

## Title 4 - Codification of Board Policy Statements

### Chapter 1

#### GENERAL POLICY STATEMENTS

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## **Section 1. Nevada System of Higher Education (NSHE) Mission Statement**

1. The mission of the NSHE is to provide higher education to the citizens of the state at an excellent level of quality consistent with the state's resources. It accomplishes this mission by acquiring, transmitting, and preserving knowledge throughout the region, nation, and world. The System provides an educated and technically skilled citizenry for public service, economic growth and the general welfare contributes to an educated and trained workforce for industry and commerce, facilitates the individual quest for personal fulfillment, and engages in research that advances both theory and practice.
2. Sections 4 and 7 of Article 11 of the state constitution vests exclusive governance and administration of the System in the Board of Regents. With this constitutional authority, the Regents govern the System according to the following objectives:
  - a. To promote access to affordable public programs of higher education to all who can benefit from those programs.
  - b. To ensure that all activities demonstrate a continued quest for excellence, economy and the balancing of basic goals that the public interest requires.
  - c. To develop and support programs of instruction and complementary programs of basic and applied research, scholarship, and public service, which together contribute to the cultural, economic, and social development of Nevada and the nation.
3. To achieve these objectives, the Board of Regents seeks sufficient funding from the state and other sources to support programs of high quality. Further, it engages in appropriate planning activities to provide as many educational opportunities in as an effective, efficient and cost-effective manner as possible. To this end, it provides appropriate administration to ensure coordination and accountability and establishes an appropriate mission statement for each institution to minimize inefficiency.

(B/R 9/09)

## **Section 2. Ethical Code of Conduct for Regents**

1. A member of the NSHE Board of Regents should honor the high responsibility that this elected office demands by:
  - a. Thinking always in terms of the improvement of educational opportunities of Nevada's citizens first.
  - b. Understanding that the primary role of a Board member is policymaking, not administration, and distinguishing intelligently between these two functions.
  - c. Endeavoring to insure that maximum resources are provided for the proper functioning of the NSHE and that these resources are properly used.
  - d. Representing the entire NSHE at all times.

- e. Becoming well informed concerning the duties of Board members and the proper functions of the NSHE.
  - f. Recognizing the responsibility as a state official to seek the improvement of education throughout the state.
  - g. Endeavoring to be readily available to fellow Board members, the chancellor, the presidents, faculty, staff, students, and the public for providing and obtaining information.
  - h. Treating all employees and students of the NSHE with respect, cognizant of the power inherent in the office of Regent, and never using that power to attempt to intimidate or influence employees or students to gain unwarranted privileges, advantages, or preferences for the Regent or for his or her family members, other individuals, or business entities.
  - i. Upholding public trust in the office of Regent.
2. A member of the NSHE Board of Regents should respect relationships with other members of the Board by:
- a. Realizing that authority rests with the Board only in official meetings, that the individual member has no legal status to bind the Board outside of such meetings except as may be expressly authorized by the Board.
  - b. Recognizing the integrity of their predecessors and their current associates on the Board and the merit of their work.
  - c. Making decisions only after all facts bearing on a question have been presented and discussed.
  - d. Encouraging the free expression of opinions by all members, respecting the opinion of others, and conforming to the principle of "majority rule."
  - e. Not requesting other members of the Board to endorse a Board member or otherwise participate in the Board member's reelection campaign.
  - f. Preparing, when serving as Board Chair or Committee Chair, in cooperation and in collaboration with the chancellor, the agendas of all meetings of the Board of Regents and its committees.
3. Members of the NSHE Board of Regents should maintain desirable relations with the chancellor and the chancellor's staff by:
- a. When a vacancy exists, striving to procure the best professional leader available as the chief executive officer of the NSHE.
  - b. Giving the chancellor clear and full administrative authority for properly discharging the professional duties of the System office and by holding the chancellor accountable for acceptable results.

- c. Acting only upon recommendations of the chancellor, and the chancellor's staff, and in conformance with applicable statutes and policies in all matters that come before the Board.
  - d. Going directly to the chancellor if a problem arises concerning the chancellor's office or staff. If a direct meeting does not solve the problem, only then should the matter be taken to the Board of Regents as a whole.
  - e. Having the chancellor, or the chancellor's designee, present at all meetings of the Board of Regents and other meetings involving decisions affecting the conduct of the entire System.
  - f. Referring all constituent's complaints initially to the chancellor or to the presidents of the member institutions, where applicable.
  - g. Endeavoring to maintain an environment in which the chancellor and the chancellor's staff may discharge their duties throughout the System and the state on a thoroughly professional basis.
  - h. Not requesting the chancellor or members of the chancellor's staff to endorse a Board member or to otherwise participate in the Board member's reelection campaign or campaign for another elective office.
  - i. Preparing, when serving as Board Chair or Committee Chair, in cooperation and in collaboration with the chancellor, the agendas of all meetings of the Board of Regents and its committees.
4. Members of the NSHE Board of Regents should meet responsibilities to the electorate by:
- a. Attempting to appraise fairly both the present and the future higher education needs of their communities.
  - b. Regarding as a major responsibility of the Regents the interpretation of the aims and methods of the people of Nevada pertaining to higher education opportunities.
  - c. Insisting that all NSHE business be conducted in an open, ethical, and above-board basis.
  - d. Vigorously seeking adequate funding (financial support) for all units of the NSHE.
  - e. Refusing to use a position on the Board of Regents, in any way whatsoever, for political or personal gain or aggrandizement.
  - f. Holding confidential all matters pertaining to personnel which, if disclosed, would needlessly injure individuals or educational programs.
  - g. Winning the public's confidence that all is being done within the NSHE in the best interests of students.

(BR 12/02)

### **Section 3. Statutory and Policy Prohibitions for Members of the Board of Regents**

1. Regents are subject to the code of ethical standards of the State of Nevada (*Nevada Revised Statutes* (NRS) 281A.400 – 281A.480) promulgated to govern the conduct of public officers and employees. These sections of the NRS include, but are not limited to, provisions related to acceptance of gifts and services (NRS 281A.400), voting (NRS 281A.420), bidding on contracts (NRS 281A.430), and honorariums (NRS 281A.510). Regents are also subject to certain additional conflict of interest provisions contained in other sections of the *Nevada Revised Statutes* and in this *Handbook*.
  - a. *Nevada Revised Statutes* 396.122 prohibits a member of the Board of Regents from being interested, directly or indirectly, as principal, partner, agent or otherwise, in any contract or expenditure created by the Board of Regents, or in the profits or results thereof.
  - b. Board policy related to Regents' conflicts of interest concerning the purchase of supplies, equipment, services, and construction under any contract or purchase order is stated in Title 4, Chapter 10, Section 1(7).
  - c. Board policy related to Regents' conflicts of interest concerning management of investment accounts is stated in Title 4, Chapter 10.
  - d. Board policy related to Regents' conflicts of interest concerning nepotism is stated in Title 4, Chapter 3, Section 7.
2. In order to demonstrate compliance with statutory provisions contained in the *Nevada Revised Statutes* and with Board policies, members of the Board of Regents shall complete an annual disclosure statement regarding contractual, employment, family, financial, and outside activities that might create a conflict of interest. The annual disclosure statements will be filed with the Secretary to the Board and are subject to state records retention policies.
  1. a. In accordance with the provisions of NRS 281A.400(10), a Regent shall not seek other employment or contracts through the use of his or her official position within the NSHE.
  - b. In light of the provisions of the Ethical Code of Conduct for Public officers set forth above, and in particular, to enhance public trust in the office of Regents, a Regent may not apply for or accept a new or different position, contract or business relationship with an institution, unit or foundation of the NSHE for a period of 1 year after the termination of the Regent's service on the Board.

