making recommendations or decision specifically affecting the appointment, retention, work assignment, performance evaluation, promotion, demotion, and salary of a relative. Exception to this policy must have prior written approval by the president along with a written agreement detailing the manner in which conflicts of interest will be ameliorated (Title 4, Chapter 3, Section 7). Any employee with a question concerning a violation of the nepotism policy should contact the Director of Human Resources.

### 6.2 Research and Administrative Faculty Staffing

#### 6.2.1 Hiring Authority

The President shall inform the Faculty Senate of the intent to create any new Administrative faculty positions, within the President or Vice President's offices. The Faculty Senate shall review and comment to the President on all such positions. In accordance with the Bylaws, the President chooses Vice Presidents and Executive Directors. The Vice Presidents and Executive Directors, in turn, determine staffing needs and hires for the programs they administer. The Executive Director or the Vice President shall request the President's permission to make an appointment and, if the position is a new one, will identify the source of funding and the need for the position.

### 6.2.2 Affirmative Action and Equal Opportunity

The Desert Research Institute will make all decisions regarding recruitment, hiring, promotions, and all other terms and conditions of employment without regard to race, color, creed or religion, sex, national origin, age, physical or mental handicap, Vietnam era veterans, disabled veteran status, or any other factor that is not a lawful basis for such decisions.

As an employer that has contractual relationships with the United States government and performs services for federal contractors and sub-contractors, DRI's non-discrimination and affirmative action policies and plan are specifically required by federal **Executive Order No. 11246, Sections 503 and 504 of the Rehabilitation Act**, and the **Employment of Disabled and Vietnam Era Veterans Code**.

### 6.2.3 Conditions of Appointment and Pre-employment Certifications

All positions shall be recruited in accordance with current affirmative action and equal opportunity laws and regulations. Written notification of appointment will inform prospective appointees of the proposed terms and conditions of employment, but the final terms and conditions are only those contained in the employment contract as provided by Title 2, Chapter 5 of the NSHE Code. A binding employment contract between DRI and a prospective appointee does not exist until the President or his appointed authority signs the employment contract.

Each candidate interviewed for a professional position within the NSHE shall sign an employment declaration. 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.

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 8, do not apply when employment is terminated under these circumstances.

If the appointee is not a U.S. citizen or resident, it is the Institute's responsibility, prior to appointment, to document proof from the U.S. Government of approval to work.

### 6.2.4 Assignment of Duties

Vice Presidents and Executive Directors shall assign duties and responsibilities to their personnel and delegate supervisory responsibility as deemed necessary.

## 6.3 Continuation of Faculty Appointments

See NSHE Code, Chapter 5, Section 5.8

### 6.3.1 Bridge Funding

See NSHE Code, Chapter 5, Section 5.8.2

### 6.3.2 Conditions

See NSHE Code, Chapter 5, Section 5.8.2(a)

6.3.3 Review of Recovery Plan  
See NSHE Code, Chapter 5, Section 5.8.2(b)

6.3.4 Extension and Service Days  
See NSHE Code, Chapter 5, Section 5.8.2(c)

6.3.5 Reinstatement  
See NSHE Code, Chapter 5, Section 5.8.2(d)

## **6.4 Termination of Faculty Appointments**

See NSHE Code, Chapter 5, Section 5.8.3

6.4.1 Employment may be termination for cause  
See NSHE Code, Chapter 5, Section 5.8.3(a)

6.4.2 Termination for programmatic or adverse financial conditions  
See NSHE Code, Chapter 5, Section 5.8.3(b)

6.4.2.1 Notice of Termination for programmatic or adverse financial conditions  
See NSHE Code, Chapter 5, Section 5.8.3.1

6.4.2.2 Conditions for termination for programmatic or financial conditions  
See NSHE Code, Chapter 5, Section 5.8.3.2

6.4.2.3 Reinstatement from termination for programmatic or financial conditions  
See NSHE Code, Chapter 5, Section 5.8.3.3

6.4.2.4 Contract Discontinuance for Research Faculty for programmatic or financial conditions  
See NSHE Code, Chapter 5, Section 5.8.3.4

6.4.2.5 Notice of Termination for Programmatic or Adverse Financial Conditions for Rank 0 Faculty  
See NSHE Code, Chapter 5, Section 5.8.3.5

6.4.2.6 Notice of termination for Programmatic or Adverse Financial Conditions Post Doctoral Faculty (Rank 1)  
See NSHE Code, Chapter 5, Section 5.8.3.6

6.4.3 Non Reappointment of Employment Contracts  
See NSHE Code, Chapter 5, Section 5.8.2(e)

## **6.5 Resignations**

There are limitations on revocation of resignation by an employee. Once an employee's written resignation is accepted by his appointing authority, the employee may not revoke the resignation, regardless of the effective date set forth in it, if 3 or more working days have elapsed since its acceptance, unless the appointing authority approves the revocation NRS 284.381.

Resignation of DRI faculty members will be in the following manner:

- (a) All resignations by DRI faculty must be in writing and submitted to the appointing authority. The resignation must be accepted in writing by the appointing authority.
- (b) A written resignation should indicate an effective date for the resignation. If the written resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance.
- (c) Once a faculty member's written resignation is accepted by the appointing authority the faculty member shall have three working days after such acceptance to revoke the resignation. 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. If three days have passed and no revocation has occurred faculty members who have tendered a voluntary resignation may request permission to withdraw the resignation; however such withdrawal shall be at the discretion of the appointing authority. This action is not subject to any grievance or appeal right.
- (d) Until such resignation takes effect, the faculty member shall remain in good standing and is entitled to all faculty rights and privileges defined by the NSHE and DRI.

