NEVADA SYSTEM OF HIGHER EDUCATION
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NEVADA SYSTEM OF HIGHER EDUCATION

University of Nevada, Las Vegas
University of Nevada, Reno
Desert Research Institute
Nevada State College
College of Southern Nevada
Great Basin College
Truckee Meadows Community College
Western Nevada College

BYLAWS OF THE BOARD OF REGENTS

Adopted April 25, 1964
Effective January 1, 1993
Revised through June, 2022

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ARTICLE I – The University

Section 1. Constitutional Status

The University of Nevada is a constitutional entity, created by the Constitution of the State, and shall enjoy all the responsibilities and powers of such a legal entity.

Section 2. Name

The legal and corporate name of the State University shall be The University of Nevada. The system of universities, colleges, research and public service units administered under the direction of the Board of Regents shall collectively be known as The Nevada System of Higher Education (NSHE).

Section 3. Functions

The University of Nevada has the following functions:

a. Providing programs of instruction at the undergraduate and graduate levels.
b. Sponsoring and undertaking programs of basic and applied research which complement the programs of instruction and which contribute to the fullest realization of the State's potential.
c. Sponsoring and conducting continuing programs of public service for the citizens of the State.

Section 4. Cooperation with State Agencies

The University shall, at all times, cooperate with any and all agencies of the State in the interest of serving the people and of ensuring the maximum utilization of the State's resources.

ARTICLE II – The Seal of the University

Section 1. Design

The seal of the Nevada System of Higher Education shall be the Great Seal of the State of Nevada, provided that when the Great Seal of the State shall be used as the Seal of the NSHE, the words "Nevada System of Higher Education - 1865" shall replace the words "Great Seal of the State of Nevada," and the motto, "All for Our Country," shall be rendered in Latin, thus: Omnia Pro Patria, resulting in the following form and design.

Section 2. Diploma

When the seal is used on diplomas, each institution may replace the words “Nevada System of Higher Education – 1865” with the name of the institution and, if desired, the year in which the institution was formally established.

Section 3. Use

The seal shall be used only in connection with the transaction of business of the Board of Regents and the Nevada System of Higher Education. The seal may be affixed by the secretary of the board on any document signed on behalf of the Nevada System of Higher Education. Permission may be granted by the secretary of the board for the use of the seal in the decoration of any Nevada System of Higher Education building or in other special circumstances.
(B/R 9/05)

ARTICLE III – The Board of Regents

Section 1. Authority

The exclusive control and administration of the University is vested by the Constitution of the State in an elected Board of Regents.

Section 2. Composition

The composition of the Board of Regents and the terms of its members are prescribed by law.

Section 3. Powers

The Board of Regents shall be responsible for the management and control of the University but may delegate specific authority to its officers as hereinafter provided.

Section 4. Exercise of Powers

Except as otherwise specifically provided herein, any official action of the Board shall require at least seven affirmative votes.

Section 5. Limitation of Powers

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.

Section 6. Roll Call Vote

A roll call vote of record of the Board shall be had upon request of any member of the Board.

Section 7. Suspension of Bylaws

Any provision of these Bylaws may be suspended in connection with the consideration of a matter before the Board by an affirmative vote of no fewer than nine members of the Board.

Section 8. Compensation

None of the earnings of funds of the University shall inure to the benefit of any Board member. A member of the Board of Regents shall not be 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. A Regent may receive a salary in accordance with state law for each Board meeting attended. A Regent may also be reimbursed in accordance with State law and Board of Regents policy for expenses incurred by reason of attendance at any meeting of the Board or a committee thereof, or in the performance of other official business of the University.
(B/R 1/06)

ARTICLE IV – Officers of the Board

Section 1. Designation of Officers and Secretary

The Officers of the Board of Regents shall be a Chair and Vice Chair. The Board may employ a secretary whose title shall be Chief of Staff. The Chief of Staff shall keep full records of the proceedings of the Board and have such other and further duties as set forth in these Bylaws and as directed by the Board.

Section 2. Election of Officers

The Chair and Vice Chair shall be elected from among the membership of the Board during the Board's last meeting of the fiscal year and shall serve a one-year term, commencing July 1. The Chair may be elected to one additional consecutive one-year term. The Vice Chair may be elected to one additional consecutive one-year term. No person who has held the office of Chair for two consecutive one-year terms shall be elected to serve in that office until a period of two full fiscal years has elapsed after the end of the second consecutive one-year term served. No person who has held the office of Vice Chair for two consecutive one-year terms shall be elected to serve in that office until a period of two full fiscal years has elapsed after the end of the second consecutive one-year term served. In the event of a vacancy in office, the Board shall fill the vacancy for the remainder of the term by election at the next regularly scheduled meeting of the Board. A partial term served by a person elected to fill a vacancy in office shall not be counted as a full one-year term.

Section 3. Presiding Officer Pro Tempore

In the case of the absence or inability to act of both the Chair and the Vice Chair at a meeting of the Board of Regents, the Chair may designate a member of the Board to preside and otherwise perform the duties of the Chair. The Chair's designation of a Presiding Officer Pro Tempore shall be made in writing and filed with the Chief of Staff. In the absence of a written designation by the Chair of a Presiding Officers Pro Tempore, the member of the Board who has the greatest seniority on the Board and who is present shall preside and otherwise perform the duties of the Chair.

Section 4. Duties

The duties of the Chair are:

a. To approve all Board and committee agendas prior to publication and notice of such agendas;
b. To preside at all meetings of the Board;
c. To appoint members of the Board to serve as liaisons for the Board to school boards, government entities, and other constituencies;
d. To serve as the leader of the Board for all ceremonial purposes; and
e. To perform any and all other duties assigned or delegated to the Chair by these Bylaws or policies adopted by the Board.

The duties of the Vice Chair are:

a. To preside at all meetings of the Board when the Chair is absent;
b. To perform the duties of the Chair when the Chair is unable to perform such duties due to absence or inability;
c. To consult with the Chair on the approval of all Board and committee agendas prior to publication and notice of such agendas; and
d. To perform any and all other duties assigned or delegated to the Vice Chair by these Bylaws or policies adopted by the Board.

Section 5. Chief of Staff of the Board

The Board shall select a Chief of Staff from nominees submitted by a Regents' Search Committee. The Chief of Staff shall serve at the will of the Board, and shall be compensated in an amount determined by the Board. The Chief of Staff shall be evaluated annually in writing by the Chair of the Board in accordance with performance criteria and procedures approved by the Board of Regents. The Chair shall present his or her findings to the Board for its review.

