NEVADA SYSTEM OF HIGHER EDUCATION
PROCEDURES AND GUIDELINES MANUAL

CHAPTER 2

APPOINTMENTS AND EVALUATIONS

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Section 1. Appointments and Vacancies of System Officers

A. Resignations from the Office of Chancellor or President of a member institution shall be addressed to the Chair of the Board of Regents, and to the Chancellor in the case of a President's resignation. The Chair of the Board of Regents shall accept such resignations only in writing, and the Chair of the Board of Regents shall notify promptly the Board of Regents of such resignations.

B. The Chancellor shall notify the other members of the Board of Regents if a vacancy has occurred or is about to occur in the Office of President of a member institution in cases where the vacancy in question is caused by other than a resignation. The Chair of the Board of Regents shall notify the other members of the Board if a vacancy has occurred or is about to occur in the Office of Chancellor in cases where the vacancy in question is caused by other than a resignation.

C. In accordance with *Handbook* Section 1.5.4(d), whenever a vacancy occurs or is about to occur in the Office of Chancellor, or when the Chancellor notifies the Chair of the Board of Regents that the Chancellor has resigned, the Chair and Vice Chair of the Board of Regents shall present a recommendation to the Board of Regents for an acting or interim Chancellor.

D. In accordance with *Handbook* Section 1.5.4, in the case of a vacancy in the Office of Chancellor and an action by the Board to commence a search, the Chair of the Board of Regents will appoint a Regent Chancellor Search Committee and the Board of Regents shall determine if a search firm will be hired. The Chancellor Search Committee will oversee the details of the search. The budget for the search shall be established by the Chair of the Board of Regents in consultation with the Chief of Staff to the Board of Regents, Chancellor, Chief General Counsel, and Chair of the Chancellor Search Committee.

E. In accordance with *Handbook* Section 1.5.4(i), if the Board determines to engage the services of a Search Consultant, the Chief of Staff to the Board of Regents shall, in consultation with the Chair of the Chancellor Search Committee and the Chancellor, and in accordance with applicable Board policies and procedures, select at least three possible Search Consultants for consideration by the Chancellor Search Committee at its first meeting. The Chancellor Search Committee shall select the Search Consultant at its first meeting.

F. As of December 1, 2005, the total costs of presidential searches will be the obligation of the System institution requiring the search. Excluded are any costs for travel by System staff or the Board of Regents as required by the search process.

G. In the case of a vacancy in the position of provost at a member institution, unless an exception is approved by the Board of Regents, the institution shall conduct a national search for the purpose of recruiting and screening candidates for the position for consideration of appointment by the institution's President. As used in this paragraph, "provost" means the second highest ranking executive and administrative officer of the University or state college.

(B/R 6/84, 3/04; Added 6/05; A 1/06, 12/09, 6/13, 9/17, 3/18, 12/19, 4/24)

Section 2. Executive Evaluations

1. ANNUAL EVALUATION OF NSHE PRESIDENTS

A. The purpose of the annual evaluation is to provide regular support and ongoing, constructive feedback so that Presidents may know how the Board and the Chancellor view their effectiveness as well as areas that may be improved upon. The review process provides the opportunity for reflection on the condition of the institution and the leadership demonstrated by the President. It also provides an opportunity for the President and Chancellor, Chair and Vice Chair of the Board to discuss personal and institutional goals for the next evaluation period.

The annual evaluation will be based on the President's Self-Evaluation Report and on progress toward and achievement of the institutional goals established in the institution's strategic plan and goals adopted by the Board which will be measured by institutional metrics and corresponding targets.