(B/R 9/10)

#### **Section 4. Production or Inspection of Records and Requests for Information by Regents**

1. Unless otherwise prohibited by law, all books, records and documents, except material related to restricted access research, that are in the custody of an NSHE institution or unit must be made available to Regents for inspection or copying upon request. Regents should make such a request only for reasons germane to the performance of their duties as Regents. Requests for inspection or copies of books, records or documents must be directed to the chancellor, presidents, vice chancellors, vice presidents, secretary to the Board or the director of internal audit, as the case may be. Such requests shall also be copied to the chancellor and, if applicable, the president of the relevant institution. The written response from the institution or unit shall be sent to all Regents, with copies to the chancellor, the applicable president and the Board office. Regents may request the chancellor or his or her designee to inspect restricted access research materials on their behalf and provide a summary report to the Board. Requests to inspect restricted access research materials will be accompanied by non-disclosure and conflict of interest statements signed by the chancellor or his or her designee.
2. As noted in Board Bylaws and policies, the Board of Regents acts as a unit and no one Regent has the authority to bind the Board. "It shall be the policy of the Board of Regents to act as a unit. The Board of Regents controls the University as a body representing the people; the individual members have no authority singly." Board Policies, Title 4, Chapter 1, Section 7(6). Accordingly, if a request for information by a Regent is anticipated by an institution or unit to require in excess of six hours to prepare a response, the request is subject to the Board's prior approval at a public meeting of the Board. In determining whether to approve the information request, the Board shall take into consideration the cost associated with responding to the request in terms of the use of personnel and other resources. The written response by the institution or unit to approved information requests shall be sent to all Regents, with copies to the chancellor, the applicable president and the Board office and will identify the Regent making the request when so distributed.

(B/R 6/13)

#### **Section 5. Inspection of Files**

1. For the purpose of Section 5, files include both paper and electronic records. Regents may inspect files of employees and students, or any other non-public information, only for reasons germane to the performance of their duties as Regents. This inspection should never involve unwarranted privileges, advantages or preferences, nor should it ever involve personal gain or retribution for the Regent or for his or her family members, other individuals, or business entities. Health records and faculty or student research files are not subject to inspection.

2. Prior to inspection of any non-public file, a Regent must provide a written request to the chancellor stating the reason for the examination of the file and what information is being sought. When a Regent requests access, the chancellor will notify other Regents and the institutional president of the request. In the case of a student or employee file, the institution will notify the student or employee of the Regent's request and any subsequent inspection of the requested information. A request for inspection of non-public files must comply with all applicable state and federal statutes. A custodian or designee of non-public files shall be present during any inspection of such files. Safeguards for electronic records must likewise be in place at each institution. Files shall not be copied or removed from the institutional or System office premises except under court order.  
(B/R 12/02)

## **Section 6. Board Meeting Dates**

The Board of Regents shall meet on a schedule established annually.  
(B/R 1/73)

## **Section 7. Academic and University Year**

It is the responsibility of each institution to develop its academic calendar, to propose the date or dates of its general commencement(s), and to specify the academic-year obligation of its academic-year faculty. Each of these items must be approved by the institutional president and submitted to the chancellor.

Presidents are responsible for specifying the academic-year obligation for their academic-year faculty. The academic-year obligation defines the dates within which academic-year faculty should be available for assignment on-campus or off-campus. The chancellor shall establish procedures for setting the aforementioned dates.  
(B/R 10/04)

## **Section 8. Policy of the Board of Regents**

1. The Constitution of the State of Nevada provides for the control of the University of Nevada to be in a Board of Regents. This Board is a body corporate and is legally responsible for the final control of the University.
2. This Board of Regents adopts the policy that the function of a Board of Regents is advisory and legislative. Thus, the Board of Regents shall delegate whenever possible duties which are initiatory and executive.
3. It shall be the function of the Board of Regents to approve or reject policies proposed by the administration. The administration shall develop educational programs for consideration and the Board shall furnish the necessary legislation and authority for the administration to carry out these policies effectively.
4. In preparing and codifying Board policy, the secretary of the board is authorized to make the following non-substantive changes to all titles of the *Handbook*:
  - a.) Correcting changes to names of organizations, departments, units, committees, and position titles;

- b.) Correcting grammatical errors; and
- c.) Correcting obvious typographical errors.

The secretary of the board shall maintain a record of any non-substantive changes that are completed.

5. Only in the most unusual circumstances should the Board of Regents concern itself with the details of administration. Upon the basis of recommendations and data presented by the administration, the Board of Regents shall determine the general method in which various problems and administrative duties are to be solved or handled, and shall permit the administration to apply the policies decided upon to single individual jobs or problems.
6. Whenever a situation arises where no policy has been established in the past, the chancellor shall analyze the situation and determine the issue upon which the Board needs to act. Thereupon, the Board of Regents shall settle policy with reference to the particular issue. After the Board of Regents has acted, the chancellor shall apply the new policy to the particular cases. Where appropriate, the council of presidents shall be involved.
  - a. During legislative sessions, when it becomes necessary to take a position on behalf of the NSHE on proposed legislation to be heard by a legislative committee and (1) the Board has not yet taken a position on the bill and (2) the Board will not meet before the bill is heard by the legislative committee, the chancellor, as the chief executive officer of the System, or his/her designee, may take a position on behalf of the System on the bill before the legislative committee. The chancellor shall notify the members of the Board of the chancellor's position on the bill before the bill is heard by the legislative committee. The chancellor shall additionally present to the Board during a legislative session, and at each meeting of the Board immediately following the conclusion of a legislative session, a list of legislative measures with the position taken on behalf of the NSHE noted, for consideration of approval or revision of position by the Board.
  - b. In carrying out the provisions of (a) above, the chancellor shall inform the legislative committee involved that the Board had not yet taken a position on the bill in question.
7. It shall be the policy of the Board of Regents to act as a unit. The Board of Regents controls the NSHE as a body representing the people; the individual members have no authority singly.
8. No member of the Board of Regents can bind the Board by word or action, unless the Board has, in its corporate capacity, designated such member as its agent for some specific purpose and for that purpose only.
9. The use of the terms "Board of Regents of the NSHE" and "The NSHE" may not be used by any person, group or organization for any announcements, invitations and solicitations without the written permission of the Board of Regents of the NSHE or the Board's authorized designee.

(B/R 6/13)



## **Section 9. Campus Development**

In development of the campuses of the NSHE, the following principles are hereby adopted.

1. The park-like quality of each campus shall be maintained and further developed to the effective use of open areas, such as quads and malls. Such areas shall have serviceable walkways and seating areas in order to maintain a proper balance between utility and aesthetics.
2. Landscape architecture shall maintain pace with the aesthetic qualities of each campus in general. Funds for landscaping shall be included in the budget for each new building.
3. A small amount of parking area shall be provided adjacent to, or as near as possible to most buildings, to satisfy parking needs of faculty.
4. Consideration shall be given to the movement of student and faculty traffic between classes, materials and services from building to building, and visitors and groups for special events about each campus, particularly in regard to the location of sidewalks, paths and service routes. Special consideration shall also be given to the size and servicing of walkways in order to provide safety and convenience.
5. There shall be an annual reappraisal of enrollment projections and building priorities.
6. Standardized plaques shall be placed on NSHE buildings pursuant to procedures established by the chancellor.

(B/R 10/04)

## **Section 10. Alcoholic Beverage Policy**

(For Student Policy, See Title 4, Chapter 20, Sec. 4.)

The purchase of alcoholic beverages for use at NSHE functions shall be permitted for the following functions or pursuant to the following conditions:

1. Conferences and Institutes where a part of the fee collected is for a cocktail party.
2. Host account expenditures for liquor with dinner and for large receptions.
3. Student associations must have the institutional president's prior approval and the institution president is to be the only person authorized to approve payment of the purchase of alcoholic beverages from student association funds. The institutional president will only grant this authorization upon being satisfied that proper supervision is provided in the dispensing of alcoholic beverages.

