

Proposed Amendment

**TITLE 2, Chapter 5, Sections 5.5 and 5.8
University and Community College System of Nevada CODE**

PERSONNEL POLICY FOR FACULTY

Additions in **boldface**; deletions [~~stricken~~ in brackets]

Section 5.5 Salaries

5.5.6 DRI Salaries. The Desert Research Institute will determine initial salaries of its faculty based upon their qualifications[.] **and the requirements of the rank and position**. 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.
(B/R 1/03)

~~[Section 5.8 Faculty Terminations at Desert Research Institute (DRI)~~

~~5.8.1 Declaration of Policy. The DRI derives the vast majority of its funding for salaries of its research faculty from grants and contracts. While it is in the best interest of the DRI and its faculty either to have grants and contracts renewed or to replace them in new areas of research, this is not always possible. It is, therefore, necessary that the DRI have the flexibility to reduce its faculty size upon the loss of salary funding.~~

~~5.8.2 Minimum Notice. The minimal length of a written notice for a termination of employment due to programmatic or adverse institutional financial conditions, defined below, or a notice of nonreappointment to employment of a DRI faculty member shall be as determined by combining a variable number of days for uninterrupted service and a fixed number of days for rank as follows:
(B/R 3/96)~~

~~(a) The minimum notice for full-time employees shall be as follows:~~

- ~~1. One college (Institute) working day of notices for each calendar month of uninterrupted employment for all Rank 0 and Rank I personnel;~~
- ~~2. One college (Institute) working day of notice for each calendar month of uninterrupted employment plus 20 college (Institute) working days for Rank II personnel;~~
- ~~3. One college (Institute) working day of notice for each calendar month of uninterrupted employment plus 40 college (Institute) working days for Rank III personnel;~~
- ~~4. One college (Institute) working day of notice for each calendar month of~~

~~uninterrupted employment plus 60 college (Institute) working days for Rank IV personnel;~~

~~5. There will be a minimum notice of 10 college (Institute) working days to any faculty member whose term of employment at the DRI is less than 10 calendar months of uninterrupted employment; and~~

~~6. The maximum amount of notice time that a faculty member can accrue shall not extend beyond 12 calendar months.~~

~~(b) A part-time appointment at DRI shall accrue variable days notice of termination at the same percentage rate as the part-time appointment.
(B/R 3/96)~~

~~(c) If, after a faculty member has received a written notice of termination of employment under this subsection, the faculty member obtains funding sufficient enough to continue employment beyond the employment termination date, the termination process may be halted upon the mutual agreement of the faculty member and the president or the president's designee. As of the date the termination process is halted, the amount of minimal written notice for termination of employment then available to the faculty member shall be calculated as follows:
(B/R 3/96)~~

~~1. The amount of fixed days of notice determined by rank, as provided in subparagraph (a) above, having been first deducted from the amount of notice previously used, shall be restored in full to the amount of notice which must be subsequently given; and~~

~~2. The amount of unused variable days of notice determined by service, as provided in subparagraph (a) above, remaining from the previous notice, plus any additional variable days earned from service between the time the previous notice of termination was given until it was halted, shall be added to the fixed days provided in subparagraph 1. above.~~

~~Thereafter, one variable day of notice of termination shall be earned for each calendar month of uninterrupted employment, as provided in subparagraph (a) above, and added to the above-calculated notice. (B/R 3/96)~~

~~(d) Accrued annual leave shall not be considered a part of the termination period and will be subject to separate cash reimbursement unless expended during the termination period by the mutual consent of the terminated faculty member and an authorized representative of the DRI.~~

~~5.8.3 Termination of Employment for Programmatic and Adverse Institutional Financial Conditions.~~

~~(a) In addition to termination of employment for cause, a DRI faculty member's employment may be terminated during the contract term for programmatic or adverse institutional financial conditions. Such conditions arise from either the termination of a program or a shortage of grant or contract direct funds under a continuing program available to pay the salary costs of a faculty member.~~

~~(b) Termination of employment for programmatic or adverse institutional financial conditions will be weighed carefully against the faculty member's scientific and/or technical achievements, initiative, talent and potential worth to DRI.~~