## **6.6 Disciplinary Actions for Cause**

The DRI disciplinary actions for cause are in Chapter 8 of the NSHE Code.

## **Chapter 7 - Professional Advancement for Research Faculty**

### **7.1 Professional Advancement and Performance Evaluation**

Promotion in rank is a result of faculty achievement and shall be based upon established criteria and peer review. In addition, DRI shall conduct annual performance evaluations to determine salary increases based on merit. Annual performance evaluations (see Chapter 8) shall be linked to faculty promotion through input to the Promotion committee by the faculty member's supervisor. Meritorious performance evaluations during a period of several years shall be considered an important factor for successful promotion to the next rank for research faculty.

### **7.2 Promotion and Reclassification Committee**

The President shall establish a DRI-wide Promotion and Reclassification Committee in consultation with the Faculty Senate to include an Executive Director, three Rank III, and three Rank IV faculty members. The President shall select the Committee chair. Committee membership shall be for a three-year term, and terms shall be staggered. Promotion is defined as a change in rank within either the professorial or the associate track but not across professional tracks, which will be considered reclassification. The Committee shall evaluate all recommendations for promotions and reclassifications to Ranks III and IV and make recommendations to the President based on its review. Only Rank IV Committee members may evaluate faculty-seeking promotion to Rank IV. Each Research Unit also shall establish a Promotion and reclassification Committee according to rules established by the Research Unit.

### **7.3 Adoption of Procedures**

The appropriate Vice President shall review and develop in consultation with the Faculty Senate written guidelines for implementation of promotion procedures. The Research Unit Promotion Committee (which review all promotions), the DRI-wide Promotion Committee, and the faculty shall be provided with these guidelines prior to reviews. Procedures and forms will be published in the Administrative Manual.

#### **7.4 Recommendations for Promotion**

Recommendations for research faculty promotion shall be initiated by the Research Unit Executive Directors, but research faculty retain the right to independently forward a promotion or reclassification application to the Research Unit and DRI-wide Promotion Committees. The Research Unit Executive Directors (or individual faculty) shall submit each application for research faculty promotion to the Research Unit committee for review and comment. The Executive Director shall submit both their and the committee's recommendations to the DRI-wide Promotion and Reclassification Committee for review for rank III and IV faculty. The DRI-wide Committee shall submit its recommendation along with all comments and other recommendations to the President who shall make the final decision. Promotions will officially take effect on next July 1.

#### **7.5 Reclassification**

Reclassification is defined as a change in faculty status between Rank 0, the associate track and the professor track. Reclassification may be requested for research or administrative faculty by the Research Unit Executive Director or individual faculty when there is (1) a change in a position's scope of responsibility, complexity, degree of independence, or level of decision-making responsibility or (2) an increase in a particular employee's knowledge or specific capabilities. The guiding principle is if the employee being reclassified can function at the level of employees currently in the job title. A reclassification to the Professor track requires a Ph.D. Reclassification of any DRI employee to rank III or IV faculty will be reviewed by the DRI-wide Promotion and Reclassification Committee and recommendations forwarded to the President for approval. All other reclassifications will be handled within the appropriate research or administrative unit and forward to the president for approval. Reclassifications will officially take effect on the first of the month following Presidential approval. Technologists may not be reclassified as professional. They must apply for a posted/advertised position, as defined in Section 5.1.

#### **7.6 Appointment Committee**

The Executive Director shall establish a search committee for each professional position at the rank III and IV level that will also serve as the Institute appointment committee for that position. This committee will provide recommendations to the Executive Director and the President on the appropriate level of hire for each of the candidates on the slate as provided to the Executive Director. The Executive Director needs the information to prepare an offer and the President needs the information to approve the offer.

#### **7.7 Qualifications**

##### **7.7.1 Qualifications for Research Professor Track: Ranks II through IV**

The Ranks described below are the normal expectation for individuals in each rank; it is possible to have exceptions under certain circumstances. There is no exception to all faculty in the Professor Track require a Ph.D.

- (a) Rank II (Assistant Research Professor) – Doctoral degree and demonstrated superior expertise in an appropriate subject area; potential for ability to initiate, plan, obtain funding, and carry out research projects; and potential for professional growth.

- (b) Rank III (Associate Research Professor) – Rank II qualifications plus (1) program development and management experience; (2) a record of publications, including peer-reviewed publications, or other intellectual productivity including patents, intellectual property development, presentations, and reports; (3) success in achieving sustained research project or program funding; (4) evidence of increasing professional recognition at the regional, national, and/or international levels; (5) teaching and advising students as well as mentoring of DRI personnel; and (6) service to the community, the NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the last three are supportive.
- (c) Rank IV (Research Professor) – Rank III qualifications but increased, sustained, long-term success in (1) program management; (2) productivity including peer-reviewed publications, books and book chapters, patents, intellectual property development, and other measures; (3) development of funding including support for others; (4) professional national and international recognition; (5) teaching and advising students as well as mentoring DRI faculty (if appropriate); and (6) service to the community, NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the others are supportive.