(B/R 6/82)

## **Section 11. Parking and Traffic Regulations**

The president of each institution shall have the authority to establish, approve, and enforce parking and traffic regulations that govern the movement, operation, and parking of motor vehicles on property under the jurisdiction of the institution. Such regulations shall be in compliance with the *Nevada Revised Statutes* and applicable county codes.

(B/R 6/04)

## **Section 12. NSHE Police and Security Forces**

### 1. Mission

The mission of NSHE police and security forces shall be 1) to provide for the safety and security of students, employees, and guests on each campus, 2) to protect NSHE property, 3) to create an atmosphere of respect, friendliness, and community on the campus, and 4) to provide the most efficient, extensive security for each campus within the resources available.

### 2. Control, Authority and Reporting

The control and authority over all NSHE police departments resides with the Board of Regents. The Board of Regents entrusts the chancellor and, through the chancellor, the presidents, with the direct oversight and management of police departments and contracted security firms at individual institutions within the limits set by NSHE policy.

### 3. External Contracts

Contracts between NSHE institutions and private security firms must describe the exact duties and responsibilities of the security firms' employees, including the obligation to communicate problems and disturbances to campus administrators in addition to their own supervisors, and to local police when necessary. The contract should refer to Board of Regents' policies. Any contract for services by a private security firm must be reviewed by NSHE legal counsel and approved by the chancellor. Such contracts may not exceed the authority granted to the president under NSHE policy.

### 4. Interlocal Agreements

- a. In accordance with NRS 396.325, each NSHE campus shall enter into an interlocal agreement with the appropriate municipal police department to define the territorial limits and jurisdiction of campus peace officers and private security firms. Where needed or requested, each NSHE police department shall provide mutual aid, assistance and expertise to municipal police departments.
- b. NSHE peace officers may be authorized to enroll as reserve officers of the Reno, Sparks, or Las Vegas Metropolitan police for the purpose of acting on matters concerning NSHE related business. The NSHE shall provide a "hold harmless" agreement to the sponsoring jurisdiction.

## 5. Community-oriented Model

All NSHE police departments shall use a community-oriented policing model, developed to support and enhance the System and institutional mission and the welfare of students and staff.

## 6. Campus Education

All NSHE police departments shall establish educational programs for students and employees on safety issues. Examples include, but are not limited to, crime prevention, self-defense, alcohol and drug education, emergency response, and crisis management.

## 7. Training

All NSHE police departments shall establish training requirements and programs that ensure that all police are prepared to function effectively consistent with peace officer status within higher education's setting and goals that meet or exceed state peace officer training requirements.

## 8. Hiring Criteria

All NSHE police departments shall establish standards and screening criteria to ensure qualified personnel. Standardized psychological screening will be conducted for all police recruits in the NSHE.

## 9. Uniforms

NSHE police are highly visible representatives of the institution in which they are employed. Attire of NSHE police shall be appropriate for their duties. Each institution shall determine the type of attire best suited for the effective functioning of its police department. The attire of NSHE police shall be clearly distinctive so that students and employees will easily recognize institutional police. Distinctive is defined as different from other law enforcement agencies in the county in which the campus resides.

## 10. Weapons

Each president may restrict the armament of any or all police within the institution. All NSHE police departments shall evaluate the type of weapons necessary for meeting their duties and equip the force with only those weapons judged to be essential to their mission. Only officers who are fully trained in a weapon and for whom the weapon is essential shall carry a weapon. Each police department head shall determine which officers may carry each type of weapon. It is at the police department head's sole discretion to limit which officers may carry a particular type of weapon.

## 11. Scope of Operations

Given finite resources, each police department shall not engage in non-essential services, including those available through arrangements with municipal police. All departments shall limit the scope of coverage to those areas essential to the institution's safety. No tactical special operations units (such as special weapons and tactics units) shall be formed by NSHE police. Any special operations must be approved by the police department head, the president, and the chancellor and reported after the operation is complete to the Board.

## 12. Board of Regents Reports

The Board of Regents shall review biennial reports on the status of safety issues from each campus. The timing of the reports will correspond with deadlines for federal and state reporting of crime statistics. These reports to the Board shall minimally include the following data required under NRS 396.329: crime statistics, training requirements and programs, equipment authorized for use by police officers, policies regarding use of force, activities to improve or maintain public relations, number of full-time and reserve officers, and number of allegations of excessive force. In addition, the reports to the board shall also contain information on hiring requirements, attire, description of weapons in inventory, and percentage of time police spend on campus (excluding patrol time in cars).

## 13. Campus Reports

All NSHE police departments must comply with federal requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act , 20 U.S.C. §1092(f), 34 CFR 668.46 and shall provide widely disseminated monthly reports on campus crime to all members of the campus community through email or other mechanisms. Immediate warnings to the campus community shall be provided if the police departments have reliable information about dangerous individuals in the area or of crimes in the immediate vicinity of the institution that are not yet solved. (B/R 8/07)

## 14. External Evaluation

At least every five years, all NSHE police departments shall be reviewed by an entity external to the NSHE, approved by the chancellor on recommendation from the president. The purpose of these reviews will be to assure that the police departments and their employees are operating in an appropriate and effective manner consistent with the welfare of the institution of which they are a part. These reviews shall be presented to the Board of Regents by the external reviewer.

## 15. Review Boards

The Board of Regents shall, for each institution, either establish a review board or ensure that an alternate mechanism is in place to address the concerns raised by NRS 396.3291. If established, the membership and function of this board will be consistent with the stipulation set forth in NRS 396.3291 and the board shall annually present a report to the chancellor on its activities.

(B/R 6/02)

## **Section 13. Regent Travel and Host Spending Policy**

1. In-State Travel. Reimbursement of travel expenses incurred by members of the Board of Regents will be made for all trips required in an official capacity within the state. Reimbursement will be made at the rates authorized by the State of Nevada.
2. Out-of-State Travel. Each Regent is authorized to attend one national and one regional meeting annually. Any additional out-of-state travel is to be approved by the Board of Regents or by the Board Chair when in the interest of time it cannot be approved by the full Board.

Should a Regent be appointed or elected to a national or regional board that Regent will present for consideration an estimated travel budget for the coming year.

3. Operating Funds. Expenses incurred by a member of the Board of Regents in an official capacity will be reimbursed by the NSHE, including long distance telephone charges, postage, etc.
4. Host Funds. An annual host account of up to \$2,500 for members of the Board of Regents will be established to be used for official NSHE hosting. These accounts will be used to reimburse Regents for host expenditure claims submitted to the secretary of the board. Any amount above those stipulated must be approved by the Board.

The only time an event would not be charged to the individual host account would be when one or more members of the Board are hosting in an official capacity. Any large event must be previously approved by the Board.

(B/R 3/06)

#### **Section 14. Distinguished Nevadan and Honorary Degree Nominations**

1. Consistent with the provisions of this section, the chancellor shall provide guidelines for the nomination of Distinguished Nevadans and honorary degrees.
2. Nominations for Distinguished Nevadans may be made by:
  - a. The Regents representing Districts 1, 2, 7, 8, 10 and 12 no sooner than November 15 and not later than December 31 during an even numbered year.
  - b. The Regents representing Districts 3, 4, 5, 6, 9, 11 and 13 no sooner than November 15 and not later than December 31 during an odd numbered year.
3. In addition to the nominations made pursuant to subsection 2, under extraordinary circumstances, the Board Chair may recommend an individual for nomination by the full Board of Regents to receive the award of Distinguished Nevadan. Such a nomination must be approved by the Board.
4. The Board of Regents shall make the award on or before March 31 of the academic year in which the nomination is made.

