

BOARD OF REGENTS  
BRIEFING PAPER

**Agenda Item Title: NSHE Handbook Change, Desert Research Institute Bylaws**

**BACKGROUND & POLICY CONTEXT OF ISSUE:**

The DRI administration and faculty have been revising the Bylaws for the last five plus years to reflect current policies. The proposed Bylaws are a combination, and addition to the existing Bylaws, and the DRI Faculty Personnel Manual. It was becoming difficult to have the two documents regulating the DRI Faculty and therefore, it was determined to develop a totally new set of Bylaws to replace both.

**SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

The actions being requested are to approve the elimination of the current DRI Bylaws and Faculty Personnel Manual and accept the new revised Bylaws.

**IMPETUS (WHY NOW?):**

The DRI Bylaws are out-of-date (last update 1992) and need modification to be consistent with current DRI practices, policy, and organization, as well as other provisions of the Handbook. The proposed changes to the Bylaws will also bring consistency to recently approved DRI changes to the NSHE Handbook.

**BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- The current Bylaws are inconsistent with the BoR Handbook.
- The new Bylaws correct numerous personnel, and other policies, that are outdated and difficult to implement.
- Reducing the number of faculty policy documents from 2 to 1, aids in reducing confusion on which policy is to be used if there is a conflict.

**POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

- None proposed.

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

Continue using the current policy documents, which are outdated and inconsistent with the NSHE Handbook (Titles 2 and 4).

**COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # 2 Chapter # 1 Section # 1.3.4  
 Amends Current Board Policy: Title # 5 Chapter # 2 Section # 1.1 through 3.2  
 Other: \_\_\_\_\_  
 Fiscal Impact: Yes \_\_\_\_\_ No X  
Explain: \_\_\_\_\_

**BYLAWS OF THE DESERT RESEARCH INSTITUTE**

**Revised through June 2006**

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## Chapter 1 - Guiding Principles

### 1.1 Legislative Mandate

The Desert Research Institute (hereinafter, DRI) was established by the Nevada Legislature in 1959.

#### 1.1.1 Establishment

*To contribute more effectively to the security of the nation and to promote the general welfare of the State of Nevada and its citizens through the development of educational and scientific research, the Board of Regents may establish for educational and scientific research a facility within the system to be known as [DRI].*

(NRS 396.795; added to NRS by 1959, 285; A 1981, 900; 1993, 354).

#### 1.1.2 Purposes

The primary purposes of [DRI] are to:

1. *Foster and conduct fundamental scientific, economic, social or educational investigations and applied research for industry, governmental or private agencies or individuals;*
2. *Encourage and foster a desire in students and faculty to conduct research;*
3. *Discover and develop talent for conducting research;*
4. *Acquire and disseminate knowledge related to the projects undertaken; and*
5. *Promote all research within the system generally.*

(NRS 396.7951; added to NRS by 1959, 286; A 1969, 1439; 1993, 354)

The Desert Research Institute is a unique institution among the institutions of the NSHE. It is exclusively designed to foster, encourage and promote pure and applied research for industry, government, educational organizations and the public in general. Given the nature of its operation and non-state sources of funding, it's fiscal and personnel policies and procedures can differ significantly with Board of Regents approval from those policies and procedures which are applicable to the other institutions of the NSHE, a fact which is recognized and approved by the Legislature in NRS 396.7953 through NRS 396.7955.

#### 1.1.3 Shared Governance

In both policy setting and operations, DRI follows the principle of shared governance. Shared governance seeks to create an environment of joint effort, communication, responsibility, and cooperation among DRI personnel in order to serve the best interests of the institution. The President of DRI shall consult with appropriate representative bodies on issues of importance. Further, the President shall consult with the Faculty Senate Chair in a timely manner prior to submitting items for formal consideration by the Regents. The representative bodies shall provide review and comment to DRI's administration on institutional decisions involving general and personnel policy, planning, budget allocations, and other matters of concern. The President shall consult with DRI employees, as appropriate, on decisions regarding fundamental rights and responsibilities.

## **Chapter 2 - DRI Bylaws**

### **2.1 Authorization**

The DRI Bylaws (hereinafter, Bylaws) are authorized by Title 2, Chapter 1 of the Nevada System of Higher Education (hereinafter, NSHE) Handbook. These Bylaws and all other DRI bylaws and procedures shall be consistent with the other portions of the NSHE Handbook, the laws of the State of Nevada, and the laws of the United States. In the event of any conflict, applicable state or federal laws or Title 2 of the NSHE Handbook shall prevail.

### **2.2 Scope**

The scope of the Bylaws is DRI's organizational structure and faculty personnel policies. Policies and procedures for technologists are addressed in the DRI Technologists Manual (Board of Regents Handbook, Title 5).

### **2.3 Implementation**

Procedures for implementing the Bylaws shall be published in the DRI Administrative Manual, which procedures shall not conflict with Bylaws, Handbook, State of Nevada and Federal Policies and Laws. The President shall be responsible for compliance of the Administrative Manual with the NSHE Handbook. In the event of such conflict the Handbook will prevail. Written notice of any changes in the Administrative Manual shall be sent to the appropriate representative bodies (Faculty Senate and Executive Staff) within 10 working days of intended implementation for review, comment, and final approval by the President.

### **2.4 Amendment**

An amendment to these faculty Bylaws may be proposed by (1) 20% of the voting faculty (are those whose appointment is in excess of 50 percent of an annual "A" contract except for post-doctoral appointments and visiting distinguished professors), (2) the Faculty Senate, (3) the President, (4) the NSHE Chancellor, or (5) any member of the Board of Regents (hereinafter, Regents). All proposed amendments shall be submitted to the President for adoption, and the President shall refer all such amendments to the Faculty Senate within ten working days of submission.

Proposed amendments shall be reviewed by the Faculty Senate at its next scheduled meeting (input shall be requested from the Faculty Senate Bylaws Committee). The Faculty Senate Executive Board shall determine whether the proposed amendment is a Class A or B Action, and the procedure for these actions shall be followed. The amendment shall be in force upon (1) a vote by the faculty or Faculty Senate, (2) approval by the President, and (3) approval by the Regents (see sec. 4.1.4 and 4.1.5). The President, upon receipt of the results from the faculty or Faculty Senate vote, shall either forward the amendment to the Regents for approval or shall inform the Faculty Senate of his rejection of the amendment and his reasons for that rejection within 30 working days. Should the Regents approve the amendment, such approved

amendments shall be distributed by the President to the entire faculty. Should the Regents reject the amendment, the President shall so inform the Faculty Senate with the President's best assessment of the reasons for the rejection within 30 working days. On amendments of the Bylaws of the Institute, the faculty (through the Faculty Senate) may appeal a decision of the President directly to the Chancellor or the Regents.

The most current version of these Bylaws is available through DRI's website at [www.dri.edu](http://www.dri.edu). The adoption, amendment or repeal of institutional Bylaws requires the recommendation of a president and the approval of the Board of Regents. Accordingly, only the most current version of these Bylaws approved by the Board of Regents of the Nevada System of Higher Education Accurately reflect DRI's current organizational structure and personnel policies, and no other version of these Bylaws may be relied upon for any purpose. The official version of the DRI Bylaws is on the NSHE website.

## **2.5 Interpretation**

Questions of interpretation of the Bylaws shall be directed to the Faculty Senate, which shall review the issue and forward any comments to the President for a decision. The President shall make the final interpretation. This shall be based on consultation with appropriate sources as well as consistency with the NSHE Handbook and established DRI policies and procedures.

## **Chapter 3 - Organization**

### **3.1 Organization**

DRI is comprised of diverse units, each having its own responsibilities and method of operation. Units serve both research and administrative purposes. Research Units tend to be based on interrelated scientific themes or programs. The Administrative Unit is based on functional responsibilities.

### **3.2 Administration and Executive Administration**

The Administration consists of all personnel who provide administrative support to the research faculty. The Executive Administration consists of the President, Vice Presidents, Assistant Vice Presidents and Executive and Senior Directors. The Chair of the Faculty Senate shall be invited to attend Executive Administration meetings.

#### **3.2.1 President**

Responsibilities and duties of the President are provided in Title 1, Article VII of the Bylaws of the Board of Regents. The President may delegate any of the duties and authority of the office unless expressly prohibited by Board of Regent policy. The procedure for screening and recruitment of the President shall follow that specified in Chapter 1 of the NSHE Code.



### 3.2.2 Vice Presidents

Vice Presidents are responsible to the President for the conduct of DRI affairs. Vice Presidents are responsible for such activities as finance, administration, research administration, business development, academic affairs, fund raising, public information and outreach, government relations, and other duties assigned by the President. The President, with approval by the Regents, may establish or abolish Vice Presidential positions. The President shall consult with the Faculty Senate for review and comment before submitting any additions or deletions of Vice Presidential positions to the Regents.

To fill a Vice Presidential position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee including representation from each of the Research Units while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI Faculty representation. The committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted. The President recommends appointment to the Chancellor, who informs the Board of Regents.

### 3.2.3 Assistant Vice Presidents

Assistant Vice Presidents shall report to a Vice President for responsibilities defined by the Vice President. Creation or abolition of Assistant Vice Presidential positions as well as screening and recruitment shall be the same as for Vice Presidents.

### 3.2.4 Executive and Deputy Executive Directors

The Executive Director of a Research Unit is the chief administrative officer of the Research Unit and shall be an ex officio member of the Research Unit's committees. The Executive Director shall be responsible for fiscal viability of the unit, research administration, development and implementation of research programs, and supervision of faculty and administrators within the unit. Screening and recruitment of Executive Directors shall be the same as for Vice Presidents. Each Executive Director shall be directly responsible to the President, unless the responsibility is assigned to someone else. The President, with approval by the Regents, may establish or abolish Executive Director positions. The President shall consult with the Faculty Senate for review and comment before submitting any additions or deletions of Executive Director positions to the Regents. Executive Directors may choose to appoint a Deputy Executive Director to assist in managing the research unit, after consultation with the President. The Deputy Executive Director shall be responsible to the Executive Director.

To fill an Executive Director position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee from the DRI faculty while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI faculty representation. The faculty committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should

the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted.

### 3.2.5 Senior Director

A Senior Director heads each of the DRI Integrated Science Centers and is responsible for the management and activities of the Centers. Senior Directors appointments are to be 49% or less and the remainder is to be as a faculty member in a division. The primary evaluation of each Senior Director is by the appropriate Division Executive Directors with input from the Integrated Science Centers supervisor.

To fill a Senior Director position, the President, in consultation with the Faculty Senate Chair, shall choose a search committee from the DRI faculty while reflecting geography, gender, and ethnic diversity to the extent possible. Should the President appoint outside members, the membership shall not exceed the DRI faculty representation. The faculty committee shall present a slate of candidates to the President, who may select one candidate. The President may elect to have a ranked or an unranked slate. Should the President decline to nominate, or should the persons on the slate not be available for appointment, the President may either direct the committee to reconvene and present a new slate, or may require that a new search be conducted.

### 3.2.6 Reassignment of Administrative Faculty

Executive administrative faculty (Vice Presidents, assistant Vice Presidents, Executive and Senior Directors) serve at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration (Title 4, Chapter 3). However, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied, the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty, of the System institution in which the administrator was employed until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be reassigned to duties within the System institution. Up to 6 months of salary support will be provided for Executive Administrative Faculty who has moved to a faculty position, with a salary not to exceed that of the highest paid faculty member of the unit. Nothing in this section shall be interpreted as abrogating the notice of non-reappointment provisions of Subsections 6.4.3 of the DRI Bylaws and Section 5.4.8 of the NSHE Code.

### 3.2.7 Responsibilities of the Executive Administration

The Executive Administration provides managerial, financial, academic, research administration, promotional, and operational support to the Research Units. This support includes but is not limited to the functions and services of the following: Presidential and Vice Presidential offices, Controller's Office, Human Resources, Facilities, Institutional Advancement, Information Technology, Library, Technology Transfer, Dandini Research Park, and Sponsored Research.

### 3.2.8 Committees

The President, in consultation with the Faculty Senate Chair may establish and appoint committees. Members of these committees report to the President and shall serve for a term or until discharged by the President.

### **3.3 Research Units**

#### **3.3.1 Scope**

Research Units shall be organized as thematic or programmatic groupings of faculty. The Executive Director oversees the Research Units employees. Research Units shall emphasize continuation of established programs, development of new opportunities, collaboration with other DRI Research Units as well as NSHE and non-NSHE institutions, and undergraduate and graduate education.

#### **3.3.2 Authority**

Each Research Unit shall be delegated authority in all matters concerning its internal policy except where such authority may be retained by the Regents or the President, or specifically delegated elsewhere by the President. Each Research Unit shall establish the procedures under which it may act and shall formulate programs consistent with DRI's policies and objectives.

#### **3.3.3 Employee Assignment**

At the time of appointment, the President will determine the appropriate research unit for each research faculty member and the appropriate research and/or administrative unit for each administrative faculty member for administrative purposes including promotion, evaluation, and mentorship.

#### **3.3.4 Changes in Organization**

The President may propose to the Regents the establishment or abolition of Research Units. The President shall consult with the Faculty Senate before submitting to the Regents any proposed action to establish or abolish a Research Unit. The Faculty Senate determines whether the organizational change affects faculty rights and responsibilities, in which case the proposed change is a Class A action subject to review and comment by the faculty. All proposed changes in the addition or abolition of DRI's Research Units are subject to approval by the Regents.

## **Chapter 4 - Faculty Advisory Bodies**

### **4.1 Faculty Senate**

The Faculty Senate is the principal representative body of the research and administrative faculty, with exception of executive-level administrators and is composed of representatives elected by the faculty under the provisions of the Faculty Senate Bylaws. The Faculty Senate makes recommendations to the President on matters related to DRI's organization, policies, and procedures as well as policies and procedures related to the rights and welfare of the faculty. All faculty members have access to the Faculty Senate to introduce any questions of general policy or any issues related to faculty rights and welfare.

#### **4.1.1 Authority**

The Faculty Senate shall be delegated authority to make recommendations for the faculty in all matters specified in Title 2, Chapter 1 of the NSHE Code. All actions shall be within the limitations of NSHE policy.

#### 4.1.2 Membership

The Faculty Senate shall be fixed at 15 voting members. Executive Directors and Deputy Executive Directors, Vice Presidents, Assistant Vice Presidents and Senior Directors, whether the individuals in these positions are on regular, acting, interim or part-time appointments shall not be eligible for Faculty Senate membership. The President shall be a non-voting member of the Faculty Senate. Except as specifically provided in the Faculty Senate Bylaws, each Senator shall serve for three years and shall not be eligible to serve for one year following expiration of this term. The terms of the Senators shall be staggered so that, insofar as possible, an equal number of terms will expire at each election. Nomination and election of Senators shall be by secret ballot of the faculty.

#### 4.1.3 Faculty Senate Bylaws

The Faculty Senate shall establish Bylaws for itself. The Faculty Senate Bylaws shall set forth precise and detailed election procedures for all members and shall provide a method consistent with the normal procedures for filling of vacancies in the event that a Senator is temporarily or permanently unable to serve.

#### 4.1.4 Actions

The Faculty Senate Executive Committee shall classify each agenda item as one of the following, with such classification subject to modification by a majority of the Faculty Senate:

- (a) Class A Action – an action affecting the fundamental rights or responsibilities of all faculty members.
- (b) Class B Action – an action affecting institutional organization or policy.
- (c) Class C Action – an action pertaining to the operations of the Faculty Senate.
- (d) Information

#### 4.1.5 Procedure for Review of Actions

**Class A Actions.** A Class A Action of the Senate shall be approved or disapproved by one of two alternative procedures: Procedure I and Procedure II (explicitly described in the following two paragraphs). The Senate shall decide by vote which procedure is to be employed. Upon approval (by either procedure), the action becomes final only after additional approval by the President and if appropriate by the Board of Regents.

**Approval of Action Under Procedure I.** A Class A Action of the Senate shall be approved or disapproved by Procedure I when it has been approved by vote of the Senate, providing that the voting faculty has been informed within fifteen working days of this decision, and the voting faculty has not elected within fifteen calendar days of publication of the Senate's decision to change the determination to Procedure II.

**Approval of Action Under Procedure II.** A Class A Action of the Senate shall be approved or disapproved by Procedure II accordingly as it is approved or disapproved by a simple majority vote through a secret mail ballot sent to the entire voting faculty within fifteen days of the meeting and to be returned within seven days. A tie count constitutes disapproval; a simple

majority of at least 50% of eligible voting faculty is required for approval. If less than 50% of the eligible faculty vote the issue will be referred to the Senate for action under Procedure I.

(A) Changing to Procedure II. The voting faculty may change the determination of a Class A Action of the Senate to Procedure II by submitting to the Chairman of the Senate, within fifteen days after publication of the Senate's decision, written requests, with reasons, for such a diversion, signed by at least 10 percent of its members or at least 40 percent of the members of any one of its research or administrative units.

(B) Modification of Action under Procedure II. In Procedure II, if upon submission of a Class A Action of the Senate in writing to all members of the voting faculty, significant proposed changes, as judged by the Executive Committee, are made in writing to the Senate Chairman by any member(s) of the faculty, then these changes shall be considered by the Senate at its next meeting.