1) The President will prepare an annual confidential Self-Evaluation Report and submit it to the Chancellor, Chair and Vice Chair of the Board on a date to be set by the Chancellor. The Report shall address the areas of review described in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of Presidents). The timeframe for the annual Self-Evaluation Report shall be the prior academic year.
2) The Chancellor will review the President's self-evaluation and will prepare a confidential written evaluation assessing the President's performance against the goals set for the prior academic year. The emphasis of the annual evaluation shall be on looking forward and focusing on the strategic position of the institution relative to the institutional strategic plan and the Board's strategic goals under the President's stewardship.
3) The Chancellor and Chair and Vice Chair of the Board will meet with the President to review the written evaluation and to agree on personal and institutional goals for the following evaluation period.
4) A written summary of the evaluation and the new evaluation goals will be presented to the Board of Regents for acceptance. The written summary will include the status of institutional metrics and corresponding targets established to measure progress towards the achievement of goals outlined in the institutional strategic plan established pursuant to Title 4, Chapter 14, Section 3 (Institutional Strategic Plans). (These are public documents.) If the Chancellor and Chair and Vice Chair recommend a change to the President's contract, the Board will discuss the findings of the annual review at a meeting in an open personnel session and consider the contract recommendations.

5) A copy of the confidential written evaluation, signed by the Chancellor, Chair and Vice Chair of the Board and President, will be retained in the President's personnel file, along with a copy of the President's confidential annual self-evaluation report.

2. PERIODIC EVALUATION OF NSHE PRESIDENTS

A comprehensive, periodic assessment of the performance of each President will be conducted prior to the expiration of the contract period but at least every four years. The purpose of the periodic evaluation is to build upon annual evaluations in identifying areas of effectiveness. If the President announces their retirement or separation at least 12 months prior to the end of the contract period, the periodic evaluation shall be waived and in lieu an annual evaluation will be performed in accordance with the provisions of Subsection 1 (Annual Evaluations of NSHE Presidents).

1. The President being evaluated shall prepare a written self-evaluation based upon the evaluation criteria described in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of NSHE Presidents). The self-evaluation will be submitted to the Chancellor and provided to the Evaluation Committee.
2. An individual external to the NSHE will be hired to support the Evaluation Committee and facilitate the evaluation herein referred to as the "external consultant." The external consultant must have extensive experience in higher education and knowledge of the type of institution involved. The Chancellor, in consultation with the President, will submit a list of potential individuals who may serve as the external consultant for consideration by the Board Chair. The Board Chair will select the evaluation consultant based on the recommendation of the Chancellor. One consultant will be utilized for all periodic evaluations initiated in the same year to ensure consistency in the administration of such evaluations.
3. The Chancellor will chair and Evaluation Committee. The Chancellor may delegate the duties of chair to the external consultant but will continue to be a member of the Evaluation Committee. If the duties of chair are delegated, the external consultant will function as a non-voting member of the Evaluation Committee. The Chancellor will appoint not more than four additional members, including a member of the Faculty Senate.

   The Evaluation Committee will conduct the evaluation using the criteria outlined in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of Presidents). The Evaluation Committee shall be provided with the prior evaluation(s) of the President, if any, together with any interim annual evaluations.
4. In advance of the evaluation, the Evaluation Committee and the external consultant shall meet to review and discuss prior evaluations, the evaluation procedures and any issues that may be raised during the evaluation process.
5. The Chancellor shall provide the Evaluation Committee with a list of stakeholders to be interviewed. The list shall consist of a wide variety of individuals, internal and external to the institution, who are knowledgeable about the President's work and shall include student leaders. The President shall be permitted to submit a list of potential interviewees to the Chancellor. The Chancellor shall select the names to be forwarded from the President's list. The list shall be divided by the Evaluation Committee Chair among the Evaluation Committee members. Appropriate accommodations will be made for the Evaluation Committee members to conduct interviews at institutions with multiple campus sites.

6. The evaluation process will include the opportunity for a representative sample of administrators, faculty, classified employees, students, and community and alumni leaders to be confidentially interviewed, and shall also include a faculty survey submitted in compliance with the provisions of this section. With the exception of the results of a faculty survey, the Evaluation Committee shall not accept anonymous materials, as part of the evaluation process.

