TO: Faculty Senate Chair Shannon Sumpter

FROM: Ad Hoc Committee on Executive Administrative Hires

DATE: January 2, 2013

SUBJECT: Final Committee Report

The Ad Hoc Committee on Executive Administrative Appointments was charged to
• study and recommend bylaw article revisions and/or best practices for Dean searches
• study and recommend bylaw article revisions and/or best practices for Vice Presidential searches
• study and recommend bylaw article revisions and/or best practices for faculty consultation regarding interim appointments of Deans or Vice Presidents

The committee membership included:
1. Committee Chair appointed by Faculty Senate Executive Committee – Bryan Spangelo
2. A Faculty Senator at large appointed by the Executive Committee – Rhonda Montgomery
3. Chair of the University Bylaws committee or his/her designee – Michael Mezja
4. Chair of the Campus Affairs committee or his/her designee – Bill Robinson
5. Chair of President’s Advisory Committee or his/her designee – declined
6. Chair of Administrative Faculty Committee or his/her designee – Harriet Barlow
7. General Counsel or his/her designee – ex officio representation
8. Vice President for Diversity Initiatives or his/her designee – Harriet Barlow
9. Director of Human Resources or his/her designee – Larry Hamilton

The Committee met on 11-28-12 to discuss its charge and define the scope of recommendations. A subsequent meeting on 12-13-12 resulted in this final report.

Committee Recommendations – UNLV Bylaws and Policies

In Chapter II of the UNLV bylaws the Committee recommends the addition of the following bylaw language to Section 10.2 Campus Committees:

“Recruitment and Screening Committee members shall not apply nor be considered for the permanent position targeted by the search, unless or until the search fails and a new Recruitment and Screening Committee is formed”.

As to policy, the Committee recommends adding a “conflict of interest” statement to the Confidentiality Acknowledgement & Agreement For Individuals Participating in Employment Searches that is signed by all members of a search committee. One suggested form of this statement is:

“As a Recruitment and Screening Committee member I understand it is a conflict of interest for a committee member to participate in candidate
interviews and committee deliberations with the intent of submitting an application for the position under consideration.”

In Chapter II, Section 10.5.1 of the UNLV bylaws the Committee recommends clarifying the nature of “consultation” for the appointments of interim deans and interim assistant/associate deans. In addition, two subsections (10.5.2 – The Graduate Dean; 10.6 – Dean of Libraries) should have this language added which is found in Section 10.5.1 [Academic Deans and Directors of Schools]:

“The Executive Vice President and Provost may appoint an interim [Graduate Dean or Dean of Libraries] only after consulting with the affected faculty of the [college or library]. Such consultation shall be in accordance with unit bylaws and established policies and procedures.”

As to clarification of “consultation”, the Faculty Senate Bylaws Committee has recommended this addition of a new Section 2.3.4 in Chapter I of the UNLV Bylaws. Our ad hoc committee endorses this “consultation” definition, which is under consideration by the Faculty Senate:

“As used within these bylaws, “consultation” with the affected faculty shall be organized by the Senators of the affected unit led by the Senior Senator of that unit. “Consultation” shall be advisory and may include surveys or polling of the Faculty, or other means as appropriate in the affected unit.”

In Chapter II, Section 10.4 of the UNLV bylaws the Committee recommends the additional clarification of “faculty consultation” in the event of interim appointments of vice presidents or the director of intercollegiate athletics. The scope and tone of this bylaw addition should be similar to that in Section 10.5 for interim dean appointments and should be added to a new Section 10.4.5:

“In the case of a failed search or an open position, the President may appoint an interim vice president or intercollegiate athletics director only after consulting with the Faculty Senate Executive Committee and the affected faculty of the unit.”

Committee Recommendations – Nevada System of Higher Education HANDBOOK

The appointment of administrators is described in Chapter 1, Section 1.6.1 of the CODE found in the HANDBOOK. In this section we find that:

“The appointment of the heads of administrative units below the level of vice president within a System institution, including department chairs, and all other persons reporting directly to the institutional president shall be made by the president. In the process of making such an appointment, president or his or her designee shall consult with faculty of the appropriate administrative unit.”