A Class B Action shall be approved or disapproved by majority vote of the Faculty Senate. A tie vote constitutes disapproval. Following such approval, the faculty shall be informed of this decision within fifteen working days. If 15% of the faculty request within fifteen working days of the announcement that the issue requires Class A Action, then the action shall be reclassified and submitted to all faculty for their approval or disapproval.

A Class C Action of the Faculty Senate shall be approved or disapproved by majority vote of the Faculty Senate.

#### 4.1.6 Implementation of Actions

Class A and B Actions are recommendations of the faculty to the President and, when determined appropriate by the President, to the Regents. Changes in faculty rights or responsibilities and institutional organization or policy are not effective until proposed by the President and approved by the Regents. Class C Actions are effective upon approval by a majority of the Faculty Senate.

## 4.2 Faculty Meetings

The faculty may hold meetings for the purpose of taking appropriate action on any matter related to faculty rights and responsibilities or receiving information from the Administration or the Faculty Senate. The President may call meetings of the faculty and shall call a meeting as soon as feasible upon request by 15% of the members of the faculty or when requested by a majority of the Faculty Senate. The President shall determine the order of business and, in doing so, shall provide opportunity for introduction of new business from the floor.

### 4.2.1 Meeting Officers

The President is presiding officer of meetings of the faculty. The faculty shall elect a secretary from among its own membership who shall be responsible for maintenance of accurate records of its deliberations. Minutes of faculty meetings shall be transferred to the DRI libraries for archiving.

#### 4.2.2 Parliamentary Authority

The rules contained in the current edition of *Roberts' Rules of Order, Newly Revised* shall govern meetings of the faculty, insofar as they may be applicable and which are not covered in or by the DRI Bylaws.

#### 4.2.3 Actions

At any meeting, the faculty may recommend action to the President by majority vote of the faculty present on any matter within its jurisdiction.

#### 4.2.4 Determination of Jurisdiction

If any dispute arises regarding appropriate faculty action, which cannot be resolved by application of the provision of these Bylaws, then the President shall determine jurisdiction and report to the disputing parties.

### **Chapter 5 - Faculty Appointments**

#### **5.1 Research and Administrative Faculty**

DRI faculty shall consist of all persons holding authorized professional positions as provided in the NSHE Code, Section 5.10.2:

*It is the policy of the Nevada System of Higher Education that all academic faculty (including academic faculty on letters of appointment) and professional staff positions shall require a minimum of a bachelor's degree, or appropriate professional experience in lieu of post secondary education equivalent to such degree, and that all such academic degrees shall have been awarded by regionally accredited institutions. All vacancy announcements or advertisements for faculty and professional staff positions shall include explicit reference to these requirements. Each institution shall independently verify academic credentials within 30 calendar days from the effective date of employment and develop a procedure to ensure that the verification process takes place.*

The Professor track faculty (Ranks II- IV) and postdoctoral fellows emphasize the scholarly aspect of their studies, leading to significant scientific or technological advances through research or teaching or both, with scholarly criteria similar to equivalent university positions, while expected to obtain funding appropriate for their rank. The Research Associate track (I - IV) faculty generally emphasizes acquisition and use of highly developed specialized skills leading to key support for the Institute research programs in selected areas of endeavor. Each track requires the ability to develop and manage programs such that the criteria for success converge for advancement to rank IV. Professional administrative faculty (Rank 0), provide general support for DRI activities and executive administrative faculty oversee all DRI operations.

A national search is required for appointments to Professor tracks Ranks II-IV and Research Associate track Ranks III and IV. A local search is required for appointments to Rank 0 and

Research Associate track Ranks I and II. A national search is optional for Rank 0 and Research Associate tracks Rank I and II. The initial salaries of Executive Directors and Vice Presidents shall be determined by the President based on professional credentials and leadership potential within the ranges set in the Executive Salary Schedule, Board of Regents Handbook, Title 4, Chapter 3, Section 2. DRI shall utilize a ranking system for its faculty to consist of Ranks 0 through IV. The initial salaries of the research faculty will be based on their qualifications and the requirements of the rank of the position - rank I through IV.

The initial salaries of Rank 0 Administrative faculty shall be based on the salary range assigned the qualification and requirements of the position according to an approved salary schedule. The Human Resources office will notify the president's office on a yearly basis of those Rank 0 employees who exceed the salary range of their position. Exceeding the range requires presidential approval. 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. (Regents Code, Chapter 5, Section 5.5) (B/R 6/05) (B/R 1/03)

## **5.2 Joint and Separate Appointments**

There are three types of arrangements between NSHE and the Desert Research Institute (DRI): teaching agreements, joint appointments, and separate appointments. These agreements pertain to all schools and colleges of the System that involve DRI faculty in their instructional programs, or on graduate student committees.

Teaching agreements are generally on a semester basis between an academic department or program and an individual DRI faculty member. Funds for the teaching and/or advising students are transferred to DRI for payment of the faculty member.

DRI faculty may accept joint appointments with other NSHE institutions if approved by the Research Unit Executive Director and the President. Respective responsibilities shall be determined by the faculty member and department chair with approval by the Research Unit Executive Director at the beginning of each academic year. Involvement with another institution shall not exceed 49% of the faculty member's time averaged over the period of an "A" contract. Promotion and salary increases shall be assessed based on the faculty member's contributions to each institution, with advisory input from the non-DRI institution. Joint appointments between institutions shall maintain the same rank and title as the DRI appointment.

Faculty from other NSHE units may accept joint appointments with DRI if approved by the Research Unit Executive Director and by the President. Respective responsibilities shall be determined by the faculty member and department chair with the Research Unit Executive Director at the beginning of each academic year. Involvement with DRI shall not exceed 49% of the faculty member's time averaged over the period of an "A" contract. Promotion and salary increases shall be assessed based on the faculty member's contributions to each institution, with advisory input from DRI. Joint appointments between institutions shall maintain the same rank and title as their appointment at their major institution.

A faculty member with separate appointments will have two contracts, one with each institution. Each institution may have a different salary schedule, title, evaluations, etc. and the employment percentage could be variable. The employment details would be determined by the institutions hiring authorities and the employee. The two contracts together may not exceed 100% of an “A” contract.

For both joint and separate appointments DRI may issue full or partial “B” contracts to NSHE employees if requested by the employee.

### **5.3 Special Appointments/Positions**

#### **5.3.1 Adjunct Faculty**

Any individual qualified in a particular field of knowledge and not employed by the NSHE may receive an adjunct appointment as a Research or Administrative Faculty or Executive Administrator provided that the following conditions are met: (1) demonstrated value of the prospective adjunct faculty member to DRI; (2) fulfillment of the requirements for the corresponding position, i.e. without the title “adjunct”, specified by the Research or Administrative Unit concerned; and (3) approval by the Research Unit Executive Director or an appropriate Vice President and the President. Adjunct faculty are unpaid and nonvoting members of the faculty. All adjunct appointments will be evaluated annually by the President.

#### **5.3.2 Visiting Professor/Scientist**

Any distinguished individual may be appointed by the President to a nonrenewable position in the Research Professor or Research Associate ranks with the designation “visiting” for a period of not more than 364 days. Visiting Professors/Scientist may or may not carry salary and/or only earned benefits (TBD by director with president’s approval, as described on the application form). The appointees are nonvoting members of the faculty.

#### **5.3.3 Postdoctoral Fellow**

A Postdoctoral Fellow (Rank I) is a temporary, scholarly position under the direction of a faculty sponsor established for the fellow’s continuing education and professional growth. Completion of a doctoral degree in an appropriate discipline is a requirement for appointment. Postdoctoral Fellows are salaried, and appointments are for a limited term (one calendar year with renewal for a sequential second and third year depending on funding and performance). Renewal beyond this period shall be made only under exceptional circumstances to be determined by the appropriate Vice President in consultation with the Executive Director but shall in no cases exceed five sequential calendar years. Appointees receive benefits and employment conditions are defined in Title 4, Chapter 7 of the NSHE Code

#### **5.3.4 Graduate Research Assistants**

A Graduate Research Assistant is an appointment offered to a student who is actively pursuing a graduate degree in a department within the NSHE. The terms of this appointment shall be specified by contract.



### 5.3.5 Letters of Appointment

Letters of appointment may be issued for temporary appointments not to exceed 0.25 FTE in any 12-month period, 50% FTE for 6 months, or 100% FTE for three months. Temporary appointments shall be issued only for clearly defined duties and shall be subject to approval by the President or the President's designee. Persons with letters of appointment may be reappointed. Persons with letters of appointment are not eligible for benefits and are nonvoting members of the faculty.

### 5.3.6 Temporary Positions

Temporary positions are for greater than or equal to 50% FTE employment of faculty for less than 365 calendar days and do not require recruitment. Appointments of 50% or greater are granted benefits on a prorated basis. Appointment may be extended for one month under special situations if approved by the Director of Human Resources. If the position becomes a regular position, recruitment must be conducted and the employee on the temporary contract may compete for the position through the normal recruitment process. Temporary employees will receive an initial 2-day sick leave accrual, and will accrue sick leave at 2-days per month or prorated by FTE.

### 5.3.7 Affiliate Faculty Position

Affiliate Faculty is a part-time position for less than 50% FTE time and does not carry any benefits. Individuals in this position must have appropriate education and experience to be considered as a research or administrative faculty member. These positions are considered hourly for payment purposes and are not paid on a salary basis. Approval by the Research Unit Executive Director or an appropriate Vice President and the President are required. Affiliate faculty are nonvoting members of the faculty. All affiliate appointments will be evaluated annually by the President.

### 5.3.8 Sabbatical Appointments

Sabbatical appointments are for visiting faculty members on sabbatical leave from other institutions and appointment cannot exceed 364 calendar days. These appointments may or may not carry salary and earned benefits (TBD by division director with president's approval). Assistance may include clerical support, computer resources, travel, or other stipends. The appointees are nonvoting members of the faculty.

### 5.3.9 Emeriti Status

Emeriti status is an honor attained through appointment upon retirement from DRI. Any faculty member who retires from DRI and has held an appointment in excess of a 50% for at least ten years (or ten years equivalent service) is eligible for this honorable status. (BoR Handbook Title 4, Chapter 3, Section 36) Upon retirement the individual may elect to be nominated for emeriti status by an Executive Director, Vice President or a current faculty member. The President shall make the final decision following review and comment by the Faculty Senate. Faculty who retire after serving DRI for less than ten years may be considered, but conferral of the status in such cases is exceptional and will be made only when the individual's service has been judged outstanding. The faculty member's title will be Emeritus or Emerita plus their title when retiring from DRI. Those with emeriti status are nonvoting members of the faculty. Benefits include ID

card, Grant-in-aid for emeriti and their spouse and dependents, computer account, computer dial-up account, DRI e-mail, library privileges, listing in the DRI telephone directory, may have the use of an office and any other negotiated benefit.

#### 5.3.10 Volunteer Positions

A volunteer is someone who has agreed to perform certain duties under the supervision of a DRI employee for DRI without receiving compensation for those duties. The volunteer by signing the Volunteer Agreement is covered under indemnification, worker's compensation insurance, confidentiality, jurisdiction, and proprietary information. A parent must sign the agreement if the volunteer is under 18 years of age.

## Chapter 6 - Faculty Personnel Policies

### 6.1 Nepotism

DRI prohibits the concurrent employment of relatives if one person will be the immediate supervisor or be in the direct line of authority of any relative within the 3<sup>rd</sup> degree of consanguinity or affinity, including members of the Board of Regents [*The third degree of consanguinity or affinity is defined as spouse, mother, father, brother, sister, or child (including half, step, and in-law relationships in the same categories), first cousin, aunt, uncle, niece, nephew, grandparent, or grandchild*]. Information concerning related employees is public information subject to disclosure under the public records law. Employees certify that they are not related to any other person within the NSHE, with the 3<sup>rd</sup> degree of consanguinity or affinity, except as disclosed on NSHE pre-employment certification.

No employee of DRI shall participate in making recommendations or decision specifically affecting the appointment, retention, work assignment, performance evaluation, promotion, demotion, and salary of a relative. Exception to this policy must have prior written approval by the president along with a written agreement detailing the manner in which conflicts of interest will be ameliorated (Title 4, Chapter 3, Section 7). Any employee with a question concerning a violation of the nepotism policy should contact the Director of Human Resources.

### 6.2 Research and Administrative Faculty Staffing

#### 6.2.1 Hiring Authority

The President shall inform the Faculty Senate of the intent to create any new Administrative faculty positions, within the President or Vice President's offices. The Faculty Senate shall review and comment to the President on all such positions. In accordance with the Bylaws, the President chooses Vice Presidents and Executive Directors. The Vice Presidents and Executive Directors, in turn, determine staffing needs and hires for the programs they administer. The Executive Director or the Vice President shall request the President's permission to make an appointment and, if the position is a new one, will identify the source of funding and the need for the position.

### 6.2.2 Affirmative Action and Equal Opportunity

The Desert Research Institute will make all decisions regarding recruitment, hiring, promotions, and all other terms and conditions of employment without regard to race, color, creed or religion, sex, national origin, age, physical or mental handicap, Vietnam era veterans, disabled veteran status, or any other factor that is not a lawful basis for such decisions.

As an employer that has contractual relationships with the United States government and performs services for federal contractors and sub-contractors, DRI's non-discrimination and affirmative action policies and plan are specifically required by federal **Executive Order No. 11246, Sections 503 and 504 of the Rehabilitation Act**, and the **Employment of Disabled and Vietnam Era Veterans Code**.

### 6.2.3 Conditions of Appointment and Pre-employment Certifications

All positions shall be recruited in accordance with current affirmative action and equal opportunity laws and regulations. Written notification of appointment will inform prospective appointees of the proposed terms and conditions of employment, but the final terms and conditions are only those contained in the employment contract as provided by Title 2, Chapter 5 of the NSHE Code. A binding employment contract between DRI and a prospective appointee does not exist until the President or his appointed authority signs the employment contract.

Each candidate interviewed for a professional position within the NSHE shall sign an employment declaration. This declaration shall certify that application materials submitted in support of their candidacy for employment are a true and accurate representation of their education and qualifications and acknowledging that falsification of employment applications or documents submitted to the NSHE, or making other false or fraudulent representation in securing employment is prohibited.

Falsification or misrepresentation of credentials, or evidence that degrees offered in support of candidacy for employment have been issued from non-accredited institutions, shall invalidate the employment contract and shall be grounds for immediate termination. The provisions of Title 2, Chapter 8, do not apply when employment is terminated under these circumstances.

If the appointee is not a U.S. citizen or resident, it is the Institute's responsibility, prior to appointment, to document proof from the U.S. Government of approval to work.

### 6.2.4 Assignment of Duties

Vice Presidents and Executive Directors shall assign duties and responsibilities to their personnel and delegate supervisory responsibility as deemed necessary.

## **6.3 Continuation of Faculty Appointments**

See NSHE Code, Chapter 5, Section 5.8

### 6.3.1 Bridge Funding

See NSHE Code, Chapter 5, Section 5.8.2

### 6.3.2 Conditions

See NSHE Code, Chapter 5, Section 5.8.2(a)

### 6.3.3 Review of Recovery Plan

See NSHE Code, Chapter 5, Section 5.8.2(b)

### 6.3.4 Extension and Service Days

See NSHE Code, Chapter 5, Section 5.8.2(c)

### 6.3.5 Reinstatement

See NSHE Code, Chapter 5, Section 5.8.2(d)

## **Termination of Faculty Appointments**

See NSHE Code, Chapter 5, Section 5.8.3

### 6.4.1 Employment may be termination for cause

See NSHE Code, Chapter 5, Section 5.8.3(a)

### 6.4.2 Termination for programmatic or adverse financial conditions

See NSHE Code, Chapter 5, Section 5.8.3(b)

#### 6.4.2.1 Notice of Termination for programmatic or adverse financial conditions

See NSHE Code, Chapter 5, Section 5.8.3.1

#### 6.4.2.2 Conditions for termination for programmatic or financial conditions

See NSHE Code, Chapter 5, Section 5.8.3.2

#### 6.4.2.3 Reinstatement from termination for programmatic or financial conditions

See NSHE Code, Chapter 5, Section 5.8.3.3

#### 6.4.2.4 Contract Discontinuance for Research Faculty for programmatic or financial conditions

See NSHE Code, Chapter 5, Section 5.8.3.4

#### 6.4.2.5 Notice of Termination for Programmatic or Adverse Financial Conditions for Rank 0 Faculty

See NSHE Code, Chapter 5, Section 5.8.3.5

#### 6.4.2.6 Notice of termination for Programmatic or Adverse Financial Conditions Post Doctoral Faculty (Rank 1)

See NSHE Code, Chapter 5, Section 5.8.3.6

### 6.4.3 Non Reappointment of Employment Contracts

See NSHE Code, Chapter 5, Section 5.8.2(e)

## **6.5 Resignations**

There are limitations on revocation of resignation by an employee. Once an employee's written resignation is accepted by his appointing authority, the employee may not revoke the resignation, regardless of the effective date set forth in it, if 3 or more working days have elapsed since its acceptance, unless the appointing authority approves the revocation NRS 284.381.