7.7.2 Qualifications for Research Associate Track: Ranks I through IV

The Ranks described below are the normal expectation for individuals in each rank; it is possible to have exceptions under certain circumstances. There is no exception to all faculty in the Associate Track require a Bachelor’s or higher degree.

- (a) Rank I (Staff [insert occupational title]) – professional education as evidenced by a bachelor’s or higher degree in relevant field; capability of providing scientific, technical, and operational support to specific projects or programs.
- (b) Rank II (Assistant Research [insert occupational title]) – qualifications of Rank I plus demonstrated accomplishments in profession and potential for accomplishment in project or program promotion, development, and management as well as supervisory responsibility.
- (c) Rank III (Associate Research [insert occupational title]) – qualifications of Rank II plus demonstrated success in one or more of the following: (1) project promotion (including obtaining funding), development, and management; (2) supervisory responsibility; (3) productivity including publications, patents, or development of intellectual property; and (4) service to the community, the NSHE, DRI, and the researcher’s profession. The first three are normally critical requirements; the others are supportive.
- (d) Rank IV (Senior Research [insert occupational title]) – qualifications of Rank III plus sustained, long-term success in (1) project or program promotion, development, and management; (2) supervisory responsibility; (3) productivity demonstrated by publications, including peer-reviewed publications, patents, or development of intellectual property; (4) obtaining funding (including support for others); (5) mentoring; and (6) service to the community, the NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the others are supportive.

Normal is used because certain faculty positions may require special duties and also during certain years a faculty member may have a situation which would have different expectations.

### 7.7.3 Qualifications for Administrative Faculty (Rank 0)

Professional education as evidenced by a bachelor's or higher degree in a relevant field. Additional qualification may be added depending on the position requirements.

## **Chapter 8 - Professional Performance Evaluation**

### **8.1 Annual Performance Evaluation**

Performance of each faculty member shall be evaluated annually with a possible midterm review depending on the results of the annual review. The categories/objectives for annual evaluations should be closely related to the qualifications for research professors and associates as outlined in Chapter 7, Section 7.7 of the DRI Bylaws. The objectives and their importance are determined by the faculty member in consultation with their supervisor and/or Executive Director recognizing possible difference in objectives and weights between faculty members. It is anticipated that the faculty members may include objectives from one rank above their current position in anticipating a promotion. This will help maintain a tie between annual evaluations and promotions. All ranks, including professorial rank 1 (post-doctoral) are to receive an annual evaluation. Steps in performance evaluation shall include (1) initial negotiation of annual objectives with the faculty member's supervisor, (2) self-evaluation by the faculty member, (3) a discussion with the faculty member's supervisor, (4) determination of ratings by the faculty member's supervisor and if appropriate comments by the employee, and (5) procedural and consistency review and approval by the President (or the President's designee). Upon completion of the performance review, a written record of this evaluation shall be added to the faculty member's personnel file.

While overall responsibility for the evaluation lies with the appropriate Executive Director or Vice President, direct responsibility may be delegated to the faculty member's supervisor. Such delegation shall be made clear in writing by December 31 of the preceding year or with the mutual consent of the faculty member and supervisor. The President may assign a new supervisor at anytime to any faculty member if the current supervisor leaves DRI or if the President deems it to be in the best interest of the individual and DRI.

Salary increases shall be determined by the Research Unit Executive Director, appropriate Vice President in consultation with the President, or the President based on performance against negotiated objectives and external considerations.

Executive administrators shall be evaluated annually by the President and biennially by appropriate faculty and staff and shall follow the provisions of Title 4, Chapters 5, Section 5.11 of the Board of Regents Handbook. The President in consultation with the Faculty Senate Executive Committee shall select appropriate faculty and staff as well as develop the evaluation process.

Executive Administrative Salary increases shall be reviewed and approved according to Title 4, Chapter 3, Section 22 of the Board of Regents Handbook.

For administrative faculty the categories/objectives for annual evaluation should be evaluated according to performance in support of the Institute's strategic goals.

The following key areas of responsibility listed below are factors to be used to assess performance for MBOs, and should be included in the Rank 0 faculty member's individual MBOs. Performance as evidenced by (1) management (planning, organizing, directing), (2) customer service, (3) technical competence (job knowledge), (4) productivity (quality, quantity), (5) leadership/supervision (if appropriate), 6) service to the community, the NSHE, DRI and the individual's profession, and other factors which show the administrative faculty member's professional growth and achievements.

## 8.2 Ratings

Ratings shall be for each objective and overall performance. Merit shares are based on ratings for overall performance:

1. **Outstanding (2 Merit Shares):** Excellent performance, significantly exceeds MBO expectations on all critical objectives.
2. **Commendable + (1.5 Merit Shares):** Very good performance, exceeds MBO expectations on most critical objectives.
3. **Commendable (1 Merit Share):** Very good performance, exceeds MBO expectations on some critical objectives.
4. **Satisfactory +(.5 Merit Share):** Meritorious performance, sometimes exceeds MBO expectations and just above satisfactory performance.
5. **Satisfactory (0 Merit Shares):** Competent, meets MBO objectives and expectations.
6. **Needs Improvement (0 Merit Shares):** Having performed below MBO expectations on critical or important objectives. Acts as a warning and requires a development plan and a mid-year review, at which point the overall rating must be changed to either a satisfactory or unsatisfactory rating.
7. **Unsatisfactory (0 Merit Shares):** Does not meet expectations. May only be issued after a Needs Improvement. An overall rating of unsatisfactory leads to termination proceeding in accordance with the NSHE Code, Chapter 8. Disciplinary Action will start with the final written warning.

