

## Excerpt from Minutes of January 2004 Board of Regents Meeting detailing the amendments to the original proposal

### Title 2, Chapter 3

**Approved-Handbook Revision, Code and Policy Amendments** – The Board approved Code and policy amendments. In early 2002, Chancellor Jane Nichols began working with the Faculty Senate chairs to discuss topics that the faculty were interested in seeing added to the UCCSN Code. The proposed amendments were presented for information at the December 2003 meeting. Since the December meeting, minor editorial changes have been made to correct typographical errors and omissions (Ref. EE on file in the Board office).

- Title II, Chapter 1, Section 1.6 – Appointment of Administrators.
- Title II, Chapter 3 - University Tenure.
- Title II, Chapter 4 – Community College Tenure.
- Title II, Chapter 5, Section 5.6 – Personnel Files.
- Title II, Chapter 5, Section 5.11 and 5.12 – Evaluations.
- Title II, Chapter 7 – State College Tenure.
- Title IV, Chapter 3, New Section 3 – Evaluations.

Chancellor Nichols reviewed the proposed changes presented in bold in the reference material (Ref. EE on file in the Board office). She said the faculty was seeking consistent policies regarding tenure.

Regent Bandera moved approval of the Handbook revision concerning Code and policy amendments. Regent Kirkpatrick seconded.

Chair Anthony established that the Faculty Senate Chairs did not object to the proposed changes. No objections noted.

President Lilley asked whether the same rating criteria would apply to annual evaluations (i.e., the use of plus/minus). Chancellor Nichols replied that the change established the standards, adding that pluses and minuses would not be used. General Counsel Ray affirmed that the Code language was quite specific and that no other rating terminology should be used.

Dr. Larson said the proposal represented 3 years of very difficult work. She noted that three different faculty senates had voted on the issue. She commended the Chancellor for her efforts in working with them, adding that she had been patient, fair, and honest. She said the faculty senate would appreciate the Board's approval.

President Wells stated that DRI used a category indicating "needs improvement". He asked whether they should remove that from their evaluations. Chancellor Nichols replied that they should. She said they considered the use of "needs improvement", adding that it was never included in the Handbook. She said the matter could be reviewed after the meeting if this created problems for DRI. General Counsel Ray clarified that President Wells was referring to DRI's personnel evaluations and not to tenure. He explained that the evaluation process was separate from the Code and tenure process under discussion. President Wells said that "needs improvement" held a specific meaning at DRI regarding continued employment. Chancellor Nichols said that the Handbook revision extended the ratings to the annual evaluations as well. Chancellor Nichols said the matter had not been discussed before. She said the matter would be reviewed and that if a change were necessary a proposal would be brought forward at a future meeting. She encouraged Board approval of the recommendation, adding that she would address the DRI situation.

Regent Rosenberg observed the Board was talking about tenure, adding that the annual evaluations would be considered during the tenure process. He suggested that the evaluation rating structure should match the tenure structure. He felt that using pluses and minuses would confuse the situation substantially. He noted that evaluations were also used for merit considerations. He felt the structure should be uniformly applied. Chancellor Nichols noted that the reference material (Ref. EE, page 22 of 22 on file in the Board office) established the ratings to be used (Excellent, Commendable, Satisfactory, Unsatisfactory). She said that the changes also addressed the issue of a mid-tenure review, which was very important to the faculty senate chairs.

President Lilley stated that page 22 clarified that the annual evaluations were included, which would require a change in procedures. He agreed with using consistent ratings for annual evaluations and tenure considerations. Chancellor Nichols said they would address the matter. She recalled that UCCSN requires post-tenure review, which was also an issue in terms of consistency.

Chancellor Nichols noted that faculty were requesting the ability to submit a written rejoinder and/or a peer evaluation if a faculty member disagreed with a supervisor's evaluation.

Regent Seastrand observed the use of four rating categories (Excellent, Commendable, Satisfactory, Unsatisfactory) suggesting a link with a grade scale (A, B, C, F). He suggested they were missing a level between "D" and "F" that could possibly be filled by "needs improvement". He said there were three positives and one negative. President Lilley stated that only two were considered positive. Regent Seastrand felt that an additional category could be useful at times.

Regent Sisolak noted a specific reference on page 6 stating that "no other rating terminology shall be used", which precluded the use of a plus or minus symbol. He suggested adding the same phrase to the sentence on page 22. General Counsel Ray said the Board could choose to do so. Regent Seastrand thought that flexibility should be provided for the use of pluses and minuses. All of the faculty senate chairs replied no.

Regent Sisolak asked whether that constituted a substantive change. Chair Anthony said that while Regent Seastrand made a good point he felt that evaluations were not using pluses and minuses. Regent Sisolak asked whether the sentence could be added. General Counsel Ray replied that it could be added.

Regent Sisolak offered a friendly amendment to include the phrase "no other rating terminology shall be used" to Ref. EE, Page 22 of 22, Section 3.2.

Regent Bandera said she needed to ask a clarifying question prior to agreeing to the amendment. She asked President Wells to repeat his concern. President Wells apologized, adding that he thought the change only applied to tenured faculty. He expressed concern for the removal of a category indicating there were performance problems requiring improvement that DRI has used for many years. He said it presented a real problem for DRI's evaluation system.

Dr. Larson said the faculty received quite a bit of input from DRI during their discussions and they understood that this was one of their categories. The rest of the faculty senate chairs did not want that category in their rating systems. She felt it would be acceptable to include language allowing a waiver for DRI. She said the other faculty senate chairs felt it would not help them in their rating systems.

Regent Bandera asked whether everyone could accept a motion approving the changes for all UCCSN institutions except DRI and requiring them to return with a proposal for the March

meeting. General Counsel Ray clarified that the section under discussion applied to the universities and colleges and not to DRI.

Regent Bandera asked whether President Wells was satisfied with the assessment. President Wells indicated that he was.

Regents Bandera and Kirkpatrick accepted the friendly amendment.

Regent Seastrand asked why a “needs improvement” category could not be included. President Lilley explained that the “satisfactory” rating indicated “needs improvement” since tenure represented the search for excellence.

General Counsel Ray again clarified that the proposed change affected the Handbook (Title IV, Chapter 3) and specifically exempted DRI.

Motion carried. Regent Alden was absent.

Chair Anthony proposed withdrawing items #42-47 (Handbook Revisions). No objections noted.