Resignation of DRI faculty members will be in the following manner:

- (a) All resignations by DRI faculty must be in writing and submitted to the appointing authority. The resignation must be accepted in writing by the appointing authority.
- (b) A written resignation should indicate an effective date for the resignation. If the written resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance.
- (c) Once a faculty member's written resignation is accepted by the appointing authority the faculty member shall have three working days after such acceptance to revoke the resignation. A revocation of a resignation must be in writing and must be delivered to the appointing authority within the foregoing time period to be effective. If three days have passed and no revocation has occurred faculty members who have tendered a voluntary resignation may request permission to withdraw the resignation; however such withdrawal shall be at the discretion of the appointing authority. This action is not subject to any grievance or appeal right.
- (d) Until such resignation takes effect, the faculty member shall remain in good standing and is entitled to all faculty rights and privileges defined by the NSHE and DRI.

## **6.6 Disciplinary Actions for Cause**

The DRI disciplinary actions for cause are in Chapter 8 of the NSHE Code.

## **Chapter 7 - Professional Advancement for Research Faculty**

### **7.1 Professional Advancement and Performance Evaluation**

Promotion in rank is a result of faculty achievement and shall be based upon established criteria and peer review. In addition, DRI shall conduct annual performance evaluations to determine salary increases based on merit. Annual performance evaluations (see Chapter 8) shall be linked to faculty promotion through input to the Promotion committee by the faculty member's supervisor. Meritorious performance evaluations during a period of several years shall be considered an important factor for successful promotion to the next rank for research faculty.

### **7.2 Promotion and Reclassification Committee**

The President shall establish a DRI-wide Promotion and Reclassification Committee in consultation with the Faculty Senate to include an Executive Director, three Rank III, and three Rank IV faculty members. The President shall select the Committee chair. Committee membership shall be for a three-year term, and terms shall be staggered. Promotion is defined as a change in rank within either the professorial or the associate track but not across professional

tracks, which will be considered reclassification. The Committee shall evaluate all recommendations for promotions and reclassifications to Ranks III and IV and make recommendations to the President based on its review. Only Rank IV Committee members may evaluate faculty-seeking promotion to Rank IV. Each Research Unit also shall establish a Promotion and reclassification Committee according to rules established by the Research Unit.

### **7.3 Adoption of Procedures**

The appropriate Vice President shall review and develop in consultation with the Faculty Senate written guidelines for implementation of promotion procedures. The Research Unit Promotion Committee (which review all promotions), the DRI-wide Promotion Committee, and the faculty shall be provided with these guidelines prior to reviews. Procedures and forms will be published in the Administrative Manual.

### **7.4 Recommendations for Promotion**

Recommendations for research faculty promotion shall be initiated by the Research Unit Executive Directors, but research faculty retain the right to independently forward a promotion or reclassification application to the Research Unit and DRI-wide Promotion Committees. The Research Unit Executive Directors (or individual faculty) shall submit each application for research faculty promotion to the Research Unit committee for review and comment. The Executive Director shall submit both their and the committee's recommendations to the DRI-wide Promotion and Reclassification Committee for review for rank III and IV faculty. The DRI-wide Committee shall submit its recommendation along with all comments and other recommendations to the President who shall make the final decision. Promotions will officially take effect on next July 1.

### **7.5 Reclassification**

Reclassification is defined as a change in faculty status between Rank 0, the associate track and the professor track. Reclassification may be requested for research or administrative faculty by the Research Unit Executive Director or individual faculty when there is (1) a change in a position's scope of responsibility, complexity, degree of independence, or level of decision-making responsibility or (2) an increase in a particular employee's knowledge or specific capabilities. The guiding principle is if the employee being reclassified can function at the level of employees currently in the job title. A reclassification to the Professor track requires a Ph.D. Reclassification of any DRI employee to rank III or IV faculty will be reviewed by the DRI-wide Promotion and Reclassification Committee and recommendations forwarded to the President for approval. All other reclassifications will be handled within the appropriate research or administrative unit and forward to the president for approval. Reclassifications will officially take effect on the first of the month following Presidential approval. Technologists may not be reclassified as professional. They must apply for a posted/advertised position, as defined in Section 5.1.

## **7.6 Appointment Committee**

The Executive Director shall establish a search committee for each professional position at the rank III and IV level that will also serve as the Institute appointment committee for that position. This committee will provide recommendations to the Executive Director and the President on the appropriate level of hire for each of the candidates on the slate as provided to the Executive Director. The Executive Director needs the information to prepare an offer and the President needs the information to approve the offer.

## **7.7 Qualifications**

### **7.7.1 Qualifications for Research Professor Track: Ranks II through IV**

The Ranks described below are the normal expectation for individuals in each rank; it is possible to have exceptions under certain circumstances. There is no exception to all faculty in the Professor Track require a Ph.D.

- (a) Rank II (Assistant Research Professor) – Doctoral degree and demonstrated superior expertise in an appropriate subject area; potential for ability to initiate, plan, obtain funding, and carry out research projects; and potential for professional growth.
- (b) Rank III (Associate Research Professor) – Rank II qualifications plus (1) program development and management experience; (2) a record of publications, including peer-reviewed publications, or other intellectual productivity including patents, intellectual property development, presentations, and reports; (3) success in achieving sustained research project or program funding; (4) evidence of increasing professional recognition at the regional, national, and/or international levels; (5) teaching and advising students as well as mentoring of DRI personnel; and (6) service to the community, the NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the last three are supportive.
- (c) Rank IV (Research Professor) – Rank III qualifications but increased, sustained, long-term success in (1) program management; (2) productivity including peer-reviewed publications, books and book chapters, patents, intellectual property development, and other measures; (3) development of funding including support for others; (4) professional national and international recognition; (5) teaching and advising students as well as mentoring DRI faculty (if appropriate); and (6) service to the community, NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the others are supportive.

### **7.7.2 Qualifications for Research Associate Track: Ranks I through IV**

The Ranks described below are the normal expectation for individuals in each rank; it is possible to have exceptions under certain circumstances. There is no exception to all faculty in the Associate Track require a Bachelor’s or higher degree.

- (a) Rank I (Staff [insert occupational title]) – professional education as evidenced by a bachelor’s or higher degree in relevant field; capability of providing scientific, technical, and operational support to specific projects or programs.
  - (b) Rank II (Assistant Research [insert occupational title]) – qualifications of Rank I plus demonstrated accomplishments in profession and potential for accomplishment in project or program promotion, development, and management as well as supervisory responsibility.
  - (c) Rank III (Associate Research [insert occupational title]) – qualifications of Rank II plus demonstrated success in one or more of the following: (1) project promotion (including obtaining funding), development, and management; (2) supervisory responsibility; (3) productivity including publications, patents, or development of intellectual property; and (4) service to the community, the NSHE, DRI, and the researcher’s profession. The first three are normally critical requirements; the others are supportive.
  - (d) Rank IV (Senior Research [insert occupational title]) – qualifications of Rank III plus sustained, long-term success in (1) project or program promotion, development, and management; (2) supervisory responsibility; (3) productivity demonstrated by publications, including peer-reviewed publications, patents, or development of intellectual property; (4) obtaining funding (including support for others); (5) mentoring; and (6) service to the community, the NSHE, DRI, and the researcher’s profession. The first four are normally critical requirements; the others are supportive.
- Normal is used because certain faculty positions may require special duties and also during certain years a faculty member may have a situation which would have different expectations.

### 7.7.3 Qualifications for Administrative Faculty (Rank 0)

Professional education as evidenced by a bachelor’s or higher degree in a relevant field. Additional qualification may be added depending on the position requirements.

## **Chapter 8 - Professional Performance Evaluation**

### **8.1 Annual Performance Evaluation**

Performance of each faculty member shall be evaluated annually with a possible midterm review depending on the results of the annual review. The categories/objectives for annual evaluations should be closely related to the qualifications for research professors and associates as outlined in Chapter 7, Section 7.7 of the DRI Bylaws. The objectives and their importance are determined by the faculty member in consultation with their supervisor and/or Executive Director recognizing possible difference in objectives and weights between faculty members. It is anticipated that the faculty members may include objectives from one rank above their current position in anticipating a promotion. This will help maintain a tie between annual evaluations and promotions. All ranks, including professorial rank 1 (post-doctoral) are to receive an annual evaluation. Steps in performance evaluation shall include (1) initial negotiation of annual objectives with the faculty member’s supervisor, (2) self-evaluation by the faculty member, (3) a discussion with the faculty member’s supervisor, (4) determination of ratings by the faculty



member's supervisor and if appropriate comments by the employee, and (5) procedural and consistency review and approval by the President (or the President's designee). Upon completion of the performance review, a written record of this evaluation shall be added to the faculty member's personnel file.

While overall responsibility for the evaluation lies with the appropriate Executive Director or Vice President, direct responsibility may be delegated to the faculty member's supervisor. Such delegation shall be made clear in writing by December 31 of the preceding year or with the mutual consent of the faculty member and supervisor. The President may assign a new supervisor at anytime to any faculty member if the current supervisor leaves DRI or if the President deems it to be in the best interest of the individual and DRI.

Salary increases shall be determined by the Research Unit Executive Director, appropriate Vice President in consultation with the President, or the President based on performance against negotiated objectives and external considerations.

Executive administrators shall be evaluated annually by the President and biennially by appropriate faculty and staff and shall follow the provisions of Title 4, Chapters 5, Section 5.11 of the Board of Regents Handbook. The President in consultation with the Faculty Senate Executive Committee shall select appropriate faculty and staff as well as develop the evaluation process.

Executive Administrative Salary increases shall be reviewed and approved according to Title 4, Chapter 3, Section 22 of the Board of Regents Handbook.

For administrative faculty the categories/objectives for annual evaluation should be evaluated according to performance in support of the Institute's strategic goals.

The following key areas of responsibility listed below are factors to be used to assess performance for MBOs, and should be included in the Rank 0 faculty member's individual MBOs. Performance as evidenced by (1) management (planning, organizing, directing), (2) customer service, (3) technical competence (job knowledge), (4) productivity (quality, quantity), (5) leadership/supervision (if appropriate), 6) service to the community, the NSHE, DRI and the individual's profession, and other factors which show the administrative faculty member's professional growth and achievements.

## **8.2 Ratings**

Ratings shall be for each objective and overall performance. Merit shares are based on ratings for overall performance:

- 1. Outstanding (2 Merit Shares):** Excellent performance, significantly exceeds MBO expectations on all critical objectives.
- 2. Commendable + (1.5 Merit Shares):** Very good performance, exceeds MBO expectations on most critical objectives.
- 3. Commendable (1 Merit Share):** Very good performance, exceeds MBO expectations on some critical objectives.

4. **Satisfactory +(.5 Merit Share):** Meritorious performance, sometimes exceeds MBO expectations and just above satisfactory performance.
5. **Satisfactory (0 Merit Shares):** Competent, meets MBO objectives and expectations.
6. **Needs Improvement (0 Merit Shares):** Having performed below MBO expectations on critical or important objectives. Acts as a warning and requires a development plan and a mid-year review, at which point the overall rating must be changed to either a *satisfactory* or *unsatisfactory* rating.
7. **Unsatisfactory (0 Merit Shares):** Does not meet expectations. May only be issued after a Needs Improvement. An overall rating of unsatisfactory leads to termination proceeding in accordance with the NSHE Code, Chapter 8. Disciplinary Action will start with the final written warning.

### 8.3 Relative Importance of Evaluation Objectives

The relative importance of each of the evaluation objectives is unique to each faculty member and falls into one of three categories: critical, important, or minor.

The importance of each objective is placed into one of three categories:

- (a) Critical – of greatest importance to individual and DRI advancement. On any critical topic, a finding of “needs improvement” may lead to an overall “needs improvement” rating. If at the following midterm review the “needs improvement” rating has not been raised, then an “unsatisfactory” overall rating shall be issued.
- (b) Important – of significant consideration in the overall summation. Important objectives are not critical to individual or institutional advancement.
- (c) Minor – of some relevance to the overall summation. Minor objectives are those where some activity will be undertaken, but the objectives do not weigh heavily in the overall summation. A finding of “unsatisfactory” on any objective other than the critical objective will not lead to an overall unsatisfactory rating unless the overall summation is unsatisfactory.

### 8.4 Evaluation Conditions

Actual accomplishments shall be discussed with the faculty member’s supervisor from the viewpoint of the above criteria, previously agreed upon performance objectives, and modifications due to shifts in funding (if applicable). A performance evaluation form will be prepared by the supervisor and discussed with the faculty member. The faculty member shall have the opportunity to make written comments on the form itself, and the form becomes part of the faculty member’s personnel file.-Based on this review, a recommendation is made regarding merit increase.

- (a) Evaluation of the faculty member shall take into account the entire self-evaluation, bearing in mind that performance is rank related and that duties and opportunities of faculty members differ and may require different emphases at different stages of the faculty member's career.
- (b) DRI faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, others evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of all respondents. Anonymous materials shall not be considered by the supervisor.
- (c) Faculty members shall be evaluated for external equity each year based on conditions of the job market and national norms appropriate to the faculty member. Internal equity will be based on comparable salaries with positions of similar duties and rank. Recommendations for equity changes must be separately documented on the request for equity review of salary and evaluated by the appropriate Research Unit Executive Director or Vice President. Equity recommendations also become a part of the faculty member's personnel record after discussion with the faculty member. The faculty member may comment on the recommendation in writing, and those comments also shall become a part of the faculty member's personnel file.
- (d) If the faculty member disagrees with any part of the evaluation he/she may submit a written rejoinder and/or request a peer review evaluation by a committee of three DRI faculty members of equivalent rank but from other research units. The committee will be selected by Faculty Senate Chair. The committee will have access to all appropriate records and the right to collect additional information. The committee will report to the President, whose decision is final.
- (e) Performance objectives for the coming year shall be developed at the time of the performance evaluation. In addition to identification of objectives, consideration shall be given to availability of DRI resources (fiscal and otherwise) needed to accomplish the objectives during the following year.
- (f) Faculty members receiving an overall rating of "needs improvement" on evaluation shall be provided with constructive feedback in the written evaluation by the supervisor to help improve performance. Constructive feedback must include the option for help in preparing a written plan for improved performance.

## **Chapter 9 - Other Policies**

### **9.1 Grievance**

A grievance (NSHE Code 5.7.2) is in response to an act or omission to act by a DRI administrator allegedly resulting in an adverse impact on a faculty member's employment conditions relating to salary, promotion or other aspects of contractual status, or relating to

alleged violations of the NSHE Code or DRI Bylaws. Decisions of the Board of Regents or decisions involving non-reappointment to employment, termination of faculty for financial or programmatic reasons (Bylaws Sections 6.3 and 6.4) and annual performance evaluations (Bylaws Section 8.4) are not subject to review by grievance procedures.

A grievance hearing shall be called when appropriate as outlined below by a grievance review committee for the purposes of reviewing a grievance. Such a hearing shall be informal and fact-finding in nature and shall be considered a personnel matter and shall be conducted with appropriate confidentiality.

A grievance review committee shall be established by the Faculty Senate Chair upon request of the VPAA or the Faculty Senate Executive Committee (EC) who must find that there is cause to believe that the standards given below are met. The committee will consist of three faculty appointed by the Executive Board of the Faculty Senate from the voting faculty of DRI. The VPAA will be informed when the committee has been established. A detailed grievance resolution process is detailed in the DRI administrative manual.

## **9.2 Non-Discrimination and Harassment Policy**

By valuing diversity, DRI recognizes the need to bring together and foster the very best qualities, talents, and perspectives of all individuals who play a role in DRI's success. DRI's appreciation of a diverse workforce stems from its respect for the individual and the conviction that people's differences are a strength that provides a distinct advantage in the fast-changing global workplace.

As a research organization, DRI places a strong emphasis on the self-awareness and consideration for others while striving to create an atmosphere for freedom of expression. Freedom of expression must always be in conjunction with the responsibility to observe the rights of one another. In such a setting, there is no place for conduct that diminishes, uses, or abuses another person. For these reasons, discrimination or harassment of any kind is unacceptable at DRI.

DRI will not tolerate discrimination in employment or harassment in the workplace. DRI prohibits the discrimination or harassment of any member of the faculty or staff on the basis of race, color, sexual orientation, national origin, religion, sex, age, disability, or marital or veteran's status. Not only are discrimination and harassment a violation of DRI policy, but they are also a violation of federal law.

All faculty and staff are expected to comply with and enforce this policy. Any employee found engaging in discrimination or harassment as described in this policy shall be subject to discipline up to and including termination/dismissal. This policy applies not only during normal hours but to Institute related social functions, including off DRI premises and business related travel.

It is the responsibility of every member of the faculty and staff to maintain a fair, safe, and productive working environment. Each supervisor and faculty member is responsible for

communicating DRI's policy on Non-discrimination and Harassment to all employees as well as encouraging employees to report any occurrence of discrimination or harassment. Any supervisor or faculty member who recognizes or suspects such behavior at DRI should immediately report it to the Human Resources Office and obtain assistance for handling such situations. Any supervisor or faculty member who knowingly allows discrimination or harassment will be subjected to disciplinary action.

The Equal Opportunity/Affirmative Action Policy of DRI is consistent with the requirements and objectives of the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1974, the Vietnam Era Veteran's Readjustment Act of 1974 as amended, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, and other applicable laws.

