

Discipline of the Presidents and Chancellor

On October 14, 2022, the ad hoc Committee to Review the Roles and Responsibilities of the Chancellor met and walked through a discussion guide that was utilized to facilitate conversation and establish consensus on issues previously raised by the committee that were considered critical decisions concerning the role of the Chancellor as chief executive of the system. In its discussion, the Committee discussed the discipline of Presidents and the Chancellor. Currently, the discipline procedures for presidents are included in the Chancellor's job description at *Title*

POLICY PROPOSAL
Title 1, Article VII, new Section 5
Discipline of Presidents

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

INSERT THE FOLLOWING NEW SECTION 5:

Section 5. Discipline of Presidents

a. Discipline for Cause.

5. Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.
6. Intentional misrepresentation of a material fact that has a substantial adverse impact on the System, its member institutions or its special units.
7. Conviction of any criminal act involving moral turpitude.
8. Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes, while on duty, due consideration being given to NRS 284.379.
9. Unauthorized absence from duty or abuse of leave privileges.
10. Personal or professional conduct which shows that the President is unfit to remain in the position or which has an ascertainable harmful or adverse effect on the efficiency of the institution.

d. Disciplinary Procedure.

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

e. Effect of Termination on Compensation of President.

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

POLICY PROPOSAL
Title 1, Article VII, new Section 6
Discipline of the Chancellor

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

INSERT THE FOLLOWING NEW SECTION 6:

Section 6. Discipline of the Chancellor

a. Discipline for Cause.

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

1. Issue a warning;
2. Issue an oral or written reprimand;
3. Recommend termination of the employment contract. The Chair and Vice Chair cannot independently terminate the Chancellor but shall take the recommendation for termination to the Board for approval.

If there is disagreement between the Chair and Vice Chair in regard to disciplinary action for the Chancellor, the Chair of the Board's Audit, Compliance and Title IX Committee shall be consulted to reach agreement. If the Chair of the Audit, Compliance and Title IX Committee is in the role of Vice Chair of the Board, the Chair of the Budget, Finance and Facilities Committee shall be consulted to reach agreement.

b. Progressive Discipline.

Except in cases of serious violations which have a substantial negative impact on the

5. Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.
6. Intentional misrepresentation of a material fact that has a substantial adverse impact on the System, its member institutions or its special units.
7. Conviction of any criminal act involving moral turpitude.
8. Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the Nevada Revised Statutes, while on duty, due consideration being given to NRS 284.379.
9. Unauthorized absence from duty or abuse of leave privileges.
10. Personal or professional conduct which shows that the Chancellor will not remain in the position or which has an ascertainable harmful or adverse effect on the efficiency of the institution.

d. Disciplinary Procedure.

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

e. Effect of Termination on Compensation of Chancellor

1. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the Chancellor does not hold tenure, the Chancellor shall not be entitled to the payment of any salary and shall not be entitled to payment of any remaining housing allowance, automobile allowance, host account, other perquisites or salary supplements funded by a foundation.
2. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the Chancellor does hold tenure in an appropriate academic department of a System institution, the Chancellor shall be reassigned from the Chancellor position to an employment position as a full time member of the academic faculty of the institution and shall not be entitled to the payment of any remaining salary, allowance, automobile allowance, host account, other perquisites or salary supplements funded by a foundation which are set forth in the terms of the Chancellor's employment contract. Upon termination for any of the causes set forth in Section c hereinabove and reassignment to a tenured position, the Chancellor's salary shall be no more than that of a leading academic faculty member in the field or discipline to which the outgoing Chancellor is reassigned.