

Title 5 - NSHE Governing Documents

Chapter 2

FACULTY BYLAWS OF THE DESERT RESEARCH INSTITUTE

Revised through February 2024

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## Chapter 1 - Guiding Principles

### 1.1 Legislative Mandate

The Nevada Legislature established the Desert Research Institute as part of Nevada's Higher education System 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 the Desert Research Institute (DRI or Institute).

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

#### 1.1.2 Purposes

The primary purposes of the Institute 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)

DRI is unique among the institutions of the Nevada System of Higher Education (NSHE). It is exclusively designed to foster, encourage and promote basic 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, its fiscal and personnel policies and procedures can differ significantly from those policies and procedures applicable to the other institutions, a fact 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 principles of shared governance. Shared governance seeks to create an environment of joint effort, communication, responsibility, and cooperation among DRI personnel to serve the best interests of the Institute. The President of DRI (The President) shall consult with appropriate representative bodies on issues either party believes are of importance. 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 on decisions regarding fundamental rights and responsibilities.

## Chapter 2 - DRI Bylaws

### 2.1 Authorization

Code Chapter 1 authorizes these DRI Bylaws. These DRI Bylaws shall be consistent with the BoR 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 prevail and the BoR Handbook supersedes the Bylaws.

### 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 while the DRI Administrative Manual is intended to serve in defining, understanding, and communicating DRI's policies and procedures to meet the institution's legislative mandate, mission, and defined goals.

### 2.3 Implementation

DRI shall publish procedures for implementing the Bylaws in the DRI Administrative Manual. These procedures shall not conflict with DRI's Bylaws, the BoR Handbook, State of Nevada policies and laws, or federal policies, regulations, and laws. The President shall be responsible for compliance of the Administrative Manual with the BoR Handbook.

The President or their appointee shall send written notice of any changes to the Administrative Manual to the appropriate representative bodies (Faculty Senate or Executive Staff) within ten (10) working days of intended implementation for review and comment.

### 2.4 Amendment

An amendment to these Bylaws may be proposed by (1) 20% of the voting faculty (i.e., those whose appointment exceeds 50% 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 (Regents). The originating entity shall submit proposed amendments to the President, and the President shall refer all amendments to the Faculty Senate within ten (10) working days of submission.

The Faculty Senate shall review proposed amendments at its next scheduled meeting and shall request input from the Faculty Senate Bylaws Committee. The Faculty Senate Executive Board shall determine whether the proposed amendment is a Class A or B Action (see Sections 4.1.4 through 4.1.7 in this document) and shall follow the procedure for the determined action (see DRI Faculty Senate Bylaws, Sections 4.1.4 - 4.1.6). The amendment shall be enacted upon (1) a majority vote by the faculty or Faculty Senate depending on the Action Class, and (2) approval by the President, and (3) approval by the Chancellor. The President, within thirty (30) calendar days of receipt of the results from the faculty or Faculty Senate vote, shall either forward the amendment to the Chancellor for approval or shall inform the Faculty Senate of the rejection of the amendment and the reasons for that rejection. Should the Chancellor approve the amendment, the President shall distribute the amendment to the entire faculty. Should the Chancellor reject the amendment, within thirty (30) working days of receipt of the rejection the President shall inform the Faculty Senate with the President's best assessment of the reasons for the rejection. For 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.

## **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 based on consultation with appropriate sources as well as consistency with the BoR Handbook and established DRI policies and procedures.

## **Chapter 3 - Organization**

### **3.1 Organization**

DRI is comprised of Research Divisions and Administrative Offices each having its own responsibilities and method of operation. Divisions and Offices serve research, educational, and administrative purposes. Research Divisions tend to be based on interrelated scientific themes or programs. Administrative Offices are based on functional responsibilities.

Refer to Administrative Manual (1.01.00) that defines the organization of DRI.

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

The Central Administration includes the President, Vice-Presidents and Assistant Vice-Presidents, Directors of Administrative Offices, and their staff. Research Divisions also maintain administrative offices, overseen by Executive Division Directors; Division administrative faculty are part of the Research Division staff.

#### **3.2.1 President**

The BoR Bylaws (BoR Handbook Title 1) Article VII, Section 4 provides the responsibilities of the President. 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 Code Chapter 1, Section 1.5.5.

#### **3.2.2 Vice Presidents**

Vice Presidents are responsible to the President for the conduct of DRI activities such 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 select a search committee that includes representation from each of the Research Divisions 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 the committee to conduct a new search. The President shall notify the Chancellor of the proposed appointee. The appointment does not take effect until the Chancellor approves the appointment. Upon such approval, the President shall inform the Board of Regents. Code Ch. 1, Section 1.6.1(b).

### 3.2.3 Assistant Vice Presidents

Assistant Vice Presidents shall report to a Vice President for responsibilities defined by the Vice President.