Harassment includes conduct (oral, written, graphic, or physical) directed against any person or group of persons because of their race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status and has the purpose of reasonably creating an offensive, demeaning, intimidating or hostile environment for that person or group of person. Such conduct includes, but is not limited to objectionable epithets, demeaning depictions or treatment, and threatened or actual abuse or harm.

If you think another employee is harassing you because of your race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status, tell him /her that you find such behavior offensive and ask them to stop the behavior. It is important to let your fellow employees know when you consider such behavior offensive, as DRI hires people from a wide variety of cultural and ethnic backgrounds, and that person may not consider the behavior as offensive. If that employee continues with the behavior, contact your supervisor, the Human Resources Office, or the Vice President of Research and follow the procedures in the complaint process.

#### 9.2.1 Sexual Harassment Policy

Board of Regents Handbook Title 4, Chapter 8, Section 13

#### 9.2.2 Complaint Process for Harassment or Discrimination

### **Procedures and Timelines**

1. Complainant must submit complaint of harassment on the DRI Complaint Form within 180 calendar days of alleged incident.
2. Within two working days of receipt of the complaint, the Human Resources Director will meet with the complainant and document details of the alleged harassment (e.g., witnesses, dates, time, places, actual behaviors, etc.) as well as determine what the complainant desires as a remedy.

3. Within two additional working days, the Human Resources Director will meet with the alleged harasser to notify him/her about the complaint and to take a statement.
4. Within five working days *from the date of the initial complaint*, the Human Resources Director will attempt to resolve the situation between the two employees. If the situation is resolved to the complainant's satisfaction, the complaint process will be terminated.
5. If resolution is not possible, the Human Resources Director will interview any/all witnesses cited by both the complainant and alleged harasser. Subsequently, a report will be prepared for the President's review. If the President determines that grounds do exist, s/he will appoint a Complaint Review Committee.
6. The appointed Complaint Review Committee will meet within three working days of the date the Human Resources Director completed the initial assessment to review all materials and schedule the next steps.
7. The Complaint Review Committee shall schedule a hearing within five working days of its first meeting.
8. Within 10 working days after the hearing has been completed, the Complaint Review Committee will make its recommendation to the President.
9. The President will determine what action is determined to be appropriate and necessary and will notify the complainant, the respondent, and the Human Resources Director accordingly.

### **9.3 Conflict of Interest**

No DRI officer, director, faculty, or staff shall engage in any activity that places them in conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees to disqualify themselves from participating in a decision when a financial or personal interest is present. The standards of conduct to which DRI employees will be held are set forth in Title 4, Chapter 11, Compensated Outside Professional Service. In addition, recipients of Federal funds and their employees engaged in the award and administration of contracts supported by Federal funds are subject to the Procurement Standards, including the Codes of conduct provision, of OMB Circular No. A-110. Additional details are in the DRI Administrative Manual.

### **9.4 Ethics**

Researchers shall avoid scientific misconduct as defined by the NSHE Code Chapter 6, Research Ethics and Integrity: Policy and Procedures Section II-C of the Desert Research Institute Administrative Manual, and the following definition of research misconduct developed by the Federal Commission on Research Integrity:

*Research misconduct is significant misbehavior that improperly appropriates the intellectual property or contributions of others, that intentionally impedes the progress of research, or that risks corrupting the scientific record or compromising the integrity of scientific practices. This includes (1) fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices in proposing, carrying out, or reporting scientific research; or (2) retaliation of any kind against a person who reported or provided information about suspected or alleged scientific misconduct and has not acted in bad faith. (45 CFR Section 689.1)*

The following definitions apply to this part:

(a) Research misconduct means fabrication, falsification, or plagiarism in proposing or performing research funded by NSF, reviewing research proposals submitted to NSF, or in reporting research results funded by NSF.

- (1) Fabrication means making up data or results and recording or reporting them.
- (2) Falsification means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- (3) Plagiarism means the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
- (4) Research, for purposes of paragraph (a) of this section, includes proposals submitted to NSF in all fields of science, engineering, mathematics, and education and results from such proposals.

(b) Research misconduct does not include honest error or differences of opinion. Any employee with a question concerning a violation of the ethics policy should contact the Vice President of Research.

Penalties for violations of ethics policies are contained in Title 2, Chapter 6 of the NSHE Code.

## **9.5 Whistleblower Policy**

The primary "whistleblower" policy coverage for all DRI employees is Nevada Revised Statute **(NRS) 281.611**, which states:

*"It is hereby declared to be the public policy of this state that a state officer or employee is encouraged to disclose, to the extent not expressly prohibited by law, improper governmental action, and it is the intent of the legislature to protect the rights of a state officer or employee who makes such a disclosure. (Added to NRS by 1991, 1992)"*

For additional information about this State of Nevada policy refer to "Disclosure of Improper Governmental Action," **NRS 281.611-281.671** (Volume 21, pages 7460-7462).

For DRI employees working on the DOE Nevada Test Site contract, additional "whistleblower" policy coverage is provided by the DOE Contractor Employee Protection Program. (10 CFR708.3):

*"It is the policy of DOE that employees of contractors at DOE facilities should be able to provide information to DOE, to Congress, or to their contractors concerning violations of law, danger to health and safety, or matters involving mismanagement, gross waste of funds, or abuse of authority, to participate in proceedings conducted before Congress or pursuant to this part, and to refuse to engage in illegal or dangerous activities without fear of employer reprisal. Contractor employees who believe they have been subject to such reprisal may submit their complaints to DOE for review and appropriate administrative remedy as provided in §§ 708.6 through 708.11 of this part."*

## **9.6 Principal Investigator Fund**

As established by Title 4, Chapter 11 of the Board of Regents Handbook, at least 5% of indirect cost recovery shall be set aside for use by faculty for uses appropriate with the DRI mission. The Executive Director shall determine, in consultation with the Research Unit faculty, the process for managing the Principal Investigator fund.

## **9.7 Compensated Non-DRI Professional Service**

DRI personnel may be directly compensated for non-DRI professional services subject to the provisions of Title 4, Chapters 3 and 11 of the Board of Regents Handbook. A form is provided on the DRI internal website that must be filled out and have all appropriate signatures before any compensated non-DRI professional service (consulting) activity is performed.

## **9.8 Anti-Drug Policy**

Alcohol and drug abuse and use in the workplace are of concern to DRI and are strictly prohibited. The details are in Title 4, Chapter 3 and in the DRI Administrative Manual. 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 (284.406), while on duty, due consideration being given to NRS 284.379. In compliance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the work place.

The only exception to using alcohol on the property of DRI is when the employee is attending an officially sanctioned DRI social function.

## **Chapter 10 - Faculty Leave**

### **10.1 Annual Leave**



DRI professional faculty shall take annual leave in two hour increments in accordance with Title 4, Chapter 3, Section 14 of the Board of Regents Handbook. DRI Postdoctoral Fellows shall take annual leave in accordance with Title 4, Chapter 7, Section 7. If a faculty member has accrued at least 20 days of annual leave and takes annual leave of at least five consecutive working days, the faculty member may sell a minimum of five days of annual leave back to DRI at the average daily rate. The maximum amount of leave that may be sold back is equal to the amount of leave that the employee actually takes, subject to the restriction that the balance of accrued annual leave remains non-negative.

## **10.2 Leave of Absence Without Salary**

The President, Research Unit Executive Directors, or Vice Presidents may grant leaves of absence without salary for up to 12 months consistent with Title 4, Chapter 3 of the Board of Regents Handbook. Request for extension of a leave of absence without salary beyond 12 months is subject to approval by the Regents.

Leave of absence without salary may be granted to any faculty member, except those accepting a position at another NSHE institution. A faculty member on approved leave of absence without salary may maintain all insurances by paying the premiums. Leave of absence without salary does not constitute a break in continuous service, but the period of leave without salary will not be credited in years of service. Neither sick nor annual leave accrues when a faculty member is on leave of absence without salary. Leave of absence without salary will only be granted at the exhaustion of appropriate paid leave.

## **10.3 Sick Leave and Family or Medical Leave**

DRI faculty shall be entitled to sick leave according to the provisions of Title 4, Chapter 3, Section 13 of the Board of Regents Handbook and the provisions of The Family and Medical Leave Act of 1993. Upon retirement, resignation, termination or death of employee while in DRI employment, the faculty member or beneficiaries are entitled to payment of a portion of unused sick leave. Sick leave payout is calculated by subtracting sick leave hours forwarded from sick leave balance (balance is converted to days), multiplied by years of service (maximum of 20 years service), multiplied by employee's daily rate and then divided by forty (40).

Postdoctoral Fellows shall be entitled to sick leave according to the provisions of Title 4, Chapter 7, Section 7.

## **10.4 Sabbatical Leave**

DRI faculty are eligible for sabbatical leave according to the provisions of Title 2, Chapter 3 of the NSHE Code and Title 4, Chapter 3 of the Board of Regents Handbook. The sabbatical leave is intended to benefit the employee and DRI in a continued relationship. Additional details on sabbatical leave for DRI faculty shall be provided in the DRI Administrative Manual.

## **10.5 Administrative Leave**

Administrative leave is defined in Title 4, Chapter 3 and is available to DRI executive administrative faculty. Executive administrators should continually participate in professional development activities that ensure the employment of the most effective administrative knowledge and managerial skills to their current assignments. Some of these exposures may be available within the parent institution, but more often they reside at institutions not easily accessible due to the constraints of time availability and distance.

## Appendix A - DRI Bylaws Definitions

**Adjunct faculty member:** Means any individual holding a professional position with any member institution or unit of the System for which the individual receives no salary. (B/R 2/90)

**Administration:** Consists of all personnel who provide administrative support to the research faculty.

**Administrative Faculty:** Defined in Title 2, Chapter 1 of the NSHE Code. (Rank 0), provide general support for DRI activities.

**Administrative Manual:** A procedures document that describes DRI functions.

**Administrators:** Defined in Title 2, Chapter 1 of the NSHE Code as administrative faculty.

**Administrative unit:** The unit at DRI that contains the offices of the President and Vice Presidents. This is a unit that supports Research Units' functions.

**Affiliate faculty:** A part-time paid position is for less than 50% FTE time and does not carry any benefits.

**Appointing authority:** The President is the appointing authority. The President, or the President's designee, is the only person within DRI who has the authority to make a binding offer of employment.

**Appointment:** Acceptance of an employment contract by the President or the President's designee, as evidenced by the signature of the President or the President's designee on the contract.

**Board of Regents:** The board specified in Section 4 of Article 11 of the Nevada Constitution, and constituted pursuant to Nevada Revised Statutes 396.040, which controls the Nevada System of Higher Education.

**Bridge Funding:** Funding provided to research faculty to supplement other funding which has dropped below 50%. See the BoR handbook for more details.

**Bylaws:** The organizational and personnel policies of DRI, as revised.

**Calendar days:** Means the days counted according to the calendar.

**Chancellor:** The Chancellor of the Nevada System of Higher Education.

**Code:** The Nevada System of Higher Education Code, as revised.

**Conflict of interest:** Actions that require all employees to disqualify themselves from participating in a decision when a financial or personal interest is present.

**DRI faculty** shall consist of all persons holding authorized professional positions as provided in the NSHE Code, Section 5.10.2.

**DRI Personnel Manual for Research Technologists:** A manual that contains policies and procedures that regulate research technologists at DRI. The manual is contained in Title 5 of the BoR Handbook.

**Employee benefits:** A service or right of employment as a faculty member of DRI such as vacation, sick leave, retirement plan, and group insurance.

**Employee:** Means any individual employed by a member institution or unit of the Nevada System of Higher Education. (B/R 2/90)

**Executive Administration:** Consists of the President, Vice Presidents, Assistant Vice Presidents and Executive Directors.

**Executive Director (for research units):** Administrative faculty directly responsible to the President for all operations of the research unit.

**Faculty Senate:** The principal representative body of the research and administrative faculty, with exception of executive administrators (defined above) and is composed of representatives elected by the faculty under the provisions of the Faculty Senate Bylaws.

**Faculty Senate bylaws:** The internal policies and rules of the Faculty Senate.

**Faculty:** All persons holding professional research and administration positions authorized by the Board of Regents.

**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.

**Full-time equivalent (FTE):** One FTE is a 100% employment contract. One-half FTE is a 50% employment contract.

**Grievance:** (NSHE Code 5.7.2) is in response to an act or omission to act by a DRI administrator allegedly resulting in an adverse impact on a faculty member's employment conditions relating to salary, promotion or other aspects of contractual status, or relating to alleged violations of the NSHE Code or DRI Bylaws.

**Harassment acts:** Include conduct (oral, written, graphic, or physical) directed against any person or group of persons because of their race, color, national origin, religion, sex, sexual orientation, age, disability, or marital or veteran's status and has the purpose of reasonably creating an offensive, demeaning, intimidating or hostile environment for that person or group of person.

**Hiring authority:** The President is the hiring authority. The President, or the President's designee, is the only person within DRI who has the authority to make a binding offer of employment.

**Joint appointments:** Are appointments where a DRI faculty may accept an appointment (not to exceed 49% of their total contract) with other NSHE institutions if approved by the Research Unit Executive Director and the President.

**Letter of appointment:** A temporary appointment at a professional level not to exceed 0.25 FTE in any 12-month period, 50% for 6 months, or full-time for three months and not carrying voting or serving privileges in faculty governance.

**Nevada System of Higher Education (formerly UCCSN):** Means the system of universities, colleges, research and public service units of the University of Nevada administered by the Board of Regents.

**Non-reappointment:** Means not appointing a non-tenured faculty member for a subsequent employment appointment after the completion of the non-tenured faculty member's current contract term.

**Nepotism:** DRI prohibits the concurrent employment of relatives if one person will be the immediate supervisor or be in the direct line of authority of any relative within the 3<sup>rd</sup> degree of consanguinity or affinity, including members of the Board of Regents

**NSHE handbook:** A document that contains policies and procedures that control the operation of all components of the Nevada System of Higher Education (NSHE).

**Personnel benefits:** A service or right of employment such as vacation, sick leave, retirement plan, and group insurance.

**Postdoctoral Fellow:** (Rank I, professorial track) is a temporary, scholarly position under the direction of a faculty sponsor established for the fellow's continuing education and professional growth.

**President:** The chief executive officer of DRI.

**Principal investigator fund:** A fund established by Title 4, Chapter 11 of the Board of Regents Handbook, 5% of indirect cost recovery shall be set aside for use by faculty for uses appropriate with the DRI mission. The Executive Director shall determine, in consultation with the Research Unit faculty, the process for managing the Principal Investigator fund.

**Professional employee:** Means any employee issued a contract or letter of appointment by a member institution or unit of the System for employment in the professional service of the System for a period exceeding six months at 0.50 FTE or more, but excluding adjunct faculty members.

**Professional:** An appointment exempt from labor laws relating time to task through an immediate supervisor. All faculty and administrative appointments fall into this category.

**Professor faculty track:** (Ranks II- IV) A Ph.D. is required. This type of faculty emphasize the scholarly aspect of their studies, leading to significant scientific or technological advances through research, with scholarly criteria similar to equivalent university positions. They are expected to obtain funding appropriate for their rank.

**Promotion:** Defined as an advancement in rank within either the professorial or the associate track but not across professional tracks, which will be considered reclassification.

**Rating level:** Performance assessment ratings (i.e., excellent, commendable, satisfactory, needs improvement, unsatisfactory) used for annual evaluations, merit increases, and promotions.

**Ratings importance:** Ranking (i.e., critical, important, minor) of performance assessment levels used for annual evaluations, merit increases, and promotions).

**Reclassification:** Is defined as a change in faculty status between administrative faculty, the associate track and the professor track.

**Reinstatement:** Appointment of a former faculty member who held a regular appointment to a position he or she held previously or to a comparable position.

**Research Associate track (I - IV)** faculty generally emphasizes acquisition and use of highly developed specialized skills leading to key support for the Institute research programs in selected areas of endeavor. A bachelor's or higher degree is required.

**Research faculty:** Faculty in ranks 1 through 4 as described in the Bylaws, excludes post doctoral fellows

**Research misconduct:** *Research misconduct is significant misbehavior that improperly appropriates the intellectual property or contributions of others, that intentionally impedes the progress of research, or that risks corrupting the scientific record of compromising the integrity of scientific practices. This includes (1) fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices in proposing, carrying out, or reporting scientific research; or (2) retaliation of any kind against a person who reported or provided information about suspected or alleged scientific misconduct and has not acted in bad faith.*

**Research unit:** A research group established on a thematic basis or to meet a series of programmatic objectives and formed to further research, development of expertise, scholarship, or collaboration in a specific area or areas of endeavor.

**Sabbatical leave:** DRI faculty are eligible for sabbatical leave according to the provisions of Title 2, Chapter 3 of the NSHE Code and Title 4, Chapter 3 of the Board of Regents Handbook. Additional details on sabbatical leave for DRI faculty shall be provided in the Administrative Manual.

**Separate appointment:** Is an appointment where a faculty member will have two contracts, one with each institution. The total of the contracts is not to exceed 1.0 FTE.

**Shared governance** seeks to create an environment of joint effort, communication, responsibility, and cooperation among DRI personnel in order to serve the best interests of the institution.