~~(c) When a programmatic or adverse institutional financial condition exists, the DRI, at the sole option of an authorized representative of the DRI, may offer an affected faculty member the option of part-time employment. However, the decision as to whether to accept such part-time employment shall rest with the affected faculty member and not with the administration of the DRI. Refusal of a faculty member to accept part-time employment shall not constitute waiver of notice of termination rights.~~

~~5.8.4 Review of Termination for Programmatic or Adverse Institutional Financial Conditions. Any involuntary termination of employment of a DRI faculty member for programmatic or adverse institutional financial conditions is subject to review by an ad hoc committee of the DRI senate. Notification of such termination must be given to the DRI senate by a DRI official issuing such notice. Except as provided herein, upon receipt of such notice, the executive committee of the DRI senate will, within 7 calendar days, appoint said review committee, unless the senate receives a written request to desist from the faculty member being terminated. In the case of the termination of a faculty member reporting administratively directly to the president, the senate shall not appoint such a review committee unless such faculty member affirmatively requests, in writing, such a review. The review committee shall consist of at least three faculty members chosen from throughout the DRI, except that faculty employed within the center of the faculty member being terminated shall not be eligible to serve. The charge to the review committee will be to determine if the employment termination for reasons of programmatic or adverse institutional financial conditions under this section is justified. The review committee is entitled to receive the full cooperation of the staff of the DRI in its investigation. The review committee will conduct a full review of the matter and will promptly forward a report of its findings and recommendations to the president, except that a report concerning the employment termination of a faculty member reporting administratively directly to the president shall contain findings only and shall be for information only. The president shall reach a decision, which shall be final, within a reasonable time after receipt of the review committee's report containing recommendations. The committee's report shall be made a permanent part of the personnel file of the faculty member being terminated.~~

5.8.5 Discontinuance of Employment Contracts for Programmatic or Adverse Institutional Financial Conditions.

~~(a) The center executive director, in consultation with the vice president for finance and administration, shall determine whether a professional contract of a DRI faculty member employed within the respective center is to be discontinued for programmatic or adverse institutional financial conditions thereby terminating the faculty member's employment. The faculty member shall be given notification in writing of the termination as provided in this section by the executive director and the vice president for finance and administration.~~

~~(b) The appropriate administrator, as provided herein, in consultation with the executive directors, shall determine whether a professional contract of a DRI faculty member not employed within any established center is to be discontinued for programmatic or adverse institutional financial conditions, thereby terminating the faculty member's employment. If the faculty member reports administratively directly to the vice president for finance and administration, the vice president shall make the decision authorized in this subsection and shall issue, in writing, the notification of termination as provided in this section. If the faculty member reports administratively directly to the president, the president shall make the decision authorized in this subsection and shall issue, in writing, the notification of termination as provided in this section.~~

~~(c) For any appointment of 12 months or less, irrespective of any renewal, notice of nonreappointment of any faculty member in DRI shall be given in accordance with 5.8.2. (above). In the case of a faculty member whose appointment has been renewed at least once and total time at DRI exceeds 12 calendar months, the nonreappointment shall be reviewed by a committee of the DRI Faculty Senate, unless the faculty member concerned requests that it not be so reviewed. The committee review shall be forwarded to the President of DRI together with shall be final.]~~

Section 5.8 Continuation and Termination of Faculty Appointments at Desert Research Institute (DRI)

5.8.1 Declaration of Policy. The DRI derives the vast majority of its funding for salaries of its research faculty from grants and contracts. While it is in the best interest of the DRI and its faculty either to have grants and contracts renewed or to replace them in new areas of research, this is not always possible. It is, therefore, necessary that the DRI have the flexibility to fund faculty during times of reduced funding so that they may recover their funding and remain productive.

5.8.2 Bridge Funding. Bridge funding defines conditions and mechanisms under which research faculty, otherwise in good scientific standing, who find themselves in serious financial circumstances, can be helped to bridge such temporary times. This process is intended to smooth out unpredictable and unavoidable fluctuations through an opportunity to recover stability through short-term changes of direction and fields of endeavor. Bridge funding is available to all research faculty but not available to Executive Directors and Vice Presidents and Rank 0 Faculty.