## 8.3 Relative Importance of Evaluation Objectives

The relative importance of each of the evaluation objectives is unique to each faculty member and falls into one of three categories: critical, important, or minor.

The importance of each objective is placed into one of three categories:

- (a) Critical – of greatest importance to individual and DRI advancement. On any critical topic, a finding of “needs improvement” may lead to an overall “needs improvement” rating. If at the following midterm review the “needs improvement” rating has not been raised, then an “unsatisfactory” overall rating shall be issued.
- (b) Important – of significant consideration in the overall summation. Important objectives are not critical to individual or institutional advancement.
- (c) Minor – of some relevance to the overall summation. Minor objectives are those where some activity will be undertaken, but the objectives do not weigh heavily in the overall summation. A finding of “unsatisfactory” on any objective other than the critical objective will not lead to an overall unsatisfactory rating unless the overall summation is unsatisfactory.

#### **8.4 Evaluation Conditions**

Actual accomplishments shall be discussed with the faculty member's supervisor from the viewpoint of the above criteria, previously agreed upon performance objectives, and modifications due to shifts in funding (if applicable). A performance evaluation form will be prepared by the supervisor and discussed with the faculty member. The faculty member shall have the opportunity to make written comments on the form itself, and the form becomes part of the faculty member's personnel file. Based on this review, a recommendation is made regarding merit increase.

- (a) Evaluation of the faculty member shall take into account the entire self-evaluation, bearing in mind that performance is rank related and that duties and opportunities of faculty members differ and may require different emphases at different stages of the faculty member's career.
- (b) DRI faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, others evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of all respondents. Anonymous materials shall not be considered by the supervisor.
- (c) Faculty members shall be evaluated for external equity each year based on conditions of the job market and national norms appropriate to the faculty member. Internal equity will be based on comparable salaries with positions of similar duties and rank. Recommendations for equity changes must be separately documented on the request for equity review of salary and evaluated by the appropriate Research Unit Executive Director or Vice President. Equity recommendations also become a part of the faculty member's personnel record after discussion with the faculty member. The faculty member may comment on the recommendation in writing, and those comments also shall become a part of the faculty member's personnel file.
- (d) If the faculty member disagrees with any part of the evaluation he/she may submit a written rejoinder and/or request a peer review evaluation by a committee of three DRI faculty members of equivalent rank but from other research units. The committee will be selected by Faculty Senate Chair. The committee will have access to all appropriate records and the right to collect additional information. The committee will report to the President, whose decision is final.
- (e) Performance objectives for the coming year shall be developed at the time of the performance evaluation. In addition to identification of objectives, consideration shall be given to availability of DRI resources (fiscal and otherwise) needed to accomplish the objectives during the following year.
- (f) Faculty members receiving an overall rating of "needs improvement" on evaluation shall be provided with constructive feedback in the written evaluation by the supervisor to help improve performance. Constructive feedback must include the option for help in preparing a written plan for improved performance.

## Chapter 9 - Other Policies

### 9.1 Grievance

A grievance (Regents Handbook, Title 2, Chapter 5) is in response to an act or omission to act by a DRI administrator allegedly resulting in an adverse impact on a faculty member's employment conditions relating to salary, promotion or other aspects of contractual status, or relating to alleged violations of the Regents Handbook, Title 2 or the Bylaws. Decisions of the Regents or decisions involving non-reappointment to employment, termination of faculty for financial or programmatic reasons (Bylaws Sections 6.3 and 6.4) and annual performance evaluations (Bylaws Section 8.4) are not subject to review by grievance procedures.

A faculty member may institute a grievance by filing a written notice of grievance with the VPAFS and the chair of the Faculty Senate within 40 working days of the knowledge of the act, omission, or violation of the Regents Handbook. The notice of grievance shall contain: (1) a brief statement of the act, omission, or policy that is being challenged; (2) reasons supporting the grievance; and (3) the remedy sought. A review of the grievance will be conducted according to the following procedure. Such a review shall be informal and fact-finding in nature, shall be considered a personnel matter, and shall be conducted with appropriate decorum.

The procedure is as follows:

1. The Faculty Senate Chair will call for the formation of a Grievance Committee when requested by either the VPAFS or the Faculty Senate Executive Committee. The primary charge to the Grievance Committee will be findings of fact concerning the notice of grievance. The scope of grievance procedures is defined in the Regents Handbook.
2. The Faculty Senate Executive Committee will appoint the Grievance Committee members within 10 working days following consultation with the VPAFS. The Grievance Committee will consist of three individuals (two research faculty members and one administrative faculty member) who have no conflict of interest related to this issue.
3. Once formed, the Grievance Committee within 5 working days will determine which of the three individuals will chair the Committee and will inform all parties, including the Faculty Senate Executive Committee and the VPAFS, when the Grievance Committee has been organized.
4. All written material (notice of grievance and DRI administration statement) shall be provided to all concerned parties at least 10 working days prior to scheduled interviews. The DRI administrative statement shall address the same three points as the faculty grievance. The Grievance Committee has latitude on how to conduct the informal fact-finding activities, but it is generally expected that employee, representative(s) for the employer, and others with pertinent information will be interviewed individually.
5. The Grievance Committee will complete its investigation within 20 working days following their organization.
6. Following the investigation, the Grievance Committee shall make findings of fact in a written report to the President within 5 working days. During this period, the Grievance Committee can request additional materials as a necessary part of its fact-finding mission.
7. In accordance with Regents Handbook, Title 2, the recommendation(s) of the Grievance Committee are advisory only.

