

BOARD OF REGENTS BRIEFING PAPER

Handbook Revision, Anti-Bias and Anti-Discrimination Training

BACKGROUND & POLICY CONTEXT OF ISSUE

Board policy (*Title 4, Chapter 8, Section 1*) establishes general principles concerning bias and discrimination:

The Nevada System of Higher Education is guided by the principle that there shall be no difference in the treatment of persons because of race, religion, color, age, sex (including a pregnancy related condition), sexual orientation, military status or military obligations, disability (whether actual or perceived by others to have a disability including veterans with service connected disabilities, or national origin, and that equal opportunity and access to facilities shall be available to all. Similarly, there shall be no difference in the treatment of persons who file charges of discrimination or harassment, participate in a discrimination or harassment proceeding, or otherwise oppose discrimination or harassment. This principle is applicable to every member of the Nevada System of Higher Education community, both students and employed personnel at every level, and to all units, facilities, and services of the Nevada System of Higher Education.

At its regular meeting in September 2022, the Board adopted a [resolution](#) condemning “any discriminatory incidents or actions.” In its discussions, the Inclusion, Diversity, Equity and Access (IDEA) Committee recommended requiring anti-bias and anti-discrimination training.

This revision to Title 4, Chapter 8 would require each NSHE institution, unit, and the Board Office to establish and conduct diversity education and training biennially, which may be built into existing training efforts. This revision would also mandate annual reporting on the status and outcomes of these training programs. Annual reports will be on a template created by the Chancellor's office that will solicit information, including the number and nature of discrimination complaints filed, necessary to evaluate the impact of the training.

To ensure appropriate time for training program development and implementation, this section would be effective December 31, 2023.

At its meeting on October 26, 2022, the IDEA Council reviewed the proposal and endorsed the proposal provided herein.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED

Amend *Title 4, Chapter 8* to include a new *Section 2* mandating anti-bias and anti-discrimination training be included in all diversity training efforts and further require that members of the Board participate in such training. See attached Policy Proposal.

IMPETUS (WHY NOW?)

This proposal is brought forward in response to the discussion at the September 2022 meeting of the IDEA committee where mandatory training was requested and at the March 2022 full Board discussion at which time members expressed concern that antisemitism be specifically addressed.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- ☒ **Access (Increase participation in post-secondary education)**
☒ **Success (Increase student success)**
☒ **Close the Achievement Gap (Close the achievement gap among underserved student populations)**
☒ **Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)**
☒ **Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)**
☐ **Not Applicable to NSHE Strategic Plan Goals**

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Requiring all NSHE employees, including members of the Board of Regents, to participate in anti-bias and anti-discrimination training will:

- Encourage a safe and welcoming environment across the NSHE;
- Foster an inclusive and supportive work environment that will in turn advance recruiting and retention efforts, and support each institution and unit in achieving its mission in alignment with the Board's strategic goals.

The intent of the policy is to make equity and inclusion key values and incorporate them into the organization through effective training.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION

Requiring all NSHE employees, including members of the Board of Regents, to participate in anti-bias and anti-discrimination training will:

- Address knowledge gaps in understanding bias and discrimination, including anti-racism and antisemitism;
- Increase awareness of bias and its effects to reduce the likelihood that bias will impact the workplace and instructional decisions;
- Inhibit, through education and training, bias and discrimination that may otherwise interfere with participation in campus/academic life; and
- Identify all forms of discrimination, regardless of ideological source, and address common gaps in understanding of contemporary bias concerns.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION

The mandate for anti-bias and anti-discrimination training is recognized as an important first step, but is not guaranteed to change behavior to support inclusion. However, it is a strong statement of the Board's position to support inclusion.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED

None have been brought forward.

RECOMMENDATION FROM THE CHANCELLOR'S OFFICE

The Chancellor's Office supports the proposal presented herein.

COMPLIANCE WITH BOARD POLICY:

- ☐ Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
☒ Amends Current Board Policy: Title 4, Chapter 8, new Section 2
☐ Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
☐ Other: _____
☐ Fiscal Impact: Yes _____ No _____
Explain: _____

POLICY PROPOSAL
Title 4, Chapter 8, new Section 2
Anti-Bias and Anti-Discrimination Training

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

INSERT THE FOLLOWING NEW SECTION:

Section 2. Anti-Bias and Anti-Discrimination Training

The Board of Regents supports anti-bias and anti-discrimination education as an approach to increase understanding of differences and the value of a respectful and civil society that actively challenges bias, stereotypes and discrimination.

- 1. Each institution, the Chancellor's Office, including special units, and the Board Office, will establish anti-bias and anti-discrimination education and training programs that address the effects of bias and discrimination, including racism, antisemitism¹, age, disability, gender, military status or obligations, sexual orientation, gender identity or expression, national origin, race, color, and religion. These programs may be built into existing diversity, equity, and inclusion training efforts.***
- 2. All employees and members of the Board of Regents must receive the training required pursuant to subsection 1 at least biennially.***
- 3. Annually, each institution, the Chancellor's Office, including special units, and the Board Office must issue a written report describing the status and outcomes of such training programs and institutional impacts. All such reports shall be made on a template established by the Chancellor's office and issued to the Chancellor and the Chair of the Board.***

RENUMBER SECTIONS 2 THROUGH 17 AS SECTIONS 3 THROUGH 18.

Next Steps: No later than December 31, 2023, each institution, the Chancellor's Office, including special units, and the Board Office must establish the training programs required by this section and must issue a report describing the status of implementation. The first report required in subsection 3 will be compiled no later than December 31, 2024.

¹"Antisemitism" refers to the definition adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, including the contemporary examples provided, which may be found at <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>. Nothing in this section, including use of the definition of antisemitism adopted by the IHRA, shall be construed to diminish or infringe upon any rights protected under the First Amendment to the *United States Constitution* or the *Nevada Constitution*, and shall not be construed to conflict with local, federal, or state law.