Faculty on bridge funding remain in good standing and are entitled to all faculty rights and privileges defined by the UCCSN and DRI. The faculty member will continue to accrue service days and is eligible for all funds within DRI. Bridge funding is not severance pay nor is it a benefit earned without further obligation. Bridge funding is available only to faculty in Professor ranks II, III, and IV and those in Research Associate ranks I, II, III, and IV. Bridge funding duration is based on service days, which are defined as one day for each calendar month of uninterrupted employment and are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). The maximum number of service days is one year. Rank days are: 20 working days for Rank I and II personnel, 40 working days for Rank III personnel and 60 working days for Rank IV personnel. Postdoctoral positions accumulate no rank or service days.

(a) **Conditions.** A faculty member will be placed on bridge funding by the Executive Director of their Research Unit if for three consecutive months the faculty member generates less than 50% of their appointment salary and benefits from all funding sources external to their research unit and approved for use (including but not limited to grants, contracts, other external funding, recharge centers, institutional project assignments, sabbatical leave, and other DRI funds). The Executive Director, with the faculty member approval, may seek a temporary waiver from the President of DRI so that the faculty member is not placed on bridge funding. Placement on bridge funding may be appealed by a faculty member to a DRI-wide committee established by the Faculty Senate and reporting to the President. If the committee finds and the President concurs that bridge funding was not justified, then the faculty member shall be reinstated with all service days restored.

Bridge funding shall not begin until after three consecutive months of reduced (<50%) funding. A recovery plan shall be negotiated by the faculty member and Research Unit Executive Director (or designated representative) during the first two weeks of bridge funding. If the faculty member and the Executive Director are unable to reach concurrence on the recovery plan, the faculty member or the Executive Director may appeal to a DRI-wide committee established by the Faculty Senate and reporting to

the President. If the faculty member does not follow the agreed upon recovery plan termination for cause may follow. Bridge funding shall be used to support faculty salary to further proposal development and other duties negotiated with the Research Unit or DRI Administration. Faculty receiving bridge funding shall meet all contract requirements and may change their appointment percentage with approval of the Research Unit Executive Director. The minimum level of appointment during bridge funding is 51% of a full-time equivalent position.

(b) **Review of Recovery Plan.** The faculty member and appropriate Executive Director will review the recovery plan before 50% of the bridge funding is spent. If they concur that the Recovery Plan is inadequate, then the plan shall be rewritten within two weeks. The approval and review mechanism that applies to the original recovery plan shall also apply to rewrites of the recovery plan.

(c) **Extension and Service Days.** While a faculty member is receiving bridge funding, any work performed to complete other funded responsibilities shall be charged to those sources. Expenditure of time not covered by these sources shall be charged to a bridge funding account. Bridge funding will be considered a pool of funds similar to any other account that a faculty member may use. It is up to the faculty member to manage these funds in a manner that best benefits him or her. Charges to accounts other than the bridge funding account shall extend the duration of bridge funding in an amount equal to the time charged to extramural sources. Time will be charged based on percent of effort, similar to other accounts. Use of bridge funding shall expend service days that a faculty member has accumulated based on length of service.

(d) **Reinstatement.** Bridge funding shall end and the faculty member will not face termination when 70% or more funding of salary and benefits of the desired contract has been demonstrated for the past nine months or upcoming nine months or more from all funding sources external to the research unit. Service days expended under bridge funding shall not be reinstated.

(e) **Notice of Nonreappointment.** Notice of nonreappointment to employment of a DRI faculty member shall be as determined by combining a variable number of days for uninterrupted service and a fixed number of days for rank as follows:

The minimum notice for full-time employees shall be as follows:

1. One college (Institute) working day of notices for each calendar month of uninterrupted employment for all Rank O and Rank I personnel;

2. One college (Institute) working day of notice for each calendar month of uninterrupted employment plus 20 college (Institute) working days for Rank II personnel;
3. One college (Institute) working day of notice for each calendar month of uninterrupted employment plus 40 college (Institute) working days for Rank III personnel;
4. One college (Institute) working day of notice for each calendar month of uninterrupted employment plus 60 college (Institute) working days for Rank IV personnel;
5. There will be a minimum notice of 10 college (Institute) working days to any faculty member whose term of employment at the DRI is less than 10 calendar months of uninterrupted employment; and
6. The maximum amount of notice time that a faculty member can accrue shall not extend beyond 12 calendar months.