As noted above, this NSHE mandated consultation should be clarified in the institutional bylaws.
One of the concerns of this Committee is the selection of candidates from diverse applicant pools. As an outcome to this concern, the Committee strongly recommends that UNLV follows the General Policy of the Board of Regents on Equal Employment Opportunity (Title 4, Chapter 8, Section 3) with respect to the annual evaluation of rank and salary of minorities, women, and all protected classes. This will verify if, on an annual basis, “rank and salary determinations are made in an equitable manner” (emphasis added). Compliance of this annual evaluation is the responsibility of the president, vice presidents, deans and other administrative officers (Title 4, Chapter 8, Section 4). Proper application of this Title 4 policy should provide UNLV with the grounding and reputation it requires to continue to attract women, persons with disabilities, and other protected classes to its executive and academic faculty searches and ranks.

Title 4, Chapter 8, Section 3 states in part: “Further, affirmative action requires that the rank and salary of minorities, women, persons with disabilities (including veterans with service-connected disabilities), persons with military obligations or military status, and other protected classes presently employed by the Nevada System of Higher Education be evaluated annually in order to insure that rank and salary determinations are made in an equitable manner.”

The Committee recommends that the institution adhere to the Implementation Policies found in Title 4, Chapter 8, Section 7 (Implementation Policies), particularly Sections 7c and 7d. The Committee further recommends that the Faculty Senate Bylaws Committee determine if College bylaws or policies need modifications to support implementation of Title 4, Chapter 8, Section 7.

The Committee recommends that the institution adhere to the Implementation Policies found in Title 4, Chapter 8, Section 8 (Academic Reporting and Monitoring). The Committee further recommends that the Faculty Senate Bylaws Committee determine if College bylaws or policies need modifications to support implementation of Title 4, Chapter 8, Section 8.

The Committee recommends that the institution adhere to the Implementation Policies found in Title 4, Chapter 8, Section 9 (Monitoring and Reporting). The Committee further recommends that the Faculty Senate Bylaws Committee determine if College bylaws or policies need modifications to support implementation of Title 4, Chapter 8, Section 9.

SUMMARY RECOMMENDATIONS AND ACTION ITEMS

POLICY CHANGES

The Committee strongly recommends the immediate use by Human Resources of a revised Confidentiality Acknowledgement & Agreement For Individuals Participating in Employment Searches. Adoption of this form by Human Resources will be for committees of all academic and administrative faculty searches (attached).
BYLAW AMENDMENTS
The Committee strongly recommends amendments to UNLV Bylaws Chapter II, Sections 10.2, 10.4, 10.5, and 10.6. The Chapter II Section 10.2 bylaw will prevent Recruitment and Screening Committee members from applying to the open position under consideration. The Chapter II Sections 10.5 and 10.6 bylaw amendments will further expand faculty consultation to interim appointments of the Graduate College Dean (10.5.2) and Dean of Libraries (10.6). A new Chapter II Section 10.4.5 bylaw will expand faculty consultation to interim appointments of Other Vice Presidents, Vice President of Student Life, and the Director of Intercollegiate Athletics.

The Committee strongly endorses the bylaw addition in the UNLV Bylaws Chapter I, Section 2.3.4, which is under consideration by the Faculty Senate. The Committee believes that the Faculty Senate should approve this bylaw addition which defines the use of “consultation” in the institutional bylaws.

HANDBOOK REQUIREMENTS
Although not strictly within the stated charges to the Committee, we strongly believe that concerns of adequate diversity in all institutional searches and hiring outcomes should be continually evaluated throughout the university hiring process. As to best practices, the Committee strongly recommends a renewed institutional commitment to the Board of Regents Handbook bylaw language found in Title 4, Chapter 8, Sections 3, 4, 7, 8, and 9. The president, vice presidents, deans, and other administrative officers should annually address disparities in salaries and ranks of minorities, women, and other protected classes as described in Section 3. Adoption and execution of Implementation Policies (Section 7) fall to responsible administrators, and the Committee further recommends that the Faculty Senate Bylaw Committee review college bylaws and policies. Section 7 requires that responsible administrators must state the steps used to correct under-utilization of women, minorities, and other protected classes in the institutional workforce. Further, the university must “set realistic employment, promotional, and programmatic goals ...”.