   The Chancellor will establish guidelines in consultation with the Faculty Senate member of the Evaluation Committee regarding the process, timeline, and notification schedule for the survey in order to obtain constructive feedback from the faculty that aligns with the evaluation criteria in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of NSHE Presidents).

   The Chancellor may retain the services of a neutral third party or utilize resources from the NSHE System Office to administer the faculty survey. The survey shall be conducted using a standardized form provided by the Chancellor. The Evaluation Committee's Faculty Senate member may propose additional questions for the Chancellor to include in the survey. Any additional questions proposed by the Faculty Senate member must be reviewed by System Administration Human Resources Department and shall be included in the survey unless written comments are submitted back to the Evaluation Committee by the Chancellor outlining the reasons why the questions should be omitted. The survey shall, among other matters, address the evaluation criteria set forth in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of NSHE Presidents). Prior to the administration of the survey, the Chancellor shall review the final survey form with President and discuss any revisions that were made prior to the survey being administered.

   Survey responses may be anonymous and shall be maintained as confidential. All survey responses will be provided to the Evaluation Committee. The Chancellor will review the survey responses with the President and discuss areas for improvement.
7. Prior to conducting interviews with institution constituents, the Evaluation Committee and external consultant will meet with the President for the purpose of reviewing strategic plans, goals, objectives, resource allocation policies, major challenges and successes, and the President's own assessment of the time period being appraised. The Evaluation Committee and external consultant shall review the President's self-evaluation with the President and allow the President to discuss any relevant facts.
8. At the conclusion of this meeting, the Evaluation Committee members shall disperse to meet with the assigned interviewees. During the course of conducting the interviews, the Evaluation Committee shall meet at the call of the Chair to review the interviews conducted so far and to discuss common thoughts and themes that have emerged from stakeholder input. The Evaluation Committee shall also conduct an open forum for administrators, faculty, classified employees, and students.
9. At the conclusion of the interviews and open forum, the Evaluation Committee and external consultant shall meet with the President to discuss what its members have heard, including the effectiveness of the President with respect to the evaluation criteria set forth in Subsection 3 (Performance Criteria for Annual and Periodic Evaluation of Presidents) and will recommend areas for future focus and improvement. The President shall be provided an opportunity to clarify points the President believes should be made.
10. The external consultant will prepare a written report within two weeks of the Evaluation Committee's final meeting with the President.

11. The Chancellor and external consultant will meet with the President to review the final evaluation report in order to correct any factual errors but other than such corrections, no changes may be made to the evaluation. The external consultant shall then submit the final evaluation report to the Chancellor for transmittal to the Board.
12. Following the submission of the final evaluation report to the Board, the Chancellor and external consultant will present the evaluation of the President, which shall include the final evaluation report, at the next regularly scheduled meeting of the Board of Regents where the President will participate in an open personnel session pursuant to NRS 241.031 to review the findings of the periodic evaluation. The open personnel session will take place on the first day of the meeting of the Board of Regents.
13. At the conclusion of the periodic evaluation process, in an open personnel session on the second day of the meeting, the Board Chair may recommend contract terms and conditions for approval by the Board of Regents.
14. A copy of the Evaluation Committee's final report and a copy of the President's self-evaluation shall be retained by the NSHE Human Resources Department. These documents are not confidential and may be made available to the public.

3. PERFORMANCE CRITERIA FOR ANNUAL AND PERIODIC EVALUATION OF NSHE PRESIDENTS

A. Institutional strategic plans are established pursuant to Title 4, Chapter 14 in alignment with the Board's strategic plan and goals. Annual and periodic evaluations of the President will critically evaluate the stewardship of the President in achieving the goals of the institutional strategic plan through the use of metrics and targets included in the institutional strategic plan and corresponding contributions to the achievement of the Board's strategic goals.