Section 6. Duties of the Chief of Staff of the Board

The Chief of Staff of the Board shall:

a. Give notice of all meetings of the Board and of all meetings of committees, and shall record and keep the minutes of the proceedings of the Board and the proceedings of all committees;

b. Assist the Chair in preparing for meetings of the Board and its committees, and in providing administrative support to the Board and its committees;
c. Be custodian of the Seal of the University and shall affix it to documents executed on behalf of the University and to certifications as required;
d. Be custodian of all official records of the Board of Regents, including the minutes of all meetings and all papers and documents of the Board;
e. Certify to any actions of the Board or its committees, to the identity, appointment and authority of officers of the Board or of the University, and to provisions of the Board's Bylaws and excerpts from the minutes of the Board;
f. Manage and supervise the functions of the Office of the Chief of Staff (the "Board Office"), including all personnel employed to assist the Chief of Staff in the performance of his or her duties; and
g. Perform all other duties normally incident to a corporate secretary as directed or further defined by the Board.

(B/R 3/17)

ARTICLE V – Meetings of Board and Committees

Section 1. Regular Meetings of the Board

The Board of Regents shall hold regular meetings in accordance with a calendar established annually. However, if at any meeting it is determined by a majority of the Board that the next regular meeting is unnecessary, such meeting shall not be held.

Section 2. Location of Meetings

Meetings for the transaction of official business shall be held within the State of Nevada at places determined by the Board. Meetings may be conducted at more than one location with the assistance of telephonic, video, or electronic transmission, provided that clear communication is maintained so that all persons attending the meeting are adequately informed concerning the proceedings.

Section 3. Special Meetings

Special meetings of the Board shall be held upon the call of the Chair, or, in the absence of the Chair, upon the call of the Vice Chair, or upon the receipt by the Chief of Staff of a petition signed by at least five members of the Board.

Section 4. Committee Meetings

A standing or special committee shall meet as directed by the Board, upon the call of the Chair, or, in the absence of the Chair, upon the call of the Vice Chair, or upon the call of the Chair of the committee.

Section 5. Notice of Meetings

All meetings of the Board and its standing and special committees shall be held in compliance with all applicable provisions of the Nevada Revised Statutes (NRS) Chapter 241 (the Open Meeting Law) as amended. In the event of a conflict between these Bylaws or any policy or procedure and the Open Meeting Law related to the conduct of meetings of the Board and its standing and special committees, the applicable provisions of the Open Meeting Law shall control.

Section 6. Additions to Published Agenda

No item of business shall be considered at a meeting of the Board unless it shall first have been entered upon the agenda in compliance with the Open Meeting Law.

Section 7. Agenda

An item must appear on the agenda if three or more Regents request its inclusion on the agenda and notify the Chair, the Chancellor, and the Chief of Staff of the request. Agenda items requiring action shall be accompanied by a specific recommendation by the requesting Regents, a committee of the Board, the Chancellor, or a President through the Chancellor supported by sufficient documentation to permit a full understanding of the facts applicable to the item. All agenda items requiring Board action shall also be accompanied by a recommendation, analysis or comment to the Board from appropriate personnel in the Chancellor's Office. Agenda items will be submitted to the Chief of Staff in sufficient time to enable adequate review by the Chief of Staff and the Chancellor. Agendas of regular meetings shall be approved by the Chair and distributed to all members of the Board.

Section 8. Regents' Access to Agenda

A Regent or group of Regents shall submit any matter to the Board or its committees for official consideration, including requests for permission for others to appear before the Board or its committees, to the Chief of Staff and Chancellor for inclusion on the agenda of the Board or one of its committees.

Section 9. Presidents' Access to Agenda

An institutional President shall submit matters to the Board or its committees for official consideration, including requests for permission for others to appear before the Board or its committees, to the Chief of Staff and Chancellor for inclusion on the agenda of the Board or one of its committees.

Section 10. Other Access to Agenda

A faculty member or other employee, or student of the University, or any group of faculty members or other employees, or students of the University shall submit any matter to the Board or its committees for official consideration, including requests for permission to appear before the Board or its committees, through the appropriate institutional President and through the Chief of Staff and Chancellor for inclusion on the agenda of the Board or one of its committees.

Section 11. Order of Business

The Chair, for purposes of preparing the agenda, shall determine the order of business at each regular and special meeting of the Board. During a regular or special meeting, an agenda item may be taken out of the order presented on the agenda at the discretion of the Chair, unless the agenda item has been given a day or time certain.

Section 12. Quorum

Seven Regents shall constitute a quorum for transaction of business at regular or special meetings of the Board. A majority of the membership of a special committee shall constitute a quorum for purposes of the business of the committee. A quorum may be gained by telephonic, video, or electronic transmission providing that notice to that effect has been given.

Section 13. Presiding at Committee Meetings

In the absence of the Chair of a committee, the Vice Chair shall preside and otherwise perform the Chair's duties and in the absence of both the Chair and Vice Chair, the member of the committee who has greatest seniority on the Board and who is present shall preside and otherwise perform the duties of Chair.

Section 14. Rules of Procedure

The rules contained in Robert's Rules of Order, latest edition, shall govern the proceedings at and the conduct of the meetings of the Board and its committees, insofar as they may be applicable and not otherwise in conflict with these Bylaws or the Open Meeting Law.

Section 15. Procedures for Reports

Reports shall be submitted to the Board or its committees in accordance with a schedule of reports adopted by the Board. Requests for other written reports to be prepared for submission to the Board or its committees shall be submitted to the Chair for approval or reference to the Board.

Section 16. Appearances Before the Board and Committees

The Chair of the Board and Chair of each committee may grant permission for individuals and organizations to appear before the Board or committee respectively, provided that a written request for any such appearance, specifying the matters to be presented, the time necessary for such presentation, and the reason why a personal appearance is desirable, is made to the Chair of the Board or committee Chair and the Chief of Staff prior to any submission deadline established for the meeting at which the presentation is proposed to be made.

Section 17. Faculty and Student Participation

At public meetings of the Board or its committees, student body and faculty senate representatives may have the opportunity to speak on those items being considered by the Board in which students and/or faculty have indicated an interest.

Section 18. Reconsideration

Any member who voted on the prevailing side may move for the reconsideration of an action taken by the Board. Such motion must be made and voted upon at the same meeting at which said action is taken.

Section 19. Minutes of the Board

Minutes of the proceedings of the Board and its committees shall be kept by the Chief of Staff. Except in cases where the minutes are unavailable for good cause, minutes of the proceedings of the Board and its committees shall be approved by the Board within forty-five (45) days after the meeting to which the minutes relate or the next meeting of the Board, whichever is later. Upon approval by the Board the minutes shall become the “official” record of the proceedings of the meeting.

Section 20. Form of Minutes

Minutes of meetings shall be complete, shall reflect deliberations of members as well as action taken, and all materials submitted for the information of the Board shall be included with the permanent minute record so as to constitute a complete, permanent record of all proceedings.

Section 21. Minutes of Committee

Minutes of meetings of standing and special committees shall be in the form of reports to the Board.