### 3.2.4 Executive and Deputy Executive Division Directors

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

To fill an Executive Division Director position, the President, in consultation with the Faculty Senate Chair, shall select a search committee drawn from the DRI faculty that reflects DRI's campus structure, 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 Reassignment of Executive Administrators

Vice Presidents, Assistant Vice Presidents and Executive Division Directors serve at the pleasure of the President and may be removed from the administrative position without cause, reason, or right of reconsideration (BoR Handbook Title 4, Chapter 3). If an Executive Administrator is relieved of administrative title and duties, the Executive Administrator shall continue as a member of DRI's faculty with all faculty rights and privileges until the completion of the administrator's contract of employment, unless the contract provides otherwise.

### 3.2.6 Responsibilities of the Executive Administration

The Executive Administration provides managerial, financial, academic, research administration, promotional and operational support to the Divisions. This support includes but is not limited to the functions and services of the following: Presidential and Vice-Presidential Offices, Financial Services Office, Human Resources, Facilities, Institutional Advancement, Information Technology, Library, Technology Transfer, DRI Research Park and Sponsored Research.

## 3.3 Research Divisions

### 3.3.1 Scope

DRI shall organize Research Divisions as thematic or programmatic groupings of faculty. Each Executive Division Director oversees their respective Division employees. Research Divisions shall emphasize continuation of established programs, development of new opportunities, collaboration with other DRI Research Divisions as well as NSHE and non-NSHE institutions, and undergraduate and graduate education.

### 3.3.2 Authority

The President shall delegate each Research Division authority in all matters concerning its internal policy except where the Regents or the President retain such authority, or the President specifically delegates elsewhere. Each Research Division shall establish the procedures under which it may act and shall formulate programs consistent with DRI's policies and objectives.

### 3.3.3 Changes in Organization

The President may propose to the Regents the establishment or abolition of Research Divisions. The President shall consult with the Faculty Senate before submitting to the Regents any proposed action to establish or abolish a Research Division. The Faculty Senate shall determine 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 Divisions 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 (except 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. Any faculty member may petition the Faculty Senate with questions of general policy or any issues related to faculty rights and welfare. The Chair of the Faculty Senate shall be invited to attend Senior Leadership meetings.

#### 4.1.1 Authority

DRI shall delegate authority to the Faculty Senate to make recommendations on behalf of faculty concerning all faculty matters.

#### 4.1.2 Membership

The Faculty Senate shall be fixed at fifteen (15) voting members. Vice Presidents, Assistant Vice Presidents, and the Directors or Deputy/Assistant Directors of Divisions, and Administrative Officers (as identified in DRI Bylaws Section 3.2), irrespective of whether the individuals in these positions, are on regular, acting, interim, shared, or part-time appointments shall not be eligible for Faculty Senate membership. The President shall be a non-voting member of the Faculty Senate. Rank 0 Administrative Faculty who work within a division of DRI are considered division faculty members for the purposes of faculty senate representation and actions. Except as specifically provided in the Faculty Senate Bylaws, each Senator shall serve for three (3) years and shall not be eligible to serve for one (1) 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 and shall provide a method consistent with the normal procedures for filling of vacancies if 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, subject to modification by a majority vote 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 shall be approved or disapproved by one of two alternative procedures, Procedure I or Procedure II. Procedure I involves a determining vote of the Senate, while Procedure II involves a determining vote of the entire voting faculty. The Senate shall decide by vote which procedure is to be employed. Provisions for switching procedures or modifying Actions are described below. Upon approval of the Action (by either procedure), the Action becomes final only after additional approval by the President and, if appropriate, by the Regents.

**Procedure I: Senate approval.** A Class A Action shall be approved by vote of approval from a majority (eight or more) Senators, provided: (1) that the voting faculty is notified within fifteen (15) working days of the Senate's decision, and (2) the voting faculty does not elect within fifteen (15) calendar days of notification of the Senate's vote to change the decision process to Procedure II

**Procedure II: Voting Faculty approval.** A Class A Action shall be approved or disapproved by a majority vote of the voting faculty through a secret ballot sent to the entire voting faculty within fifteen (15) calendar days of the Senate meeting in which the Action was introduced, and to be returned within seven (7) calendar days. A majority vote of at least 50% of all eligible voting faculty is required for approval; a tie count constitutes disapproval. 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 to Procedure II by submitting to the Senate Chair, within fifteen days after notification of the Senate's decision, written requests with reasons for such a diversion, signed by at least 10 percent of its eligible voting faculty members or at least 40 percent of the eligible voting faculty members of any one of its Research Divisions or the Administration.

(B) Modification of Action under Procedure II. In Procedure II, if upon submission of a Class A Action 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 Chair by any member(s) of the faculty, then these changes shall be considered by the Senate at its next meeting.

**Class B Actions.** A Class B Action shall be approved or disapproved by majority vote of the Faculty Senate. A tie vote constitutes disapproval. Following approval, the Senate shall inform the faculty of its decision within fifteen (15) working days. If 15% or more of the faculty request in writing within fifteen (15) working days of the announcement that the issue requires a Class A Action, then the Action shall be reclassified as Class A and processed as a Procedure I or Procedure II.