**Technologist:** A nonexempt DRI employee on an appointment that is subject to the regulations of the federal Fair Labor Standards Act (FLSA), which relates time to task through a direct supervisor. DRI technologists are not subject to the regulations of the State of Nevada Classified System.

**Temporary positions** are for greater than or equal to 50% FTE employment of faculty for less than 365 calendar days and do not require recruitment.

**Tenure:** DRI personnel do not qualify for tenure as defined in Title 2, Chapter 1 of the NSHE Code.

**Termination funding:** Funding provide to DRI faculty, who have received a termination notice, during their last stages of employment at DRI. (see NSHE Code, Chapter 5).

**Termination:** Is the act of severing the employment between DRI and an individual.

**Visiting Professor/Scientist:** Any individual may be appointed by the President to a nonrenewable position in the Research Professor or Research Associate ranks with the designation “distinguished” for a period of not more than 364 days. This appointment may or may not carry salary and/or only earned benefits (TBD by director with president’s approval, as described on the application form). The appointees are nonvoting members of the faculty.

**Volunteer:** Is someone who has agreed to perform certain duties under the supervision of a DRI employee for DRI without receiving compensation for those duties.

**Voting faculty:** Are faculty whose appointment is in excess of 50 percent of an annual "A" contract and are not considered temporary employees.

**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.

**Approved by the Board of Regents  
Revised June 1999**

**[ ~~PERSONNEL MANUAL FOR THE FACULTY OF  
THE DESERT RESEARCH INSTITUTE~~**

**~~POLICY FOR PERSONNEL MANUAL~~**

~~This manual is a compilation of provisions affecting the Desert Research Institute (DRI) faculty combined with statements of various practices and procedures currently in use.~~

~~This manual is and should be revised as appropriate to be kept in conformance with the Bylaws of the Desert Research Institute, the Board of Regents Handbook, the University and Community College System of Nevada Code, and Nevada Revised Statutes. Any provision contained in this manual which is contrary with any provision in the above-stated documents is void and of no effect whatever.~~

**~~RECRUITMENT TO RESEARCH PROFESSOR RANK II – IV OR TO A RESEARCH ASSOCIATE RANK I – IV~~**

~~After a nationwide search satisfying the current affirmative action and equal opportunity requirements the successful candidates may be appointed to positions in the Research Associate or Research Professor ranks, DRI Bylaws Sections 2.2.2 and 2.2.3. The holders of these positions have renewable annual contracts which usually end on June 30 of each year. Criteria for promotion between ranks shall follow the Bylaws of the Desert Research Institute, Sections 2.2.9 and 2.2.10.~~

**~~JOINT APPOINTMENTS~~**

~~Faculty of Desert Research Institute may accept joint appointments in other institutions of the University and Community College System of Nevada with approval of the Executive Director of their Center and the President. The respective duties between the Desert Research Institute and the other institution shall be worked out by the faculty member and the chairman of the department concerned and approved by the center Executive Director at the beginning of each academic year. The average involvement in another institution shall not be in excess of 49 percent of the faculty member's time, averaged over the period of an 'A' contract. Promotion and salary increases shall be assessed in terms of the faculty member's contributions to each institution, with the assessment of the minor institution being advisory. Joint appointments between institutions shall maintain the same rank and salary of appointment as in the Desert Research Institute appointment. Titles on the teaching campuses shall be the equivalent academic title, viz., Assistant Professor, Associate Professor, Professor (DRI Bylaws, Section 2.2.5).~~

**~~ADJUNCT APPOINTMENT~~**

~~Any individual who is qualified in a particular field of knowledge and who is not employed by the University and Community College System of Nevada may receive an adjunct appointment in the Research Professor or the Research Associate ranks, provided that all the following conditions are met:~~

- ~~1. It must be clearly demonstrable that the services of the prospective adjunct faculty member will be of value to the research program of the Institute comparable to those of regular members of the research faculty.~~
- ~~2. To ensure that the necessary resources are available for an adjunct faculty member, appointments to the adjunct faculty will be made based on a letter of recommendation to the President by the Executive Director of the Center requesting the appointment. In this letter, the Executive Director will identify the adjunct faculty, state the reason for hiring and the value to DRI and the individual, provide a budget and identify sources of funding to support the activities of the individual and include a copy of the individual's current curriculum vita or resume.~~



3. ~~Unless other arrangements have been specified, the Center in which the adjunct faculty has been appointed will assume all financial liabilities associated with DRI related activities of the adjunct faculty.~~
4. ~~The performance of adjunct faculty will be evaluated annually. An unsatisfactory rating leads to non-renewal of adjunct faculty status.~~
5. ~~Adjunct faculty are non-voting members of the faculty (DRI Bylaws Section 2.2.7a).~~

~~(Note: #s 2-5 were changed and adopted by the Faculty Senate on March 26, 1996.~~

### **~~VISITING DISTINGUISHED PROFESSOR~~**

~~Any distinguished individual may be appointed to a non-renewable position in the Research Professor or Research Associate ranks with the designation Distinguished for a period of not more than 364 days. The position may or may not carry salary and full employee benefits. The appointees are non-voting members of the faculty (DRI Bylaws, Section 2.2.7b).~~

~~To ensure that the necessary resources are available for a Visiting Distinguished Professor, these appointments will be made based on a letter of recommendation to the President by the Executive Director of the Center requesting the appointment. In this letter, the Executive Director will identify the appointee, state the reason for the appointment and the value to DRI and the individual, provide a budget and identify sources of funds to support the activities of the appointee and include a copy of the individual's current curriculum vita or resume. The President must be satisfied that the designation "distinguished" is appropriate. Upon approval, the application for appointment will be sent to the Director of Human Resources.~~

~~Unless other arrangements have been specified, the Center requesting the appointment will assume all financial liabilities associated with DRI related activities of the appointee. The appointees are nonvoting members of the faculty (DRI Bylaws, Section 2.2.7b).~~

### **~~POST DOCTORAL APPOINTMENT~~**

~~A post-doctoral faculty position may be appointed at Rank I, Research Professorial Rank, for up to a three-year term. This position carries all group insurance benefits, including life and long-term disability insurance, and Social Security contributions. Fifteen days of sick leave will be immediately available during the first year of employment (prorated for partial FTEs) and 1.25 days of sick leave will be earned each month after the first year. Annual leave will be earned in the first month of employment and each month thereafter for full-time appointments (partial FTEs will be prorated). Post-Doctoral appointees are non-voting members of the faculty. If the position is required beyond the three-year appointment, appropriate recruitment procedures will be followed.~~

### **~~LETTERS OF APPOINTMENT~~**

~~Letters of appointment may be issued for temporary appointments not to exceed three (3) months full-time or 0.25 FTE in a twelve (12) consecutive month period, whether for part or full-time. They will be issued only for clearly defined duties and will require approval by the President or designee. Persons with letters of appointment may be re-appointed so long as the sum of FTE is less than or equal to 0.25 in any twelve (12) consecutive months. Persons with Letters of Appointment are not eligible for benefits and are non-voting members of the faculty.~~

### **~~EMERITUS OR EMERITA FACULTY~~**

~~Emeritus/Emerita shall be an honor attained through appointment upon retirement from the Institute, DRI Bylaws, Section 2.2.8. Benefits conferred on Emeritus/Emerita faculty shall be:~~

- ~~• Faculty Emeritus/Emerita identification card and DRI e-mail address if requested~~

- Faculty library privileges
- Listing as DRI Emeritus/Emerita in appropriate DRI publications
- Use of office and associated facilities (limited computing, phone, FAX, copying, etc.) if requested and available.

## **SABBATICAL APPOINTMENT**

The DRI welcomes the opportunity to host faculty members, scientists and engineers from other institutions, government agencies, private and public research institutions and private sector on sabbatical leave or on a visiting basis and to make their stay stimulating and productive. The position may or may not carry salary and full employee benefits. These are temporary positions not requiring recruitment, but will follow current faculty (professional) appointment policies and guidelines. In the case of Visiting Appointments, the period of the appointment cannot be more than 364 calendar days.

To ensure that the necessary resources are available for sabbatical and visiting appointees, these appointments will be made based on a letter of recommendation to the President by the Executive Director of the Center requesting the appointment. In this letter, the Executive Director will identify the appointee, state the reason for the appointment and the value to DRI and the individual, provide a budget and identify sources of funds to support the activities of the appointee and include a copy of the individual's current curriculum vita or resume. Upon approval, the application for appointment will be sent to the Director of Human Resources. Unless other arrangements have been specified, the DRI Center requesting the appointment will assume all financial liabilities associated with DRI related activities of the appointee.

Sabbatical and Visiting appointees are non voting members of the faculty. (Adopted by Faculty Senate 3/26/96)

## **FACULTY TERMINATION AT DESERT RESEARCH INSTITUTE (DRI)**

*Declaration of Policy UCCSN Code 5.8 (DRI Bylaws, Section 2.1.4)*

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.

*Minimum Notice (UCCSN Code 5.8.2)*

The minimal length of a written notice for a termination of employment due to programmatic or adverse institutional conditions, defined below, or a notice of non-reappointment to employment of a DRI faculty member, shall be as follows:

1. —one college (institute) working day of notice 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. 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 and an authorized representative of the DRI.~~

~~*TERMINATION OF EMPLOYMENT FOR PROGRAMMATIC AND ADVERSE INSTITUTIONAL FINANCIAL CONDITIONS ( UCCSN Code 5.8.3)*~~

- ~~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 contact 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 a representative of the DRI authorized by the President or designee, 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.~~

~~*REVIEW OF TERMINATION FOR PROGRAMMATIC OR ADVERSE INSTITUTIONAL FINANCIAL CONDITIONS ( UCCSN Code 5.8.4)*~~

~~Any involuntary termination of employment of a DRI faculty member 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 seven (7) calendar days, appoint said review committee, unless the senate receives a written request to desist from the faculty member being terminated. 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 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.~~

~~*DISCONTINUANCE OF EMPLOYMENT CONTRACTS FOR PROGRAMMATIC OR ADVERSE INSTITUTIONAL FINANCIAL CONDITIONS ( UCCSN Code 5.8.5)*~~

- ~~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 be not renewed for programmatic or adverse institutional financial conditions. The faculty member shall be given notification in writing of the non-renewal as provided in UCCSN Code 5.8.2 above 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 be not renewed for programmatic or adverse institutional financial conditions. If the faculty member reports administratively directly to a vice president, the vice president shall make the decision authorized in this subsection and shall issue, in writing, the notification of non-renewal 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 non-renewal as provided in this section.

e. For any appointment of 12 months or less, irrespective of any renewal, notice of non-reappointment 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 non-reappointment 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 recommendation of the center director/Vice President. The decision of the President shall be final.

## **RESIGNATION FROM THE DRI**

Written notification of resignation will be given at least one month before the resignation is to take effect. Faculty members are free to resign at any time with one month's written notice without forfeiture of accumulated annual leave or other privileges to which they would otherwise be entitled (DRI Bylaws, Section 2.3).

## **NEPOTISM**

It is the policy of the DRI to seek to employ the best possible people, who are selected on a competitive basis. There are no prohibitions to the appointment of the relatives of current employees to positions in the same or another Center. No employee of the DRI shall participate in making recommendations or decisions specifically affecting the appointment, retention, work assignment, promotion, demotion, salary or other status or interest of a relative within the second degree of consanguinity.

## **FACULTY PERFORMANCE EVALUATION**

The performance of each faculty member is evaluated annually under guidelines of the Bylaws of the Desert Research Institute, Chapter 2, Section 2.2 with a mid-term review where appropriate. Given that the DRI exists through the enterprise of its faculty in successfully obtaining research support from a variety of sources and the availability of such funds fluctuates, the performance of the faculty needs to be evaluated taking into account both specified objectives and other accomplishments which may arise or be affected by the changing availability of funding. While the overall responsibility for the evaluation lies with the Executive Director of the Center to which the faculty member belongs, direct responsibility may be delegated elsewhere in the Center and such Delegation of responsibility will be made clear by a memorandum written by December 31 of the preceding year. The evaluation consists of a self-evaluation of the faculty member, an interview with the assigned supervisor or Executive Director and a filled-out performance evaluation form which becomes part of the faculty member's personnel file. The self-evaluation is done by the faculty member and submitted to the person responsible for the evaluation. The self-evaluation covers the following topics:

- —Contractual activities (getting and managing funds);
- —Research productivity: Scientific activities (papers talks, etc.);
- —Staff development including: teaching, advisement, guidance, and interactions within DRI. Additional topics of lower impact include:
- —Service on DRI, UCCSN, national and international committees and other work related efforts, and
- —Community service.

The importance of each topic is divided into three categories with weightings unique to each faculty member. Critical: a high rating on the critical topic will outweigh a lesser rating on other topics and will give a high rating

overall. On critical topics a finding of unsatisfactory on any such topic will lead to an overall unsatisfactory or needs improvement rating; Important: these weigh heavily in the overall summation, but are not critical topics, and do not weigh as highly as the critical topics; Minor: areas where some activity will be undertaken, but which do not weigh heavily in the overall summation. A finding of unsatisfactory on any topic other than the critical topics will not lead to an overall unsatisfactory rating unless the overall summation is unsatisfactory.

The self evaluation is discussed with the Executive Director or other person assigned the task by the Executive Director. During this discussion actual accomplishments from the viewpoint of the above criteria, previously agreed upon performance objectives, and modifications due to shifts in funding are reviewed and a recommendation made regarding the merit increase. During this same discussion, performance objectives for the coming year will be developed. A performance evaluation form will be prepared by the Executive Director or assigned administrative supervisor and discussed with the faculty member. The faculty member has the opportunity to make written comments on the form itself. The form then becomes part of the faculty member's personnel file.

Evaluation of the faculty member will take into account the entire self evaluation, bearing in mind that performance is rank related, that duties and opportunities of faculty members differ and may require different emphases at different stages of the faculty member's career. Faculty members will be evaluated for equity each year. This is based on conditions of the job market and national norms appropriate to the faculty member. Recommendations for equity changes must be separately documented and evaluated by the Executive Director. This recommendation also becomes a part of the faculty member's personnel record after discussion with the faculty member. The faculty member may comment in writing on equity recommendation and those comments will also become a part of the faculty member's personnel file.

Provision shall be made for faculty input into the annual evaluation of Administrative Faculty. For the President, input shall be as prescribed in the Board of Regents Handbook, Title IV, Chapter 2, Section 3, officer evaluation. For the Vice Presidents and Center Directors, the input shall be made to the President by the Faculty Senate.

## **RATINGS**

Ratings will be used on each of the topics, and for an overall rating. The five ratings are as follows:

- —Outstanding: having performed in a most exemplary fashion. This is an extremely positive rating that is given only for exceptional performance.
- —Commendable: having performed better than expected. This is a highly positive rating that reflects very well on the recipient.
- —Satisfactory: having performed as expected. This is a positive rating that reflects well on the recipient.
- —Needs improvement: having performed less than expected. This rating acts as a warning on critical topics to the individual and requires a mid-year review at which point it must be changed to either a satisfactory or unsatisfactory rating.
- —Unsatisfactory: having performed poorly in one or more critical tasks without other offsetting accomplishments. This rating leads to termination proceedings in accordance with section 5.8 of the Code.

## **PRINCIPAL INVESTIGATOR'S FUND**

Each center has a Principal Investigator's Fund, administered by the Executive Director of each center, which contains 5% of the indirect costs earned by the staff of the Center. The faculty of each Center will decide in consultation with the Center Director how the money in the Principal Investigator's Fund of their center will be spent.

## **COMPENSATED OUTSIDE PROFESSIONAL SERVICE**

Under conditions set forth below, limited professional services rendered by a DRI faculty member to organizations or individuals outside of DRI for compensation is recognized as a legitimate, and often desirable, activity for a faculty member.