Section 22. Public Meetings

Meetings of the Board and its committees shall be public and conducted in accordance with all applicable provisions of the Open Meeting Law.

Section 23. Closed Sessions

Closed Sessions of the Board and its Committees shall be conducted as follows:

a. All closed sessions of the Board will be conducted in full compliance with the Nevada Open Meeting Law, NRS 241.010 et seq.
b. Notice of a closed session shall be placed upon the agenda in the same manner as any other agenda item.
c. Any motion to close a meeting to the public shall set forth the subject matter or nature of the business to be considered at the closed meeting, as required by the Open Meeting Law.
d. Only the subject matter or business identified in the motion to close an open session of the Board may be discussed in a closed session of the Board.
e. The Chief of Staff or another appropriate staff member of the Board shall be present at all closed sessions of the Board for purposes of recording the proceedings of the closed session and preparing minutes of such meetings as required by the Open Meeting Law.

Section 24. Codification of Actions of the Regents

Decisions and actions of the Board establishing or impacting policy shall be codified and published in an appropriate manner.

Section 25. Regular Board Self-Evaluation

On a regular basis the Board of Regents will conduct a self-evaluation of its performance as a governing and policy making body. The purpose of the self-evaluation is to identify ways to strengthen the Board's effectiveness and to meet relevant accreditation standards for NSHE's institutions. The self-evaluation process will include, but not be limited to the following:

1. At least every five years, the Board will review its performance and effectiveness, in multiple areas, which may include but are not limited to the following areas:
    a. Board organization;
    b. Policy development and review of policies;
    c. Relations with business, community and political leaders;
    d. Board/Chancellor/Presidents and staff relations;
    e. System and institutional operations and performance;
    f. Board commitment to legal requirements, policies and responsibilities, including state and Board of Regents Ethics Codes, Open Meeting and Public Records laws;
    g. Board commitment to diversity and inclusiveness;
    h. Board oversight of financial affairs and budgeting;
    i. Board stewardship of System investments/endowments;
    j. Ensuring adequate and safe physical facilities;

k. Board role in approving academic programs;
l. Commitment to protection of academic freedom;
m. Board leadership;
n. Quality of Board meetings;
o. Orientation and training of new Board members;
p. Training opportunities for Board members;
q. Strengths and accomplishments;
r. Weaknesses and areas in need of improvement; and
s. Progress made in achieving goals and the effectiveness of the Board's strategies for achieving its goals.

2. In consultation with the Chair, the Chief of Staff of the Board and the Chancellor will compile data and information relevant to the Board's performance for presentation to the Board at the meeting. With the approval of the Chair, additional areas may be added to the self-evaluation. The data and information gathered may also include the use of self-evaluation instruments such as surveys, on-line assessments or questionnaires, personal interviews, and opportunities for input from internal and external constituencies.

3. At the meeting, the Board will review the data and information gathered by the Chief of Staff and Chancellor, make findings regarding the Board's performance and effectiveness, and identify goals and strategies for improvement. In consultation with the Chair, a final report that summarizes the results of the self-evaluation will be prepared by the Chief of Staff and the Chancellor, and presented to the Board for approval at a future meeting of the Board.

4. The self-evaluation process will be conducted in compliance with all applicable legal requirements, including the Nevada Open Meeting and Public Records laws.

(B/R 12/17)

ARTICLE VI – Committees of the Board

Section 1. Authority

To facilitate consideration of the business and management of the NSHE, the Board may establish standing and special committees as provided herein. Unless otherwise specifically delegated and except as otherwise provided herein, authority to act on all matters is reserved to the Board, and the duty of each committee shall be only to consider and make recommendations to the Board upon matters referred to it.

Section 2. Appointment

Except as specifically provided in section 3 below, the appointment and composition of standing committees and the powers of their members are set forth in this section. The members of a standing committee, its Chair and Vice Chair shall be appointed by the Chair of the Board from among the members of the Board. A standing committee shall consist of no fewer than three and no more than six persons. Notwithstanding the composition of a standing committee as noted herein, the Board from time to time may elect to make any of its standing committees a committee of the whole. Upon the recommendation of a standing committee, the Board may additionally appoint a public member to the standing committee. The public member shall be advisory to the standing committee and shall have no vote. The Chair of the Board may be

eligible as a member of the standing committee, but may not serve as its Chair. The members of the standing committee shall serve terms of one year or until the first organizational meeting of the Board following the committee members' appointment.

Section 3. Standing Committees and their Duties

The following shall be the standing committees of the Board and their duties:

a. The **Audit, Compliance and Title IX Committee** shall:
    1. Review and evaluate internal audit reports, compliance reports, and follow-up reports;
    2. Recommend to the Board independent certified public accountants to audit the financial books and records of the NSHE and review and evaluate the reports of such independent certified public accountants;
    3. Formulate and make recommendations to the Board regarding policies necessary for the enforcement of sound accounting/auditing practices and an effective compliance function;
    4. Evaluate and make recommendations on internal controls; and
    5. Make such recommendations, as it deems necessary for the correction of deficiencies in management practices discovered by audit reports, or for the resolution of issues pertaining to non-compliance with policies, procedures or other requirements.
    6. Provide centralized oversight of programs for compliance with policies, procedures and other requirements.
    7. Monitor the performance of the internal audit and compliance functions.
    8. Review the respective Internal Audit Charter and Compliance Charter on a periodic basis to ensure the functions are complying with professional standards and addressing emerging issues appropriately.
    9. Examine information and indicators regarding Title IX compliance and make any policy recommendations to the Board; and
    10. Make recommendations to the Board regarding Title IX initiatives that foster awareness of and enhance commitment to a non-discriminatory campus environment.

b. The **Business, Finance and Facilities Committee** shall:
    1. Review and recommend to the Board the operating budget requests and work programs for the NSHE, with the primary objective of affirming the connections between the NSHE Master Plan and System-wide priorities, budget requests, and funding allocations;
    2. Review and recommend to the Board the self-supporting budgets and work programs for the NSHE;
    3. Make recommendations to the Board for the financing of the activities of the NSHE and the expenditure or use of NSHE financial resources;
    4. Review institutional and System proposals that create added fiscal requirements and/or alter established planning directions;
    5. Oversee System direction of, or participation in, studies of funding mechanisms and approaches for public higher education in Nevada;
    6. Review and make recommendations on NSHE risk management and insurance programs;