B. For the purpose of the annual and periodic evaluations, the President will submit a Self-Evaluation Report that addresses the state of the institution under the President's stewardship. The President's Self-Evaluation Report will include the following:
    1. Progress on meeting previously established goals of the President, including any relevant data;
    2. An assessment of the institution's advancement of goals outlined in the institution's strategic plan under the President's stewardship, including the following:
        a. An assessment of institutional initiatives designed to support the institutional strategic plan;
        b. A review of institutional metrics established to measure progress towards the achievement of goals outlined in the institutional strategic plan pursuant to Title 4, Chapter 14 of the Board *Handbook*;
        c. An assessment of diversity, equity and inclusion initiatives in support of the institutional strategic plan and the Board's strategic goals;
    3. An assessment of the degree to which the president's objectives have been aligned with the goals of the Board, the institution's strategic plan, and the goals of the State;
    4. An assessment of overall academic quality of the institution;
    5. An assessment of the financial status of the institution;
    6. An assessment of the challenges and opportunities facing the institution;
    7. An assessment of the President's relationships with the Board, institutional leadership, faculty, and other key stakeholders;
    8. The identification of any professional development the President wishes to pursue; and

9. Goals the President proposes for themself over the course of the next year or contract period, as appropriate.

C. For the purpose of the periodic evaluation, the feedback of individuals and groups from within the institution and in the community will be considered.

4. CRITERIA FOR THE ANNUAL AND PERIODIC EVALUATION OF THE CHANCELLOR (Board Approved 10/03)

A. INTRODUCTION

The principles for the evaluation of the Chancellor are similar to those for evaluating Presidents. However, they differ in that the Chancellor is the chief executive of the NSHE and is directly accountable to the Board of Regents. It follows, therefore, that the Chancellor's evaluation must be conducted by the Board.

B. SCOPE & FREQUENCY

The Chair of the Board of Regents is responsible for conducting two kinds of ongoing performance evaluation of the Chancellor:

1. An Annual Evaluation conducted by the Chair of the Board and
2. An extensive Periodic Evaluation to be conducted in the next-to-last year of each contract period by an Evaluation Committee of the Board.

In both instances, the Chair may be assisted by the Vice Chair as needed and may have a person from outside the NSHE with extensive experience in higher education for the periodic evaluation.

C. ANNUAL EVALUATION

The Chair of the Board of Regents is responsible for conducting the annual evaluation of the Chancellor, in compliance with the Nevada Open Meeting Law (OML), and in consultation with other members of the Board, will establish a performance program for the Chancellor for the upcoming year. The review will be based upon:

1. A progress report and self-evaluation by the Chancellor;
2. Invited input from individual Regents, institution Presidents, and senior System staff reporting to the Chancellor; and
3. Extensive personal consultation between the Board Chair and the Chancellor.

Comments from Regents will be received at an open meeting or by another process approved by the System General Counsel to insure compliance with the OML. The purpose of the annual evaluation is to identify the Chancellor's accomplishments and areas which may have required special attention during the past year, areas which may need special attention during the coming year, and to discuss his or her performance objectives for the coming year in light of the Board's priorities.

<u>Procedure</u>

An outline of the process to be used in conducting the annual evaluation of the Chancellor is as follows:

1. The Chancellor will prepare a self-evaluation report based on the Board's performance areas of review (Subsection 5) and forward it to members of the Board of Regents.

2. The Chair will consult, in compliance with the OML as approved by the System General Counsel, with other Board members, institution Presidents, and senior system staff using the performance areas for review identified in Subsection 5.
3. The Chair of the Board will prepare a written report to the Board. The Board will meet in an open personnel session with the Chancellor to consider the contents of the report and other matters believed pertinent to the Chancellor's evaluation.
4. A copy of the written evaluation, signed by both the Board Chair and the Chancellor, is retained in the Chancellor's personnel file, along with a copy of the Chancellor's annual self-evaluation report. The self-evaluation report and the written evaluation are public records.