8. Within 3 working days after receiving the recommendation of the Grievance Committee, the President shall render his/her decision to dismiss the charge, sustain the charge, or take other corrective action he/she deems necessary. The President's decision shall include a brief written explanation to the faculty member.
9. Upon rendering of the President's decision, the current Grievance Committee will be discharged of its duties and disbanded.
10. With the President's decision related to the grievance, the employee may file no further grievance related to the issue or issues being considered. The employee may request a copy of the Grievance Committee report within 20 working days of receiving the decision from the President.

(B/R 8/08)

## **9.2 Non-Discrimination and Harassment Policy**

By valuing diversity, DRI recognizes the need to bring together and foster the very best qualities, talents, and perspectives of all individuals who play a role in DRI's success. DRI's appreciation of a diverse workforce stems from its respect for the individual and the conviction that people's differences are a strength that provides a distinct advantage in the fast-changing global workplace.

As a research organization, DRI places a strong emphasis on the self-awareness and consideration for others while striving to create an atmosphere for freedom of expression. Freedom of expression must always be in conjunction with the responsibility to observe the rights of one another. In such a setting, there is no place for conduct that diminishes, uses, or abuses another person. For these reasons, discrimination or harassment of any kind is unacceptable at DRI.

DRI will not tolerate discrimination in employment or harassment in the workplace. DRI prohibits the discrimination or harassment of any member of the faculty or staff on the basis of race, color, sexual orientation, national origin, religion, sex, age, disability, or marital or veteran's status. Not only are discrimination and harassment a violation of DRI policy, but they are also a violation of federal law.

All faculty and staff are expected to comply with and enforce this policy. Any employee found engaging in discrimination or harassment as described in this policy shall be subject to discipline up to and including termination/dismissal. This policy applies not only during normal hours but to Institute related social functions, including off DRI premises and business related travel.

It is the responsibility of every member of the faculty and staff to maintain a fair, safe, and productive working environment. Each supervisor and faculty member is responsible for communicating DRI's policy on Non-discrimination and Harassment to all employees as well as encouraging employees to report any occurrence of discrimination or harassment. Any supervisor or faculty member who recognizes or suspects such behavior at DRI should immediately report it to the Human Resources Office and obtain assistance for handling such situations. Any supervisor or faculty member who knowingly allows discrimination or harassment will be subjected to disciplinary action.

The Equal Opportunity/Affirmative Action Policy of DRI is consistent with the requirements and objectives of the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1974, the Vietnam Era Veteran's Readjustment Act of 1974 as amended, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, and other applicable laws.

Harassment includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of their race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status and has the purpose of reasonably creating an offensive, demeaning, intimidating or hostile environment for that person or group of person. Such conduct includes, but is not limited to objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm.

If you think another employee is harassing you because of your race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status, tell him /her that you find such behavior offensive and ask them to stop the behavior. It is important to let your fellow employees know when you consider such behavior offensive, as DRI hires people from a wide variety of cultural and ethnic backgrounds, and that person may not consider the behavior as offensive. If that employee continues with the behavior, contact your supervisor, the Human Resources Office, or the Vice President of Research and follow the procedures in the complaint process.

#### 9.2.1 Hate Crimes Policy

Board of Regents Handbook Title 4, Chapter 1, Section 30

Procedures for the prevention, response and investigation of hate crimes are in DRI's Administration Manual.

#### 9.2.2 Sexual Harassment Policy

Board of Regents Handbook Title 4, Chapter 8, Section 13

#### 9.2.3 Complaint Process for Harassment or Discrimination (B/R 12/08)

### **Procedures and Timelines**

1. Complainant must submit complaint of harassment on the DRI Complaint Form within 180 calendar days of alleged incident.
2. Within two working days of receipt of the complaint, the Human Resources Director will meet with the complainant and document details of the alleged harassment (e.g., witnesses, dates, time, places, actual behaviors, etc.) as well as determine what the complainant desires as a remedy.
3. Within two additional working days, the Human Resources Director will meet with the alleged harasser to notify him/her about the complaint and to take a statement.
4. Within five working days from the date of the initial complaint, the Human Resources Director will attempt to resolve the situation between the two employees. If the situation is resolved to the complainant's satisfaction, the complaint process will be terminated.
5. If resolution is not possible, the Human Resources Director will interview any/all witnesses cited by both the complainant and alleged harasser. Subsequently, a report will be prepared for the President's review. If the President determines that grounds do exist, s/he will appoint a Complaint Review Committee.
6. The appointed Complaint Review Committee will meet within three working days of the date the Human Resources Director completed the initial assessment to review all materials and schedule the next steps.

7. The Complaint Review Committee shall schedule a hearing within five working days of its first meeting.
8. Within 10 working days after the hearing has been completed, the Complaint Review Committee will make its recommendation to the President.
9. The President will determine what action is determined to be appropriate and necessary and will notify the complainant, the respondent, and the Human Resources Director accordingly.

