

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 1

**ORGANIZATION AND ADMINISTRATION OF
THE NEVADA SYSTEM OF HIGHER EDUCATION**

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Section 1.1 Definitions

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

- (a) "Academic faculty" means:
 - (1) For the universities, instructional, research and library faculty, as defined by the Board of Regents, and
 - (2) For the state college and community colleges, instructional, counseling and library faculty, as defined by the Board of Regents. (B/R 1/03)
- (b) "Administrators" means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents. (B/R 4/91)
- (c) "Calendar days" means the days counted according to the calendar.
- (d) "Code" means the Nevada System of Higher Education Code.
- (e) "College working days," for the purpose of calculating the time periods specified in the Nevada System of Higher Education Code, means any day other than a Saturday, Sunday or legal holiday, as designated by the *Nevada Revised Statutes*, or designated periods of class recess as provided by an appropriate member institution.
- (f) "Curricular reasons" means the term used to characterize the bona fide discontinuance, reduction in size or reorganization of an administrative unit, project, program or curriculum for bona fide reasons pertaining to the missions of the institutions of the Nevada System of Higher Education resulting in the elimination of employment positions. Bona fide curricular reasons may include, but are not limited to, low or declining student demand, changes in the mission of a system institution, or adverse financial conditions forcing a system institution to prioritize its projects, programs and curricula.
- (g) "Faculty" means the professional staff as established in Subsection 1.4.5 of the Nevada System of Higher Education Code.
- (h) "Financial exigency" means a condition that requires the bona fide discontinuance or reduction in size of an administrative unit, project, program or curriculum due to the lack of funds available and sufficient to meet current or projected expenditures.
- (i) "Furlough" means a leave of absence without pay mandated by the employer because of financial exigency.

- (j) "Institutional bylaws" means the bylaws of the member institutions and the special units of the Nevada System of Higher Education.
- (k) "Laid off" or "lay off" means the termination of employment, for financial exigency or curricular reasons, of a nontenured faculty member before the completion of a contract term or of a tenured faculty member. (B/R 2/90)
- (l) "Nonreappointment" means not appointing a nontenured faculty member for a subsequent employment appointment after the completion of the nontenured faculty member's current contract term. (B/R 2/90)
- (m) "President" means the chief executive officer of a member institution, and the term shall also include the Chancellor where the context of the Nevada System of Higher Education Code requires with respect to the Unit or the special units.
- (n) "System" means the Nevada System of Higher Education.
- (o) "System institutions" means the member institutions and the special units.
- (p) "Tenure" means academic freedom and continuing employment, which may be terminated only for the reasons specified in the Nevada System of Higher Education Code.
- (q) "Tenured faculty" means members of the professional staff who have received appointments with tenure.
- (r) "Unit" means the combined administrative unit consisting of the Chancellor's Office and the Nevada System of Higher Education Computing Services.
- (s) "University of Nevada" means the state university established under Article 11, Section 4 of the Nevada Constitution.
- (t) "Nevada System of Higher Education" means the system of universities, colleges, research and public service units of the University of Nevada administered by the Board of Regents.

(B/R 6/15)

Section 1.2 Constitutional Authority and the Board of Regents

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

- 1.2.2 **Board of Regents.** The membership of the Board of Regents shall be determined by law.
- 1.2.3 **Function of Board.** The Board of Regents is a corporate body, legally responsible for the University of Nevada. Its function is to control and manage the Nevada System of Higher Education, primarily by setting policy. Upon approval by the Board of Regents, the appropriate officers of the System shall implement such policies.
- 1.2.4 **Board's Authority and Delegation of Authority.** The Board of Regents retains the right at all times to lawfully delegate authority. However, nothing in the Nevada System of Higher Education Code shall be construed as an abrogation or limitation of the lawful authority or responsibility of the Board of Regents. The Board of Regents retains the right at all times to amend or repeal the provisions of the Nevada System of Higher Education Code and to enact supplemental policies and procedures to carry out the provisions of the Nevada System of Higher Education Code.

