

Chancellor's Job Description

On October 14, 2022, the ad hoc Committee to Review the Roles and Responsibilities of the Chancellor met and walked through a discussion guide that was utilized to facilitate conversation and establish consensus on issues previously raised by the committee that were considered critical decisions concerning the role of the Chancellor as chief executive of the system. In its discussion, the Committee reviewed each responsibility that is currently included in the Chancellor's job description as outlined in *Title 1, Article VII, Section 3* and generally agreed that the provisions of that section should be revised to:

- Provide that with the full cooperation and input of the President, the Chancellor is responsible for the strategic planning processes of NSHE, including establishing metrics to measure progress toward the achievement of Board approved strategic goals.
- Remove reference to the Chancellor's role in the development of Board and committee agendas as that role currently resides with the Board staff and not the Chancellor.
- Include as a responsibility of the Chancellor the development of a strategic plan for System Administration that establishes the role of the office in support the Board and the institutions.
- Include reference to NSHE communications so that in addition to collaborating with the Board chair on the official communication on behalf of the Board of Regents, the Chancellor will also collaborate with the Board chair on communications for NSHE.
- Clarify that the Chancellor's role in the financial administration of the NSHE includes the coordination, development, and presentation of the NSHE budget to the state legislature.
- Remove reference to the role of the Chancellor in providing for internal audits as that function resides the Chief Internal Auditor who reports directly to the Board.
- Clarify that the Chancellor appoints outside counsel for System Administration and not "special counsel" in general; and separately revise *Title 4, Chapter 10*, to require the Chancellor to report annually to the Board on all such outside counsel appointments.
- Add the following roles and responsibilities to the Chancellor's job description that align with current practice, including responsibility for:
 - Planning and approval processes related to academic programs and student services that require Board approval;
 - Planning and approval processes related to research programming and activities that require Board approval;
 - Matters related to community engagement and coordination of workforce and economic development efforts; and
 - The administration of EPSCoR and sponsored programs that involve multiple institutions.
- Delete the disciplinary provisions for presidents and move to another section of the *Handbook* that will be considered by the Board separately.

POLICY PROPOSAL
Title 1, Article VII, Section 3
Chancellor

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

Section 3. Chancellor

The Chancellor is the chief executive officer and ex-officio treasurer of the Nevada System of Higher Education and is responsible to the Board for the administration of the Nevada System of Higher Education, the implementation of Board policies and directives, and the financial management of the Nevada System of Higher Education.

- a. The Chancellor is appointed by and serves at the pleasure of the Board of Regents. The Chancellor shall have a written contract that outlines the terms and conditions of the appointment.
- b. The Chancellor shall be evaluated annually in writing by the Chair of the Board in accordance with procedures approved by the Board of Regents. The Chair shall present his or her findings to the Board for its review.
- c. The Chancellor shall be evaluated periodically by a committee of the Board of Regents in accordance with procedures approved by the Board of Regents. The periodic evaluation shall normally take place not later than the next-to-last year of each contract period.
- d. Procedures for annual and periodic salary determinations for the Chancellor shall be established by the Board of Regents.
- e. Duties of the Chancellor are prescribed by the Board of Regents and include, but are not limited to, the following. The Chancellor may delegate any of the duties of the office unless expressly prohibited by Board policy.
 1. To promote a sound plan of organization in concert with the institutional Presidents to ensure administrative efficiency, maximum utilization of resources, and to facilitate cooperation among the member institutions;
 2. To be responsible, with the full cooperation and input of the Presidents, for the *strategic* planning processes of the NSHE, *including establishing metrics to measure progress towards the achievement of Board approved strategic goals*;
 3. [~~To prepare in collaboration with the Board Chair and committee chairs the agenda of all meetings of the Board of Regents and its committees;~~
To be responsible for the development of a strategic plan for System Administration that establishes the role of the office in supporting the Board and the institutions;
 4. To be responsible for the presentation of all NSHE matters to the Governor's Office and the State Legislature;
 5. To [~~be responsible in collaboration~~] *collaborate* with the Board Chair for official communication on behalf of the Board of Regents *and NSHE*;

6. To establish the practices under which the financial administration of the NSHE will be conducted, ***including the coordination, development, and presentation of the NSHE budget to the Legislature;***
7. To assure that all budgets are executed in accordance with the intent of the Board of Regents and the Legislature;
8. To serve as contracting officer for the NSHE and to execute all contracts and other instruments on behalf of ~~the University~~ ***NSHE*** unless authority has been expressly retained by the Board of Regents or delegated elsewhere;
9. ~~[To provide for internal audits and to assist the Board of Regents in the appointment of its independent auditors;]~~
To be responsible for planning and approval processes related to academic programs and student services that require Board approval;
10. ~~To [recommend appointment of special]~~ ***appoint outside counsel for System Administration;***
11. To be the appointing ~~[and evaluating]~~ authority of all professional personnel not assigned to a member institution;
12. To evaluate the annual performance of each President of the member institutions in accordance with procedures established by the Board of Regents;
13. To participate in the periodic performance evaluation of each President in accordance with procedures established by the Board of Regents~~[-];~~
14. To discipline Presidents ~~[as follows:]~~ ***in accordance with provisions established by the Board;***
15. ***To be responsible for the planning and approval process related to research programming and activities that require Board approval;***
16. ***To be responsible for matters related to NSHE community engagement and coordination of workforce and economic development efforts involving the Legislature and multiple institutions; and***
17. ***To be responsible for the administration of the Established Program to Stimulate Competitive Research (EPSCoR) and sponsored programs involving multiple NSHE institutions.***