Class C Actions. A Class C Action of the Faculty Senate shall be approved or disapproved by a simple 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, submitted to the Regents for approval. 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. Upon request by 15% of the members of the faculty or when requested by a majority vote of the Faculty Senate the President shall call a meeting of the faculty. The President shall determine the order of business and, in doing so, shall provide opportunity for introduction of new business by faculty.

#### 4.2.1 Meeting Officers

The President is the presiding officer of meetings of the faculty. The faculty shall elect a secretary from among its 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 Code Chapter 5, 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 [thirty] (30) calendar days from the effective date of employment and develop a procedure to ensure that the verification process takes place.*

DRI shall utilize a ranking system for its personnel, to consist of Ranks 0 through IV (Code Chapter 5, Section 5.11.1). The Research Professor track faculty (Ranks II-IV) and postdoctoral researchers (Rank I) emphasize the scholarly aspect of their studies, leading to significant scientific or technological advances through research or teaching or both, subject to scholarly criteria similar to equivalent university positions, while expected to obtain funding appropriate for their rank. The Research Scientist/Engineer track (Ranks 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. It is recognized that some Research Scientist/Engineer track faculty operate as Principal Investigators. 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 Research Professor track Ranks II-IV and Research Scientist/Engineer track Ranks III and IV. A local search may be used (national or international search optional) for appointments to Rank 0, Research Scientist/Engineer track Ranks I and II. (Postdoctoral appointments are considered in Section 5.2.1). The initial salaries of Executive Division Directors and Vice Presidents shall be determined by the President based on professional credentials within the ranges set in the Executive Salary Schedule, BoR Handbook, Title 4, Chapter 3, Section 27. DRI shall utilize a ranking system for its faculty Ranks 0 through IV to determine initial salaries. Initial salaries of the research faculty member 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 their qualifications and the requirements of the position according to an NSHE approved salary schedule (BoR Handbook, Title 4, Chapter 3, Section 25 and Title 2, Chapter 5, Section 5.5). 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.

## 5.2 Special Appointments/Positions

### 5.2.1 Postdoctoral Researcher

Postdoctoral Researcher (Rank I) is a limited term, scholarly position under the direction of a faculty sponsor established for the Researcher's continuing education and professional growth. Completion of a doctoral degree in an appropriate discipline is a requirement for appointment. Postdoctoral Researchers 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 Vice President for Research, or appropriate Vice President, in consultation with their Executive Division Director but shall in no cases exceed five (5) sequential calendar years. Postdoctoral Researchers are non-voting members of the faculty.

Postdoctoral appointees receive benefits and employment conditions as defined in the BoR Handbook, Title 4, Chapter 7, Section 7 with the following addition:

1. Annual and sick leave shall be taken in increments of one (1) hour.
2. Annual and sick leave accumulation limits may not exceed thirty (30) days at the end of each fiscal year.
3. If a postdoctoral researcher has accumulated fifteen (15) days of annual leave and takes annual leave of at least five (5) consecutive days, the employee may sell a minimum of five (5) 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 uses, subject to the restriction that the annual leave balance remains positive.
4. Receive payment for up to thirty (30) days of annual leave upon termination of employment. (Note: no payout for unused sick leave upon termination of employment).
5. Receive grant-in-aid benefits for employee and dependents according to the BoR Handbook, Title 4, Chapter 18.

Postdoctoral appointees also receive the same protections as regular faculty with respect to grievance (Faculty Bylaws Section 9.1) and non-discrimination and harassment (Faculty Bylaws Section 9.2).

### 5.2.2 Letters of Appointment

Letters of Appointment without benefits may be issued for up to twelve (12) months, not to exceed 1.0 FTE in any one (1)-month period and up to 0.45 FTE or less for the remainder of the twelve (12)-month period, and not to exceed 0.48 FTE for any consecutive twelve (12) –month period. Letters of Appointment that are issued for 0.5 or greater FTE are eligible for health benefits. Letters of Appointment 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 nonvoting members of the faculty.

### 5.2.3 Temporary Positions

Temporary positions are for greater than or equal to 50% FTE employment of faculty for a period of up to twelve (12) months and do not require recruitment. Subsequent renewal of a temporary full-time contract must be approved in advance by the President or Vice President of Research. Appointments of 50% or greater are granted benefits on a prorated basis. Appointment may be extended for one (1) 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 240 hours of sick leave prorated by FTE on their first day of hire in a faculty position and will accrue annual leave at two (2) days per month or prorated by FTE.

### 5.2.4 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 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 Division or Administrative Office concerned; and (3) approval by the President. Adjunct faculty are unpaid and nonvoting members of the faculty. Adjunct faculty are not considered employees of NSHE. All adjunct appointments will be evaluated annually by the President.

### 5.2.5 Visiting Professor/Scientist

An individual supported by DRI funds may be appointed by the President to a nonrenewable temporary position in the Research Professor or Research Scientist/Engineer ranks with the designation "visiting" for a period of not more than twelve (12) months. Exceptions to the twelve (12) month period may be approved by the President. An individual supported from non-DRI funds (appointment does not provide NSHE salary or benefits), upon recommendation by a DRI Division, may be appointed to an annually renewable position in the research faculty ranks. The form Application for Visiting Professor/Scientist must be completed and filed with the Human Resources Office. Visiting Professors/Scientists are nonvoting members of the faculty.