1. — ~~Outside professional or scholarly service as contemplated by this section shall not adversely affect or conflict with the performance of the faculty member in regard to his or her obligation and duties to DRI.~~
2. — ~~A faculty member engaged in providing compensated outside professional service shall inform his or her supervisor of the nature of the work and the amount of his or her time likely to be involved, prior to the commencement of that service. Activity in new areas not presently a regular part of the DRI efforts will not be considered to be in conflict even, for such an involved faculty member, if DRI subsequently moves into such work.~~
3. — ~~Any faculty member performing outside professional service shall inform those who engage him or her that the faculty member is not acting in the name of the DRI and that the DRI is not a party to the contract nor liable for any actions of such faculty member.~~
4. — ~~In negotiating for a contract for outside compensated professional service, a faculty member shall not use DRI stationery or forms in any manner.~~
5. — ~~A faculty member working independently on an outside compensated contract shall not use DRI facilities, equipment or personnel not available to members of the general public competent in such use. Use involving added direct costs to the DRI shall be permitted only if proper consideration is made therefore, and such use is authorized by the faculty members' Executive Director.~~
6. — ~~When a supervisor believes that a conflict exists with obligations currently incurred or assumed by the Institute regarding a faculty member's consulting activities, the supervisor will inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the DRI President will hear and evaluate the evidence and appoint a review committee, if necessary. The DRI President may require the faculty member to cease performance of existing obligations while the faculty member remains a DRI employee.~~
7. — ~~A faculty member working independently on his or her own time may obtain patents or copyrights on the results of his or her work, providing substantial DRI resources were not used in the preparation of the inventions or copyrighted work.~~
8. — ~~A faculty member is to perform outside professional activities on his or her own time.~~

## **PROCEDURE FOR PROMOTION BETWEEN RANKS**

~~Recommendations for promotion between all ranks are initiated by the Executive Director of the Center, and are submitted to the President for his review. In the case of promotion to Rank III, the Executive Director shall consult with a committee of faculty of at least three persons, which may include faculty of other University of Nevada Institutions, and may require outside evaluations by a peer group. The candidate for promotion may suggest persons for the review. In the case of promotion to Rank IV the Executive Director shall consult with a similar committee and shall require outside evaluation by a peer group of at least three persons. Membership of committees shall be of rank equal or higher than that rank into which promotion is being considered (DRI Bylaws, Section 2.2.9).~~

## **ANNUAL LEAVE**

~~Faculty members earn two (2) days leave with pay for each month of full-time service. Annual leave may be accrued from year to year but no more than forty-eight (48) days can be carried into a new fiscal year. Credit will be earned for partial months of service. Faculty members on a part-time (less than 1.00 FTE) appointment earn pro-rata annual leave credit. The annual leave is to be taken at the faculty member's convenience, subject to the needs of the Center with a~~

~~leave form submitted before the absence begins. Annual leave shall not be earned while on leave without pay. A leave form is submitted for a quarter day or more of annual leave.~~

~~Any faculty member who, upon termination from DRI, has accumulated annual leave will be compensated at the average daily rate for such unused annual leave. Faculty members taking an approved leave of absence without pay shall be entitled to take accumulated annual leave before going off the payroll.~~

~~If a faculty member has accrued at least thirty (30) days of annual leave and if the faculty member takes annual leave of at least five (5) consecutive working days duration then the faculty member may sell, at a minimum, a week of annual leave back to DRI at the average daily rate in conjunction with the aforementioned annual leave, subject to the restriction that the balance of accrued annual leave remains non-negative. For example, suppose a faculty member has accrued thirty four (34) days of annual leave and wished to take an eight (8) working day vacation using the five (5) day sell back option. At the end of the vacation there would be thirty four (34) minus eight (8) minus five (5) or twenty one (21) days of annual leave remaining and the faculty member would have received a supplemental check for five (5) days of salary.~~

### ~~LEAVE OF ABSENCE WITHOUT SALARY~~

~~A leave of absence without salary may be granted to a faculty member for up to six (6) months by the Center Executive Director for any satisfactory reason. The President may grant leaves of absence without pay for up to a year in duration. Longer leaves of absence without pay must be approved by the Board of Regents.~~

~~The Center Executive Director may revoke the leave after notifying the employee in writing and allowing a reasonable period of time for the employee to return to work if the reason for granting the leave ceases to exist. Neither sick leave nor annual leave accrue when a faculty member is on leave of absence without salary.~~

~~Request for a leave of absence without salary is made to the Center Executive Director. It is presumed that the leave can be arranged without impairing the work of the center and that it will benefit the DRI or the professional advancement of the individual.~~

~~Leave of absence without salary may be granted to any faculty member employed by the DRI. A faculty member on approved leave of absence without salary may maintain all insurances by paying the premiums through the Department of Human Resources.~~

~~Leave without salary does not constitute a break in continuous service. However, the period of leave without salary will not be credited in years of service.~~

### ~~CHILD-REARING LEAVE~~

~~Unpaid child rearing leave may be requested by either parent up to a maximum of one (1) year. Requests for child rearing leave must be accompanied by a statement from a qualified professional source that there is a medical or psychological need for the parent to be given leave.~~

~~Neither sick nor annual leave accrue during unpaid child rearing leave. Child rearing leave does not constitute a break in continuous service. However, the period of leave without salary will not be credited in years of service. A faculty member on child rearing leave may maintain all insurance by paying the premiums through the Department of Human Resources. Or, If faculty applies for and is protected for up to 12 weeks under the federal Family and Medical Leave Act, his/her insurance premiums will be paid by DRI.~~

### ~~SICK LEAVE~~

~~Full-time faculty members will be granted sick leave as required, up to thirty (30) working days at full salary ( Board~~

of Regents Handbook, Title 4, Chapter 3), available at any time during the initial year of appointment. Part-time faculty members will be granted a proportionate amount.

~~Beginning one year after the starting date of his or her initial contract, each such faculty member will begin to accrue additional sick leave at the rate of two (2) days for each full month of paid service to be added to any remaining balance of unused sick leave days from the first year of appointment. Sick leave may be accrued not to exceed ninety-six (96) working days. Part-time faculty members will earn a pro-rata amount of sick leave for each full calendar month worked. Paid sick leave will not be granted in excess of sick leave earned except as provided for in the next paragraph.~~

~~Where a physician certifies that a professional staff member is unable to resume duties after exhausting all accumulated sick and annual leave, the professional staff member may, with the approval of the President and the Board of Regents, be granted extended salaried sick leave for a period not to exceed an additional twelve calendar months plus one calendar month for each full year of employment with the UCCSN. During extended salaried sick leave, no annual or sick leave shall be earned. If at the end of the extension period a physician certifies that the professional staff member is still unable to resume duties, the appointment shall be terminated.~~

**~~Sick Leave: Authorized Use: An employee is entitled to use sick leave when:~~**

- ~~a. Unable to perform the duties of his/her position because of sickness, injury, or physical incapacitation due to a medical condition;~~
- ~~b. If an illness or a medical, vision or dental service or examination in an employee's family requires his/her attendance; (i.e., no distinction necessary between personal and family sick leave);~~
- ~~c. Quarantined;~~
- ~~d. Receiving required medical, psychological, vision, or dental service or examination;~~
- ~~e. Receiving counseling through the employee assistance program for a condition that would qualify under this section; or~~
- ~~f. There is a death in the employee's immediate family. While the supervisor may grant no less than five days of bereavement leave, the employee and supervisor should discuss prior to the employee's departure the mutual needs of the employee and the employee's work unit. Any days used for family bereavement leave that are not covered by accrued sick leave may be charged to the employee's annual leave account. If the employee depletes both sick and annual leave, any bereavement leave subsequently taken will place the employee in leave without pay status (i.e., the previous 5-day cap on bereavement leave has been removed).~~

~~Updated in accordance with Administrative Policy revised February 1998, Section VIII, Employee Benefits, Section G.~~

**~~Sick Leave: Approval by Appointing Authority~~**

~~A Center Director may authorize sick leave after determining that the absence was for an authorized reason. For absences in excess of 3 consecutive working days, or for cases of suspected abuse, the Center Director may require that the employee submit substantiating evidence, which may include but is not limited to a physician's certificate.~~

~~If an abuse is suspected where the employee has provided medical certification, the appointing authority may require the employee to provide a second medical opinion. If that is required, the Center Director will arrange for a qualified DRI-appointed physician to examine the employee. The DRI must pay for the examination. The second physician shall certify as to the ability of the employee to perform his/her duties and responsibilities and when the physician believes the employee can return to work. A copy of each must~~



be provided to both the employee and the Center Director.

### **Work-Related Injuries/Accidents**

Cases of injury or accident in connection with the work of faculty members are covered by the regulations of the State Industrial Insurance System. In order to assure this protection for out-of-state travel, the appropriate form should always be submitted in advance by faculty members conducting Institute business, attending meetings, etc., even if work is undertaken outside of Institute hours at the faculty member's own expense.

A faculty member is entitled to use accumulated sick leave for a temporary disability, which includes the time during which a female employee is physically incapacitated due to pregnancy or childbirth.

Upon retirement, resignation, termination through no fault of the staff member or death while in DRI employment, the faculty member or beneficiaries are entitled to payment for the faculty member's unused sick leave. One fortieth (1/40) of the faculty members average daily salary for each completed year of service up to a maximum of twenty (20) years will be paid for each sick leave day in excess of thirty (30) days.

A leave form is submitted for a quarter day or more of sick leave.

### **Transferral of Leave Benefits When Technologist Reclassified to Professional Position**

(approval recommended by Faculty Senate and approved by President, February 1999)

#### **1. LEAVE ACCRUALS**

A. All sick and annual leave accrued as a technologist would be converted from hours to days and carried forward to the maximum accrual allowable for professionals: 96 days sick leave, 48 days annual leave. This shall apply to all technologists who are reclassified or recruited into a professional position regardless of any other considerations, including the need to resign from DRI for 24 hours in order to qualify for a move from PERS to an RPA, if that is what the individual prefers to do.

B. If a technologist who was reclassified or recruited into a professional position begins his/her appointment with a sick leave balance of less than 30 days, the amount advanced to all professionals hired for from outside the Desert Research Institute for full-time positions, DRI will adjust that employee's sick leave balance to 30 days on his/her start date as a professional on a full-time contract. The number of days for less than a full-time position would be prorated based on the FTE.

C. Upon termination, only the actual number of sick leave days advanced would be deducted from that individual's sick leave accrual (vs. the full 30 days of sick leave advanced to professionals hired from outside DRI, and subsequently deducted when they leave DRI).

#### **2. EARNING LEAVE**

All DRI technologists who are reclassified or recruited into a full-time professional position shall immediately begin earning two days of annual leave per month, or a pro-rated portion if the position is less than full-time.

All except those who are advanced sick leave upon their appointment to the professional position shall immediately begin earning two days of sick leave each month (or a pro-rated portion if in less than a full-time position). Those advanced sick leave by DRI, to provide a starting balance of 30 days (or its prorated equivalent) will begin earning two days of sick leave each month (or its prorated equivalent) after 12 months of continuous service in the professional position.

### **SABBATICAL LEAVE (DRI Bylaws 2.2.14)**

(Revised by Faculty Senate Minutes, October 17, 1995)

The DRI may grant sabbatical leave each fiscal year. The number of sabbatical leaves granted may not exceed two percent of the faculty. Any faculty member who has served full time on a 12-month contract for six (6) or more salaried years, or the full-time equivalency of six (6) years, or six (6) salaried years since his or her last sabbatical, is eligible for sabbatical leave. Two or more faculty members may combine to jointly seek a sabbatical leave, splitting the resource between them. Applicants for sabbatical leave have two alternatives: one (1) year's leave at two-thirds (2/3) salary or one-half (1/2) year's leave at full salary. The taking of sabbatical leave does not interfere with the continuing employment of an individual by the DRI, with his or her retirement program or with any other rights or privileges normally associated with appointment to the faculty of the DRI. DRI Faculty Senate Sabbatical Leave Committee (see Faculty Senate Bylaws) assesses applications and makes recommendations to the President for consideration. The President's recommendations for sabbatical leave are submitted to the Board of Regents not later than December of the year prior to the fiscal year during which leave is desired. The obligations of a faculty member taking sabbatical leave are:

1. —Successful applicants for sabbatical leave must agree to return to DRI for one (1) year. However, by mutual agreement between the faculty member and the President, this may be waived.
2. —Additional income (for example, grants-in-aid or fellowships) may be accepted during the leave provided the activity for which the income is received contributes to the individual's professional development or his or her future usefulness to the DRI.
3. —Acknowledgment of sabbatical assistance is given in any publications resulting from work accomplished during the sabbatical leave.
4. —A written report concerning sabbatical leave activities shall be submitted to the President within three (3) months of return and copies are filed in each section of the DRI Library.
5. —Sick leave and annual leave accrue while a faculty member is on sabbatical leave. Each leave is accrued at the rate of two (2) days per completed month for a six-month sabbatical and one and one-quarter (1 1/4) days per completed month for a 12-month sabbatical, up to the maximum allowed.

(The following section, including points 1—5, was adopted by Faculty Senate March 26, 1996)

Sabbatical leave proposals are competitively reviewed by the Sabbatical Leave Committee of the Faculty Senate. The guidelines for the review of proposals include, but are not necessarily limited to, the following:

1. —Expected benefits to the Faculty Member and the Institute. The potential benefits to the faculty member and the Institute must be clearly identified and achievable. Sabbatical leave is a privilege rather than a right. Examples of benefits include: developing new research directions compatible with the objectives of the Institute, developing collaborative relations with external researchers and agencies, publication of research endeavors, enhancement of research skills, and professional development (for example, attending graduate school).
2. —Performance Competence: The faculty member should show demonstrated competence in their respective scientific, engineering or professional discipline. The faculty member must demonstrate the qualifications to conduct what is proposed. When the proposed sabbatical represents a direction not previously followed by the faculty member, demonstrated abilities to conduct, report, and benefit from the proposed activities must be shown.
3. —Intrinsic Merit of the Proposed Sabbatical. Creditable justification of the proposed sabbatical leave must be presented. Sufficient information should be provided to judge the likelihood of the success of the sabbatical and the benefit(s) to the individual and the Institute.

4. ~~Utility of the Sabbatical: The application for sabbatical leave should document the relevance of the proposed activities to the scientific and engineering communities, the career of the faculty member, the strategic plan of the Institute and, if applicable, the strategic plan of the Center.~~
5. ~~Unused sabbatical funds are placed in the Institute Project Assignment (IPA) fund.~~

### **~~PHYSICAL EXAMINATION~~**

~~The DRI will supplement the medical insurance of a faculty member by up to \$350 to defray the cost of one (1) standard physical examination for the faculty member per calendar year. DRI will not receive, and is not entitled to, medical information developed as a result of paying this supplemental benefit to a faculty member. All such information remains confidential between the faculty member and his/her physician.~~

~~After the examination and submittal for insurance, the faculty member will document expenses and insurance reimbursement and submit them to the Human Resources Department for payment.~~

### **~~RETIREMENT~~**

~~All faculty members except those persons who are members of the Public Employees Retirement System at the time of employment will follow the options available to the University and Community College System of Nevada. The DRI and the faculty member each contribute to the plan a percentage of the faculty member's gross salary.~~

~~TIAA/CREF and other organizations offer supplemental retirement annuities which can be authorized for payroll deduction.~~

### **~~MISCELLANEOUS BENEFITS~~**

1. ~~All faculty members are paid on the last working day of each month for that month.~~
2. ~~Salary adjustments are determined by the Center's Executive Director in consultation with the President, and the faculty member. Adjustments reflect performance, cost of living changes, promotion, and equity. In general, the ability of the faculty member to devise, execute and fund a program, professional stature, supply and demand determines the salary.~~
3. ~~Faculty members are not eligible for tenure through their association with the Desert Research Institute. See section 5.2.5 of the Code.~~
4. ~~Faculty members are entitled to the responsible use of academic freedom as described in Chapter 2 of the Code.~~
5. ~~Rules and disciplinary procedures for faculty members are detailed in Chapter 6 of the Code.~~
6. ~~Faculty members are encouraged to join professional societies, to attend professional meetings, to present papers at these meetings and to publish papers in the refereed scientific literature. The Desert Research Institute will support these endeavors to the extent that its resources permit. In particular, the DRI will help pay dues of professional societies by granting one half the amount up to \$100. Expenditures should be documented and sent to the Controller's office for payment.~~
7. ~~In accordance with IRS tax law, payments by the DRI for student fees, physical exams, moving expenses, and professional dues are treated as taxable income as is income to faculty members for sell backs of annual and payment of leave upon termination.~~

### **~~EDUCATIONAL GRANTS-IN-AID~~**

~~Faculty members who are on contract for at least 0.50 FTE employment may receive a grant in aid for payment of a specified portion of registration fees for credit courses at any accredited institution of the University and Community College System of Nevada.~~

~~Faculty members may enroll in a maximum of six (6) credit hours per semester and a maximum of three (3) credit hours during a summer session.~~

~~Faculty members desiring to register for courses held during working hours must have the approval of their supervisor or Executive Director.~~

~~A grant in aid for the payment of a specified portion of the registration fee, and if it would otherwise be assessed, the out of state tuition, may be provided to the spouse and financially dependent children of a faculty member employed for at least 0.50 FTE. There is no restriction on the number of credits for this group. A faculty member's children and spouse who are already enrolled in courses at the time the faculty member's contract terminates will be permitted to finish the semester or summer session under the grant in aid.~~

~~For the purpose of this section, financially dependent child means a natural, adopted or step child of a faculty member who receives at least fifty percent (50%) of his or her support from the faculty member and/or the faculty member's spouse.~~

~~Faculty members who are on sabbatical leave or on leave of absence without salary are eligible for grant in aid privileges, as are their spouses and financially dependent children for a maximum of one (1) year. Adjunct faculty members are eligible for grant in aid privileges but not their families.~~

~~Emeritus or Emerita and retired faculty members, their spouses, and their financially dependent children are eligible for grant in aid privileges. For this purpose, retired faculty members are those who have retired with at least ten (10) years of DRI service.~~

~~Grants in aid for widows, widowers, and formerly financially dependent children of deceased former faculty members, or former faculty members who have become totally and permanently disabled, their spouses and financially dependent children are available under the following conditions:~~

- ~~1. The faculty member will have held a valid unfulfilled contract or have been granted sabbatical leave at the time of death or disability.~~
- ~~2. The spouse, widow, widower or disabled former faculty member will receive a grant in aid for a minimum of six (6) semester hours while pursuing a degree program.~~
- ~~3. Each and every child who qualified for grant in aid when the faculty member died or became permanently disabled will be eligible for a grant in aid until a terminal degree has been granted.~~

#### ~~**WAIVER OF CAPITAL IMPROVEMENT FEE**~~

~~The capital improvement portion of the total registration fee is waived when a grant in aid is granted before payment of fees.~~

#### ~~**INSTITUTIONAL PROJECT ASSIGNMENTS**~~

~~All faculty of the Desert Research Institute are eligible for participation in the IPA.~~

~~Institute Project Assignments are intended to better the individual and the Institute. Proposed projects must be pertinent to the development of both. They should consist of relevant and meritorious activities which, because of their nature or~~

urgency, are difficult or impossible to fund from usual sources. Examples of activities considered appropriate are: visiting other research institutions, conducting a short pilot project of special individual interest—either within the Institute or in another appropriate institution, conducting a literature search at any appropriate library, writing up past research results and developing a new research project. Institute Project Assignments may be for periods between one (1) and three (3) months equivalent.