~~[a. Discipline for Cause.~~

~~The President's employment agreement may be terminated for cause or the President may be disciplined for cause by the Chancellor. Without regard to and not subject to any of the provisions or procedures of the NSHE Code, Title 2, Chapter 6, the Chancellor may take any of the following disciplinary actions for cause against the President:~~

- ~~1. Issue a warning;~~
- ~~2. Issue an oral or written reprimand;~~
- ~~3. Remove from office and terminate the employment contract with the approval of the Board.~~

~~Any disciplinary action shall only be taken in consultation with the Chair of the Board.~~

~~b. Progressive Discipline.~~

~~Except in cases of serious violations which have a substantial negative impact on the System or on any institution or unit, principles of progressive discipline shall be followed. The less severe measures of warnings or reprimands are first imposed and the more severe measure of termination is applied only if the less severe measures are~~

~~ineffective. The Chancellor will, within five (5) working days after imposition, provide written, confidential notification to the Board of any disciplinary action taken.~~

~~e. Prohibited Activity:~~

~~The following conduct shall constitute cause for imposition of any of the discipline set forth above:~~

- ~~1. Failure to perform the duties for which the President is employed.~~
- ~~2. Failure to maintain a required level of performance as provided in Title 2, Chapter 5, Section 5.12 of the Nevada System of Higher Education Code.~~
- ~~3. Incompetence or inefficiency in performing the duties for which the President is employed.~~
- ~~4. Insubordination, which is defined as disobedience of a lawful written order.~~
- ~~5. Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.~~
- ~~6. Intentional misrepresentation of a material fact that has a substantial adverse impact on the System, its member institutions or its special units.~~
- ~~7. Conviction of any criminal act involving moral turpitude.~~
- ~~8. Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes, while on duty, due consideration being given to NRS 284.379.~~
- ~~9. Unauthorized absence from duty or abuse of leave privileges.~~
- ~~10. Personal or professional conduct which shows that the President is unfit to remain in the position or which has an ascertainable harmful or adverse effect on the efficiency of the institution.~~

~~d. Disciplinary Procedure:~~

~~The Chancellor shall give the President written notice of intent to discipline. The written notice must describe the circumstances of the alleged prohibited conduct and must include all available materials and documentation to support the charges. The President may present a written response to the Chancellor within 10 working days after receipt of the notice. The President may appeal a termination, but not other discipline, to the Board of Regents, using the procedures established in Section 6.13 of the Code, Title 2, Chapter 6, so far as they can be made applicable and subject to the following: the appeal must be filed with the secretary of the Board of Regents; and the Chancellor may file a written reply to the appeal with the secretary of the Board of Regents. The appeal must be filed within 10 working days after receipt of a written notice of intent to terminate from the Chancellor. The imposition of termination is stayed pending a decision from the Board of Regents on the appeal. There is no right to an evidentiary hearing with regard to any proposed discipline.~~

~~e. Effect of Termination on Compensation of President:~~

- ~~1. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the President does not hold tenure, the President shall not be entitled to the payment of any salary and shall not be entitled to payment of any remaining housing allowance, automobile~~

~~allowance, host account, other perquisites or salary supplements funded by a foundation.~~

- ~~2. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the President does hold tenure in an appropriate academic department of a System institution, the President shall be reassigned from the Presidential position to an employment position as a full time member of the academic faculty of the institution and shall not be entitled to the payment of any remaining salary, allowance, automobile allowance, host account, other perquisites or salary supplements funded by a foundation which are set forth in the terms of the President's employment contract. Upon termination for any of the causes set forth in Section e hereinabove and reassignment to a tenured position, the President's salary shall be determine in accordance with Title 4, Chapter 3, Section 33, Subsections 1-3 (Presidential Transition).]~~

POLICY PROPOSAL
Title 4, Chapter 10, new Section 36
Reporting of Outside Counsel Appointments

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

INSERT THE FOLLOWING NEW SECTION 36:

Section 36. Reporting of Outside Counsel Appointments

Pursuant to authority established in Title 1, Article VII, Section 3, the Chancellor may appoint outside counsel for System Administration. Annually, the Chancellor will report to the Board all such outside counsel appointments, the duration, and cost.