(B/R 11/12)

#### **Section 15. Board of Regents' Scholar Award**

1. The Nevada Regents' Scholar Award shall be given annually to an undergraduate student from each University, state college and community college and to a graduate student at each of the universities within the NSHE. The awards will be given as follows:

Community colleges – one student per year.

State college – one student per year.

Universities – one undergraduate and one graduate student each year.

2. The Scholar award will carry with it a cash stipend of \$5,000. Awards are to be based on academic accomplishments, leadership ability, service contributions while a registered student, as well as for the recipient's potential for continued success.
3. Guidelines for the nomination and selection of the recipients of the Nevada Regents' Scholar Award shall be established by the office of the chancellor.  
(B/R 1/03)

**Section 16. Nevada Regents' Award for Creative Activities**

1. The Nevada Regents' Award for Creative Activities shall be given annually to one NSHE Faculty member with a distinguished record in creative activity. Although this award is intended for individuals, groups who by their collaboration have made major advances may be recognized as well.
2. The Creative Activities Award will carry with it a cash stipend of \$5,000. The intent is to select one individual (or group) for recognition each year. However, the Selection Committee may choose to send forward more than one nomination in exceptional circumstance.
3. Faculty members who receive the Regents' Award for Creative Activities may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipient of the Nevada Regents' Award for Creative Activities shall be established by the office of the chancellor.  
(B/R 9/05)

**Section 16. Nevada Regents' Award for Creative Activities (Effective Fall 2015)**

1. The Nevada Regents' Award for Creative Activities shall be given annually to NSHE Faculty members with distinguished records in creative activity. The award will carry with it a cash stipend of \$5,000.
2. Two awards will be granted annually. Faculty with a distinguished record in creative activity at UNLV, UNR and NSC will be eligible for one award. Faculty with a distinguished record in creative activity at CSN, GBC, TMCC, and WNC will be eligible for one award. Although these awards are intended for individuals, groups who by their collaboration have made major advances may be recognized as well.
3. Faculty members who receive the Regents' Award for Creative Activities may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipients of the Nevada Regents' Award for Creative Activities shall be established by the office of the chancellor.  
(B/R 12/14)

## **Section 17. Nevada Regents' Researcher Awards**

1. The Nevada Regents' Researcher Award shall be given annually to one NSHE faculty member with a distinguished record in research. Although this award is intended for individuals, groups who by their collaboration have made major advances may be recognized as well. In addition, each Nevada research institution will nominate annually a Nevada Regents' Rising Researcher Award in recognition of early-career accomplishments and potential for future advancement and recognition in research.
2. The Researcher Award will carry with it a cash stipend of \$5,000. The intent is to select one individual (or group) for recognition each year. However, the Selection Committee may choose to send forward more than one nomination in exceptional circumstances. The Regents' Rising Research Awards are non-cash awards.
3. Faculty members who receive the Regents' Researcher Award may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipient of the Nevada Regents' Researcher Award and the Nevada Regents' Rising Researcher Awards shall be established by the office of the chancellor. Institutions may establish additional guidelines related to the nomination of faculty members for the Nevada Regents' Rising Researcher Award.

(B/R 10/08)

## **Section 17. Nevada Regents' Researcher Awards (Effective Fall 2015)**

1. The Nevada Regents' Researcher Award shall be given annually to one NSHE faculty member with a distinguished record in research. Although this award is intended for individuals, groups who by their collaboration have made major advances may be recognized as well. In addition, a Nevada Regents' Rising Researcher Award shall be given annually to one NSHE faculty member at UNLV, UNR and DRI in recognition of early-career accomplishments and potential for future advancement and recognition in research.
2. The Researcher Award will carry with it a cash stipend of \$5,000. The intent is to select one individual (or group) for recognition each year for the Researcher Award. However, the Selection Committee may choose to send forward more than one nomination for the Researcher Award in exceptional circumstances. The Rising Researcher Award will carry with it a cash stipend of \$2,000 for each recipient.
3. Faculty members who receive the Regents' Researcher Award may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipient of the Nevada Regents' Researcher Award and the Nevada Regents' Rising Researcher Awards shall be established by the office of the chancellor. Institutions may establish additional guidelines related to the nomination of faculty members for the Nevada Regents' Rising Researcher Award.

(B/R 12/14)

### **Section 18. Nevada Regents' Teaching Award**

1. The Nevada Regents' Teaching Award shall be given annually to NSHE faculty members with distinguished records of teaching. The award will carry with it a cash stipend of \$5,000.
2. Two awards will be granted annually. Full-time faculty who provide instruction as part of their regular assignments at DRI or who provide instruction as their primary assignments at UNLV, UNR and NSC will be eligible for one award. Full-time faculty who provide instruction as their primary assignments at CSN, GBC, TMCC, and WNC will be eligible for one award. Although these awards are intended for individuals, groups who by their collaboration have made outstanding instructional contributions may be recognized as well.
3. Faculty members who receive the Regents' Teaching Award may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipients of the Nevada Regents' Teaching Award shall be established by the office of the chancellor.  
(B/R 9/05)

### **Section 18. Nevada Regents' Teaching Award (Effective Fall 2015)**

1. The Nevada Regents' Teaching Award shall be given annually to NSHE faculty members with distinguished records of teaching. The award will carry with it a cash stipend of \$5,000.
2. Two awards will be granted annually. Full-time faculty who are tenured or tenure track or who provide instruction as their primary assignment at UNLV, UNR, or NSC – and DRI faculty who provide instruction as part of their regular assignment – are eligible for one award. Full-time faculty who provide instruction as their primary assignments at CSN, GBC, TMCC, and WNC will be eligible for one award. Although these awards are intended for individuals, groups who by their collaboration have made outstanding instructional contributions may be recognized as well.
3. Faculty members who receive the Regents' Teaching Award may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipients of the Nevada Regents' Teaching Award shall be established by the office of the chancellor.  
(B/R 12/14)

### **Section 19. Nevada Regents' Academic Advisor Award**

1. The Nevada Regents' Academic Advisor Award shall be given annually to faculty or staff members with distinguished records of student advisement. The award will carry with it a cash stipend of \$5,000 at the universities, community colleges, and state college.
2. One award will be granted annually to a full-time community college member of the faculty, professional staff, or classified staff who provide academic advisement as part of their regular assignment or who provide academic advisement as their primary assignment. Two awards will be granted annually between the universities and state college, one for undergraduate advisement and one for graduate advisement. DRI full-time faculty or professional staff who provide academic advisement to graduate students at UNLV and UNR as part of their regular assignments or who provide academic advisement as their



primary assignments are eligible for the award. Although these awards are intended for individuals, groups who by their collaboration have made outstanding contributions in academic advisement may be recognized as well. In addition, each NSHE institution will grant an annual academic advisor award with a minimum stipend of \$1,000, the maximum amount of which will be determined by the individual campus.