Institute Project Assignments may include salary, transportation and other expenses. The Institute Project Assignments are not a form of leave and therefore, successful application for one will in no way affect the applicant's eligibility for leave of any type, or any other rights and privileges. The IPA Program is administered by the Faculty Senate IPA Committee (see Faculty Senate Bylaws). Applications are submitted to the Chairman of the IPA Committee through the Chairman of the Faculty Senate. Application forms and schedules are available from the Faculty Senate office.

## **DEATH BENEFITS**

If a faculty member has filed a signed, written designation of beneficiary, the payments outlined below will be released to the designated beneficiary. If the deceased faculty member had not filed such a signed, written designation of beneficiary, the payments outlined below will be paid to the estate of the deceased faculty member.

In addition to any benefits which may be paid to a beneficiary, or the estate of a deceased faculty member if there is no beneficiary designated, the following benefits will be paid:

- 1.—— Salary through the day of death;
- 2.—— One twelfth (1/12) of the current annual contract salary;
- 3.—— Any earned but unused annual leave at the current salary rate; and
- 4.—— Payment for unused sick leave as a function of years of service as set out in the section on sick leave.

Payment for items 1 and 2 and at least fifty percent (50%) of the payment due for items 3 and 4 will be made within ten (10) working days. The remainder due for items 3 and 4 will be paid within twenty (20) working days.

## **GRIEVANCE PROCEDURE**

A grievance from any member of the faculty or staff of the Institute shall be resolved in accordance with the procedures outlined below.

### *Definitions:*

#### **Grievance**

A grievance (UCCSN Code 5.7.2) is in response to an act or omission to act by a DRI administrator allegedly resulting in an adverse impact on a faculty member's employment conditions relating to salary, promotion or other aspects of contractual status, or relating to alleged violations of the UCCSN Code or DRI Bylaws. Decisions of the Board of Regents or decisions involving non-reappointment to employment, furloughs or layoffs are not subject to review by grievance procedures.

#### **Grievance Hearing**

A grievance hearing shall be called when appropriate as outlined below by a grievance review committee for the purposes of reviewing a grievance. Such a hearing shall be informal and fact finding in nature and shall be considered a personnel matter and shall be conducted with appropriate confidentiality.

#### **Grievance Review Committee**

A grievance review committee shall be established by the Faculty Senate Chair upon request of the VPR or the Faculty

Senate Executive Committee (EC) who must find that there is cause to believe that the standards given below are met. The committee will consist of three faculty appointed by the Executive Board of the Faculty Senate from the voting faculty of DRI. The VPR will be informed when the committee has been established.

### *Grievance Resolution Process*

All grievances will be resolved by the following sequential steps:

1. The aggrieved party shall submit to his/her Center Executive Director (or the Vice President to whom the person reports) a statement which identifies the grievance, specifies the facts, and states the actions believed necessary to redress the grievance. The Center Executive Director (or Vice President) shall act on the request for resolution within ten (10) working days of receipt of the written request.
2. If the Center Executive Director's (or Vice President's) decision does not resolve the grievance to the satisfaction of the aggrieved party, the aggrieved party may resubmit the same statement for consideration to the VPR. The VPR shall within 10 working days of receipt of such a request, submit his findings to the senate chair. If the VPR recommends a hearing, the Faculty Senate Chair shall institute review proceedings and arrange for the appointment of a committee. If the VPR recommends against a hearing, the Faculty Senate Chair shall consult with the Executive Committee of the senate and shall or shall not institute review proceedings and the appointment of a review committee depending on their decision. The VPR shall be informed of the decision and submit the final decision to the aggrieved party within further 10 working days.
3. If a Grievance Review Committee is established, the VPR shall submit to the Grievance Review Committee Chair the statement by the aggrieved party of the grievance and proposed actions to redress the grievance.
4. Within ten (10) working days from receipt of the statement from the aggrieved party, the Grievance Review Committee shall have convened a Grievance Hearing. The Grievance Review Committee shall explore the three topics listed below and make findings on each. At the conclusion of the hearing, the chair of the committee shall report to the VPR on their findings on each of the several topics and the Committee's recommendation regarding the disposition of the grievance.
5. Within five working days of receipt of the findings of the Committee, the VPR will submit to the President the statement of the aggrieved party, the findings and recommendations of the Committee, and any written findings or recommendations of the VPR.
6. A decision concerning the grievance shall be made by the President within ten (10) working days of receipt of the Grievance Review Committee report. The President will communicate the decision to both the aggrieved party and the cognizant Center Executive Director or Vice President. This decision shall exhaust all right to appeal within the UCCSN (DRI Bylaws 2.2.13).

### **Standard for Calling Grievance Review Committee**

The VPR and the EC shall use the following standard to determine whether to request that a Grievance Review Committee be convened. The three components of the standard shall be applied sequentially.

(A) Is there reasonable cause to believe that some professional or financial harm (Ref. UCCSN Code 5.7.2.) may have been done to the aggrieved?

If not, no further action is required.

If yes, does one of the following apply:

(B) Is there cause to believe that procedures (as stipulated in the UCCSN Code or DRI Bylaws) may not have been followed?

~~or~~

~~(C) Is there reasonable cause to believe that an injustice may have been done?~~

~~If neither applies, no further action is required.~~

~~If (A) plus either (B) or (C) apply, the VPR or EC may request that a Grievance Review Committee be convened.~~

~~*Procedure if the VPR is the Supervisor of the Aggrieved Party*~~

~~Should the VPR be the supervisor of the aggrieved party, the VPFA shall undertake the above actions in the place of the VPR.~~

## **TRAVEL AND SUBSISTENCE**

~~For travel in connection with conducting contractual or sponsored research activities within or without the State of Nevada, faculty and staff of DRI are entitled to receive expense reimbursement up to, but not exceeding without prior administrative approval, amounts consistent with the then current Federal travel regulations as printed in the Federal Register. For travel expenses incurred through transactions supported by State appropriations or overhead monies for the administration of DRI, such reimbursement will be consistent with provisions of NRS 281.160. Receipts will be required for all lodging reimbursements except in situations which dictate that DRI employees choose to use their own tent, camper, travel trailer or mobile home; in such cases reimbursement for lodging will be at the current camping rate and receipts will not be required.~~

~~Employees of the Desert Research Institute shall observe all state laws and university regulations concerning travel, except that:~~

- ~~i. in state rental of vehicles from non state funded accounts is permissible; and~~
- ~~ii. out of state travel may be reimbursed per federal government regulations when travel is pursuant to a non state research grant or contract. ]~~

## Chapter 2, Title 5 – NSHE GOVERNING DOCUMENTS

### [ ~~BYLAWS OF THE DESERT RESEARCH INSTITUTE~~ ~~October 1991~~

~~These bylaws shall be consistent with and operate within the University and Community College System of Nevada Code (1.3.4). These Bylaws take precedence over the Personnel Manual for the Faculty of the Desert Research Institute, the Personnel Manual for the Research Technologists, the Desert Research Institute Administrative Manual and the Senate Bylaws of the DRI Faculty Senate. (B/R 5/92)~~

#### ~~CHAPTER 1—Organization and Administration~~

##### ~~Section 1.1—Administration~~

~~The administration of the Desert Research Institute consists of the President, the Vice President for Finance and Administration, the Vice President for Research, and the Executive Directors of the Centers. The duties and responsibilities of administrators are defined by the University and Community College System of Nevada Code, the Bylaws of the Desert Research Institute, and the Desert Research Institute Administrative Manual.~~

~~1.1.1—The President. The responsibilities and duties of the President shall be provided in the Bylaws of the Board of Regents.~~

~~1.1.2—The Executive Directors. The Executive Director of a Center shall be the administrative and executive officer of that Center, the chairman of its faculty, and an ex officio member of all its committees, responsible for development, funding, implementation, and supervision of research programs within the unit. Each Executive Director shall be directly responsible to the President for the execution of policy. The duties and responsibilities of the Executive Directors are published in the Administrative Manual.~~

~~1.1.3—The Vice President for Finance and Administration. The Vice President for Finance and Administration shall be directly responsible to the President for conduct of financial and administrative affairs.~~

~~1.1.4—Vice President for Research. The Vice President for Research shall be directly responsible to the President for oversight and provision of support for research programs of the Institute and various administrative duties as assigned by the President.~~

~~1.1.5—Screening and Recruitment for President. The Faculty Senate shall nominate an Institutional Advisory Committee of five from the faculty of the Desert Research Institute. The constitution of the committee shall reflect, in as far as is possible, the numerical distribution of faculty members among centers of the Desert Research Institute. The procedure shall follow that specified in the University and Community College System of Nevada Code, Section 1.5.4.~~

~~1.1.6—Screening and Recruitment for Vice Presidents. With the requirement to fill a position of Vice President, the President, in consultation with the Faculty Senate, shall choose a screening and recruitment committee from the faculty of the Desert Research Institute. The committee shall, in as far as is possible, provide representation of the various centers. Should the President appoint outside members, the membership shall not exceed the DRI representation. The faculty committee shall present an unranked slate of candidates to the President, who shall select one~~



candidate for approval by the Board of Regents. Should the President decline to nominate, or the Board of Regents decline to approve any of the candidates included on the slate, or should the persons on the slate not be available for appointment, the committee shall reconvene and present a new slate.

~~1.1.7— Screening and Recruitment for Center Executive Directors. The President, in consultation with the Faculty Senate, shall choose a screening and recruitment committee from the faculty of the Desert Research Institute, for the selection of Center Executive Directors with the provision that there shall be adequate representation of the center concerned. Provision shall be made for outside representation, if desired. The Screening and Recruitment committee shall present an unranked slate of candidates to the President. Should the President decline all of the candidates on the slate, or should the persons on the slate not be available for appointment, the committee shall reconvene and present a new slate.~~

~~(B/R-5/92)~~

#### ~~Section 1.2— The Faculty~~

~~The faculty shall consist of all persons holding professional positions authorized by the Board of Regents. Voting faculty are defined as those whose appointment is in excess of 50 percent of an annual "A" contract except for post-doctoral appointments and visiting distinguished professors. A holder of a professional position within Desert Research Institute shall have, as a minimum qualification, a Bachelor's degree from an accredited institution or equivalent education and experience. This qualification shall be within the area of expertise required for the appointment. The faculty shall have the authority and responsibility for recommending policy on matters of faculty welfare, on the rights of the faculty under the University and Community College System of Nevada Code, and on the involvement of the faculty in functions of the Institute. The faculty functions through the Faculty Senate, through the centers, and through committees. The center faculties and the Faculty Senate constitute the prime agents of the faculty, and through these the faculty will perform its delegated functions. The jurisdictions of the faculty groups are as follows:~~

~~1.2.1 Centers. Each center shall have its own faculty consisting of those members of the faculty assigned to that center.~~

~~(a) Authority of a Center. Each center under its Executive Director shall be delegated authority in all matters of internal policy of that center, except where such authority may be retained by the Board of Regents or the President, or specifically delegated elsewhere by the President. It shall establish the rules under which it may act; it shall formulate programs of that center consistent with the objectives of the Institute.~~

~~(b) Establishment or Abolition of Centers. The President, on approval by the Board of Regents, shall establish or abolish centers as appropriate. The President will confer with the Faculty Senate and receive their advice before submitting to the Regents any action to establish, abolish, significantly alter the scope, or change the name of a Center.~~

~~1.2.2 The Faculty Senate. The Faculty Senate shall be a body of faculty members chosen in accordance with the method set forth and functioning within the operational procedure prescribed in 1.2.2(d).~~

~~(a) Authority of the Faculty Senate. The Senate shall be delegated authority to act for the faculty in all matters as specified in Section 1.4.8 of the University and Community College System of Nevada Code. Such action shall be within the limitations of any System-wide policy on such matters and subject to the approval of the Board of Regents. Upon recommendation by the President, an action of the Senate that would alter established policy becomes final only upon~~

approval by the Board of Regents.

~~(b) Membership of the Faculty Senate.~~

~~1. The membership of the Senate shall be fixed at 15 voting members. These members shall be selected from the voting faculty with each center having at least one representative. Executive and Deputy Directors, Vice Presidents, and Assistant Vice Presidents, permanent or acting, shall not be eligible for senate membership.~~

~~2. Except as specifically provided for elsewhere, each Senator shall serve for three years and shall not be eligible to serve for one year following expiration of his term.~~

~~3. The terms of the Senators shall be staggered so that insofar as it is possible, an equal number of terms will expire at each election.~~

~~4. The nominations and elections of Senators shall be by secret ballot of the voting faculty. The ballot shall be devised to insure compliance with Section 1.2.2(b)1.~~

~~5. The Senate shall establish Bylaws for itself. The Faculty Senate Bylaws shall set forth, in conformance with the directives of the preceding paragraphs, precise and detailed election procedures for all members and shall provide a method consistent with the normal procedures for the filling of vacancies in the event that a representative in the Senate is temporarily or permanently unable to serve.~~

~~6. The President shall be a non-voting member of the Senate.~~

~~(c) The Officers of the Senate. The Senate shall elect from among its members a Chairman and a Vice Chairman who shall each serve for one year. They shall not serve two successive terms in the same position. From among its members, the Senate shall also elect a Secretary who shall be responsible for the keeping of accurate records of all activities of the Senate. The Chairman, Vice Chairman, past Chairman, and Secretary shall be the officers of the Senate and, collectively, shall constitute the Executive Committee of the Senate. The detailed procedures for the election of these officers shall be set forth in the Senate Bylaws.~~

~~(d) The Operational Procedures of the Senate.~~

~~1. The Senate shall hold four to twelve regular meetings during the year. The date, time, place and agenda of each meeting shall be circulated to all faculty members at least two weeks in advance.~~

~~2. Special meetings of the Senate may be held at any time. They shall be called by the Chairman and shall be publicized in the same manner as the regular meetings.~~

~~3. A copy of the minutes of each Senate meeting shall be sent to every member of the Senate and a copy placed in each Desert Research Institute Library. A copy shall also be sent to the University System Archives.~~

~~(e) Agendas for Senate Meetings. The Chairman, in consultation with the Executive Committee, shall prepare the agenda of each Senate meeting.~~

~~1. The agenda of every Senate meeting shall provide for the possible introduction of new business.~~

~~2. The Chairman and the Executive Committee shall classify each Senate agenda item as a Class A, a Class B, or a Class C Action, with such classification being subject to modification by the Senate.~~

~~(f) Actions by the Senate.~~

~~1. Class A Actions. An action by the Senate on a matter within its prime scope of concern as stated in paragraph (a) above is a Class A Action, if such an action would alter established policy. Whenever a Class A Action of the Senate is submitted for discussions at a meeting of the voting faculty (see 1.2.3), it shall not be subject to amendment from the floor.~~

~~2. Class B Actions. A Class B Action does not alter established policy; it is used, for example, for editorial changes.~~

~~3. Class C Actions. An action by the Senate that pertains only to the mechanics of its internal operation (for instance, to committee appointments, approval of committee reports, reception of information, determination of its Bylaws, and so forth) is a Class C Action.~~

~~(g) Procedure for Approval of Actions.~~

~~1. Class A Actions. A Class A Action of the Senate shall be approved or disapproved by one of two alternative procedures: Procedure I and Procedure II (explicitly described in the following two paragraphs). The Senate shall decide by vote which procedure is to be employed. Upon approval (by either procedure), the action becomes final only after additional approval by the President and by the Board of Regents.~~

~~Approval of Action Under Procedure I. A Class A Action of the Senate shall be approved or disapproved by Procedure I when it has been approved by vote of the Senate, providing that the voting faculty has been informed within fifteen working days of this decision, and the voting faculty has not elected within fifteen calendar days of publication of the Senate's decision to change the determination to Procedure II.~~

~~Approval of Action Under Procedure II. A Class A Action of the Senate shall be approved or disapproved by Procedure II accordingly as it is approved or disapproved by a majority vote through a secret mail ballot sent to the entire voting faculty within fifteen days of the meeting and to be returned within seven days. A tie count constitutes disapproval; a majority of at least 50% of the returned ballots of the voting faculty is required for approval.~~

~~(A) Changing to Procedure II. The voting faculty may change the determination of a Class A Action of the Senate to Procedure II by submitting to the Chairman of the Senate, within fifteen days after publication of the Senate's decision, written requests, with reasons, for such a diversion, signed by at least 10 percent of its members or at least 40 percent of the members of any one of its centers.~~

~~(B) Modification of Action Under Procedure II. In Procedure II, if upon submission of a Class A Action of the Senate in writing to all members of the voting faculty, significant proposed changes, as judged by the Executive Committee, are made in writing to the Senate Chairman by any member(s) of the faculty, then these changes shall be considered by the Senate at its next meeting.~~