D. PERIODIC EVALUATION

Prior to the final year of a Chancellor's multi-year contract, the Chair of the Board will convene an Evaluation Committee to conduct a more in-depth evaluation of the Chancellor's performance.

The Evaluation Committee shall consist of up to four - six members, including the Chair, Vice Chair, and immediate past Chair. Additional members may be appointed by the Chair. The Board may elect to engage the services of an external consultant to assist the Evaluation Committee in its work.

The purposes of the periodic evaluation are:

1. To give an expanded group of constituencies an opportunity to learn of the Chancellor's sense of progress and to provide their views regarding his/her performance; and
2. To give the full Board an appraisal of the Chancellor's performance in light of the NSHE's progress.

Procedure

An outline of the process to be used in conducting the periodic evaluation of the Chancellor is as follows:

1. The Chancellor will write a retrospective report describing his/her view of accomplishments, and areas that need improving. This report should address:
    a. The performance areas outlined in the Board of Regents Bylaws and in Subsection 5 of this performance evaluation policy, and
    b. The annual performance program since the last periodic evaluation.
2. The Chancellor's retrospective report will be sent to major constituencies for their review and comment. The constituencies may include, but are not limited to, Regents, vice chancellors, other System executive staff and directors, Presidents, faculty senate chairs, student body presidents, public officers, and the Governor's staff. The review and comment by Regents will occur at an open meeting or by another process approved by the System General Counsel to insure compliance with the OML.
3. The Evaluation Committee will conduct interviews with a representative sample of major constituencies on the contents of the Chancellor's retrospective report and their assessment of the Chancellor's performance in the areas identified for review (Subsection 5).
4. The Evaluation Committee will prepare a written report to the Board. The Board will meet in an open personnel session with the Chancellor to consider the contents of the report and other matters believed pertinent to the Chancellor's evaluation.

5. A copy of the written evaluation, signed by both the Board Chair and the Chancellor, is retained in the Chancellor's personnel file, along with a copy of the Chancellor's retrospective report. The written evaluation and the retrospective report are public records.

E. PRINCIPLES OF THE PERIODIC EVALUATION
   1. The responsibility for evaluating the performance of the Chancellor rests with the Board of Regents and cannot be delegated to others.
   2. The authority and responsibilities of a system Chancellor are different from those of an institution President. Therefore, a system Chancellor should be evaluated in terms of his/her performance in respect to system goals and objectives and not in terms of a model defined in terms of presidential performance expectations.
   3. The Chancellor's retrospective report and the constituent interviews should constitute the primary elements of the evaluation process. The process should be open and inclusive in terms of input and consultation, while recognizing that it is not possible to involve all of the groups and individuals who may wish to provide input in the process. The Evaluation Committee shall not accept anonymous materials.

5. PERFORMANCE CRITERIA FOR EVALUATION OF THE CHANCELLOR

For the purposes of the annual and periodic evaluation of the Chancellor, the following criteria shall be considered:
1. Relations with the Board of Regents.
2. Relations with NSHE Institutions including Presidents.
3. Relations with the Executive Branch.
4. Relations with the Legislative Branch.
5. Administrative and Management System-Wide Responsibilities.
6. Administration of the Chancellor's Office and Related Activities.
7. Decision Making and Problem Solving Abilities.
8. Relations with External Communities
   a. State
   b. Regional
   c. National
9. Implementation of Board approved Strategic Goals.
10. Additional goals presented to the Board of Regents for acceptance, including metrics and targets that align with the Board's approved strategic goals and the strategic plan established for System Administration.

(B/R 10/03; Added 6/05; A. 3/06, 8/08, 9/11, 3/12, 3/13, 6/13, 9/13, 6/15. 9/15, 12/19, 3/21, 12/22)

Section 3. Rehire of a PERS Retiree (formerly CM 01-04)

1. The reemployment restrictions for Public Employees Retirement System (PERS) retirees can be waived in some cases to assist employers with the hiring of retirees in areas of critical labor shortage.