These shared areas of responsibility and commitment also hold for Academic Reporting and Monitoring (Section 8) and Monitoring and Reporting (Section 9). Section 8 requires the use of checklists and summaries of affirmative action taken in the recruitment process, and reasons why minorities, women, and members of other protected classes are not hired. Section 9 requires all departments to report reasons why a woman, a minority, or other member of a protected class was not hired or promoted. These reports must be monitored to ensure that only job-related criteria are used as the basis of hiring and promotion actions.
UNLV Bylaws

CHAPTER II - Policies and Procedures Relating to Educational Policy

Section 10. Selection of Members of System and Institutional Committees

10.1 System Committees. The members of the University System committees are appointed by the Chancellor. (Nevada System of Higher Education Code, Chapter I, Section 1.4.11.)

10.2 Campus Committees. The president may appoint faculty members to committees. The president has delegated authority to the Faculty Senate to appoint and/or elect members to the standing committees of the Faculty Senate listed in Chapter I, Section 4.6, and for these committees to function pursuant to their charges. (B/R 12/04)

10.3 Institutional Advisory Committee to Assist the Presidential Search Committee. The Institutional Advisory Committee shall consist of 5 faculty members who have been nominated to the Chair[man] of the Board of Regents. These nominees shall be elected from each college, the library, and the professional staff unit. Three administrators shall be nominated by the administration, a senator elected by the Faculty Senate, one graduate student elected by the Graduate Student Association, one student shall be nominated by the CSUN Senate and one alumnus shall be nominated by the executive committee of the Alumni Association Board of Directors. Such other persons as may be deemed necessary may be included by the Chair of the Board of Regents. The affirmative action officer shall serve ex-officio. This committee and the Presidential Search Committee shall review all applications for the position and shall meet jointly at the call of the chair of the Presidential Search Committee to discuss the qualifications of applicants and the recommendations of the Institutional Advisory Committee before the Presidential Search Committee schedules candidate interviews. The committees may jointly interview and evaluate candidates, after which the Presidential Search Committee shall meet to select its nominee or nominees for consideration by the Board of Regents. (B/R 10/98)

10.4 Recruitment and Screening Committee for Vice Presidents and the Vice President of Student Life, and Director of Athletics. (B/R 10/01)

10.4.1 Executive Vice President and Provost. The president shall convene a recruitment and screening committee which shall consist of one elected member from each college and the library, one elected member of the Academic Council, a senator elected by the Faculty Senate, one graduate student elected by the Graduate Student Association one alumnus shall be nominated by the executive committee of the Alumni Association Board of Directors, and one undergraduate student elected by the CSUN Senate. (B/R 10/98)

10.4.2 Other Vice Presidents. The president shall convene a recruitment and screening committee which shall consist of one faculty member chosen from among the units or departments reporting to the vice president in question, two academic faculty members elected by the Faculty Senate, two members of the nonacademic faculty elected by the Professional Staff Unit, one elected member of the Academic Council, one graduate student elected by the Graduate Student Association, one student elected by the CSUN Senate, one alumnus shall be nominated by the executive committee of the Alumni Association Board of Directors, and any nonvoting members selected by the president. (B/R 10/98)

10.4.3 Vice President of Student Life. (B/R 10/01) The president shall convene a recruitment and screening committee which shall consist of five members of the Student Services faculty elected by the Student Life
faculty, one academic faculty member elected by the Faculty Senate, one member of the nonacademic faculty elected by the Professional Staff Unit, one administrator elected by the Academic Council, one graduate student elected by the Graduate Student Association, one student elected by the CSUN Senate, one alumnus shall be nominated by the executive committee of the Alumni Association Board of Directors, and any nonvoting members selected by the president. (B/R 3/03)

10.4.4 Director of Intercollegiate Athletics. The president shall convene a recruitment and screening committee which shall consist of six members of the athletics faculty elected by the athletics faculty, one graduate student elected by the Graduate Student Association, one student elected by the CSUN Senate, one nonacademic faculty member elected by the Professional Staff Unit (excluding athletics), one academic faculty member elected by the Faculty Senate, one member elected by the Intercollegiate Athletic Council, one alumnus shall be nominated by the executive committee of the Alumni Association Board of Directors, and such nonvoting members as the president and/or committee shall appoint. (B/R 10/98)

