

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Proposed Code Amendments to Chancellor/President Search and Officer in Charge Procedures

Meeting Date: November 30-December 1, 2017 Meeting of the Board of Regents

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Board of Regents' Code in Title 2, Chapter 1 contains different search procedures for the positions of Chancellor and President. The Code in Section 1.5.4 Vacancy in the Office of President, sets forth in some detail the process to be followed for selection of an institution President and for the designation of an officer in charge. In contrast, the Code in Section 1.5.3, Vacancy in the Office of Chancellor, provides very little direction or detail regarding the process to be followed in the hiring of a Chancellor and there is no Code provision regarding the designation of an officer in charge in the absence of a Chancellor. NSHE faculty senates have suggested that the Chancellor search provisions should be amended to mirror those in place for Presidents. The recent experience in the hiring of the current Chancellor has revealed a need for more specificity in the Code governing the Chancellor search and officer in charge procedures.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

That the Board of Regents conduct a first reading of the attached proposed Code amendments in Title 2, Chapter 1, Sections 1.5.3 and 1.5.4 of the Board of Regents' Handbook in order to make the officer in charge and the search processes for Presidents and Chancellors more consistent. An amendment of the Procedures and Guidelines Manual, Chapter 2, Sec. 1.b, is recommended to clarify that the Board Chair recommends either an interim *or acting* Chancellor whenever a vacancy occurs *or is about to occur*. This is the first reading of the proposed amendments. These amendments will be included on a future Board agenda for final action.

4. IMPETUS (WHY NOW?):

The recent search process for the current Chancellor has revealed a need for more specificity in the Code regarding the search and officer in charge procedures.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The proposed amendment adds specific language to the Code regarding the designation of an officer in charge when the Chancellor is temporarily absent or the position is vacant.
- New language proposed in Code, Sections 1.5.3(a), (b) and (c) regarding officer in charge for the position of Chancellor mirrors the officer in charge provisions which already exist in Code, Sections 1.5.4 (a), (b) and (c) for the position of President and provide:
 - Defines "Officer in Charge" as the individual who designated to be in charge when the Chancellor is temporarily absent or the position is vacant.
 - A list of three System employees who can serve as the officer in charge must be on file with the Board Chair; and
 - When a vacancy occurs in the position of Chancellor, the officer in charge has all the powers of Chancellor until an acting or interim Chancellor is appointed.
- The proposed additions to the Code in Section 1.5.3, regarding the search process for Chancellor, are similar to those for presidential searches as follows:
 - Chair of the Board recommends the appointment of an acting or interim Chancellor;
 - Before making the recommendation, the Chair meets with major constituencies of NSHE which must include presidents and faculty senate chairs, and may include others such as provosts, vice chancellors, System staff, faculty, student leadership, advisory and foundation board members, community and legislative representatives.
 - The Board determines whether a search is to be conducted or whether an interim Chancellor will be appointed;
 - If an acting Chancellor is appointed the Board determines the type of search to be conducted, *e.g.*, national, regional, in-state or other;
 - An acting Chancellor may not be a candidate for the permanent appointment;
 - An interim Chancellor may be appointed for a 1-3 year term and must serve at least one

