The Faculty Senate Chairs are concerned about two of the proposed Code revisions coming before the Board of Regents as action items in December: Transfer of Administrators and Shortened Notice of Termination. We appreciate the willingness of the Board of Regents, Chancellor, and Vice Chancellors Nielsen and Abba to discuss these Code revisions with the Faculty Senate Chairs in advance of the Board’s final decision. The Faculty Senate Chairs and their Senates are extremely concerned about the adoption of these Code revisions as currently proposed for the following reasons:

**Regarding:**

**Section 5.9.6 Shortened Notice of Termination for Administrative Faculty hired on or after December 15, 2015, Except DRI.**

The proposed policy needs clarity. There are existing policies that address this issue and the proposed policy appears to contradict other policies already present within the current code. For example:

**Title 2 Section 5, Personnel Policy for Faculty.** Sections 5.2.3 and 5.2.4 allow for up to 15 days for the terminated faculty to request a statement explaining reason for termination. After this request the administrator has up to 15 days to respond, and then the faculty has an additional 15 days to request reconsideration. The timeline in this policy exceeds the 30 day timeline proposed in the new policy for hires having up to two years of service. We recommend that the new policy provide no less than 90 days termination notice for new employees and 180 days for employees with three or more years of service. Additionally, if the notice is given between January and July, we recommend that the notice be issued with an effective date of July 1, allowing the outgoing employee to find employment, and the recruiting unit to find a qualified candidate consistent with the academic calendar schedule.

Reference: 
http://system.nevada.edu/tasks/sites/Nshe/assets/File/BoardOfRegents/Handbook/T2CH05PersonnelPolicyforFaculty.pdf

While the new policy is not intended to address termination for cause, there is concern that it could be used in place of the guidelines set forth in Chapter 6, Section 6.2 (Rules and disciplinary procedures for faculty except DRI and degree revocations). Sections 6.2 and 6.3 of this policy address dismissal for cause with proposed timelines found in 6.6.2. It includes the right to notice for the employee prior to a reprimand, follow-up guidelines, and requirements of documentation. At a minimum, an employee should be provided feedback and opportunities to improve with the timelines are already described in Section 6.

Reference: 
http://system.nevada.edu/tasks/sites/Nshe/assets/File/BoardOfRegents/Handbook/T2CH06RulesandDisciplinaryProceduresforMembersoftheUniversityCommunityExceptDRI(2).pdf

Administrative Faculty are an essential part of our institutions. It is critical that we attract the best and brightest Administrative Faculty. Substantially reducing the termination notification will not only hurt us in hiring, but also in retention. Many administrative faculty positions are very specialized in nature. A position where an employee is dismissed/displaced may likely require a national search and relocation to find an equivalent replacement. This takes much more than 30-45 days. The hiring cycle for faculty to obtain new positions is limited and generally takes place during the spring, for a fall start date. The benefit of termination notification is one of the attractions of working in higher education, and this
makes us a strong competitor in the marketplace for high quality employees. Do we want our best Administrative Faculty continually looking for other positions? How does the 30-45 days of termination notice compare with other higher education systems? NSHE employees have endured enough reductions in benefits and compensation, why are we asking them to give up more benefits when there are already policies in place? This type of action creates poor morale and loss of trust in the workplace. The policy should not be used to remove problem employees; this procedure is already described in Chapter 6. Therefore the application of the revised policy should only be for removing Administrative Faculty for a specific set of reasons that should be stated. The application of this policy and under what conditions it applies must be clearly defined. We believe the policy would negatively impact the System’s ability to achieve its goals of retaining and recruiting high quality employees in the future and hinders the institution’s goal of obtaining Carnegie status or being a top tier system.

Another area of concern is Administrative Faculty who have served NSHE and the institutions for 10, 20 or even 30 years, would be treated the same as someone who has served three years. To lose Administrative Faculty with the wealth of knowledge of a long-term employee would cost the System more money in recruitment and training. The Chairs strongly suggest term of service to NSHE be considered, and reevaluate if these policy revisions are in the long-term best interest of NSHE. Do not let isolated difficulties impact the large number of excellent Administrative Faculty.

Based on the aforementioned concerns, the Faculty Senate Chairs respectfully ask the Board of Regents to consider this policy change carefully since shortening the termination notice is misaligned with the current policy in Title 2, Section 5 and provides supervisors with the ability to bypasses the established employee review procedures, thus reducing or removing a supervisor’s responsibilities to address areas of concern. The proposed policy does not recognize term of service and is inconsistent with recruiting and retaining high quality employees, crucial to improving the quality of our institutions. We ask that any changes being made are based on a scaled service date approach and a review is done to evaluate similar policies at other higher educational institutions. We should not be trying to match our policies to those of the private industry. Higher education institutions are fundamentally different than the private sector, including the benefit of job stability and security. We would also lose the ability of our administrative faculty to speak freely without fear of retribution. Our employees often choose the stability and security offered by a higher education system in lieu of higher pay. We cannot continue to reduce our employee benefits and expect to succeed.

Regarding:

Section 5.4.9b Transfer of Administrators (Administrative Faculty)

The Faculty Senate Chairs are also concerned about the proposed policy to transfer Administrative Faculty.

1. The risk of being transferred without consent is a serious concern for the faculty.
2. The proposed policy does not allow transfers between the south and north locations without faculty approval. It states, “Transfer between northern and southern (including DRI-north and
DRI south), and between GBC and Reno/Carson institutions without the employee’s consent would be prohibited (if consent is given, moving costs would be provided in accordance with state law).” However, any transfer of a significant distance (e.g., more than 50 miles) could be a financial hardship for the transferred administrator and for the institutions. There is not a provision for where the administrator will fit in the new institution. Would they displace other administrative faculty with less years of service if they are transferred to an institution with a limited budget?

3. What happens to faculty who are eligible for tenure; do they still get to pursue tenure in the new institution, possibly affecting another employee’s pursuit, or should they be allowed to continue to pursue tenure in the original institution where they started?

4. There is no timeframe stated for when the administrator will be consulted and when the move would happen. How much notice will the administrator have for relocation?

5. There is concern about the impact of this policy on the ability of institutions to recruit quality candidates for the specific areas, especially if it is known they could get transferred from a Community College to a University and vice versa. Each institution recruits based on the quality of life in the local area and the career choices of the employees.

6. The Chairs are concerned with the statement, “Before making such a recommendation, the Chancellor shall consult with the presidents of the institutions affected by the transfer and the administrator(s) being recommended for transfer.” The term “consult with” is concerning because it states that the President and the administrator being transferred do not need to agree.

7. If the administrator does not want to relocate, what recourse do they have? Can they file a grievance? This is not stated in the policy amendment. The suggested policy does include evaluating alternative options, but there is no language providing options if the administrator or President does not agree to the transfer.

8. The provisions are based on the definition of “Administrators” in Section 1.1(b) of the Code: “Administrators” means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents. This definition includes all levels of administrative faculty from entry level to Deans and Vice Presidents. If it is meant for specific levels, this needs to be in the language.

9. Not all Faculty Senates include Administrative Faculty. The policy should be vetted with those Administrative Faculty Senates for notice and input.

Thank you for the opportunity to express our concerns and for your consideration in reviewing these code revisions.

Respectfully,

NSHE Faculty Senate Chairs