### 5.2.6 Emeriti Status

Any faculty member who retires from DRI and has held an appointment in excess of 50% for at least ten (10) years (or ten (10) years equivalent service) is eligible for this status (BoR Handbook Title 4, Chapter 3, Section 39). Faculty who retire after serving DRI for less than ten (10) 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. Refer to Administrative Manual Section 3.02.13 for further details and related benefits.

Those with emeriti status are nonvoting members of the faculty.

## **Chapter 6 - Faculty Personnel Policies**

### **6.1 Nepotism**

DRI prohibits the concurrent employment of relatives to positions in which one employee is in the line of supervision over a related employee. Exception to this policy must have prior written approval by the President along with a written agreement detailing the way conflicts of interest will be ameliorated (BoR Handbook, Title 4, Chapter 3, Section 7).

## **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 provide comment to the President on all such positions. In accordance with the Bylaws, the President chooses Vice Presidents and Executive Division Directors. The Vice Presidents and Executive Division Directors, in turn, determine staffing needs and hires for the programs they administer. The Executive Division Director or the appropriate 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**

Refer to Section 2.01.00 of the Administrative Manual Section for details.

### **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 Code Chapter 5. A binding employment contract between DRI and a prospective appointee does not exist until the President, or the appointed authority signs the employment contract.

Refer to Section 2.01.00 of the Administrative Manual Section for further details.

### **6.2.4 Assignment of Duties**

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

## **6.3 Continuation of Faculty Appointments**

See Code Chapter 5, Section 5.8

### **6.3.1 Bridge Funding**

See Code Chapter 5, Section 5.8.2

As described in Code Chapter 5, Section 5.8.2(a), Bridge Funding shall not begin until after three (3) consecutive months of <50 percent funding generated from sources external to their research unit (e.g., grants, contracts, other external funding, recharge centers, institutional project assignments, sabbaticals, and other DRI funds). Faculty can request Pre-Bridge Division Funding to cover shortfalls in salary support in anticipation of an upcoming funding shortfall. Pre-Bridge Division Funding is triggered by mutual agreement between the appropriate Executive Division Director and faculty member in recognition of a funding shortfall. With approval from the Vice President of Research, Pre-Bridge Division Funding can also be initiated by either the Executive Division Director or the faculty member in response to insufficient availability of funds to cover faculty salary expenses at the faculty appointment level. Once approved, the Division shall provide Pre-Bridge Division Funding equivalent to 3 months' worth of a faculty member's funding at 51% FTE. Pre-Bridge Division Funds cannot be returned to the Division. The faculty can only use Pre-Bridge Division Funding at a monthly rate equivalent to 51% FTE. However, the faculty may supplement with external funds to support a higher appointment level. The faculty will only be eligible to receive Bridge Funding once Pre-Bridge Division Funding has been exhausted. The faculty is not eligible to receive additional Pre-Bridge Division Funding until five years have passed from the time prior Pre-Bridge Funds were used and exhausted.

### 6.3.2 Conditions

See Code Chapter 5, Section 5.8.2(a)

### 6.3.3 Review of Recovery Plan

See Code Chapter 5, Section 5.8.2(b)

### 6.3.4 Extension and Service Days

See Code Chapter 5, Section 5.8.2(c)

### 6.3.5 Reinstatement

See Code Chapter 5, Section 5.8.2(d)

## **6.4 Termination of Faculty Appointments**

See Code Chapter 5, Section 5.8.3

### 6.4.1 Employment May Be Termination for Cause

See Code Chapter 5, Section 5.8.3(a)

### 6.4.2 Termination for Programmatic or Adverse Financial Conditions

See Code Chapter 5, Section 5.8.3(b)

#### 6.4.2.1 Notice of Termination for Programmatic or Adverse Financial Conditions

See Code Chapter 5, Section 5.8.3(b)1

#### 6.4.2.2 Conditions for Termination for Programmatic or Financial Conditions

See Code Chapter 5, Section 5.8.3(b)2

#### 6.4.2.3 Reinstatement from Termination for Programmatic or Financial Conditions

See Code Chapter 5, Section 5.8.3(b)3

#### 6.4.2.4 Contract Discontinuance for Research Faculty for Programmatic or Financial Conditions

See Code Chapter 5, Section 5.8.3(b)4

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

See Code Chapter 5, Section 5.8.3(b)5

#### 6.4.2.6 Notice of Termination for Programmatic or Adverse Financial Conditions Postdoctoral Faculty (Rank 1)

See Code Chapter 5, Section 5.8.3(b)6

### 6.4.3 Non-Reappointment of Employment Contracts

See 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 the appointing authority, the employee may not revoke the resignation, regardless of the effective date set forth therein, if three (3) or more working days have elapsed since its acceptance, unless the appointing authority approves the revocation per 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 (4<sup>th</sup>) working day after acceptance.
- (c) Once a faculty member's written resignation is accepted by the appointing authority the faculty member shall have three (3) 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 (3) 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**

DRI disciplinary actions for cause are in Code Chapter 8.