7. Monitor the technology needs and systems of the NSHE to ensure optimal use of resources for integrated system-wide information systems and other proper strategic uses of technology within the NSHE;
8. Review institutional requests to purchase or dispose of NSHE property;
9. Review all institutional requests to enter into property lease agreements in accordance with Board policy and applicable law;
10. Review any requests to lease NSHE property to an outside agency or private entity;
11. Review the land acquisitions and disposal portions of all institutional master plans;
12. Review all institutional requests for easements on NSHE property;
13. Review annual update of all NSHE property holdings and long-term leases;
14. Review and recommend to the Board the NSHE capital improvement priority lists, with the primary objective of affirming the connections between the requests and the institutional facilities master plans;
15. Review and recommend to the Board institutional facilities master plans;
16. Review and recommend to the Board a System space utilization model and periodically review institutional and System-wide space utilization data; and
17. Review and make recommendations to the Board regarding the Board's Efficiency and Effectiveness Initiative.

c. The **Academic, Research and Student Affairs Committee** shall:

1. Provide guidance in the development, review and recommendation of academic programs and degrees of the NSHE;
2. Consider and recommend to the Board policies concerning academic master plans;
3. Consider and recommend to the Board policies and practices concerning articulation and the transfer of students between and among the member institutions;
4. Consider and recommend to the Board policies relating to admission requirements, student services, academic standards, grading practices and requirements for graduation;
5. Consider and recommend policies to the Board regarding implementation of distance education, telecommunicated education and applications of educational and information technology in support of teaching, learning, research and creative activities;
6. Consider and recommend to the Board policies that appropriately align research within NSHE institutions with the priorities of the State Plan for Economic Development and support and encourage private sector engagement;
7. Facilitate the development, review, and implementation within the NSHE of research initiatives that are statewide or inter-institutional in nature, including applied research and development, university-industry technology transfer, and technology-based economic development;
8. Facilitate dialogue between the NSHE, business and industry, state and federal governmental representatives, and economic development/diversity stakeholders throughout Nevada in determining research and economic development needs and related issues;
9. Oversee and review campus management of faculty workload to assure equity, efficiency and effectiveness in the disposition of faculty effort;

10. Facilitate the development, review, and implementation of policies by the Board relevant to the learning climate, working climate, and support mechanisms for faculty, staff, and students;
11. Review and make recommendations concerning campus plans for the provision of child care and disability services; and
12. Jointly with the Business, Finance and Facilities Committee, consider and recommend to the Board policies concerning NSHE enrollment management plans, tuition and fees and the development of a student financial aid system for the NSHE that promotes access to public higher education for all Nevadans.

d. The **Inclusion, Diversity, Equity and Access (IDEA) Committee** shall:
    1. Recommend policies to the Board to create, enhance, promote and support an educational and working environment that fosters inclusion, diversity, equity and access for all students, faculty and staff;
    2. In collaboration with NSHE's Inclusion, Diversity, Equity and Access Council (IDEA Council) appointed by the Chancellor pursuant to Title 4, Chapter 8, Section 5 of the Board of Regents *Handbook*, review and assess issues, information, and activities that promote inclusion, diversity, equity and access among the students, staff and faculty of the System;
    3. Take actions appropriate to increase awareness, visibility, and emphasis of campus inclusion, diversity, equity and access; and
    4. Apply the definitions and meanings to the terms used in this section as follows:
        a. "Inclusion" means active and intentional engagement, affirmance and valuing/respect for individuals and groups of diverse backgrounds, and creating a place of belonging for all individuals and groups across the System;
        b. "Diversity" includes the differences among individuals or groups that impact perceptions, experiences and interactions, including, without limitation, differences based upon race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), ethnicity, color, national origin, gender (including pregnancy-related conditions), sexual orientation, gender identity or expression, genetic information, physical ability or disability, military status or military obligation, culture, age/generation, education, income/socioeconomic status, religion, expression, linguistics and intellect.
        c. "Equity" means fair and just treatment, access, opportunity and advancement for all individuals and groups, and the absence of barriers to inclusion and achievement that are systemically associated with societal advantage or disadvantage based on diversity; and
        d. "Access" means the equitable opportunity for all to fully participate in and contribute to programs, services, activities, environments, and decision/policy making. Access includes ways to make space for all individuals and groups to participate regardless of ability and experience such as accounting for design and use of spaces (physical and virtual), language, culture, information, and relationships.

e. The **Investment Committee** shall:
    1. Formulate and recommend to the Board appropriate investment policies to govern the investment program of the NSHE;

2. Implement such recommendations deemed appropriate concerning investments of the endowment and operating pools consistent with the investment policies approved by the Board and with agreements, if any, with the investment managers of the NSHE; and
3. Review and evaluate reports from the investment managers of the NSHE concerning investments of the endowment and operating pools within the limits of the investment policies approved by the Board.

f. The **Health Sciences System Committee** shall promote quality education, research, patient care and community health across health care disciplines, driven by access, quality, value and the needs of the people of the State of Nevada.

g. The **Workforce Committee** shall:
   1. Advise the Board on workforce training programs offered by the community colleges in areas including but not limited to hospitality, tourism, culinary arts, healthcare, information technology and coding, and applied technologies (construction, manufacturing, transportation, automotive, air conditioning, etc.);
   2. Consider and recommend Board policies that support workforce development and training programs of the community colleges;
   3. Make recommendations to align the degree and workforce credentialing programs offered by the community colleges, including but not limited to non-credit and accelerated programs, with the economic development goals identified by the Office of Economic Development pursuant to Nevada Revised Statutes 396.531;
   4. Review and make recommendations regarding the strategic initiatives of the community colleges developed to support workforce strategic goals adopted by the Board of Regents; and
   5. Review and make recommendations for programs that promote student access and success at community colleges, including but not limited to the Silver State Opportunity Grant and the Nevada Promise Scholarship program, and how such programs can support workforce training initiatives.
   6. The provisions of Subsection g. do not preclude the Committee from including the four-year institutions in workforce and strategic discussions as outlined in this Subsection.

h. The **Security Committee** shall:
   1. Study issues and policies to maintain a secure environment where students, faculty, staff and visitors may safely live, learn and work;
   2. Review policies, procedures and best practices concerning campus safety, homeland security and cybersecurity issues;
   3. Monitor campus safety issues and receive quarterly updates from all institutions on campus crime statistics;
   4. Ensure institutions develop and periodically update emergency response plans; and
   5. Make policy recommendations to the Board intended to provide a safe and secure environment for students, faculty, staff and the public at all campuses and offices of the Nevada System of Higher Education.

(B/R 12/21)

Section 4. Special Committees

Special committees, with specific purposes and fixed terms of one year or less, may be appointed from time to time as deemed necessary by the Board. The Chair of the Board shall appoint the members of a special committee and its Chair. The Chair of the Board may participate as a member of a special committee but may not serve as its Chair.

Section 5. Committee Staff Support

Each standing or special committee may establish such staff support to aid the committee in its work as may be deemed necessary and practical.