10.5 Recruitment and Screening Committee for Deans and Directors of Schools.

10.5.1 Academic Deans and Directors of Schools. The Executive Vice President and Provost shall convene a recruitment and screening committee which shall consist of six faculty members elected by the college faculty in accordance with college bylaws, one dean or director appointed by the Executive Vice President and Provost from the Academic Council (ex-officio and non-voting), one graduate student elected by the Graduate Student Association, one student democratically elected by the CSUN Senate, and any nonvoting members selected by the Executive Vice President and Provost. For schools that are part of colleges, four members of the committee shall be elected from among the school faculty and two members shall be elected from outside the school but within the college. The Executive Vice President and Provost may appoint an interim dean only after consulting with the faculty of the college/school. Such consultation shall be in accordance with unit bylaws and established policies and procedures. (11/09) (B/R 10/98)

10.5.2 The Graduate Dean. In recruiting and screening candidates for the Graduate College deanship, the Executive Vice President and Provost shall convene a recruitment and screening committee which shall consist of graduate faculty members, one each elected by the graduate faculty of each college in accordance with college bylaws; a senator elected by the Faculty Senate, one dean or director appointed by the Executive Vice President and Provost from the Academic Council (ex-officio and non-voting); a graduate student elected by the Graduate Student Association, and any nonvoting members selected by the Executive Vice President and Provost. (B/R 12/04)

10.6 Recruitment and Screening Committee for the Dean of Libraries. The Executive Vice President and Provost shall convene a recruitment and screening committee which shall consist of six professional librarians elected from the library faculty, one member of the library classified staff elected by the library classified staff, two faculty members elected by the Faculty Senate, a member of the Academic Council elected by the Council, one graduate student elected by the Graduate Student Association and one student elected by the CSUN Senate. (B/R 10/98)

10.7 Recruitment and Screening Committee for the Museum Director. The Executive Vice President and Provost shall convene a recruitment and screening committee which shall consist of six members of the museum faculty elected by the museum faculty, two faculty members elected by the Faculty Senate, one member of the Academic Council elected by the Council, one graduate student elected by the Graduate Student Association and one student elected by the CSUN Senate. (B/R 10/98)

10.8 Selection of Department Chairs, Associate/Assistant Deans, and School Directors. Except as provided in Section 10.8.5, the department chairperson or school director is the person, regardless of contractual title, who prepares the annual evaluations of academic faculty in a department. Chairs and directors are appointed by the president in accordance with Chapter 1, Section 1.6 of the NSHE Code. (11/09)

(a) The departmental or school faculty shall nominate the chairperson/director, including external candidate, by vote according to departmental or school bylaws.
(b) In the event the departmental or school faculty is unable to nominate a chairperson, the appropriate dean shall nominate the chairperson after giving faculty of the department or school and related departments no less than two working days prior notice of that nomination.

(c) In the event that the candidate for chairperson nominated by the faculty is unacceptable to either the dean or the provost, the department or school shall be provided the opportunity to either nominate another candidate, or make its case directly to the president. If the department or school is unable to nominate a chairperson acceptable to the president, the appropriate dean shall nominate the chairperson after giving faculty of the department or school and related departments no less than two working days prior notice of that nomination.

(d) The dean may nominate an interim chair from outside the department or school for a period of one academic year.

(e) No search for an external chair shall be conducted without prior notice to the department or school faculty of no less than two working days.

(f) The dean may appoint an associate/assistant dean, permanent or interim, from within the college or school only after consulting with the faculty of the college/school. Such consultation shall be in accordance with unit bylaws and established policies and procedures. (11/09)

Nevada System of Higher Education HANDBOOK

TITLE 2 - Nevada System of Higher Education CODE
CHAPTER 1 – ORGANIZATION AND ADMINISTRATION OF THE NEVADA SYSTEM OF HIGHER EDUCATION

Section 1.6.1 – Appointment of Administrators
(a) The appointment of the heads of administrative units below the level of vice president within a System institution, including department chairs, and all other persons reporting directly to the institutional president shall be made by the president. In the process of making such an appointment, the president or his or her designee shall consult with faculty of the appropriate administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the president. Department chairs as administrators shall be directly responsible to their departments. (B/R 1/04)

(b) The appointment of vice presidents reporting directly to the institutional president, including interim or acting appointments, shall be subject to the approval of the chancellor. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the chancellor approves the appointments. Vice presidents shall serve in such positions solely at the pleasure of the institutional president. The appointment of vice presidents shall be reported to the Board of Regents by the president.