## **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. 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 a senior administrator (e.g., Executive Division Director or Vice President of Academic Affairs), three (3) Rank III, and three (3) Rank IV faculty members.

The President shall select the Committee chair. Committee membership shall be for a three (3)-year term, and terms shall be staggered. Promotion is defined as a change in rank within either the Research Professor or the Research Scientist/Engineer 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 Division also shall establish a Promotion and Reclassification Committee according to rules established by the Research Division.

### **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 Division Promotion Committee, the DRI-wide Promotion Committee, and the faculty shall be provided with these guidelines prior to reviews. Procedures and forms are found in Section 2.21.00 of the Administrative Manual.

### **7.4 Recommendations for Promotion**

Recommendations for research faculty and research scientist/engineer promotion shall be initiated by the Executive Division Directors. The Executive Division Director must inform the applicant if they intend to decline to forward the promotion package to the Division Promotion Committee. If the faculty believes they have met the milestones for promotion, they may appeal the decision to the VPR. If the appeal is successful, the promotion package will be forwarded to the Division Promotion Committee. However, the Executive Division Director may express their reservations in their letter to the Institute Promotions Committee. The Executive Division Directors (or individual faculty) shall submit each application for research faculty promotion to the Research Division committee for review and comment. The Executive Division Director shall submit both their and the Division review committee's recommendations to the DRI-wide Promotion and Reclassification Committee for review for Rank III and IV faculty. Promotions from Rank I to Rank II are handled at the division level and are not reviewed by the DRI-wide Promotion and Reclassification Committee. 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 the next July 1.

Promotion procedures are described in the Administrative Manual, Section 2.21.00.

### **7.5 Reclassification**

Reclassification is a change in faculty status between Rank 0, Rank 1, and Administrative Faculty to Research Scientist/Engineer track or the Research Professor track, or from Research Scientist/Engineer track to Research Professor track. A reclassification to the Research Professor track requires a Ph.D. A Postdoctoral Researcher (Rank I Research Professor) can be reclassified only if the researcher was hired as part of a search. Reclassification to Rank III or IV will be reviewed by the DRI-wide Promotion and Reclassification Committee and recommendations forwarded to the President for approval. Reclassification may be requested by the Executive Division 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. Reclassifications other than those to the Research Professor track will be handled within the appropriate Research Division or administrative office and forwarded to the President for approval. Reclassifications will officially take effect on the first (1st) of the month following Presidential approval.

### **7.6 Appointment Committee**

The Executive Division Director shall establish a search committee for each Research Professor and Research Scientist/Engineer 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 Division Director and the President on the appropriate level of hire for each of the candidates on the slate as provided to the Executive Division Director. The Executive Division 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

Described below are the expectations for each rank. It is possible to have exceptions under certain circumstances based on assigned duties and as approved by the Executive Division Director. All faculty in the Research Professor track require a Ph.D.

- (a) Rank II (Assistant Research Professor) – Doctoral degree and demonstrated expertise in an appropriate subject area; potential for ability to initiate, plan, obtain funding, carry out research projects; and demonstrate potential for professional growth including interpersonal skills as applicable to teamwork, management (where appropriate), and accountability.
- (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) interpersonal skills as applicable to teamwork, management (where appropriate), and accountability; (6) teaching and advising students as well as mentoring of DRI personnel; and (7) service to the community, the NSHE, DRI, and the researcher’s profession. The first four (1-4) are normally critical requirements; the others 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) interpersonal skills as applicable to teamwork, management (where appropriate), and accountability; (6) teaching and advising students as well as mentoring DRI faculty (if appropriate); and (7) service to the community, NSHE, DRI, and the researcher’s profession. The first four (1-4) are normally critical requirements; the fifth (5) is important; the others are supportive.

### 7.7.2 Qualifications for Research Scientist/Engineer Track: Ranks I through IV

Described below are the expectations for each rank. It is possible to have exceptions based on assigned duties and as approved by the Executive Division Director. All faculty in the Research Scientist/Engineer track require a Bachelor’s or higher degree.

- (a) Rank I (Staff Research Scientist/Engineer) – 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; interpersonal skills as applicable to teamwork, management (where appropriate), and accountability.

- (b) Rank II (Assistant Research Scientist/Engineer) – qualifications of Rank I plus demonstrated accomplishments in profession and potential for accomplishment in program development and management as well as supervisory responsibility; interpersonal skills as applicable to teamwork, management (where appropriate), and accountability.
- (c) Rank III (Associate Research Scientist/Engineer) – qualifications of Rank II plus demonstrated success in one (1) or more of the following: (1) program development and management or long-term program support essential to the success of the program; (2) development of funding or long-term contributions crucial to the development of or acquisition of funding; (3) productivity including publications, patents, or development of intellectual property; and (4) supervisory responsibility; (5) interpersonal skills as applicable to teamwork, management (where appropriate), and accountability; and (6) service to the community, the NSHE, DRI, and the researcher's profession. The weighting, or importance, of each component depends on the individuals' specific responsibilities in the Research Division, as approved by the individual's Executive Division Director and/or immediate supervisor.
- (d) Rank IV (Senior Research Scientist/Engineer – qualifications of Rank III plus sustained, long-term success in (1) program development and management; (2) obtaining funding (including support for others); (3) productivity including publications, patents, or development of intellectual property; (4) supervisory responsibility; (5) interpersonal skills as applicable to teamwork, management (where appropriate), and accountability; (6) service to the community, the NSHE, DRI, and the researcher's profession, and (7) mentoring. The weighting, or importance, of each component depends on the individual's specific responsibilities in the Research Division, as approved by the individual's Executive Division Director and/or immediate supervisor. The first four (1-4) are normally critical requirements; the others are supportive.