Section 6. Temporary Committee Appointments

In the event that members of a standing or special committee are absent at the time of its meeting, and if there are other members of the Board available at the time, the Chair of the committee may make a sufficient number of temporary appointments from available members of the Board to make up the committee membership. The temporary members shall serve only for the duration of the meeting for which they were appointed. Members of the Board who are not members of the committee may attend committee meetings and participate in the discussion, but may not vote on action items unless they have been appointed as a temporary member of the committee by the Chair of the committee.
(B/R 3/18)

ARTICLE VII – Officers of the University

Section 1. Designation

The Officers are the Chancellor of the Nevada System of Higher Education and the Presidents of the member institutions: University of Nevada, Reno; University of Nevada, Las Vegas; Desert Research Institute; Nevada State College, Henderson; College of Southern Nevada; Great Basin College; Truckee Meadows Community College; and Western Nevada College.

Section 2. Appointment

The Officers of the University shall be appointed by, and except as otherwise provided herein, shall serve at the pleasure of, the Board of Regents. In making such appointments, the Board shall follow the recruiting and screening procedures for these officers specified in the Nevada System of Higher Education Code.

Section 3. Chancellor

The Chancellor is the chief executive officer and ex-officio treasurer of the Nevada System of Higher Education and is responsible to the Board for the administration of the Nevada System of Higher Education, the implementation of Board policies and directives, and the financial management of the Nevada System of Higher Education.

a. The Chancellor is appointed by and serves at the pleasure of the Board of Regents. The Chancellor shall have a written contract that outlines the terms and conditions of the appointment.
b. The Chancellor shall be evaluated annually in writing by the Chair of the Board in accordance with procedures approved by the Board of Regents. The Chair shall present his or her findings to the Board for its review.
c. The Chancellor shall be evaluated periodically by a committee of the Board of Regents in accordance with procedures approved by the Board of Regents. The periodic evaluation shall normally take place not later than the next-to-last year of each contract period.
d. Procedures for annual and periodic salary determinations for the Chancellor shall be established by the Board of Regents.
e. Duties of the Chancellor are prescribed by the Board of Regents and include, but are not limited to, the following. The Chancellor may delegate any of the duties of the office unless expressly prohibited by Board policy.
    1. To promote a sound plan of organization in concert with the institutional Presidents to ensure administrative efficiency, maximum utilization of resources, and to facilitate cooperation among the member institutions;
    2. To be responsible, with the full cooperation and input of the Presidents, for the planning processes of the NSHE;
    3. To prepare in collaboration with the Board Chair and committee chairs the agenda of all meetings of the Board of Regents and its committees;
    4. To be responsible for the presentation of all NSHE matters to the Governor's Office and the State Legislature;
    5. To be responsible in collaboration with the Board Chair for official communication on behalf of the Board of Regents;
    6. To establish the practices under which the financial administration of the NSHE will be conducted;
    7. To assure that all budgets are executed in accordance with the intent of the Board of Regents and the Legislature;
    8. To serve as contracting officer for the NSHE and to execute all contracts and other instruments on behalf of the University unless authority has been expressly retained by the Board of Regents or delegated elsewhere;
    9. To provide for internal audits and to assist the Board of Regents in the appointment of its independent auditors;
    10. To recommend appointment of special counsel;
    11. To be the appointing and evaluating authority of all professional personnel not assigned to a member institution;
    12. To evaluate the annual performance of each President of the member institutions in accordance with procedures established by the Board of Regents;
    13. To participate in the periodic performance evaluation of each President in accordance with procedures established by the Board of Regents.
    14. To discipline Presidents as follows:
        a. Discipline for Cause.

        The President's employment agreement may be terminated for cause or the President may be disciplined for cause by the Chancellor. Without regard to and not subject to any of the provisions or procedures of the NSHE Code, Title 2, Chapter 6, the Chancellor may take any of the following disciplinary actions for cause against the President:

1. Issue a warning;
2. Issue an oral or written reprimand;
3. Remove from office and terminate the employment contract with the approval of the Board.

   Any disciplinary action shall only be taken in consultation with the Chair of the Board.

b. Progressive Discipline.

   Except in cases of serious violations which have a substantial negative impact on the System or on any institution or unit, principles of progressive discipline shall be followed. The less severe measures of warnings or reprimands are first imposed and the more severe measure of termination is applied only if the less severe measures are ineffective. The Chancellor will, within five (5) working days after imposition, provide written, confidential notification to the Board of any disciplinary action taken.

c. Prohibited Activity.

   The following conduct shall constitute cause for imposition of any of the discipline set forth above:

   1. Failure to perform the duties for which the President is employed.
   2. Failure to maintain a required level of performance as provided in Title 2, Chapter 5, Section 5.12 of the Nevada System of Higher Education Code.
   3. Incompetence or inefficiency in performing the duties for which the President is employed.
   4. Insubordination, which is defined as disobedience of a lawful written order.
   5. Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.
   6. Intentional misrepresentation of a material fact that has a substantial adverse impact on the System, its member institutions or its special units.
   7. Conviction of any criminal act involving moral turpitude.
   8. Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the *Nevada Revised Statutes,* while on duty, due consideration being given to NRS 284.379.
   9. Unauthorized absence from duty or abuse of leave privileges.
   10. Personal or professional conduct which shows that the President is unfit to remain in the position or which has an ascertainable harmful or adverse effect on the efficiency of the institution.

d. Disciplinary Procedure.

   The Chancellor shall give the President written notice of intent to discipline. The written notice must describe the circumstances of the alleged prohibited conduct and must include all available materials and documentation to support the charges. The President may present a written response to the Chancellor within 10 working days after receipt of the notice. The President may appeal a termination, but not other

discipline, to the Board of Regents, using the procedures established in Section 6.13 of the Code, Title 2, Chapter 6, so far as they can be made applicable and subject to the following: the appeal must be filed with the secretary of the Board of Regents; and the Chancellor may file a written reply to the appeal with the secretary of the Board of Regents. The appeal must be filed within 10 working days after receipt of a written notice of intent to terminate from the Chancellor. The imposition of termination is stayed pending a decision from the Board of Regents on the appeal. There is no right to an evidentiary hearing with regard to any proposed discipline.

e. Effect of Termination on Compensation of President.
    1. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the President does not hold tenure, the President shall not be entitled to the payment of any salary and shall not be entitled to payment of any remaining housing allowance, automobile allowance, host account, other perquisites or salary supplements funded by a foundation.
    2. Upon termination for any of the causes set forth in Section c, Prohibited Activity, hereinabove, in the event the President does hold tenure in an appropriate academic department of a System institution, the President shall be reassigned from the Presidential position to an employment position as a full time member of the academic faculty of the institution and shall not be entitled to the payment of any remaining salary, allowance, automobile allowance, host account, other perquisites or salary supplements funded by a foundation which are set forth in the terms of the President's employment contract. Upon termination for any of the causes set forth in Section c hereinabove and reassignment to a tenured position, the President's salary shall be determine in accordance with Title 4, Chapter 3, Section 33, Subsections 1-3 (Presidential Transition).