An exemption from PERS reemployment restrictions allows a retiree to return to employment with a participating public employer and continue to receive their retirement benefit at the same time. There will be no cap on earnings related to that employment for the retiree in a critical labor shortage position. The retirees will have the option to reenroll in PERS and continue to receive their retirement benefit.

The Board of Regents will make the determination for NSHE classified and professional positions based on the following criteria:

- Turnover – Turnover for the class or type of position has exceeded the State average in two out of the last three years.
- Recruitment – Recruitment (including out-of-state) has been open on a continuing basis for the last two months, producing less than five qualified and available applicants for each opening. The Board will consider the history and efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.
- Average length of vacancy exceeds the State average.
- Special Requirements – The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; the position requires exceptional qualifications of a scientific, professional or expert nature; and/or the position requires a license or certification and there has been historical difficulty in recruitment.

In addition, the Board of Regents may consider if there is a known labor shortage in the field.

All applicants, including retirees seeking reemployment in areas of critical labor shortage, must meet the current minimum qualifications specified for the position. Persons applying for a classified position must be appointed under the provisions of *Nevada Administrative Code* 284.

2. Eligibility

Until it sunsets on June 30, 2015, the law allows retirees to apply for employment in positions deemed to be experiencing a critical labor shortage. Requests will not be approved for immediate rehiring into the same position of incumbent employees who elect to retire; consideration may be given on a case-by-case basis if a strong rationale can be presented that demonstrates how the position and the person meet the criteria noted in this procedure.

In order to be eligible for hiring into a position experiencing a critical labor shortage, the PERS employee must have retired with:

- (For regular members) 5 years of service at age 65, 10 years of service at age 60, and 30 years of service at any age.
- (For police and fire members) 5 years of service at age 65, 10 years of police/fire service at age 55, 20 years of police/fire service at age 50, and 25 years of police/fire service at any age.

Retirees who retired before full eligibility as described above:

- May return to employment under this statute when they reach the age at which they could have retired without early retirement reduction.

3. Procedure

Departments within a NSHE institution requesting approval of a position that conforms to this statute must complete a form, including approvals by appropriate institutional administrators, and submit it to the NSHE human resources officer. The department must also submit written findings for consideration of the Board of Regents on the form prescribed by the PERS (*NRS* 286.523). The NSHE human resources officer will make a recommendation to the Chancellor for placement on the Board of Regents agenda. Final approval of all such requests rests with the Board of Regents. The PERS must be notified pursuant to *NRS* 286.523 within 10 days of the rehire of a retiree under these provisions.

(Added 6/05; A. 11/05, 12/09)

Section 4. Procedure For Recertifying a PERS Retiree

In accordance with *Nevada Revised Statutes* 286.523(5), departments within a NSHE institution that are requesting the recertification of a PERS retiree hire must submit a request every two years. In recommending the redesignation of a position as one for which the critical labor shortage continues, the following criteria must be considered:

- A search was conducted and the incumbent was clearly the best candidate for the position.
- The position requires exceptional qualifications of a scientific, professional or expert nature and conducting a search would not produce a more qualified candidate than the incumbent.
- There is a known labor shortage in the field and conducting a search would be an unnecessary expenditure as the incumbent is clearly qualified for the position. Conditions in the market have not changed since the incumbent was hired.
- The position requires a license or certification that the incumbent possesses and a search would cause an unnecessary expenditure as the incumbent is clearly qualified for the position.
- The incumbent is uniquely qualified for the position and these skills cannot be duplicated in the marketplace.
- This appointment is short term and conducting a search would cause unnecessary expense to the institution.
- Other information that supports the recertification of the PERS rehire.

(Added 9/07)