3. Faculty members who receive the Regents' Academic Advisor Award may use the title as such in perpetuity.
4. Guidelines for the nomination and selection of the recipients of the Nevada Regents' Academic Advisor Award shall be established by the office of the chancellor.  
(B/R 6/06)

#### **Section 20. NSHE AIDS Guidelines**

The chancellor shall establish guidelines to address the personal, administrative, medical, and legal problems associated with the Acquired Immune Deficiency Syndrome (AIDS).  
(B/R 10/04)

#### **Section 21. Covert Video Surveillance**

The use of covert video surveillance for anything other than a criminal investigation on the campuses of the NSHE is prohibited. If, in a criminal investigation, such video surveillance is used, it must be approved by the president or the president's designee. This policy shall not interfere with the legitimate use of videotaping for academic purposes.  
(B/R 6/92)

#### **Section 22. Computing Resources Policy**

1. Principles: Academic freedom in teaching and research and the right of freedom of speech for faculty, staff and students are fundamental principles of the NSHE. Nothing in this section limits or removes the right of free speech or the academic freedom of faculty, staff, and students engaged in the learning process, nor relaxes their responsibilities as members of the NSHE community. This computer resources policy seeks to achieve objectives necessary for the legitimate and proper use of the NSHE computing resources. It is intended that these ends should be achieved in ways that maximally respect the legitimate interests and rights of all computer users. The NSHE acknowledges its responsibilities to respect and advance free academic inquiry, free expression reasonable expectations of privacy, due process, equal protection of the law, and legitimate claims of ownership of intellectual property. Each institution within NSHE may adopt further computing resources policies congruent with these principles.
2. Use of Computing Resources
  - a. The computing resources of the NSHE are the property of the NSHE and are intended for support of the instructional, research, and administrative activities of System institutions. Examples of computing resources are system and campus computing facilities and networks, electronic mail, Internet services, lab facilities, office workstations and NSHE data. Users of NSHE computing services, data and facilities are responsible for appropriate and legal use. Appropriate use of system computing resources means 1) respecting the rights of other computer users, 2) protecting the integrity of the physical

and software facilities, 3) complying with all pertinent license and contractual agreements, and 4) obeying all NSHE regulations and state and federal laws.

- b. Students enrolled in kindergarten through twelfth grades using NSHE computing facilities and networks for K-12 classes and activities must abide by school district and NSHE policies. K-12 students enrolled in NSHE courses will be treated as NSHE students and therefore must abide by NSHE policies.
  - c. Inappropriate use of computing or networking resources, as defined in this section may result in the loss of computing privileges. If a violation of appropriate use occurs, a warning will first be given, notifying the individual that their action violates policy or law and that their access will be suspended if the action continues. All NSHE Code and campus by-laws shall be followed if the need to suspend computing privileges from faculty, staff, or students occurs. However, if the security and operation of the computing systems or networks are jeopardized, access may be immediately cancelled.
  - d. In congruence with *Nevada Revised Statutes* (NRS) 281A.400, NSHE employees shall not use the NSHE computer resources to benefit their personal or financial interest. However, in accordance with NRS 281A.400(7), limited use for personal purposes is allowable if the use does not interfere with the performance of an employee's duties, the cost and value related to use is nominal, and the use does not create the appearance of impropriety or of NSHE endorsement. Personal use shall not interfere with official institutional use. An employee who intentionally or negligently damages NSHE computing resources shall be held responsible for the resultant expense. These policies also apply to NSHE students.
  - e. A NSHE account given to students, faculty, and staff is for the use only of the person to whom it is given. Unauthorized access or privileges are not allowed. In electronic communication such as mail, the user should not misrepresent his or her identity. No user should attempt to disrupt services of the computing and network system, including the knowing propagation of computer viruses or the bombardment of individuals, groups, or the system with numerous repeated unwanted messages.
3. Privacy Issues: The NSHE provides security measures to protect the integrity and privacy of electronic information such as administrative data, individual data, personal files, and electronic mail. All Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 g; 34 CFR Part 99 requirements are followed. Users must not circumvent security measures. While computing resources are System property and all rights are retained regarding them, these rights will be balanced with a reasonable and legitimate expectation that technical staff and administrators will not casually or routinely monitor traffic content or search files. The content of files shall only be examined when there is a reasonable suspicion of wrongdoing or computer misconduct as determined by the institution president or his or her designee. Examination of files shall be limited to the matter under consideration. Disciplinary matters involving computer and network systems shall be handled in accordance with Title 2, Chapter 6 or Chapter 10 of the NSHE Code. Within the limits of the capability of the computer system, NSHE shall protect the legitimate privacy interests of users and those about whom information is stored.
  4. Software Management Responsibility: Users of NSHE computing resources are responsible for the legality of their software at all times. Data or software written or created by NSHE staff or students must not be copied or used without the author's permission. All commercial software must be licensed. Users must be aware of the license conditions and should never copy software without consulting the license agreement. Evidence of legal ownership is required. Individual employees and students are responsible for not installing

illegal computer software on NSHE equipment. All NSHE institutions will enforce copyright laws and provide appropriate software management controls.

5. Internet Policy

The NSHE agreement with the provider for Internet access prohibits:

- a. attempted unauthorized access or destruction of any customers' information;
- b. knowingly engaging in any activities that will cause a denial-of-service to any customers; and
- c. using products and services to interfere with the use of the network by other customers or authorized users, or in violation of the law or in aid of any unlawful act.

6. Legal Context: All federal and state laws, NSHE Code and regulations, and individual institutional policies are applicable to computer and network usage. Violation of NSHE Code provisions may result in disciplinary action. Violation of applicable laws may result in civil damages and criminal sanctions under state and federal law. Applicable statutes are summarized by System Computing Services and NSHE legal staff and can be found on the NSHE homepage on the World Wide Web. This list is by no means exhaustive, but it provides the individual user an overview of the provisions of these and other statutes as they relate to computer use.

7. Information Security Policy: It is the policy of the Board of Regents that sensitive data maintained or transmitted by an NSHE institution must be secure. For the purposes of this section, "sensitive data" means any data associated with an individual, including but not limited to social security number and data that is protected by Board policy, or state or federal law.

- a. Each NSHE institution must develop an information security plan that includes policies, standards, and/or procedures that describe and require appropriate steps to protect sensitive data that is maintained on an institution's computing devices or transmitted across a public network such as the Internet. The plan must provide for the encryption of personal information when transmitted electronically, or stored on any device that moves beyond the physical control of the institution or its data storage contractor, and for any additional protections required by Chapter 603A of *Nevada Revised Statutes*. Institutional policies must include the requirements for the eradication of data when computers are sent to surplus or repurposed. Institutions must be aware of all areas where data are stored, both physically and electronically, and must audit these areas annually to ensure that sensitive data are retained or destroyed as appropriate. The plan must include policies and procedures to be followed in the event that sensitive data is released inappropriately, including but not limited to the appropriate disclosure of the breach of sensitive data pursuant to *Nevada Revised Statutes* 603A.220. The vice chancellor for Information Technology shall establish guidelines for the development of institutional information security plans.
- b. Pursuant to the Privacy Act of 1974 (Public Law 93-579), each institution requesting that an individual disclose his or her social security number must inform that individual whether that disclosure is mandatory or voluntary, by what authority the number is solicited, and what uses will be made of it.
- c. Each NSHE institution must adhere to the disclosure requirements established pursuant to *Nevada Revised Statutes* 239B.030.

- d. Each NSHE institution must designate an individual to perform the function of information security officer who is responsible and has authority to implement compliance with this policy. The responsibilities of the information security officer shall include, implementing the institutional information security plan, developing data risk assessment strategies to identify vulnerabilities and threats to information resources, providing for incident response planning and notification procedures, conducting information security awareness training and education, and ensuring compliance with NSHE and institution policy and federal and state law pertaining to the protection of sensitive information. The information security officer will participate in NSHE-wide information security meetings, programs, and collaborative efforts.

(B/R 6/13)

### **Section 23. Support for Dual-Career Couples**

The NSHE recognizes both the growing frequency and importance of dual-career couples in the academic workplace and the importance of addressing their needs in order to secure the recruitment and retention of the most highly qualified faculty and staff. Accordingly, if a current employee, or a person who has received an offer of employment, requests assistance in locating employment opportunities for another person, it is the policy of the NSHE to extend limited assistance.

Within the framework of the following guidelines, institutional personnel will provide information identifying appropriate employment opportunities. In addition, employment information and resources relevant to identifying potential positions should be shared among NSHE campuses.

Assistance in seeking employment is governed by the following conditions.