Section 4. Presidents

The Presidents report to the Chancellor for the administration of their respective institutions and are accountable through the Chancellor to the Board of Regents.

a. The President is appointed by and except as otherwise provided hereinabove, serves at the pleasure of the Board of Regents. The President shall have a written contract that outlines the terms and conditions of the appointment.
b. The President shall be evaluated annually in writing by the Chancellor in accordance with procedures approved by the Board of Regents. The Chancellor shall provide a confidential summary of the findings to the Board.
c. The President shall be evaluated periodically by an evaluation committee in accordance with procedures approved by the Board of Regents. The periodic evaluation shall normally take place not later than the next-to-last-year of each contract period.
d. Procedures for annual and periodic salary determinations for the Presidents shall be established by the Board of Regents.
e. Duties of the President are prescribed by the Board of Regents and include, but are not limited to, the following. The President may delegate any of the duties of the office unless expressly prohibited by Board policy.

1. To provide leadership in the planning and implementation necessary for the successful operation of the member institution and to ensure that the institution develops to its potential;
2. To be the appointing authority for all professional personnel in the member institution, subject only to the Nevada System of Higher Education Code, and to execute personnel contracts;
3. To review the quality of performance of all professional personnel in the member institution and to either take final action or to recommend action to the Board of Regents on personnel matters in conformity with the Nevada System of Higher Education Code;
4. To make recommendations concerning budgets in the member institutions and to administer approved budgets in accordance with NSHE policies;
5. To authorize the transmission of applications or requests for grants, contracts or gifts to individuals, foundations, corporations, and the federal government;
6. To be the principal spokesman for the member institution and, in concert with the Chancellor, to represent the institution before the Board of Regents, the Legislature, and all other appropriate bodies; and
7. To ensure compliance by the member institution by and through its professional personnel with the NSHE Code, NSHE policies, the Board of Regents Bylaws, and institutional bylaws.
8. To notify the Board as soon as practicable of campus events that may have significant impact on the institution including, but not limited, to the reputation or public image of the institution; and
9. To provide oversight, management, and control of intercollegiate athletic programs consistent with all applicable Board and institution policies, including those set forth in Title 4, Chapter 24.
10. To perform such additional duties as the Board may direct.

(B/R 3/17)

ARTICLE VIII – Amendments

Section 1. Procedures

These Bylaws may be amended at any meeting of the Board by affirmative vote of not less than two-thirds of the members of the Board, provided that notice of any proposed amendment has been provided in accordance with the Open Meeting Law.
(B/R 3/17)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 1

ORGANIZATION AND ADMINISTRATION OF THE NEVADA SYSTEM OF HIGHER EDUCATION

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Section 1.1 Definitions

As used in the Nevada System of Higher Education Code, the terms set forth below have the meanings stated herein:

(a) "Academic faculty" means:

(1) For the universities, instructional, research and library faculty, as defined by the Board of Regents, and
(2) For the state college and community colleges, instructional, counseling and library faculty, as defined by the Board of Regents.

(b) "Administrators" means administrative faculty employed in executive, supervisory or support positions, as defined by the Board of Regents.

(c) "Calendar days" means the days counted according to the calendar.

(d) "Code" means the Nevada System of Higher Education Code.

(e) "College working days," for the purpose of calculating the time periods specified in the Nevada System of Higher Education Code, means any day other than a Saturday, Sunday or legal holiday, as designated by the *Nevada Revised Statutes*, or designated periods of class recess as provided by an appropriate member institution.

(f) "Curricular reasons" means the term used to characterize the bona fide discontinuance, reduction in size or reorganization of an administrative unit, project, program or curriculum for bona fide reasons pertaining to the missions of the institutions of the Nevada System of Higher Education resulting in the elimination of employment positions. Bona fide curricular reasons may include, but are not limited to, low or declining student demand, changes in the mission of a system institution, or adverse financial conditions forcing a system institution to prioritize its projects, programs and curricula.

(g) "Faculty" means the professional staff as established in Subsection 1.4.5 of the Nevada System of Higher Education Code.

(h) "Financial exigency" means a condition that requires the bona fide discontinuance or reduction in size of an administrative unit, project, program or curriculum due to the lack of funds available and sufficient to meet current or projected expenditures.

(i) "Furlough" means a leave of absence without pay mandated by the employer.

(j) "Institutional bylaws" means the bylaws of the member institutions and the special units of the Nevada System of Higher Education.

(k) "Laid off" or "lay off" means the termination of employment, for financial exigency or curricular reasons, of a nontenured faculty member before the completion of a contract term or of a tenured faculty member.

(l) "Nonreappointment" means not appointing a nontenured faculty member for a subsequent employment appointment after the completion of the nontenured faculty member's current contract term. (B/R 2/90)

(m) "President" means the chief executive officer of a member institution, and the term shall also include the Chancellor where the context of the Nevada System of Higher Education Code requires with respect to the Unit or the special units.

(n) "System" means the Nevada System of Higher Education.

(o) "System institutions" means the member institutions and the special units.

(p) "Tenure" means academic freedom and continuing employment, which may be terminated only for the reasons specified in the Nevada System of Higher Education Code.

(q) "Tenured faculty" means members of the professional staff who have received appointments with tenure.

(r) "Unit" means the combined administrative unit consisting of the Chancellor's Office and the Nevada System of Higher Education Computing Services.

(s) "University of Nevada" means the state university established under Article 11, Section 4 of the Nevada Constitution.

(t) "Nevada System of Higher Education" means the system of universities, colleges, research and public service units of the University of Nevada administered by the Board of Regents.

(B/R 9/20)

Section 1.2 Constitutional Authority and the Board of Regents

1.2.1 **University of Nevada.** The University of Nevada was established by the Constitution of the State of Nevada, which provides at Article 11, Section 4 that the University shall ". . . be controlled by a Board of Regents whose duties shall be prescribed by Law."

1.2.2 **Board of Regents.** The membership of the Board of Regents shall be determined by law.

1.2.3 **Function of Board.** The Board of Regents is a corporate body, legally responsible for the University of Nevada. Its function is to control and manage the Nevada System of Higher Education, primarily by setting policy. Upon approval by the Board of Regents, the appropriate officers of the System shall implement such policies.

1.2.4 **Board's Authority and Delegation of Authority.** The Board of Regents retains the right at all times to lawfully delegate authority. However, nothing in the Nevada System of Higher Education Code shall be construed as an abrogation or limitation of the lawful authority or responsibility of the Board of Regents. The Board of Regents retains the right at all times to amend or repeal the provisions of the Nevada System of Higher Education Code and to enact supplemental policies and procedures to carry out the provisions of the Nevada System of Higher Education Code.