- year before being made permanent;
- Before an interim Chancellor is made permanent, the Board must receive input from major constituencies at a public meeting and may conduct a periodic evaluation;
- Board Chair appoints the Regents' Chancellor Search Committee and appoints the Committee Chair;
- New language provides that "other NSHE or community representatives" may be appointed to the advisory Committee;
- Advisory Committee is non-voting;
- System affirmative action officer is an *ex officio* member of the search Committee;
- Chair of Board establishes budget for search and is responsible for initial screening of candidates;
- The search Committee shall meet at the call of the Committee Chair to discuss qualifications of the recommended applicants and the recommendations of the advisory committee members;
- The search Committee interviews finalists and makes a recommendation(s) to the full Board;
- If a nominee is not appointed, the Board shall direct the Committee to continue the search process;
- An affirmative vote of two-thirds of the members of the Board is required to approve any deviations from the process.
- The presidential search process in Code, Section 1.5.4 is amended to be more consistent with the Chancellor search process as follows:
 - Chancellor, in consultation with Chair of the Board, makes recommendation of acting or *interim* president;
 - In addition to listed constituencies in Subsection 1.5.4(d), faculty and staff senate representatives and student government representatives must be consulted prior to recommendation of acting of interim president;
 - The Board determines whether to conduct national, regional, in-state or other search for a permanent president;
 - Chair of the search Committee is responsible for initial screening process.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- The proposed amendments limit the discretion of the full Board.
- The full Board should have the discretion to determine the specific process to be followed in the hiring of a Chancellor.

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

- None.

8. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____

Amends Current Board Policy: Title 2, Chapter 1, Section 1.5.3 and 1.5.4

Amends Current Procedures & Guidelines Manual: Chapter # 2 Section # 1.b

Other: _____

Fiscal Impact: Unknown.

Explain: The costs associated with presidential searches are born by the institutions and by the System for chancellors. It is not anticipated that the proposed amendments will significantly affect the cost for these searches, but the actual impact cannot be estimated at this time.

CODE AMENDMENTS
HANDBOOK, TITLE 2, CHAPTER 1,
Sections 1.5.3 Vacancy in the Office of Chancellor and 1.5.4 Vacancy in the
Office of President
PROCEDURES AND GUIDELINES MANUAL AMENDMENT, CHAPTER
2,
Section 1 Appointments and Vacancies of System Officers,
Subsection 1.b

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Board of Regents CODE
Title 2, Chapter 1
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.

(a) As used in this section, "Officer in Charge" means the person who has been designated by the Chancellor to be the officer in charge in the temporary absence or vacancy in the Office of Chancellor.

(b) The Chancellor shall maintain on file with the Chair of the Board of Regents, in writing, the designation of three persons currently serving in the System Office, 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 Chancellor. 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 Chancellor, the officer in charge shall exercise the powers of the Chancellor until an acting or interim Chancellor is appointed by the Board.

(d) Whenever a vacancy occurs or is about to occur in the position of Chancellor, the Chair of the Board shall recommend to the Board the appointment of an acting or interim Chancellor. Prior to making the recommendation of an acting or interim Chancellor, the Chair of the Board shall first meet with major constituencies of the NSHE, including presidents and faculty senate chairs, to receive their suggestions and input for the appointment of an acting or interim Chancellor. Additional constituencies may include, but are not limited to provosts, vice presidents, faculty and other

institution staff, vice chancellors and other system staff, student leadership, institution advisory board members, foundation trustees, community and legislative representatives.

(e) After considering the Chair's recommendation for the appointment of an acting or interim Chancellor, the Board shall determine whether a ~~[national]~~ search shall be conducted, or if an interim President shall be appointed to a specified term of one to three years. If an acting Chancellor is appointed, the Board shall determine whether to conduct a national, regional, in-state or other search for a permanent Chancellor.

The Board may appoint an interim Chancellor for a specified term of one to three years by an affirmative vote of not less than two-thirds of the Board. At any time prior to the expiration of the interim Chancellor's specified term, the Board may approve a decision to conduct a search for a permanent Chancellor. The search shall be conducted in the manner provided in this Section 1.5.3. The interim Chancellor will not be eligible for consideration as a candidate for the permanent position. An interim Chancellor must serve at least a year before the Board may consider making the appointment permanent. At the time it considers making the appointment permanent, the Board shall, at a public meeting, first allow and consider input from the NSHE's major constituencies. Before considering whether to make the interim appointment permanent, the Board may, in accordance with the Board policy governing Chancellor evaluations, conduct a periodic evaluation of the interim Chancellor's performance.