1. Assistance may in no way interfere with, replace, supersede or compromise the integrity of each NSHE institution's normal hiring policies and practices.
2. Assistance remains in compliance with all affirmative action and equal employment opportunity requirements.
3. Assistance will be provided regardless of the rank, classification or function of the person requesting assistance.
4. Assistance is neither a guarantee nor a promise of employment. It is the responsibility of each institution to ensure that all parties clearly understand that no employment, or offer of employment, includes a promise or expectation that the institution will find or provide employment for another person.
5. The specific nature of assistance shall be determined by the institution. Information on opportunities should not be restricted to positions within the NSHE, but may include potential job listings with state and local government, non-profit organizations and private companies as well as listings with the NSHE.

(B/R 4/00)

#### **Section 24. Use of External Lobbyists**

1. A member institution or special unit of the System may not engage the services of an independent entity or person to perform lobbying services within the State of Nevada without obtaining the prior approval of the chancellor.
2. A member institution or special unit of the System may not assign an employee to perform lobbying duties without obtaining the prior approval of the chancellor. If approved by the chancellor, the employee must be officially registered as a lobbyist with the State of Nevada. The chancellor may revoke approval at any time.
3. A NSHE registered lobbyist shall provide a copy of required State of Nevada expense reports to the chancellor and to the Board Chair at the time the reports are submitted to the state.
4. The chancellor shall have the authority to establish internal policies governing the activities and reporting relationships of any persons approved to perform lobbying services.

(B/R 3/04)

#### **Section 25. Personal Use of System Property or Resources**

In accordance with *Nevada Revised Statutes* (NRS) 281A.400, NSHE employees shall not use NSHE time, property, equipment, or other facility to benefit their personal or financial interest. However, as provided in NRS 281A.400(7), limited use for personal purposes is allowable if the use does not interfere with the performance of an employee's duties, the cost and value related to the use is nominal, and the use does not create the appearance of impropriety or of NSHE endorsement. Personal use shall not interfere with official institutional use. Personal use of NSHE time, property, equipment, or other facility must be approved in advance by the employee's supervisor. If the institution or unit incurs a cost as a result of a use that is authorized pursuant to this policy or would ordinarily charge a member of the public for the use, the employee shall promptly reimburse the cost or pay the charge. An employee who intentionally or negligently damages NSHE property, equipment, or other facility shall be held responsible for the resultant expense.

(B/R 9/10)

#### **Section 26. Disclosure of Student Education Records and Directory Information.**

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student educational records of both current and former students. Each NSHE institution is required to comply fully with the law. The Act makes a distinction between a student's education record and information classified as directory information. FERPA gives parents certain rights with respect to their children's education records. These rights transfer solely to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are defined as "eligible students" in the Act.

1. Education Records. Institutions must have written permission from the parents or eligible student in order to release any personally identifiable information from a student's education record. However, under certain conditions FERPA allows institutions to disclose those records, without consent, to the following parties or under the following conditions:
  - a. School officials<sup>1</sup> with legitimate educational interest<sup>2</sup>;
  - b. Other schools to which a student is transferring;
  - c. Specified officials for audit or evaluation purposes;
  - d. Appropriate parties in connection with financial aid to a student;
  - e. Organizations conducting certain studies for or on behalf of the institution;
  - f. Accrediting organizations;
  - g. To comply with a judicial order or lawfully issued subpoena, provided that the institution makes a reasonable attempt to notify the student in advance of compliance;
  - h. Appropriate officials in cases of health and safety emergencies; and
  - i. State and local authorities, within a juvenile justice system, pursuant to specific state law.
  
2. Directory Information. Under the provisions of FERPA, institutions may disclose, without consent, directory information to individuals upon request for enrolled and former students of the institution only. A disclosure of directory information is discretionary on the part of the institution. Directory information is defined in the Act as information contained in an education record of a current or former student which would not generally be considered harmful or an invasion of privacy if disclosed. The NSHE designates the following information as directory information for students:
  - a. Name;
  - b. Participation in officially recognized activities and sports;
  - c. Address;
  - d. Telephone number;
  - e. Weight and height of members of athletic teams;
  - f. Email address;
  - g. Degrees, honors, and awards received;
  - h. Major field of study;

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<sup>1</sup> The NSHE definition of "school official" is "a person employed by the institution in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the institution has contracted as its agent to provide a service instead of using institutional employees or officials (such as an attorney, auditor, or collection agency); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks."

<sup>2</sup> For NSHE purposes, a school official is determined to have legitimate educational interest if the information requested is necessary for that official to (a) perform appropriate tasks that are specified in his or her position description or by a contract agreement; (b) perform a task related to a student's education; (c) perform a task related to the discipline of a student; (d) provide a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

- i. College;
  - j. Dates of attendance;
  - k. Date of graduation;
  - l. Undergraduate and graduate status;
  - m. Most recent educational agency or institutions attended; and
  - n. Enrollment status (full-time or part-time).
3. Notification Requirements. Each NSHE institution shall annually disclose the definition of directory information in writing and provide a form on which students may elect to be removed from the directory listing under three options. The annual notification and form must be published within the first 5 pages of the institutional catalog and each class schedule. A common statement about the uses of directory information shall be provided on the form.
- a. Privacy Statement. The chancellor shall develop a privacy statement that shall be included on the institutional form used by students for requesting the non-disclosure of directory information.
  - b. Request for Non-disclosure of Directory Information. Students shall be permitted until the end of the first 6 weeks of the fall or spring semester to submit a request for non-disclosure of their directory information. The deadline shall be published in the academic calendar of each institution. The submission of a request for non-disclosure of directory information at one NSHE institution will apply at all NSHE institutions. Students shall be permitted to select one of three non-disclosure options:
    - i. Non-disclosure for commercial purposes.
    - ii. Non-disclosure for non-commercial (educational) purposes.
    - iii. Non-disclosure for both commercial and non-commercial (educational) purposes.
- “Commercial purposes” is defined as the use of directory information by any person, including, without limitation, a corporation or other business, outside of the NSHE to solicit or provide facilities, goods, or services in exchange for payment of any purchase price, fee, contribution, donation, or other valuable consideration.
- Non-commercial educational purposes may include, but are not limited to, placing the student’s name in publications such as honors and graduation programs; confirming graduation and dates of attendance to potential employers; verifying enrollment with organizations such as insurance companies; or sending notifications about specialized scholarships without the express written authorization of the student.
- c. Applicability. The request for non-disclosure shall apply permanently to the student’s record at all NSHE institutions until or unless the student or former student requests reversal of the non-disclosure order.
4. Sale of Directory Information. Student directory information for current and former students cannot be sold or rented for a fee by a NSHE institution.
- (B/R 6/09)

## **Section 27. Records Retention Policy**

The NSHE shall follow the records retention schedule approved by the State Records Committee under the *General Records Retention Schedule* effective February 18, 1994, and distributed by the Nevada State Library and Archives, Records Management Program. (B/R 10/04)

## **Section 28. Privacy of Protected Health Information**

### **1. General Statement**

This statement of policy relates to the use, disclosure, and security of protected health information coming into the possession of various schools, departments, programs, individual employees (acting in the course and scope of employment) of NSHE and its respective institutions. The United States Department of Health and Human Services has adopted certain regulations governing the privacy of protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"). In addition, state law may impose restrictions on the use or disclosure of health information that are more stringent than the federal regulations. NSHE is committed to following the applicable requirements of federal and state law governing the privacy of protected health information, and has developed a general implementation plan.

### **2. Scope of Policy**

NSHE is a hybrid covered entity under HIPAA. HIPAA standards, policies and procedures will be applied to all programs, departments and schools at NSHE that are identified as included in the health care component of NSHE as required by law.