Section 1.3 Purpose and Organization of the Code

1.3.1 **Scope of Code.** The Nevada System of Higher Education Code shall establish the primary organizational structure of the System and the basic personnel policies for its faculty.

1.3.2 **Interpretation of Code.** Questions of interpretation of the Nevada System of Higher Education Code shall be directed to the System General Counsel through the Presidents of the System institutions. Appeals from the System General Counsel interpretation may be made through Presidents and the Chancellor to the Board of Regents. The Board of Regents' ruling shall be final. (B/R 2/05)

1.3.3 **Amendment of the Code**

(a) Any regent, Chancellor, President of a System institution or senate may propose amendments to the Nevada System of Higher Education Code by filing proposed amendments with the Secretary of the Board of Regents and requesting consideration by the Board. At least 30 calendar days before consideration by the Board, proposed amendments shall be circulated to the Chancellor, each System institution President and each senate for review and comment. The Board shall take final action after giving due consideration to the opinions, if any, of the senate representatives and officers of the System.

(b) If the Board of Regents finds that an emergency exists, an amendment to the Nevada System of Higher Education Code may be adopted and become effective immediately upon adoption by the Board. An amendment so adopted may be effective for a period of not longer than 120 calendar days. An emergency amendment may be adopted only once, but the adoption of an identical amendment under paragraph (a) above is not precluded. An emergency amendment of the Nevada System of Higher Education Code shall require at least seven affirmative votes of the members of the Board of Regents.

1.3.4 **Institutional Bylaws.** System institutions shall adopt bylaws to set forth the institution's organizational structure and personnel policies. The adoption, amendment or repeal of institutional bylaws shall be in accordance with procedures prescribed therein and require recommendation from the President and review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of institutional bylaws or they shall be deemed approved. Where the provisions of such institutional bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Institutional bylaws shall be posted on the institution's Web site.

1.3.5 **Bylaws of the Unit.** The unit shall adopt bylaws to set forth the unit's organizational structure and personnel policies. The adoption, amendment or repeal of unit bylaws shall be in accordance with procedures prescribed therein and require review by legal counsel prior to submission for approval to the Chancellor. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of unit bylaws or they shall be deemed approved. Where the provisions of such unit bylaws, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such institutional bylaws, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Unit bylaws shall be posted on the NSHE Web site.

1.3.6 **Student Government Constitutions.** The adoption, amendment or repeal of a student government constitution shall be in accordance with procedures prescribed therein. Prior to a vote of the students, legal counsel shall review any such proposed revisions. If approved by the student body, the revisions shall be transmitted by the President to the Chancellor for approval. Within 45 days of a request for approval, the Chancellor shall act to approve or reject the adoption, amendment or repeal of a student government constitution or they shall be deemed approved. Where the provisions of such student government constitutions, or other such bylaws, procedures and regulations, conflict with the policies of the Board, the Board's policies shall prevail and the conflicting provisions of such student government constitutions, or other such bylaws, procedures and regulations, shall be void and of no effect whatever. Student government constitutions shall be posted on the institution's Web site.

(B/R 4/09)

Section 1.4 Organization of the Nevada System of Higher Education

1.4.1 **Primary Missions.** The primary missions of the University of Nevada are teaching, research and public and community service.

1.4.2 **Chancellor's Office.** The Chancellor is the chief executive officer of the System. The Chancellor's Office is the headquarters of the System and consists of the Chancellor and the Chancellor's staff.

1.4.3 **Branches and Member Institutions.** The branches of the University of Nevada and the member institutions of the Nevada System of Higher Education are: University of Nevada, Reno; University of Nevada, Las Vegas; Desert Research Institute; Nevada State College, Henderson; College of Southern Nevada; Great Basin College; Western Nevada College; and Truckee Meadows Community College.
(B/R 1/03)

1.4.4 **Special Units.** The special units are the Chancellor's Office and the Nevada System of Higher Education Computing Services, which, for administrative purposes, shall be combined into the Unit with the Chancellor as its President.

1.4.5 **Professional Staff.** The System institutions shall each have a professional staff which shall be organized in accordance with institutional bylaws. The professional staff shall consist of all persons holding professional positions as defined and authorized by the Board of Regents.

1.4.6 **Faculty Policy Recommendations.** Under procedures which may be established by the institutional bylaws, the faculty may recommend general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions.

1.4.7 **Senates.** All members of the faculty of a member institution shall be represented in each such institution in which they are employed by an entity to be known as the "Senate," or by another entity or entities which may be established in the institutional bylaws, and which shall be organized in conformity with institutional bylaws. All members of the faculty of the Unit shall be represented in one senate to be known as the "Unit senate," and which is to be organized in conformity with the institutional bylaws.

1.4.8 **Senate and Faculty Recommendations.** Actions of the senates may be considered by the faculty in accordance with institutional bylaws. When applicable, the recommendations of the senates, or of the faculty acting on senate actions, concerning general policy on matters of faculty welfare, faculty rights under the Nevada System of Higher Education Code and faculty involvement in the University of Nevada's primary missions shall be transmitted to the Presidents for decision or, if the Board of Regents' approval is needed, for recommendations from the Presidents through the Chancellor to the Board of Regents for the Board's decision.

1.4.9 **Changes in Administrative Units.** Creation, abolition or substantial alteration in the organization of administrative units within a System institution shall be approved by the President only after prior consultation with the senate or the faculty of the administrative unit of the System institution involved. For those changes requiring Board approval under Title 4, Chapter 14, Section 6, final action shall be taken by the Board of Regents upon the recommendation of the appropriate President through the Chancellor. (B/R 3/10)

1.4.10 **The Council of Presidents.**

(a) The council of presidents shall consist of the President of each member institution. The Chancellor or the Chancellor's designee shall chair the council of presidents.

(b) The council of presidents shall serve as the principal method of liaison among the member institutions and shall provide counsel to the Chancellor. Review of the proposed agenda for meetings of the Board of Regents, budgets and planning will normally be discussed with the council of presidents.

(c) The council of presidents will meet upon the call of the Chancellor.

1.4.11 **Committees.**

(a) The Chancellor may establish Nevada System of Higher Education Committees and ad hoc Committees to facilitate the administration of the System. The members of such Committees shall be appointed by the Chancellor for one-year terms and are eligible for reappointment. The Chancellor shall consult with the Presidents when appointing system Committees.

(b) Each President may establish and appoint Committees to facilitate the administration of each System institution.

(B/R 6/15)

Section 1.5 Officers of the Nevada System of Higher Education

1.5.1 **Officers and Duties.** The officers of the System are the Chancellor and the Presidents of the member institutions, and their duties and responsibilities are as set forth in the bylaws of the Board of Regents.

1.5.2 **Appointment of Officers.** The officers of the System shall be appointed by, and serve at the pleasure of, the Board of Regents.