Section 1.3 Purpose and Organization of the Code

- 1.3.1 **Scope of Code.** The Nevada System of Higher Education Code shall establish the primary organizational structure of the System and the basic personnel policies for its faculty.
- 1.3.2 **Interpretation of Code.** Questions of interpretation of the Nevada System of Higher Education Code shall be directed to the Vice Chancellor for Legal Affairs of the System through the Presidents of the System institutions. Appeals from the Vice Chancellor for Legal Affairs interpretation may be made through Presidents and the Chancellor to the Board of Regents. The Board of Regents' ruling shall be final. (B/R 2/05)
- 1.3.3 **Amendment of the Code**
- (a) Any regent, Chancellor, President of a System institution or senate may propose amendments to the Nevada System of Higher Education Code by filing proposed amendments with the Secretary of the Board of Regents and requesting consideration by the Board. At least 30 calendar days before consideration by the Board, proposed amendments shall be circulated to the Chancellor, each System institution President and each senate for review and comment. The Board shall take final action after giving due consideration to the opinions, if any, of the senate representatives and officers of the System.

- (b) If the Board of Regents finds that an emergency exists, an amendment to the Nevada System of Higher Education Code may be adopted and become effective immediately upon adoption by the Board. An amendment so adopted may be effective for a period of not longer than 120 calendar days. An emergency amendment may be adopted only once, but the adoption of an identical amendment under paragraph (a) above is not precluded. An emergency amendment of the Nevada System of Higher Education Code shall require at least seven affirmative votes of the members of the Board of Regents.

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

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

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

(B/R 4/09) Student government constitutions shall be posted on the institution's Web site.

Section 1.4 Organization of the Nevada System of Higher Education

- 1.4.1 Primary Missions.** The primary missions of the University of Nevada are teaching, research and public and community service.
- 1.4.2 Chancellor's Office.** The Chancellor is the chief executive officer of the System. The Chancellor's Office is the headquarters of the System and consists of the Chancellor and the Chancellor's staff.
- 1.4.3 Branches and Member Institutions.** The branches of the University of Nevada and the member institutions of the Nevada System of Higher Education are: University of Nevada, Reno; University of Nevada, Las Vegas; Desert Research Institute; Nevada State College, Henderson; College of Southern Nevada; Great Basin College; Western Nevada College; and Truckee Meadows Community College.
(B/R 1/03)
- 1.4.4 Special Units.** The special units are the Chancellor's Office and the Nevada System of Higher Education Computing Services, which, for administrative purposes, shall be combined into the Unit with the Chancellor as its President.
- 1.4.5 Professional Staff.** The System institutions shall each have a professional staff which shall be organized in accordance with institutional bylaws. The professional staff shall consist of all persons holding professional positions as defined and authorized by the Board of Regents.
- 1.4.6 Faculty Policy Recommendations.** Under procedures which may be established by the institutional bylaws, the faculty may recommend general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions.
- 1.4.7 Senates.** All members of the faculty of a member institution shall be represented in each such institution in which they are employed by an entity to be known as the "Senate," or by another entity or entities which may be established in the institutional bylaws, and which shall be organized in conformity with institutional bylaws. All members of the faculty of the Unit shall be represented in one senate to be known as the "Unit senate," and which is to be organized in conformity with the institutional bylaws.

1.4.8 Senate and Faculty Recommendations. Actions of the senates may be considered by the faculty in accordance with institutional bylaws. When applicable, the recommendations of the senates, or of the faculty acting on senate actions, concerning general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions shall be transmitted to the Presidents for decision or, if the Board of Regents' approval is needed, for recommendations from the Presidents through the Chancellor to the Board of Regents for the Board's decision.

1.4.9 Changes in Administrative Units. Creation, abolition or substantial alteration in the organization of administrative units within a System institution shall be approved by the President only after prior consultation with the senate or the faculty of the administrative unit of the System institution involved. For those changes requiring Board approval under Title 4, Chapter 14, Section 6, final action shall be taken by the Board of Regents upon the recommendation of the appropriate President through the Chancellor. (B/R 3/10)

1.4.10 The Council of Presidents.

- (a) The council of presidents shall consist of the President of each member institution. The Chancellor or the Chancellor's designee shall chair the council of presidents.
- (b) The council of presidents shall serve as the principal method of liaison among the member institutions and shall provide counsel to the Chancellor. Review of the proposed agenda for meetings of the Board of Regents, budgets and planning will normally be discussed with the council of presidents.
- (c) The council of presidents will meet upon the call of the Chancellor.