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

Professional education as evidenced by a Bachelor's or higher degree in a relevant field, unless a degree equivalency is advertised. Additional qualifications 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 these Bylaws. The objectives and their importance are determined by the faculty member in consultation with their supervisor and/or Executive Division Director. It is anticipated that faculty members may include objectives from one (1) rank above their current position in anticipating a promotion. This will help maintain a tie between annual evaluations and promotions. 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 Division Director or appropriate 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 any time 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.

Executive administrators shall be evaluated annually by the President and biennially by appropriate faculty and staff and shall follow the provisions of the BoR Handbook, Title 4, Chapter 3, Section 4. 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 the BoR Handbook, Title 4, Chapter 3, Section 25. For administrative faculty, the categories/objectives for annual evaluation should be evaluated according to performance in support of the Institute's strategic goals. The 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) interpersonal skills as applicable to teamwork, management (where appropriate), and accountability; and (7) service to the community, the NSHE, DRI and the individual's profession, and other factors that demonstrate 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 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 Code Chapter 8. The process detailed with the receipt of a Needs Improvement rating followed by an Unsatisfactory rating are considered Stage 1 and Stage 2 of the Formal Discipline process. Disciplinary Action will begin at Stage 3 – 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 (1) of three (3) categories: critical, important, or minor.

The importance of each objective is placed into one (1) of three (3) 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 during the midterm review the “needs improvement” rating has not been raised, then an “unsatisfactory” overall rating shall be issued (Bylaws 8.2 (7) above).
- (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 are peripheral to 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 can request an equity review based on conditions of the job market appropriate to the position and faculty member's experience, skill set, and education. 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 Division Executive Division Director or Vice President. Equity recommendation documentation also becomes a part of the faculty member's personnel record after discussion with the faculty member.
- (d) If the faculty member disagrees with any part of the evaluation, they may submit a written rejoinder and/or request a peer review evaluation by a committee of three (3) DRI faculty members of equivalent rank but from other research divisions. The committee will be selected by the 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" in their 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 (Code Chapter 5, Section 5.7) is made 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 Code or these Bylaws. Decisions of the 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 faculty member may institute a grievance by filing a written notice of grievance with the Vice President and the chair of the Faculty Senate within forty (40) working days of the knowledge of the act, omission, or violation of the BoR Handbook. The notice of grievance shall contain: (1) a brief statement of the act, omission, or policy that is being challenged; (2) reasons supporting the grievance; and (3) the remedy sought. A review of the grievance will be conducted according to the following procedure. Such a review shall be informal and fact-finding in nature, shall be considered a personnel matter, and shall be conducted with appropriate decorum.

The procedure is as follows:

1. The Faculty Senate Chair will call for the formation of a Grievance Committee when requested by either the appropriate Vice President or the Faculty Senate Executive Committee. The primary charge to the Grievance Committee will be findings of fact concerning the notice of grievance. The scope of grievance procedures is defined in Code Chapter 5, Section 5.7.
2. The Faculty Senate Executive Committee will appoint the Grievance Committee members within ten (10) working days following consultation with the appropriate Vice President. The Grievance Committee will consist of three (3) individuals (two (2) research faculty members and one (1) administrative faculty member) who have no conflict of interest related to this issue.
3. Once formed, the Grievance Committee within five (5) working days will determine which of the three (3) individuals will chair the Committee and will inform all parties, including the Faculty Senate Executive Committee and the appropriate Vice President, when the Grievance Committee has been organized.
4. All written material (notice of grievance and DRI administration statement) shall be provided to all concerned parties at least ten (10) working days prior to scheduled interviews. The DRI administrative statement shall address the same three (3) points as the faculty grievance. The Grievance Committee has latitude on how to conduct the informal fact-finding activities, but it is generally expected that employee and representative, representative(s) for the employer, and others with pertinent information will be interviewed individually.
5. The Grievance Committee will complete its investigation within twenty (20) working days following their organization.
6. Following the investigation, the Grievance Committee shall make findings of fact in a written report to the President within five (5) working days. During this period, the Grievance Committee can request additional materials as a necessary part of its fact-finding mission.
7. In accordance with Code Chapter 5, Section 5.7 the recommendation(s) of the Grievance Committee are advisory only.