*(f) ~~[Whenever a vacancy occurs or is about to occur in the position of Chancellor, an]~~ If an acting Chancellor is appointed, an ad hoc **Regents' Chancellor Search** Committee composed of **four to six** members of the Board of Regents shall be appointed by the Board's ~~[e]~~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 Chair of the Board shall appoint the Chair of the Regents' Chancellor Search Committee.** 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, **and any other NSHE or community representatives as determined by the Board Chair.** **The System affirmative action officer shall serve as an ex officio member of the ad hoc Committee.** **The advisory members serve as non-voting members to provide input on matters being considered.** **An acting president will not be eligible for consideration as a candidate for the permanent appointment as Chancellor.***

(g) The Regents' Chancellor 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 chief executive officer of the Board. The Chair of the Committee shall, in accordance with direction from the Committee, either directly, or in consultation with a search firm, if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee. The Regents' Chancellor Search Committee shall meet at the call of the Chair of the Committee to discuss qualifications of applicants recommended after the initial screening process and the recommendation of the members of the advisory committee before the Regents' Chancellor Search Committee conducts candidate interviews. The Regents' Chancellor Search Committee will interview and evaluate candidates, and thereafter will select its nominee or nominees for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents' Chancellor 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.

(h) By an 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.

1.5.4 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]~~ **Whenever a vacancy occurs or is about to occur** 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 **or interim** President. Prior to making the recommendation of an acting **or interim** President, the Chancellor and Chair of the Board shall first meet with major constituencies, **including the representatives of faculty and staff senates, and student government** of the institution to receive their suggestions and input for the appointment of an acting **or interim** President. ~~[Such]~~ **Additional** 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 **or interim** 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. **The Board shall determine whether to conduct a national, regional, in-state or other search for a permanent 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 ***in the manner provided for in this Section 1.5.4.*** ~~[and t]~~ The interim President will not be eligible for consideration as a candidate for the permanent position. ***The Board shall determine whether to conduct a national, regional, in-state or other search for a permanent President.***

(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]~~ ***and*** 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 ***Committee*** 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 Chair of the Committee shall, in accordance with direction from the Committee, either directly, or in consultation with a search firm, if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee.*** 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 ***recommended after the initial screening process*** 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.]~~

NEVADA SYSTEM OF HIGHER EDUCATION PROCEDURES AND GUIDELINES MANUAL
CHAPTER 2
APPOINTMENTS AND EVALUATIONS

Section 1. Appointments and Vacancies of System Officers

a. In the case of a vacancy in the Office of Chancellor, the Chair of the Board of Regents will appoint a Regent Chancellor Search Committee. The Chancellor 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 Chairman of the Board of Regents in consultation with the chief executive officer of the Board and the director of Human Resources.

b. ~~In case of a~~ **Whenever a** vacancy **occurs or is about to occur** in the Office of Chancellor, the Chair of the Board of Regents shall present a recommendation to the Board of Regents for an **acting or** interim Chancellor.

c. Resignations from the Office of Chancellor or President of a member institution shall be addressed to the Chairman of the Board of Regents. The Chairman of the Board of Regents shall accept such resignations in writing.

d. The Chancellor shall notify the Board of Regents of a vacancy in the Office of the President of a member institution in cases where the vacancy is caused by other than a resignation. The Chairman of the Board of Regents shall notify the other members of the Board of a vacancy in the Office of Chancellor in cases where the vacancy is caused by other than a resignation.

e. As of December 1, 2005, the total costs of president searches will be the obligation of the System institution requiring the search. Excluded are any costs for travel by System staff or the Board of Regents as required by the search process.

f. In the case of a vacancy in the position of provost at a member institution, unless an exception is approved by the Board of Regents, the institution shall conduct a national search for the purpose of recruiting and screening candidates for the position for consideration of appointment by the institution's President. As used in this paragraph, "provost" means the second highest ranking executive and administrative officer of the University or state college.