### **9.3 Conflict of Interest**

No DRI officer, director, faculty, or staff shall engage in any activity that places them in conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees to disqualify themselves from participating in a decision when a financial or personal interest is present. The standards of conduct to which DRI employees will be held are set forth in Title 4, Chapter 11, Compensated Outside Professional Service. In addition, recipients of Federal funds and their employees engaged in the award and administration of contracts supported by Federal funds are subject to the Procurement Standards, including the Codes of conduct provision, of OMB Circular No. A-110. Additional details are in the DRI Administrative Manual.

### **9.4 Ethics**

Researchers shall avoid scientific misconduct as defined by the NSHE Code Chapter 6, Research Ethics and Integrity: Policy and Procedures Section II-C of the Desert Research Institute Administrative Manual, and the following definition of research misconduct developed by the Federal Commission on Research Integrity:

*Research misconduct is significant misbehavior that improperly appropriates the intellectual property or contributions of others, that intentionally impedes the progress of research, or that risks corrupting the scientific record or compromising the integrity of scientific practices. This includes (1) fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices in proposing, carrying out, or reporting scientific research; or (2) retaliation of any kind against a person who reported or provided information about suspected or alleged scientific misconduct and has not acted in bad faith. (45 CFR Section 689.1)*

The following definitions apply to this part:

- (a) Research misconduct means fabrication, falsification, or plagiarism in proposing or performing research funded by NSF, reviewing research proposals submitted to NSF, or in reporting research results funded by NSF.
  - (1) Fabrication means making up data or results and recording or reporting them.
  - (2) Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
  - (3) Plagiarism means the appropriation of another person's ideas, processes, results or words without giving appropriate credit.

- (4) Research, for purposes of paragraph (a) of this section, includes proposals submitted to NSF in all fields of science, engineering, mathematics, and education and results from such proposals.

(b) Research misconduct does not include honest error or differences of opinion. Any employee with a question concerning a violation of the ethics policy should contact the Vice President of Research.

Penalties for violations of ethics policies are contained in Title 2, Chapter 6 of the NSHE Code.

### **9.5 Whistleblower Policy**

The primary "whistleblower" policy coverage for all DRI employees is Nevada Revised Statute (NRS) 281.611, which states:

*"It is hereby declared to be the public policy of this state that a state officer or employee is encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action, and it is the intent of the legislature to protect the rights of a state officer or employee who makes such a disclosure. (Added to NRS by 1991, 1992)"*

For additional information about this State of Nevada policy refer to "Disclosure of Improper Governmental Action," NRS 281.611-281.671 (Volume 21, pages 7460-7462).

For DRI employees working on the DOE Nevada Test Site contract, additional "whistleblower" policy coverage is provided by the DOE Contractor Employee Protection Program. (10 CFR708.3):

*"It is the policy of DOE that employees of contractors at DOE facilities should be able to provide information to DOE, to Congress, or to their contractors concerning violations of law, danger to health and safety, or matters involving mismanagement, gross waste of funds, or abuse of authority, to participate in proceedings conducted before Congress or pursuant to this part, and to refuse to engage in illegal or dangerous activities without fear of employer reprisal. Contractor employees who believe they have been subject to such reprisal may submit their complaints to DOE for review and appropriate administrative remedy as provided in §§ 708.6 through 708.11 of this part."*

### **9.6 Principal Investigator Fund**

As established by Title 4, Chapter 11 of the Board of Regents Handbook, at least 5% of indirect cost recovery shall be set aside for use by faculty for uses appropriate with the DRI mission. The Executive Director shall determine, in consultation with the Research Unit faculty, the process for managing the Principal Investigator fund.

### **9.7 Compensated Non-DRI Professional Service**

DRI personnel may be directly compensated for non-DRI professional services subject to the provisions of Title 4, Chapters 3 and 11 of the Board of Regents Handbook. A form is provided on the DRI internal website that must be filled out and have all appropriate signatures before any compensated non-DRI professional service (consulting) activity is performed.

## **9.8 Anti-Drug Policy**

Alcohol and drug abuse and use in the workplace are of concern to DRI and are strictly prohibited. The details are in Title 4, Chapter 3 and in the DRI Administrative Manual. 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.

The only exception to using alcohol on the property of DRI is when the employee is attending an officially sanctioned DRI social function.

## **Chapter 10 - Faculty Leave**

### **10.1 Annual Leave**

DRI professional faculty shall take annual leave in two hour increments in accordance with Title 4, Chapter 3, Section 14 of the Board of Regents Handbook. DRI Postdoctoral Fellows shall take annual leave in accordance with Title 4, Chapter 7, Section 7. If a faculty member has accrued at least 20 days of annual leave and takes annual leave of at least five consecutive working days, the faculty member may sell a minimum of five days of annual leave back to DRI at the average daily rate. The maximum amount of leave that may be sold back is equal to the amount of leave that the employee actually takes, subject to the restriction that the balance of accrued annual leave remains non-negative.

### **10.2 Leave of Absence Without Salary**

The President, Research Unit Executive Directors, or Vice Presidents may grant leaves of absence without salary for up to 12 months consistent with Title 4, Chapter 3 of the Board of Regents Handbook. Request for extension of a leave of absence without salary beyond 12 months is subject to approval by the Regents.