### **3. Privacy and Security officers**

The chancellor shall designate a NSHE employee to serve as the NSHE privacy officer. In addition, when required, the chancellor shall designate a NSHE employee to serve as the NSHE security officer. The NSHE privacy and security officers shall assist the chancellor in developing policies and procedures, training, implementation and administration of federal and state laws governing privacy and security of protected health information, as that term is defined in HIPAA regulations. In addition, each institution with designated health care components is encouraged to appoint privacy and security officers. The ultimate authority for implementation and administration, however, resides with the chancellor.

### **4. Designation of Health Care Components of NSHE**

The chancellor, in consultation with institution presidents, the NSHE privacy officer, vice chancellor of legal affairs, and impacted programs and departments, will designate the appropriate health care components of NSHE and each of its institutions. These health care components are subject to the requirements of HIPAA. The chancellor has the authority to add to, remove or modify these designations as may be required.



## 5. Objective

The Board's objective is to require all health care components of NSHE to develop and maintain adequate procedures and security to meet state and federal requirements governing protected health information in order to ensure the integrity and confidentiality of the information, to protect against any reasonably anticipated threats to the security of protected health information, and to guard against unauthorized uses or disclosures of protected health information.

(B/R 2/05)

## **Section 29. Open Meeting Law and Public Records Policy**

### 1. General Statement of Policy.

The Board of Regents, as the constitutional public body created to govern the state system of universities, community colleges, state colleges, research and public service units, is committed to the open and public conduct of business in accordance with the provisions of the Nevada Open Meeting Law, NRS 241.010 to NRS 241.040. This commitment, includes, but is not limited to the timely publishing of clear and complete agendas for Board meetings, disclosure of all support materials relating to the Board meetings and seeking public comment on all matters to be considered by the Board. The Board of Regents is committed to working closely with the office of the attorney general to help ensure compliance with the Open Meeting Law.

The Board and all its member institutions are also committed to allowing open inspection and disclosure of their public records in accordance with the provisions of the Nevada Public Records Law, NRS 239.005 to NRS 239.030.

### 2. Open Meeting Law Guidelines.

#### a. Office of the Attorney General.

The vice chancellor of legal affairs is directed to consult regularly with the office of the attorney general regarding interpretation and application of the Nevada Open Meeting Law.

#### b. Agendas.

1. Agendas for all meetings of the Board of Regents, its subcommittees and ad hoc committees will comply with the requirements of NRS 241.020.
2. The agendas must include a clear and complete statement of the topics scheduled to be considered.

#### c. Agenda Supporting Materials and Minutes.

1. Agenda supporting materials at the time they are made available to the Regents or to the members of subcommittees or ad hoc committees shall be provided to or made available to the public in accordance with the provisions of NRS 241.020(5).

2. Minutes of Board and committee meetings will be made available for inspection by the public within 30 working days after adjournment of the meeting and the minutes and any audiotapes of the meeting will be maintained in accordance with NRS 241.035.
3. All requests for supporting materials will be referred to the secretary of the board for immediate response.

d. Closed Sessions.

1. Closed sessions will only be held for those matters for which a meeting may be closed in accordance with NRS 241.030(1).
2. The published agenda and the motion to close any portion of a public meeting will specify the nature of the business to be considered, in accordance with NRS 241.030(2).
3. The published agenda and the motion to close the meeting will identify by name the person or persons who will be the subject of the closed session.
4. In a closed session, all relevant aspects of the matter may be considered by the Board, but no votes or action can be taken in closed session. Consideration of any matter in closed session will be limited to receiving information regarding the matter and seeking clarification with regard to the information received. The members of the Board of Regents, in closed session, will not deliberate, discuss or express any opinions on the substance of the matter under consideration. All deliberations, discussion and expression of opinions on the matter will take place in open session.
5. The person or persons who are the subject of the closed session will be given notice of the meeting in accordance with NRS 241.033 and, if applicable, notice of intent to take administrative action in accordance with NRS 241.034.
6. The person or persons, who are the subject of a closed session, will be given the opportunity to address the Board of Regents, any subcommittee or ad hoc committee during the closed session.
7. In accordance with, NRS 241.031, the Board of Regents, its subcommittees and ad hoc committees will not hold closed sessions regarding the character, alleged misconduct, professional competence or physical or mental health of any employees who are elected members of a public body, including the Nevada Legislature.
8. The attorney general will be notified of any planned closed session and asked to send a representative to the closed session.

e. Consultation with Counsel.

The Board of Regents may consult privately with counsel with regard to existing or potential litigation. In accordance with NRS 241.015(2)(b)(2), such consultation does not constitute a "meeting" subject to the agenda and other requirements of the Open Meeting Law.

3. Public Record Law Policy.

- a. Each institution and the system units must designate a public records officer to receive and respond to all requests for inspection or copying of public records.
- b. It is the policy of the Board of Regents that inspection and copying of public records must be promptly accommodated, unless prohibited by a specific provision of law.
- c. Minutes of open meetings will be made available for inspection 30-working days after the adjournment of the meeting in accordance with NRS 241.035(2).
- d. All minutes of open meetings shall be retained in accordance with NRS 241.035(2).
- e. The denial of any request for inspection or copying of public records must be approved by the vice chancellor of legal affairs.

(B/R 2/05)

### **Section 30. Hate Crimes Policy**

A hate crime is defined in Nevada law as a crime listed under NRS 193.1675 or NRS 207.185 against another person who is motivated by virtue of the victim's actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation. Hate crimes are particularly repugnant to the mission of the Nevada System of Education (NSHE) and detrimental to the responsibility of NSHE to provide a safe environment for education, research and service for the NSHE community. In order to insure that all institutions of the NSHE are prepared to respond to hate crimes that may be committed on its campuses, each institution must adopt a policy and procedure regarding hate crimes. The policy and procedure must include the manner by which the institution or its police services will prevent, respond to and investigate hate crimes.

(B/R 6/08)

### **Section 31. Possession of Weapons on NSHE Property**

#### **1. INTRODUCTION**

NSHE institutions are institutions of higher learning devoted to their missions of public education. NSHE is committed to providing an orderly academic environment for learning that promotes the acquisition of knowledge and advances the free exchange of ideas. The preservation of this educational environment is an important objective for the NSHE and its institutions.

Many students entering NSHE institutions are under 18 years of age, and pre-school age children, elementary school children and high school students attend programs or classes on NSHE campuses. Medical and dental patients of all ages are also seen on NSHE campuses. Members of the public often attend events on institution campuses.

The United States Supreme Court has recognized that schools are sensitive places where prohibitions on the possession of firearms are permitted.<sup>3</sup> The statutory prohibition of weapons, including firearms on campus, is longstanding. The prohibition contributes to the welcoming and open nature of the NSHE institutions and promotes an atmosphere conducive to learning.

Nevada law provides authority for NSHE to identify certain circumstances when weapons

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<sup>3</sup> *District of Columbia v. Heller*, 554 U.S. 570, 626-7 and 626-7, n. 26 (2008).

and/or concealed firearms may be permitted on its premises. This policy sets forth the circumstances and processes required to be followed for a person to obtain permission to carry a weapon or firearm on NSHE campuses.

## 2. STATUTORY PROHIBITIONS OF WEAPONS/FIREARMS ON CAMPUS

Nevada statutes prohibit the possession of certain weapons, including firearms, on NSHE property. NRS 202.265 provides in pertinent part as follows:

NRS 202.265 Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions.

1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the NSHE, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:
  - (a) An explosive or incendiary device;
  - (b) A dirk, dagger or switchblade knife;
  - (c) A nunchaku or trefoil;
  - (d) A blackjack or billy club or metal knuckles;
  - (e) A pistol, revolver or other firearm; or
  - (f) Any device used to mark any part of a person with paint or any other substance.
2. Any person who violates subsection 1 is guilty of a gross misdemeanor.
3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:
  - (a) A private or public school or child care facility by a:
    - (1) Peace officer;
    - (2) School security guard; or
    - (3) Person having written permission from the president of a branch or facility of the NSHE or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.
4. For the purposes of this section:
  - (a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.
  - (b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.
  - (c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.
  - (d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.
  - (e) "Trefoil" has the meaning ascribed to it in NRS 202.350.
  - (f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

Individuals who have been granted concealed firearms permits in Nevada are still prohibited from carrying a concealed firearm on NSHE property, unless permission is obtained pursuant to NRS 202.265. In this regard, NRS 202.3673(3)(a) provides:

NRS202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.