1.4.11 Committees.

- (a) The Chancellor may establish Nevada System of Higher Education Committees and ad hoc Committees to facilitate the administration of the System. The members of such Committees shall be appointed by the Chancellor for one-year terms and are eligible for reappointment. The Chancellor shall consult with the Presidents when appointing system Committees.
- (b) Each President may establish and appoint Committees to facilitate the administration of each System institution.

(B/R 6/15)

Section 1.5 Officers of the Nevada System of Higher Education

1.5.1 Officers and Duties. The officers of the System are the Chancellor and the Presidents of the member institutions, and their duties and responsibilities are as set forth in the bylaws of the Board of Regents.

- 1.5.2 Appointment of Officers.** The officers of the System shall be appointed by, and serve at the pleasure of, the Board of Regents.
- 1.5.3 Vacancy in the Office of the Chancellor.** Whenever a vacancy occurs or is about to occur in the position of Chancellor, an ad hoc Committee composed of members of the Board of Regents shall be appointed by the Board's chair for the purpose of recruiting and screening applicants and for recommending a nominee or nominees to the Board of Regents for appointment to the position. The Committee shall be provided staff assistance by the Chancellor's Office and such other assistance as it may request. Before it makes its recommendation or recommendations to the Board, the Committee shall consult with an advisory Committee consisting of the Presidents of the System institutions, the chairs of the senates and the Presidents of the student governments.
- 1.5.4 Vacancy in the Office of President.**
- (a) As used in this section, "Officer in Charge" means the person who has been designated by the President of each institution to be the officer in charge in the temporary absence or vacancy in the Office of President.
 - (b) The President of each institution shall maintain on file with the Chancellor, in writing, the designation of campus authority consisting of a list of three persons currently serving the institution, that are, in the order listed, deemed to be the officer in charge should a temporary absence or a vacancy occur in the position of President. The list shall include the name, title and contact information for each person. If the person listed first is unavailable at the time of the temporary absence or vacancy, the next person listed in order shall serve as the officer in charge. If the persons listed first and second are unavailable at the time of the temporary absence or vacancy, the third person listed shall serve as the officer in charge.
 - (c) When a vacancy occurs in the position of President of a member institution, the institution's officer in charge shall exercise the powers of the President until an acting or interim President is appointed by the Board.
 - (d) As soon as practicable after a vacancy occurs in the position of President of a member institution, the Chancellor, in consultation with the Chair of the Board, shall recommend to the Board the appointment of an acting President. Prior to making the recommendation of an acting President, the Chancellor and Chair of the Board shall first meet with major constituencies of the institution to receive their suggestions and input for the appointment of an acting President. Such constituencies may include, but are not limited to, provosts, vice presidents and other executive staff, campus employees, faculty, students, presidential advisory board members, foundation trustees and community representatives.

(e) At the time the Board considers the Chancellor's recommendation for the appointment of an acting President, the Board shall also determine whether a national search shall be conducted pursuant to paragraph (f) immediately, or if an interim President shall be appointed to a specified term of one to three years.

1) If the Board determines to conduct a national search, the Board will appoint an acting President. If an acting President is appointed, the acting President serves as the President of the institution until a person is permanently appointed as President following a presidential search. An acting President will not be eligible for consideration as a candidate for the permanent appointment as President.

2) If, by an action approved by an affirmative vote of not less than two-thirds of the Board, the Board determines to appoint an interim President to a specified term, an acting President will not be appointed. The Chancellor's recommended candidate for acting President may be considered by the Board for appointment as the interim President. If the Board appoints an interim President, the interim President will be appointed to a specified term of one to three years. At any time prior to the expiration of the interim President's specified term, the Board may approve a decision to conduct a national search.

3) An interim President must serve at least a year before the Board may consider making the appointment permanent and the Board shall, at a public meeting, first allow and consider input from the institution's major constituencies. Prior to the last year of the term of an interim President appointed to a multi-year term, or prior to the end of the year of an interim President appointed to a one year term, the Board may conduct a periodic evaluation of the interim President consistent with the Board policy governing periodic evaluation of NSHE Presidents.