8. Within three (3) working days after receiving the recommendation of the Grievance Committee, the President shall render the decision to dismiss the charge, sustain the charge, or take other corrective action they deem necessary. The President's decision shall include a brief written explanation to the faculty member.
9. Upon rendering of the President's decision, the current Grievance Committee will be discharged of its duties and disbanded.
10. With the President's decision related to the grievance, the employee may file no further grievance related to the issue or issues being considered. The employee may request a copy of the Grievance Committee report within twenty (20) working days of receiving the decision from the President.

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

Refer to Code Chapter 8, and Administrative Manual, Section 2.02.00.

### **9.2.1 Hate Crimes Policy**

BoR Handbook Title 4, Chapter 1, Section 32

Procedures for the prevention, response and investigation of hate crimes are in DRI's Administrative Manual.

### **9.2.2 Sexual Harassment Policy**

BoR Handbook, Title 4, Chapter 8, Section 14

### **9.2.3 Complaint Process for Harassment or Discrimination**

Refer to Administrative Manual, 2.02.00.

## **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 BoR Handbook, Title 4, Chapter 11, Section 12, 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 outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Additional details are provided in the DRI Administrative Manual, Section 2.05.00.

## **9.4 Ethics**

Researchers shall avoid scientific misconduct as defined in the DRI Administrative Manual (2.28.00), Scientific Integrity and Professional Ethics Guidelines and Best Practices of the Desert Research Institute, 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 also apply to Section 9.4:

- (a) Research misconduct means fabrication, falsification, or plagiarism in proposing or performing research, reviewing research proposals, or in reporting research results.
  - (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 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 Code Chapter 8.

## **9.5 Whistleblower Policy**

The primary "whistleblower" policy coverage for all DRI employees is Nevada Revised Statute (NRS) 281.621, which states:

*"It is hereby declared to be the public policy of this state that a state officer or employee and a local governmental officer or employee are 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 and a local governmental 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.



For DRI faculty working for the Technical Research, Engineering, and Development Services (TREDS) for the DOE/NNSA contract, additional "whistleblower" policy coverage is provided by the DOE Contractor Employee Protection Program. (10 CFR 708.3).

DRI faculty working on other federal programs may have separate policies that must be adhered to.

#### **9.6 Principal Investigator Fund**

As established by the BoR Handbook, Title 4, Chapter 11, Section 9 at least 5% of indirect cost recovery shall be set aside for use by faculty for uses appropriate with the DRI mission. The Executive Division Director shall determine, in consultation with the Research Division 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 the BoR Handbook, Title 4, Chapter 11, Section 12 and the DRI Administrative Manual.

Disclosing such activity is accomplished by completing DRI's electronic Conflict of Interest, Conflict of Commitment, and Outside Compensation Disclosure forms. The disclosure must be completed, submitted, and approved prior to any compensated non-DRI professional service (e.g., consulting) activity is performed.

#### **9.8 Alcohol and Drug Free Workplace Policy**

Alcohol and drug use in the workplace are strictly prohibited. Policy details are in Section 2.14.00 of the Administrative Manual.

The only exception to using alcohol on DRI property is when the employee is attending an officially sanctioned DRI social function. Such functions are only permitted if the appropriate license and/or permit is obtained in advance.

### **Chapter 10 - Faculty Leave**

#### **10.1 Annual Leave**

DRI professional faculty shall take annual leave in one (1)-hour increments in accordance with the Administrative Manual, Section 3.03.18. If a faculty member has accrued at least twenty (20) days of annual leave and takes annual leave of at least five (5) consecutive working days, the faculty member may sell a minimum of five (5) 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, with recommendation from Research Division Executive Division Directors, or Vice Presidents may grant leaves of absence without salary for up to twelve (12) months consistent with the BoR Handbook, Title 4, Chapter 3, Section 14. A request for leave of absence without salary must be submitted so that if approved, the approval date is at least two (2) weeks prior to the start of the leave. Request for extension of a leave of absence without salary beyond twelve (12) months is subject to approval by the President.

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.

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

DRI professional faculty shall take sick leave in one (1)-hour increments in accordance with all other provisions of the BoR Handbook, Title 4, Chapter 3, Sections 19 and 21, and the provisions of The Family and Medical Leave Act of 1993. Upon retirement, resignation, termination, or death 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 twenty (20) years of service), multiplied by employee's daily rate and then divided by forty (40).

### **10.4 Sabbatical Leave**

DRI faculty are eligible for sabbatical leave according to the provisions of the BoR Handbook, Title 4, Chapter 3, Section 15. 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 the BoR Handbook, Title 4, Chapter 3, Section 17.

### **10.6 Entrepreneurial Leave**

Notwithstanding any other provision of the BoR Handbook, a faculty member may apply in writing to the President for entrepreneurial leave. Entrepreneurial leave is up to 100% of the faculty members time and may only be granted if the faculty member will be the principal investigator for a grant awarded by Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) or any successor program of federal financial assistance that requires the faculty member to be employed more than 50% of the time on the grant. For the SBIR program, the principal investigator's primary employment (i.e., more than 50%) must be with the small business. If a full-time faculty is to be a PI on an SBIR grant of at least 51% on the small business side, they must reduce their NSHE employment concurrent with the award such that they are less than 50% with NSHE and become a non-voting faculty. The faculty member shall not accrue any sick or annual leave during the entrepreneurial leave. The institution shall not pay for any benefits for the faculty member during the period of entrepreneurial leave and the faculty member may continue insurance by paying the full premiums. Entrepreneurial leave may not exceed one (1) year.