1.6.3 Recruitment. The procedures for recruitment and screening of candidates for administrative positions described in this section shall be included in the institutional bylaws. Procedures for recruitment and screening for the position of director of the Nevada System of Higher Education Computing Services shall provide for representation in the recruitment and screening process from all System institutions.
TITLE 4 - Codification of Board Policy Statements
CHAPTER 8 – STUDENT RECRUITMENT AND RETENTION POLICY, EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM FOR THE NEVADA SYSTEM OF HIGHER EDUCATION

Section 3. – General Policy of the Board of Regents on Equal Employment Opportunity
It is hereby resolved that the reaffirmed policy of the Nevada System of Higher Education shall be to promote equal opportunity of employment or reemployment for members of minority groups, women (including women with pregnancy related conditions), persons with disabilities (including veterans with service-connected disabilities), persons with military status or military obligations, and members of other protected classes in all positions. Consistent with statutory and legal requirements, any affirmative action necessary to address deficiencies shall include, but not be limited to, active recruitment among minority groups, women, persons with disabilities (including veterans with service connected disabilities), persons with military status or military obligations, and other protected classes and the creation of programs designed to lead to their qualification for both academic and classified positions.

This affirmative action is not discrimination in reverse; rather, it is a program designed to expand the group of qualified people from whose ranks appointments can be made.

Further, affirmative action requires that the rank and salary of minorities, women, persons with disabilities (including veterans with service-connected disabilities), persons with military obligations or military status, and other protected classes presently employed by the Nevada System of Higher Education be evaluated annually in order to insure that rank and salary determinations are made in an equitable manner. (B/R 12/09)

Section 4. – Responsibility for Compliance
1. The Board of Regents and the Chancellor have delegated to each President the responsibility for insuring that each administrative unit complies with the terms of the Equal Opportunity and Affirmative Action policies set forth by the Nevada System of Higher Education, as well as all applicable Federal and State statutes, laws, orders, and regulations.

2. Vice Presidents, deans, and other administrative officers have the direct responsibility for the compliance of the administrative units under their jurisdiction with the System Equal Opportunity and Affirmative Action policies and with the Federal and State statutes, laws, orders, and regulations.

Section 7. – Implementation Policies
1. At the institutional level, responsible administrators must:

a. Identify a person or persons to be responsible for Affirmative Action and Equal Opportunity.

b. Analyze the composition of the institution’s workforce to determine the existence of any under-utilization of women, minorities, persons with disabilities, or other protected classes.

c. State steps that will be taken to correct any such under-utilization.

d. Set realistic employment, promotional, and programmatic goals (i.e. the recruitment of minority and female students into fields of study that will prepare them for positions in which such persons are currently under-utilized) that will accomplish the general purpose of this Affirmative Action Program.

e. Continue the active recruitment of members of minority groups, women, persons with disabilities, and other protected classes. For professional personnel, this effort is not restricted to the demographic areas from which the Nevada System of Higher Education normally draws its personnel but is expanded to include any areas, nationwide, where qualified minorities, women, and persons with disabilities may be located.
Section 8. – Academic Reporting and Monitoring
The administrative units must utilize checklists and summaries of the steps of affirmative action taken in the recruitment process and submit them with the employment document to the appointing authorities. These checklists and summaries must identify all final candidates interviewed for the position by sex and race, and also identify the person nominated for the position by name, race, and sex. If minorities, women, persons with disabilities (including veterans with service connected disabilities), persons with military status or military obligations, or members of other protected classes were referred as final candidates for the position and not hired, an explanation must be given as to the reason they were not hired. All unit files must include a list of recruitment sources. (B/R 12/09)

Section 9. – Monitoring and Reporting
Departments are required to report the reasons that a woman, a minority, a person with a disability (including a veteran with a service-connected disability), a person with military status or military obligations, or a member of a protected class was not hired or promoted. These reports will be monitored to insure that the hiring or the promoting is made on the basis of job-related criteria and is not discriminatory. (B/R 12/09)