5.8.3 Termination of Faculty Appointments. Vice Presidents and Executive Directors, determine continuation and termination of appointments of personnel who report to them. Termination decisions shall be made in consultation with the President or appropriate Vice President as set forth in Chapter 5 of the UCCSN Code. Employment may be terminated for:

(a) **Cause (Chapter 6 of the UCCSN Code).** Termination for cause involves any prohibited activity, listed in Section 6.2 of UCCSN Code.

A decision resulting in the termination of a faculty member for cause may be appealed to the Board of Regents. See, Chapter 6, Sections 6.4.2, 6.13 and 6.14, UCCSN Code.

(b) **Programmatic or Adverse Financial Conditions (Chapter 5 of the UCCSN Code).** DRI Faculty function through their diverse disciplines coupled to their ability, directly or indirectly, to raise funds from outside the Institute for their projects and associated personnel. The Institute derives much of its strength from this combined function. It is inevitable that some individuals will experience extremes of funding – both increasing and decreasing.

The minimum level of appointment during bridge funding is 51% of a full-time equivalent position. The Research Unit Executive Director shall advise and counsel faculty members on bridge funding to implement the recovery plan and obtain funding to return to regular faculty status. The faculty member has the primary responsibility to recover their funding.

1. **Notice of Termination.** A DRI research faculty member's employment may be terminated during the contract term for programmatic or adverse institutional financial conditions. Notice of termination shall follow the period of bridge funding for research faculty (for those faculty in Professorial ranks II, III, and IV and Research Associate ranks I, II, III, and IV) if the faculty member is unable to generate sufficient funds to meet the requirements for reinstatement. Termination is the only option available for a decision "not to reinstate." Research Faculty will receive a termination time equal to their rank days as defined under bridge funding. A faculty member receiving notice of termination shall remain under contract (full or partial at a minimum of 51% of an annual "A" contract) and work to meet the conditions of reinstatement. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the UCCSN and DRI. The deadline for termination shall not be extended for faculty who renegotiate their contract to less than 100% of an annual "A" contract (each rank day will count as one termination day). The faculty who elect to remain under contract are expected to meet the obligations of their contract to obtain termination funding. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports only to the President, who makes the final decision.

2. **Conditions.** For research faculty, notice of termination shall be given when bridge funding is exhausted and the faculty member has not regained at least 70% funding of salary and benefits from all sources external to the research unit for the upcoming nine months for the desired contract. The date of termination shall be computed from the point of bridge funding exhaustion until all rank days are expended. Rank days are defined above in the bridge funding section. The Executive Director(s) or designated representative will continue to advise and counsel faculty members on termination funding to obtain extramural funding to end the termination.

3. **Reinstatement.** Faculty members who have received notice of termination may be reinstated by demonstrating 70% funding or more from all sources external to the research unit for the upcoming nine months for their desired contract. At this point, the faculty member's termination notice shall be revoked and all rank days reinstated.

4. **Contract Discontinuance for Research Faculty.** If a faculty member who has received notice of termination is unable, by the termination date, to regain 70% funding or more from all sources for the upcoming nine months for their desired contract it will be terminated immediately. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the UCCSN and DRI. Faculty who elect to remain under contract are expected to meet the obligations of their contract.

5. **Notice of Termination for Rank 0 Faculty.** Rank 0 Faculty may receive employment termination due to programmatic or adverse financial conditions. Administrative Faculty employed by DRI after the time of the adoption of this document (DATE), will receive 60 working days of termination notice before contract will be terminated during the contract term. Administrative faculty already employed by DRI at the time of the adoption of this document (DATE) may use sixty (60) working days or their earned service days, whichever is larger as their termination notice. The maximum termination notice by accumulated service days cannot exceed one year. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports to the President, who makes the final decision.

6. **Notice of Termination or Non-Reappointment of Post Doctoral Faculty.** Post-doctoral employees will receive a minimum notice for termination of existing contract of 60 working days and the cause for this termination. They may also file a request for a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.