Leave of absence without salary may be granted to any faculty member, except those accepting a position at another NSHE institution. A faculty member on approved leave of absence without salary may maintain all insurances by paying the premiums. Leave of absence without salary does not constitute a break in continuous service, but the period of leave without salary will not be credited in years of service. Neither sick nor annual leave accrues when a faculty member is on leave of absence without salary. Leave of absence without salary will only be granted at the exhaustion of appropriate paid leave.

### **10.3 Sick Leave and Family or Medical Leave**

DRI faculty shall be entitled to sick leave according to the provisions of Title 4, Chapter 3, Section 13 of the Board of Regents Handbook and the provisions of The Family and Medical Leave Act of 1993. Upon retirement, resignation, termination or death of employee while in DRI employment, the faculty member or beneficiaries are entitled to payment of a portion of unused sick leave. Sick leave payout is calculated by subtracting sick leave hours forwarded from sick leave balance (balance is converted to days), multiplied by years of service (maximum of 20 years service), multiplied by employee's daily rate and then divided by forty (40).

Postdoctoral Fellows shall be entitled to sick leave according to the provisions of Title 4, Chapter 7, Section 7.

#### **10.4 Sabbatical Leave**

DRI faculty are eligible for sabbatical leave according to the provisions of Title 2, Chapter 3 of the NSHE Code and Title 4, Chapter 3 of the Board of Regents Handbook. The sabbatical leave is intended to benefit the employee and DRI in a continued relationship. Additional details on sabbatical leave for DRI faculty shall be provided in the DRI Administrative Manual.

#### **10.5 Administrative Leave**

Administrative leave is defined in Title 4, Chapter 3 and is available to DRI executive administrative faculty. Executive administrators should continually participate in professional development activities that ensure the employment of the most effective administrative knowledge and managerial skills to their current assignments. Some of these exposures may be available within the parent institution, but more often they reside at institutions not easily accessible due to the constraints of time availability and distance.

## **Appendix A - DRI Bylaws Definitions**

**Adjunct faculty member:** Means any individual holding a professional position with any member institution or unit of the System for which the individual receives no salary. (B/R 2/90)

**Administration:** Consists of all personnel who provide administrative support to the research faculty.

**Administrative Faculty:** Defined in Title 2, Chapter 1 of the NSHE Code. (Rank 0), provide general support for DRI activities.

**Administrative Manual:** A procedures document that describes DRI functions.

**Administrators:** Defined in Title 2, Chapter 1 of the NSHE Code as administrative faculty.

**Administrative unit:** The unit at DRI that contains the offices of the President and Vice Presidents. This is a unit that supports Research Units' functions.

**Affiliate faculty:** A part-time paid position is for less than 50% FTE time and does not carry any benefits.

**Appointing authority:** The President is the appointing authority. The President, or the President's designee, is the only person within DRI who has the authority to make a binding offer of employment.

**Appointment:** Acceptance of an employment contract by the President or the President's designee, as evidenced by the signature of the President or the President's designee on the contract.

**Board of Regents:** The board specified in Section 4 of Article 11 of the Nevada Constitution, and constituted pursuant to Nevada Revised Statutes 396.040, which controls the Nevada System of Higher Education.

**Bridge Funding:** Funding provided to research faculty to supplement other funding which has dropped below 50%. See the BoR handbook for more details.

**Bylaws:** The organizational and personnel policies of DRI, as revised.

**Calendar days:** Means the days counted according to the calendar.

**Chancellor:** The Chancellor of the Nevada System of Higher Education.

**Code:** The Nevada System of Higher Education Code, as revised.

**Conflict of interest:** Actions that require all employees to disqualify themselves from participating in a decision when a financial or personal interest is present.

**DRI faculty** shall consist of all persons holding authorized professional positions as provided in the NSHE Code, Section 5.10.2.

**DRI Personnel Manual for Research Technologists:** A manual that contains policies and procedures that regulate research technologists at DRI. The manual is contained in Title 5 of the BoR Handbook.

**Employee benefits:** A service or right of employment as a faculty member of DRI such as vacation, sick leave, retirement plan, and group insurance.

**Employee:** Means any individual employed by a member institution or unit of the Nevada System of Higher Education. (B/R 2/90)

**Executive Administration:** Consists of the President, Vice Presidents, Assistant Vice Presidents and Executive Directors.

**Executive Director (for research units):** Administrative faculty directly responsible to the President for all operations of the research unit.

**Faculty Senate:** The principal representative body of the research and administrative faculty, with exception of executive administrators (defined above) and is composed of representatives elected by the faculty under the provisions of the Faculty Senate Bylaws.

**Faculty Senate bylaws:** The internal policies and rules of the Faculty Senate.

**Faculty:** All persons holding professional research and administration positions authorized by the Board of Regents.

**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.

**Full-time equivalent (FTE):** One FTE is a 100% employment contract. One-half FTE is a 50% employment contract.

**Grievance:** (NSHE Code 5.7.2) is in response to an act or omission to act by a DRI administrator allegedly resulting in an adverse impact on a faculty member's employment conditions relating to salary, promotion or other aspects of contractual status, or relating to alleged violations of the NSHE Code or DRI Bylaws.

**Harassment acts:** Include conduct (oral, written, graphic, or physical) directed against any person or group of persons because of their race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status and has the purpose of reasonably creating an offensive, demeaning, intimidating or hostile environment for that person or group of person.

**Hiring authority:** The President is the hiring authority. The President, or the President's designee, is the only person within DRI who has the authority to make a binding offer of employment.