~~2. Class B Actions. A Class B Action of the Senate shall be approved or disapproved by vote of~~

~~the Senate; upon approval it becomes final after approval by the President.~~

~~3. Class C Actions. A Class C Action of the Senate shall be approved or disapproved by vote of the Senate; upon approval it becomes final.~~

~~(h) Publication of Actions Taken by the Senate. Those Class A, Class B, and Class C Actions of the Senate, which become final shall be publicized to the faculty as rapidly as is feasible. This requirement for publication can be satisfied by notation in the minutes, or by a special memorandum.~~

~~(I) Senate Committees.~~

~~1. The Senate shall create, from among the members of the faculty, committees and define their powers and duties. Such committees, which shall be primarily policy making in character, shall be known as Policy Committees. On a given matter within its scope of concern, a Policy Committee shall report to the Senate.~~

~~2. The chairman of each Policy Committee, if not already a member of the Senate, shall be requested to be present during Senate meetings when matters pertaining to the committee are under discussion. The term of service of a member of any Policy Committee shall begin at the date of appointment and end at the time the designated successor is appointed.~~

~~1.2.3 Function of the Faculty. The faculty shall hold meetings for the purpose of taking appropriate action on any matter within its delegated sphere of responsibility and receiving information from the President and other Institute administrative officers and the Senate.~~

~~(a) The President is the presiding officer of meetings of the faculty. In the absence of the President, the President shall designate a presiding officer. The voting faculty shall elect a secretary from among its own membership who shall be responsible for the maintenance of accurate records of its deliberations. Meetings of the faculty may be called by the President or a designee. Either of the above officers is required to call a meeting as soon as is feasible upon written request signed by 15 percent of the members of the voting faculty or upon the request of the Senate. The President or a designee shall determine the order of business and, in doing so, shall provide opportunity for introduction of new business from the floor.~~

~~(b) The voting faculty may request the President to call a special meeting of the faculty for the consideration of a Class A Action of the Senate, such a meeting to be held within a specified period of time.~~

~~(c) At any meeting, the voting faculty may recommend action to the Senate by a resolution approved by a majority of members present. If a Class A Action of the Senate is proposed, then at its next meeting the Senate shall consider the proposal and take appropriate action.~~

~~(d) At any meeting at which 25 percent or more of its members are present, the voting faculty, through a resolution approved by a majority of those present, may require the Senate to submit any of its actions to a referendum vote of the entire voting faculty. At any meeting at which 50 percent or more of its members are present, the voting faculty, through a resolution approved by a majority of those present, may make recommendations on any matter within its delegated jurisdiction, which the Senate must forward to the President.~~

~~1.2.4 Committees~~

~~(a) The President, with the advice of the Senate, shall establish and appoint committees. Members of committees shall serve for a term or until discharged by the President. The Policy Committees are the standing committees of the Senate and are defined in 1.2.2(i).~~

~~(b) No member shall serve at the same time on more than three committees nor shall a member be chairman of more than one committee unless the President determines that the services are urgently required.~~

~~1.2.5 The Determination of Jurisdiction. If any dispute arises regarding appropriate fields of action among the various segments of the faculty or between or among any officials, which cannot be resolved by the application of the provision of these Bylaws, then the matter shall be referred to the President, who shall report the decision to the disputing parties.~~

~~(B/R 5/92)~~

## CHAPTER 2 Faculty Personnel

### Section 2.1 Staffing

~~2.1.1.a Authority. The Executive Directors of the Centers of the Desert Research Institute are chosen by the President in accordance with Section 1.1.7. The Executive Directors, in turn, determine the staffing needs of their programs in the light of available funds. The Executive Director shall request the President's permission to make an appointment and will identify the source of funding for the position for the term of the contract to be offered. Detailed procedures for recruitment of faculty are published in the Personnel Manual for the Faculty of the Desert Research Institute.~~

~~2.1.1.b All professional appointments shall be recruited in accordance with current affirmative action and equal opportunity procedures.~~

~~2.1.2 Conditions of Appointment. The written notification of appointment will inform prospective appointees of the proposed terms and conditions of employment, but the final terms and conditions shall be contained in the employment contract as provided by Section 5.4.3 of the University and Community College System of Nevada Code, and that a binding employment contract between the Desert Research Institute and prospective appointees does not exist until such time as the president of the Desert Research Institute or his designee signs the employment contract.~~

~~2.1.3 Assignment of Duties. With the approval of the President, the Vice Presidents and the Executive Directors will assign to their staff members their duties and responsibilities and delegate their supervision as deemed necessary.~~

### ~~2.1.4 Continuation of Appointment.~~

~~(a) Termination or continuation of appointments is determined by the Center Executive Director, in consultation with the Vice President Finance and Administration, as set forth in Section 5.8 of the University and Community College System of Nevada Code.~~

~~(b) Employment may be terminated for cause, as defined in Section 6.2 of the University and~~

Community College System of Nevada Code.

~~(c) In either case, the employee may appeal this action. The procedures for appeal are described in Section 5.8 of the University and Community College System of Nevada Code for a termination under paragraph (a) above and Chapter Six of the University and Community College System of Nevada Code for a termination under paragraph (b) above.~~

~~2.1.5 The establishment of any newly defined administrative professional position will be subject to prior review and comment from the Faculty Senate.~~

~~Section 2.2 Professional Advancement~~

~~2.2.1 General Criteria for Advancement in Rank and/or Salary. Advancement in rank and/or salary of all professional staff will be based on achievement, as evidenced by productivity, professional recognition, publications, ability to secure funding, participation in professional societies, and other factors, which show the faculty member's professional achievements. Promotion in rank and salary cannot be achieved by mere accumulation of years of service. The procedures for recommending advancement in rank and salary are described in Sections 2.2.9, 2.2.10, 2.2.11, and 2.2.12 of these Bylaws. Advancement in rank is not necessarily tied to advancement in salary. Detailed evaluation criteria are listed in the personnel manual.~~

~~2.2.2 Criteria for Appointment and Promotion to the Research Professorial Ranks I through IV. Criteria for appointment and promotion through the professorial ranks are intended for those individuals willing to take responsibility for broader scientific issues at an individual level; are responsible for advancing their discipline through work recognized regionally, nationally, and internationally; and are subject to judgment by their scientific peers. Goals are long term and success is judged by successful fiscal support, effective project management, scientific recognition, and peer review publications.~~

~~(a) POST DOCTORAL APPOINTMENT or First Rank—this is a limited term appointment based on having successfully obtained a Doctor's degree or equivalent and having demonstrated superior capabilities in an appropriate subject area. Appointees are not voting members of the faculty. This appointment is made for 364 days or less and may be renewed twice by mutual agreement to a maximum period not to exceed three years. In the case of reappointment, appropriate recruitment procedures will be followed.~~

~~(b) ASSISTANT RESEARCH PROFESSOR or Second Rank—Doctor's degree and demonstrated superior expertise in an appropriate subject area; potential for continued professional growth through study and membership in professional organizations; potential ability to plan, initiate, and carry out research projects.~~

~~(c) ASSOCIATE RESEARCH PROFESSOR or Third Rank—qualifications of the previous rank, plus a record of successful planning, proposal preparation, and execution of research projects resulting in peer review publication or comparable productivity and capacity for further significant intellectual and professional achievement. Consideration shall also be given to a record of participation in graduate programs, in professional organizations, system committees, community services, and interaction with agencies from government and industry.~~

~~(d) RESEARCH PROFESSOR or Fourth Rank—qualifications of the previous rank, plus evidence of recognition by peers as an accomplished research scientist. Demonstrated expertise in initiating, planning, executing, and supervising research projects; a record of successful~~

funding for self and others as appropriate; research reporting in peer review publications, and papers presented at meetings, and comparable productivity. Consideration shall also be given to leadership and innovation in institute projects, to leadership and instruction roles in graduate programs and a record of successful counseling and leadership with younger staff members.

~~2.2.3—The Research Associate ranks provide a career structure for faculty members where expertise and skills lie in scientific, technological, and management support roles for specific Institute projects. Ranks I through III would normally provide such support. Rank IV Associate requires exceptional justification and responsibilities with skills and accomplishments comparable to Rank IV in the professorial rank.~~

~~(a) STAFF (insert occupational title) or First Rank—professional education as evidenced by a Bachelor's or higher degree in relevant field or demonstrated equivalent experience; capability of providing scientific, technical, and operational support to specific projects.~~

~~—Appointment or promotion to ranks II and III will be judged on ability to provide support in the following areas:~~

~~1. Specific professional ability of benefit to the Institute such as: computing software or hardware development; chemical analysis; engineering design; field project organization and supervision; instrument design and development; experimental design and implementation; etc.~~

~~2. Successful project development, promotion, and completion.~~

~~3. Staff supervision: direction of work, career development; cooperative interaction with other faculty.~~

~~(b) ASSISTANT RESEARCH (insert occupational title) or Second Rank—qualifications of the Rank I, plus demonstrated accomplishments in area 1 and potential for accomplishments in 2 and 3 as listed in 2.2.3a.~~

~~(c) ASSOCIATE RESEARCH (insert occupational title) or Third Rank—qualifications of the second rank, plus demonstrated proficiency in area 1 and areas 2 and/or 3 as listed in Section 2.2.2a.~~

~~(d) SENIOR RESEARCH (insert occupational title) or Fourth Rank qualifications of the third rank, plus demonstration of successful funding for self and others, excellent project management skills, and superior technical skills and publication of project results. Consideration shall also be given to counseling of junior faculty and staff, and to regular participation in professional organizations, system committees, community services, and interaction with agencies from government and peer review publications.~~

~~2.2.4 Research Faculty. Ranks above described, Sections 2.2.2 and 2.2.3, are herein defined as Research Faculty.~~

~~2.2.5 Joint Appointments. Faculty of Desert Research Institute may accept joint appointments in other institutions of the University and Community College System of Nevada with approval of the Executive Director of their Center and the President. The respective duties between Desert Research Institute and the other institution shall be worked out by the faculty member and the chairman of the department concerned and approved by the Center Executive Director at the beginning of each academic year. The average involvement in another institution shall not be in~~

excess of 49 percent of the faculty member's time, averaged over the period of an "A" contract. Promotion and salary increases shall be assessed in terms of the faculty member's contribution to each institution, with the assessment of the minor institution being advisory. Joint appointments between institutions shall maintain the same rank and salary of appointment as in the Desert Research Institute appointment. Titles on the teaching campuses shall be the equivalent academic title, viz., Assistant Professor, Associate Professor, Professor.

#### ~~2.2.6 Administrative and Support Staff Appointments.~~

~~(a) Professional support staff, whose function is entirely within the role of administration or other supporting activities, shall be classed in rank 0. Qualifications and salary are to be determined by the nature of the position. An appropriate title shall be assigned to each position.~~

~~(b) Advancement in salary shall be by performance objective and discussed at least annually with the appropriate supervisor. Any advancement in title within an existing administrative or support staff shall be subject to review by an appropriate committee.~~

#### ~~2.2.7 Criteria for Special Appointments.~~

~~(a) Adjunct Appointments. Any individual who is qualified in a particular field of knowledge and who is not employed by the University and Community College System of Nevada may receive an adjunct appointment in the Research Professor or the Research Associate ranks, provided that all the following conditions are met:~~

~~1. It must be clearly demonstrable that the services of the prospective adjunct faculty member will be of value to the research program of the Institute, comparable to those of regular members of the research faculty.~~

~~2. The recommendation for appointment is initiated by the center concerned, approved by the Executive Director and then submitted for approval to the President.~~

~~3. The prospective adjunct faculty member must fulfill the requirements for the corresponding position (i.e., without the title "Adjunct") as specified by the center concerned.~~

~~Adjunct faculty are non-voting members of the faculty.~~

~~(b) Visiting Distinguished Professor. Any distinguished individual may be appointed to a non-renewable position in the Research Professor or Research Associate ranks with the designation "Distinguished" for a period of not more than 364 days. The appointment is approved by the President who must be satisfied that the designation "Distinguished" is appropriate. The position carries full employee benefits. The appointees are non-voting members of the faculty.~~

~~(c) Graduate Research Assistants. A Graduate Research Assistant is an appointment offered to a student who is actively pursuing a higher degree in a department within the University and Community College System of Nevada. The terms of this appointment are specified on the contract form.~~

~~2.2.8 Emeritus/Emerita is an honor attained through appointment upon retirement from DRI. Emeritus/Emerita faculty are non-voting members of the DRI faculty. Any member of the DRI faculty holding in excess of 50% appointment in DRI for at least ten years (or ten years equivalent continuous service) who retires is eligible for appointment to Emeritus/Emerita DRI~~



Faculty. Upon retirement, the individual shall be nominated by the Center Director (or the equivalent supervisor) to the President who shall make the final recommendation to the Board of Regents. Any member of the faculty who retires after serving the Institute for less than ten years may be considered for such a promotion. However, conferral of the status in this case is regarded as exceptional and will be made only when the individual's service to the Institute has been judged outstanding.

Those retiring from DRI who have made substantial scientific/technological contribution during their appointment and have the same employment record in the Institute, shall be eligible for appointment to *Emeritus/Emerita Research Professor, Desert Research Institute*. Such eligibility shall be designated by the Center director on nomination, and further evaluated by an appropriate Faculty Senate committee, who shall make a concurrent recommendation to the President, who shall make the final recommendation to the Board of Regents.

(B/R 4/99)

~~2.2.9 Procedure for Promotion Between Ranks. Recommendations for promotion between all ranks are initiated by the Executive Director of the Center, and are submitted to the President for his review. In the case of promotion to Rank III, the Executive Director shall consult with a committee of faculty of at least three persons, which may include faculty of other University of Nevada Institutions, and may require outside evaluations by a peer group. The candidate for promotion may suggest persons for the review. In the case of promotion to Rank IV, the Executive Director shall consult with a similar committee and shall require outside evaluation by a peer group of at least three persons. Membership of committees shall be of rank equal to or higher than that rank into which promotion is being considered.~~

~~2.2.10 The President shall establish a DRI-wide promotion and appointment committee, to include an Executive Director from a Center, and three Rank IV and three Rank III voting faculty. Both promotional track (Associate and Professorial) must be represented on the committee and will be selected by the President. The President will also select the committee chair. Committee membership will normally be for a three-year term. The committee will evaluate all recommendations for promotions and appointments to Ranks IV and III and will make specific recommendations to the President in a timely manner. (B/R 6/02)~~

~~2.2.11 Advancement in Salary.~~

~~(a) Salary increases shall be determined by the Center Executive Director or Vice President in consultation with the President based on COLA, merit promotion and equity.~~

~~(b) The salaries of the Center Executive Directors will be determined by the President.~~

~~(c) The salaries of research personnel will be determined by professional stature, supply and demand, and their ability to devise, execute and fund programs.~~

~~2.2.12 Detailed procedures for Faculty Performance Evaluation are published in the Personnel Manual for the Faculty of the Desert Research Institute.~~

~~2.2.13 Grievance Procedures. Details of the grievance procedure are presented in the Personnel Manual for the Faculty of the Desert Research Institute.~~

~~2.2.14 Sabbatical Leave. Faculty of the DRI are eligible for sabbatical leave. Procedures for sabbatical leave are described in the Personnel Manual for the Faculty of the Desert Research~~

~~Institute and the University and Community College System of Nevada Code and the Board of Regents Handbook, Chapter 3, Section 9.~~

### ~~Section 2.3—Resignations~~

~~Written notification of resignation will be given at least one month before the resignation is to take effect. Faculty members are free to resign at any time with one month written notice without forfeiture of accumulated annual leave or other privileges to which they would otherwise be entitled.~~

~~(B/R 5/92)~~

### ~~CHAPTER 3—Amendment Procedure.~~

~~Amendment of the Desert Research Institute Bylaws. An amendment to these Bylaws may be proposed and submitted to the President's Office by (1) 20% of the voting faculty of DRI, (2) the Faculty Senate, (3) the President, (4) the Chancellor, or (5) any member of the Board of Regents. The President shall refer all amendment proposals to the Faculty Senate within 2 working days of submission.~~

~~3.1—Faculty Approval. Proposed amendments shall be reviewed and recommendations prepared by the Faculty Senate at its next scheduled meeting. Faculty approval shall consist of a two-thirds majority approval in a secret ballot of the voting faculty. For the ballot to be valid, at least two thirds of the eligible voters must vote. If the proposed amendment comes to the President from the Faculty Senate, having been through the faculty approval procedure given above, that shall be considered to have met the requirement for submittal by the President to the Senate.~~

~~3.2—Administrative Acceptance. The President, upon receipt of the results of the faculty vote, shall either forward the amendment to the Regents for approval or shall inform the Faculty Senate of his rejection of the amendment and his reasons for that rejection within 30 working days. Should the Regents approve the amendment, such approved amendments shall be distributed by the President to the entire faculty. Should the Regents reject the amendment, the President shall so inform the Faculty Senate with the President's best assessment of the reasons for the rejection within 30 working days. On amendments of the Bylaws of the Institute, the faculty (through the Faculty Senate) may appeal a decision of the President directly to the Chancellor or the Regents.~~

~~(B/R 5/92) ]~~