...

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the NSHE, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

3. WRITTEN REQUEST FOR PERMISSION TO CARRY WEAPON ON NSHE PROPERTY

a. General Rule: An individual seeking permission to carry a weapon<sup>4</sup>, as defined in NRS 202.265, while on NSHE property must make a written request to the president of the NSHE institution on whose campus the applicant seeks to carry a weapon. This requirement to make a written request to the president also applies to individuals who have been granted permits to carry a concealed firearm in Nevada and applies to all firearms, whether or not they are loaded or capable of firing. The individual requesting permission must not bring a weapon onto the institution property unless and until permission in writing has been granted by the president. The written request must set forth the reasons for the request and address any applicable factors identified in Section 4 below.

b. Exception for certain peace officers and school security guards: The requirement for written permission does not apply to Nevada peace officers and school security guards as defined in NRS 289.150-NRS 289.360, and other state and federal law enforcement personnel, who are required to carry weapons while on duty or while off duty.

c. Personal security/bodyguards. Individuals, who are employed as personal security or bodyguards and who have been granted a permit to carry a concealed firearm, must submit a request and obtain approval to carry a weapon in accordance with this policy. The institution may, but is not required to, expedite such requests.

d. Other uses not permitted without approval: The use of weapon(s) for educational, recreational or training purposes on NSHE property must also be approved in writing by the president pursuant to this policy.

4. PRESIDENT'S DECISION

a. Factors for Consideration of Request: An NSHE institution president who receives a written request from an individual to carry a concealed weapon on the campus must consider, investigate, and evaluate each request on a case by case basis, giving individual consideration to each specific request, and must make a determination on each request according to a need standard. The individual need to carry a weapon shall be determined by the president in consideration of, but not limited to:

1. a specific risk of attack presented by an actual threat;

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<sup>4</sup>The use of kitchen knives and similar utensils for food preparation or consumption; scalpels or other cutting instruments used by physicians, dentists, and researchers, etc., and saws or other shearing devices used by NSHE facilities employees are not prohibited by this policy.

2. a general risk of attack presented by the nature of the individual's current or former profession, as established by actual evidence of increased risk of attack on such individuals; or
3. a legitimate educational or business purpose.

The president's consideration of the request must include an evaluation of the request by and a recommendation from the institution's law enforcement or security office. In addition, the president's consideration of the request, may also include, but is not be limited to:

1. an interview of the applicant;
  2. a background check of the applicant;
  3. a review of the applicant's permit to carry a concealed firearm;
  4. an evaluation by the appropriate institution personnel of whether other means exist to alleviate the perceived risk of attack or educational or business purpose;
  5. the individual's training with regard to the particular weapon;
- b. Communication of president's decision: The president's written decision should be issued within 10 working days after receipt of request, but this time period may be extended for a reasonable time period for additional investigation of the request. The president shall inform the individual in writing of the determination.
1. Denial of Request: In the event of a denial of a request, the president shall provide a written explanation of the determination.
  2. Approval of Request: In the event of an approval of a request, the president shall specify the conditions, if any, under which the person may carry a concealed weapon, including but not limited to geographic or time restrictions.

5. RECONSIDERATION OF DENIAL.

An individual whose written request to carry a weapon on campus has been denied may request reconsideration of the denial by submitting to the president a written request, including a response to the president's determination that the applicant did not demonstrate need or a legitimate educational or business purpose, and any additional evidence of need or of legitimate educational or business purpose. The president's written decision should be issued within 10 working days after receipt of the request for reconsideration, but this time period may be extended for a reasonable time period for additional investigation of the request. The president shall review the request, consider the response and additional evidence, if any. The president shall provide a written determination regarding the reconsideration request and the president's decision on the request for reconsideration is final and not subject to appeal.

6. CHANCELLOR'S APPROVAL REQUIRED AT SYSTEM LOCATIONS.

Requests for permission to carry weapons at System administration offices that are not located on the campus of an institution, must be sent to the chancellor. The procedures set forth in Sections 3-4 above apply to the chancellor's review of such requests.

7. NO AUTOMATIC APPROVAL.

The failure of the president or the chancellor to issue the written decision on a request for permission to carry a weapon or on a request for reconsideration within the 10 working day time period set forth in Section 4 and 5 above shall not constitute the granting of permission.

(B/R 9/12)

## **Section 32. Possession and Use of Medical Marijuana**

The Nevada System of Higher Education is sympathetic to the medical needs of our students, employees and visitors. A growing number of states, including Nevada, are enacting laws decriminalizing or legalizing the use, possession, delivery, manufacture, growth, distribution, production, and/or cultivation (hereinafter "use") of medical marijuana. Federal law prohibits the use of medical marijuana on college and university campuses that receive federal funding. The following provisions shall govern the possession and use of medical marijuana on NSHE property.

1. The use, possession, or cultivation of marijuana, including for medical purposes, on any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity, is expressly prohibited.
2. Students, employees, faculty, guests, and/or visitors who violate this policy are subject to applicable disciplinary, legal and/or administrative action.
3. Each institution shall permit students who live on-campus or in housing that is owned or operated by the institution, to petition ("request") for a release from the housing contract if they assert legal compliance with Nevada state law to use medical marijuana. Such students, who prove their compliance with state law, may, in accordance with the applicable institution refund policy, be released from their housing contracts and may receive a prorata refund of housing fees or rent paid.
4. Each institution shall publish on its website and in its course catalog notice of the prohibited use, possession or cultivation of medical marijuana on NSHE or institution property in accordance with the provisions of this section and as prohibited student conduct defined in Title 2, Chapter 10.
5. The Board of Regents recognizes the Nevada Legislature's stated commitment to a program evaluating the medical use and distribution of medical marijuana to be conducted by the University of Nevada School of Medicine. Any NSHE institution may engage in medical marijuana research that is conducted in accordance with state and federal laws and regulations, provided that the following are obtained: (a) the prior written consent of the president of the institution, after consultation with the institution's general counsel; and (b) legal authorization from the proper federal authorities for approved research purposes.

(B/R 9/14)

## **Section 33. Emergency Alert System**

As required by the Higher Education Opportunity Act (Public Law 110-315), NSHE institutions must inform their respective campuses of conditions posing a threat to life, safety, and security so that members of the community can take necessary precautions to protect themselves.

1. Each institution shall establish an emergency alert notification system for the institution's students and staff, including faculty. The emergency alert system must use cell phone text notifications in addition to any other alert method the institution considers appropriate to provide timely notification of emergencies affecting the institution or its students and staff.
2. At the time a student initially enrolls or registers for courses or a staff member begins employment, the institution shall:

- a. Obtain a personal cell phone number or e-mail address from the student or staff member to be used to notify the individual in the event of an emergency;
  - b. Register the student or staff member in the institution's emergency alert notification system; and
  - c. Students and staff are responsible for updating their contact information, and the institution may require periodic updating of the contact information.
3. A student or staff member may elect not to participate in an emergency alert system established under this section. An election under this subsection must be submitted electronically or in writing.
  4. Institutions shall establish procedures to allow students and staff members to change their election status.
  5. The personal identifying information obtained from an individual for the purpose of the emergency alert notification system is confidential and the notification system shall be used for emergency announcements only. The emergency alert notification system will be tested no less than twice annually.

(B/R 12/14)