If at any time during the term of an interim President, the Board determines not to appoint the interim President to the permanent position, the Board may direct that a national search be conducted and the interim President will not be eligible for consideration as a candidate for the permanent position.

(f) If the Board determines to conduct a national search, a Regents' Presidential Search Committee composed of four to six members of the Board of Regents shall be appointed by the Chair of the Board for the purpose of recruiting and screening and for recommending a nominee or nominees to the full Board of Regents for consideration by the Board for appointment to the position. The Chair of the Board shall

appoint the chair of the Regents' Presidential Search Committee. The Chair of the Board of Regents shall also appoint institutional advisory members to the Committee from the member institution involved to include five faculty members nominated by the senate, up to three administrators, one classified or technical employee nominated by the classified or technical employees' organization, if any, and, one undergraduate student representative and one graduate student representative nominated by the appropriate student government as applicable to the institution involved, and one alumnus. The chair may also appoint such other persons as advisory members to the Committee as may be deemed necessary. The affirmative action officer of the member institution involved, if any, shall be an ex officio advisory member of the Committee. The institutional advisory members of the Committee serve as non-voting members to advise the voting members of the Regents' Presidential Search Committee on matters being considered.

- (g) The Regents' Presidential Search Committee will oversee the details of the search and determine if a search firm will be hired. The budget for the search shall be established by the Chair of the Board in consultation with the Chancellor and chief executive officer of the Board. The Regents' Presidential Search Committee shall review applications for the position and shall meet at the call of the chair of the Committee to discuss the qualifications of applicants and the recommendations of the institutional advisory members of the Committee before the Regents' Presidential Search Committee schedules candidate interviews. The Committee will interview and evaluate candidates, after which the Regents' Presidential Search Committee will select its nominee or nominees for consideration by the full Board of Regents for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents' Presidential Search Committee, it shall direct the Committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.

The Chancellor's Office and the Board Office shall provide staff assistance to the Committee. The Chancellor shall, in accordance with directions from the Committee and in consultation with the Committee chair, either directly, or by consultation if a search firm is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee.

- (h) By affirmative vote of not less than two-thirds of the members of the Board, the Board may authorize deviations from the processes defined in this policy.

1.5.5 **Acting Chancellor.** During a vacancy in the position of Chancellor the Board of Regents may appoint an acting Chancellor.

(B/R 9/16)

Section 1.6 Administrators

1.6.1 Appointment of Administrators

- (a) The appointment of the heads of administrative units below the level of vice president within a System institution, including department chairs, and all other persons reporting directly to the institutional President shall be made by the President. In the process of making such an appointment, the President or his or her designee shall consult with faculty of the appropriate administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the President. Department chairs as administrators shall be directly responsible to their supervisor or supervisors for the operation of their departments.
- (b) The appointment of vice presidents reporting directly to the institutional President, including interim or acting appointments, shall be subject to the approval of the Chancellor. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the Chancellor approves the appointments. Vice presidents shall serve in such positions solely at the pleasure of the institutional President. The appointment of vice presidents shall be reported to the Board of Regents by the President.
- (c) The appointment of provosts reporting directly to the institutional President, including interim or acting appointments, shall be subject to the approval of the Chancellor in consultation with the Chair of the Board of Regents. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the Chancellor approves the appointments. Provosts shall serve in such positions solely at the pleasure of the institutional President. The appointment of provosts shall be reported to the Board of Regents by the President.
- (d) The appointment of administrators reporting directly to the Chancellor, including interim or acting appointments, shall be approved by the Chancellor, and such appointments shall not take effect, until a written employment contract has been executed by the Chancellor. Administrators in such positions shall serve solely at the pleasure of the Chancellor. The appointment of such administrators shall be reported to the Board of Regents by the Chancellor.

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

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

(B/R 9/16)

Section 1.7 Descriptive Headings

The descriptive headings or titles immediately preceding or within the text of individual sections and subsections in the Nevada System of Higher Education Code, except the section and subsection numbers, do not constitute part of the Nevada System of Higher Education Code and are included only for convenient reference.