## **Appendix A - DRI Bylaws Definitions**

**Adjunct faculty member:** Any individual holding a professional position with any member institution or unit of the System for which the individual receives no salary.

**Administration:** All personnel who provide administrative support to the research faculty. The Administration includes administrative faculty working within Administrative Offices as well as Research Divisions.

**Administrative Faculty:** Defined in the BOR Handbook, Title 4, Chapter 3, Section 2. (Rank 0), provide general support for DRI activities.

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

**Administrators:** Defined in Code Chapter 1 as administrative faculty.

**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 or BoR:** 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.

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

**Bridge Funding:** Funding provided to research faculty to supplement other funding that has dropped below 50%. See the BoR Handbook Title 2, Chapter 5, Section 5.8.2(a) for more details.

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

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

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

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

**Central Administration:** The offices of the President and Vice President and their reports. These are DRI's centralized administrative offices that support all of DRI's functions. Each Research Division also maintains an administrative staff overseen by the Executive Division Director, which focuses on support of that Division's operations and research faculty.

**Code:** The entirety of BoR Handbook, Title 2.

**DRI faculty:** All persons holding authorized professional positions as provided in Code Chapter 5, Section 5.10.2.

**DRI Personnel Manual for Research Technologists:** The manual that contains policies and procedures that regulate research technologists at DRI and is contained in the BoR Handbook, Title 4, Chapter 3, Section 1.

**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:** Any individual employed by a member institution or office/department of the Nevada System of Higher Education.

**Executive Administration:** Consists of the President, Vice Presidents, Assistant Vice Presidents, Executive Division Directors, Deputy Division Directors, Administrative Offices, and the Controller.

**Executive Division Director (for research divisions):** Administrative faculty member directly responsible to the President for all administrative operations of a Research Division.

**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.

**Financial exigency:** A condition that requires the bona fide discontinuance or reduction in size of an administrative office, project, program or curriculum due to the lack of funds 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:** A response to an act or omission to act by a DRI administrator or faculty member 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 BoR Handbook or DRI Bylaws.

**Harassment acts:** Without limitation, 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; or any other conduct that constitutes harassment pursuant to Code Ch. 8.

**Letter of appointment:** A temporary appointment at a professional level not to exceed 0.25 FTE in any twelve (12)-month period, 50% for six (6) months, or full-time for three (3) months and not carrying voting or serving privileges in faculty governance.

**Nevada System of Higher Education:** The system of universities, colleges, research and public service institutions administered by the Board of Regents.

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

**Nepotism:** DRI prohibits the concurrent employment of relatives if one (1) person will be the immediate supervisor or be in the direct line of authority of any relative within the third (3rd) degree of consanguinity or affinity, including members of the Board of Regents.

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

**Postdoctoral Researcher:** (Temporary Faculty Appointment) is a limited term, scholarly research faculty position under the direction of a faculty sponsor established for the researcher's continuing education and professional growth.

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

**Principal investigator fund:** Established by the BoR Handbook, Title 4, Chapter 11, Section 9. At least 5% of indirect cost recovery shall be set aside for use by research faculty for uses appropriate with the DRI mission. The Executive Division Director shall determine, in consultation with the Research Division faculty, the process for managing principal investigator funds in each Division.

**Professional employee:** Any employee issued a contract or letter of appointment by a member institution or office/department of the System for employment in the professional service of the System for a period exceeding six (6) months at 0.50 FTE or more, 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 emphasizes 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:** 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:** A change in faculty status between Rank 0 and Rank 1 to the Research Scientist/Engineer track, or from Rank 1 and Research Scientist/Engineer to the professor track.

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

**Research Scientist/Engineer 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 I through IV Scientific Track and ranks II through IV Professorial Track as described in the Bylaws.

**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 thus 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 Division:** 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 the BoR Handbook, Title 4, Chapter 3, Section 15. Additional details on sabbatical leave for DRI faculty are provided in the DRI Administrative Manual.

**Shared governance:** An environment of joint effort, communication, responsibility, and cooperation among DRI personnel to serve the best interests of the Institute.

**System:** Nevada System of Higher Education.

**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:** A faculty appointment with an FTE equal to or greater than 50% for less than twelve (12) months. Does not require recruitment.

**Tenure:** DRI personnel do not qualify for tenure as defined in Code Chapter 3, Section 3.1.1.

**Termination funding:** Funding provided to DRI faculty who have received a termination notice during their last stages of employment at DRI. (see Code Chapter 5, Section 5.8).

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

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

**Working days:** The time periods specified in the BoR Handbook as designated by the Nevada Revised Statutes, or designated periods of class recess as provided by an appropriate member institution.