**Joint appointments:** Are appointments where a DRI faculty may accept an appointment (not to exceed 49% of their total contract) with other NSHE institutions if approved by the Research Unit Executive Director and the President.

**Letter of appointment:** A temporary appointment at a professional level not to exceed 0.25 FTE in any 12-month period, 50% for 6 months, or full-time for three months and not carrying voting or serving privileges in faculty governance.

**Nevada System of Higher Education (formerly UCCSN):** Means the system of universities, colleges, research and public service units of the University of Nevada administered by the Board of Regents.

**Non-reappointment:** Means not appointing a non-tenured faculty member for a subsequent employment appointment after the completion of the non-tenured faculty member's current contract term.

**Nepotism:** DRI prohibits the concurrent employment of relatives if one person will be the immediate supervisor or be in the direct line of authority of any relative within the 3rd degree of consanguinity or affinity, including members of the Board of Regents

**NSHE handbook:** A document that contains policies and procedures that control the operation of all components of the Nevada System of Higher Education (NSHE).

**Personnel benefits:** A service or right of employment such as vacation, sick leave, retirement plan, and group insurance.

**Postdoctoral Fellow:** (Rank I, professorial track) is a temporary, scholarly position under the direction of a faculty sponsor established for the fellow's continuing education and professional growth.

**President:** The chief executive officer of DRI.

**Principal investigator fund:** A fund established by Title 4, Chapter 11 of the Board of Regents Handbook, 5% of indirect cost recovery shall be set aside for use by faculty for uses appropriate with the DRI mission. The Executive Director shall determine, in consultation with the Research Unit faculty, the process for managing the Principal Investigator fund.

**Professional employee:** Means any employee issued a contract or letter of appointment by a member institution or unit of the System for employment in the professional service of the System for a period exceeding six months at 0.50 FTE or more, but excluding adjunct faculty members.

**Professional:** An appointment exempt from labor laws relating time to task through an immediate supervisor. All faculty and administrative appointments fall into this category.

**Professor faculty track:** (Ranks II- IV) A Ph.D. is required. This type of faculty emphasize the scholarly aspect of their studies, leading to significant scientific or technological advances through research, with scholarly criteria similar to equivalent university positions. They are expected to obtain funding appropriate for their rank.

**Promotion:** Defined as an advancement in rank within either the professorial or the associate track but not across professional tracks, which will be considered reclassification.

**Rating level:** Performance assessment ratings (i.e., excellent, commendable, satisfactory, needs improvement, unsatisfactory) used for annual evaluations, merit increases, and promotions.

**Ratings importance:** Ranking (i.e., critical, important, minor) of performance assessment levels used for annual evaluations, merit increases, and promotions).

**Reclassification:** Is defined as a change in faculty status between administrative faculty, the associate track and the professor track.

**Reinstatement:** Appointment of a former faculty member who held a regular appointment to a position he or she held previously or to a comparable position.

**Research Associate track (I - IV)** faculty generally emphasizes acquisition and use of highly developed specialized skills leading to key support for the Institute research programs in selected areas of endeavor. A bachelor's or higher degree is required.

**Research faculty:** Faculty in ranks 1 through 4 as described in the Bylaws, excludes post doctoral fellows

**Research misconduct:** Research misconduct is significant misbehavior that improperly appropriates the intellectual property or contributions of others, that intentionally impedes the progress of research, or that risks corrupting the scientific record of compromising the integrity of scientific practices. This includes (1) fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices in proposing, carrying out, or reporting scientific research; or (2) retaliation of any kind against a person who reported or provided information about suspected or alleged scientific misconduct and has not acted in bad faith.

**Research unit:** A research group established on a thematic basis or to meet a series of programmatic objectives and formed to further research, development of expertise, scholarship, or collaboration in a specific area or areas of endeavor.

**Sabbatical leave:** DRI faculty are eligible for sabbatical leave according to the provisions of Title 2, Chapter 3 of the NSHE Code and Title 4, Chapter 3 of the Board of Regents Handbook. Additional details on sabbatical leave for DRI faculty shall be provided in the Administrative Manual.

**Separate appointment:** Is an appointment where a faculty member will have two contracts, one with each institution. The total of the contracts is not to exceed 1.0 FTE.

**Shared governance** seeks to create an environment of joint effort, communication, responsibility, and cooperation among DRI personnel in order to serve the best interests of the institution.

**Technologist:** A nonexempt DRI employee on an appointment that is subject to the regulations of the federal Fair Labor Standards Act (FLSA), which relates time to task through a direct supervisor. DRI technologists are not subject to the regulations of the State of Nevada Classified System.

**Temporary positions** are for greater than or equal to 50% FTE employment of faculty for less than 365 calendar days and do not require recruitment.

**Tenure:** DRI personnel do not qualify for tenure as defined in Title 2, Chapter 1 of the NSHE Code.

**Termination funding:** Funding provide to DRI faculty, who have received a termination notice, during their last stages of employment at DRI. (see NSHE Code, Chapter 5).

**Termination:** Is the act of severing the employment between DRI and an individual.

**Volunteer:** Is someone who has agreed to perform certain duties under the supervision of a DRI employee for DRI without receiving compensation for those duties.

**Voting faculty:** Are faculty whose appointment is in excess of 50 percent of an annual "A" contract and are not considered temporary employees.

**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.

(B/R 8/08)