

BOARD OF REGENTS
BRIEFING PAPER

Agenda Item Title: Proposed Amendment to Board of Regents' Handbook, Title 2, Chapter 5, Section 5.4.9, to add a new subsection b regarding Transfer of Administrators.

Meeting Date: September 10-11, 2015

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

In light of the efficiency and effectiveness initiative, the review and study of sharing of services among institutions is ongoing. The sharing of services may require the transfer of administrative faculty. Board policy does not address the transfer of administrative faculty. The proposed policy is intended to help facilitate the inter-institutional sharing of services.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

It is recommended that the Board of Regents' Code, Title 2, Chapter 5, Section 5.4.9 be amended to add a subsection addressing a process for Board approval of the transfer of administrative faculty between institutions or units.

4. IMPETUS (WHY NOW?):

The lack of Board Policy on transfer of administrative faculty has been identified as an impediment to the sharing of services between institutions.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The proposed policy is needed in order to facilitate sharing of services between institutions or units.
- In the absence of a specific policy allowing transfer of administrative faculty, the implementation of shared services can be significantly delayed.
- Under current policy, in order to effect a transfer, an administrative faculty member would have to be given notice of termination and then offered a new contract at the new institution.
- The proposed policy sets forth a process for the transfer of administrative faculty.
- The proposed policy requires the following:
 - Board approval of such transfers;
 - The recommendation of the Chancellor to the Board;
 - The Chancellor must consult with the presidents of the affected institutions and with the employee(s) to be transferred;
 - The Chancellor's recommendation must address:
 - the business purpose for the transfer and the impact on services;
 - consideration of alternatives; and
 - the financial and budget impact of the transfer, including but not limited to the allocation of costs or savings between the institutions involved.
 - The transferred administrative faculty member would continue as a member of the faculty with all rights and privileges of the faculty of the System institution or unit to which the administrator is transferred; and
 - Transfer between northern and southern institutions without the employee's consent would be prohibited (if consent is given, moving costs would be provided in accordance with state law).

- Note: The term "administrators" is defined in the Code in Section 1.1(b) and means administrative faculty employed in executive, supervisory or support positions.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- All transfers of administrative faculty between institutions should only occur with the consent of the affected employee.
- The delay associated with transfer of administrative faculty under current policy is appropriate.

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

- Do not adopt a policy allowing the Board of Regents to approve the transfer of administrative faculty between NSHE institutions and units.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title #2, Chapter 5, new Section 5.4.9.b
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
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Other: _____

- Fiscal Impact: Yes No

Note: Although transfer of administrative faculty may have a fiscal impact, that impact cannot be estimated at this time. Under the proposed policy, the Chancellor must address the budget impact of such transfers at the time a recommendation is made to the Board.

PROPOSED REVISIONS – Board of Regents CODE

TITLE 2, CHAPTER 5,

Amendment to SECTION 5.4.9-adding a new *Section 5.4.9.b-Transfer of Administrators*

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

5.4.9 Reassignment and Transfer of Administrators.

a. *Reassignment of Administrators.* An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. However, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty, of the System institution in which the administrator was employed until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be reassigned to duties within the System institution. Nothing in this section shall be interpreted as abrogating the notice of nonreappointment provisions of Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the NSHE Code.

b. *Transfer of Administrators.*

Upon the recommendation of the Chancellor, the Board of Regents may transfer an administrator to any NSHE institution or unit. Before making such a recommendation, the Chancellor shall consult with the presidents of the institutions affected by the transfer and the administrator(s) being recommended for transfer. The Chancellor's recommendation to the Board of Regents shall address the following:

- 1. The business purpose for the transfer and the impact on services;***
- 2. The consideration of alternatives;***
- 3. The financial and budget impact of the transfer, including but not limited to the allocation of costs or savings between the institutions involved.***

The transferred administrator shall continue as a member of the faculty with all rights and privileges of the faculty of the System institution or unit to which the administrator is transferred. Administrators shall not be transferred between northern (UNR, WNC, TMCC, GBC, DRI) and southern (UNLV, NSC, CSN) institutions without the agreement of the employee. If an employee consents to transfer between northern and southern institutions, moving expenses shall be provided in accordance with state law. Nothing in this section shall be interpreted as abrogating the notice of nonreappointment provisions of Subsections 5.4.2, 5.8.2, 5.9.1, and 5.9.2 of the NSHE Code.