1.5.3 **Vacancy in the Office of the Chancellor.**

(a) As used in this Section, “Officer in Charge” means the person who has been designated by the Chancellor to be the officer in charge in the temporary absence or vacancy in the Office of Chancellor.

(b) The Chancellor, in consultation with the Board Chair, shall maintain on file with the Chair of the Board of Regents, in writing, the designation of three persons currently serving in the System Office, that are, in the order listed, deemed to be the officer in charge should a temporary absence or a vacancy occur in the position of Chancellor. The list shall include the name, title and contact information for each person. If the person listed first is unavailable at the time of the temporary absence or vacancy, the next person listed in order shall serve as the officer in charge. If the persons listed first and second are unavailable at the time of the temporary absence or vacancy, the third person listed shall serve as the officer in charge.

(c) When a vacancy occurs in the position of Chancellor, the officer in charge shall exercise the powers of the Chancellor until an acting or interim Chancellor is appointed by the Board.

(d) Whenever a vacancy occurs or is about to occur in the position of Chancellor, the Chair of the Board shall recommend to the Board the appointment of an acting or interim Chancellor. Prior to making the recommendation of an acting or interim Chancellor, the Chair of the Board shall first meet with major constituencies of the NSHE, including presidents and faculty senate chairs, to receive their suggestions and input for the appointment of an acting or interim Chancellor. Additional constituencies may include, but are not limited to provosts, vice presidents, faculty and other institution staff, vice chancellors and other system staff, student leadership, institution advisory board members, foundation trustees, community and legislative representatives.

(e) After considering the Chair's recommendation and rationale for the appointment of an acting or interim Chancellor, the Board shall determine whether a search shall be conducted, or if an interim Chancellor shall be appointed to a specified term of one to three years. If an acting Chancellor is appointed, the Board shall determine whether to conduct a national, regional, in-state or other search for a permanent Chancellor.

The Board may appoint an interim Chancellor for a specified term of one to three years by an affirmative vote of not less than two-thirds of the Board. At any time prior to the expiration of the interim Chancellor's specified term, the Board may approve a decision to conduct a search for a permanent Chancellor. The search shall be conducted in the manner provided in this Section 1.5.3. An interim Chancellor must serve at least a year before the Board may consider making the appointment permanent. At the time it considers making the appointment permanent, the Board shall, at a public meeting, first allow and consider input from the NSHE's major constituencies. Before considering whether to make the interim appointment permanent, the Board may, in accordance with the Board policy governing Chancellor evaluations, conduct a periodic evaluation of the interim Chancellor's performance.

(f) If an acting Chancellor is appointed, an ad hoc Regents' Chancellor Search Committee composed of four to six members of the Board of Regents shall be appointed by the Board's Chair for the purpose of recruiting and recommending a nominee or nominees to the Board of Regents for appointment to the position. The Chair of the Board shall appoint the Chair of the Regents' Chancellor Search Committee. The Committee shall be provided staff assistance by the Chief of Staff and the Board Office and such other assistance as it may request. Before it makes its recommendation or recommendations to the Board, the Committee shall consult with an advisory Committee consisting of the Presidents of the System institutions, the chairs of the senates, the Presidents of the student governments, and any other NSHE or community representatives as determined by the Board Chair. The System affirmative action officer shall serve as an ex officio member of the ad hoc Committee. The advisory members serve as non-voting members to provide input on matters being considered. An acting Chancellor will not be eligible for consideration as a candidate for the permanent appointment as Chancellor.

(g) The Regents' Chancellor Search Committee will oversee the details of the search. The budget for the search shall be established by the Chair of the Board in consultation with the Chief of Staff of the Board. The Chair of the Committee shall, in accordance with direction from the Committee, either directly, or in consultation with a Search Consultant, if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee. The Regents' Chancellor Search Committee shall meet at the call of the Chair of the Committee to discuss qualifications of applicants recommended after the initial screening process and to hear the recommendations of the members of the advisory committee. The Regents' Chancellor Search Committee will interview and evaluate candidates, and thereafter will select its nominee or nominees for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents' Chancellor Search Committee, it may direct the Committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.

The Board Office shall provide staff assistance to the Committee.

(h) The Board shall determine whether the Committee shall be aided by a Search Consultant. If the Board determines that the services of a Search Consultant would be helpful, a Search Consultant shall be selected by the Chancellor, the Chief of Staff of the Board of Regents, and the Chief General Counsel. If the Chancellor is unavailable or a conflict of interest would arise from his or her participation in selecting a Search Consultant, the Chair of the Board of Regents shall assist in the place of the Chancellor in the selection of a Search Consultant. The Search Consultant shall (i) assist the Committee in the performance of its search, (ii) attend all meetings of

the Committee, (iii) help the Committee in defining general parameters for the search, (iv) prepare and present a leadership profile for the Committee's approval at its first meeting regarding the qualifications sought for the Chancellor position, and (v) obtain at the first Committee meeting approval from the Committee on the publication and on-line locations where advertising for the Chancellor position will be placed.

(i) By an affirmative vote of not less than two-thirds of the members of the Board, the Board may authorize deviations from the processes defined in this policy.

1.5.4 <u>Vacancy in the Office of President</u>.

(a) As used in this Section, "Officer in Charge" means the person who has been designated by the President of each institution to be the officer in charge in the temporary absence or vacancy in the Office of President.

(b) The President of each institution shall maintain on file with the Chancellor, in writing, the designation of campus authority consisting of a list of three persons currently serving the institution, that are, in the order listed, deemed to be the officer in charge should a temporary absence or a vacancy occur in the position of President. The list shall include the name, title and contact information for each person. If the person listed first is unavailable at the time of the temporary absence or vacancy, the next person listed in order shall serve as the officer in charge. If the persons listed first and second are unavailable at the time of the temporary absence or vacancy, the third person listed shall serve as the officer in charge.

(c) When a vacancy occurs in the position of President of a member institution, the institution's officer in charge shall exercise the powers of the President until an acting or interim President is appointed by the Board.

(d) Whenever a vacancy occurs or is about to occur in the position of President of a member institution, the Chancellor, in consultation with the Chair of the Board, shall recommend to the Board the appointment of an acting or interim President. Prior to making the recommendation of an acting or interim President, the Chancellor and Chair of the Board shall first meet with major constituencies, including the representatives of faculty and classified senates or their equivalents, and student government representatives of the institution to receive their suggestions and input for the appointment of an acting or interim President. Additional constituencies may include, but are not limited to, provosts, vice presidents and other executive staff, campus employees, faculty, students, presidential advisory board members, foundation trustees and community representatives.

(e) At the time the Board considers the Chancellor's recommendation for the appointment of an acting or interim President, the Board shall also determine whether a search shall be conducted, or if an interim President shall be appointed to a specified term of one to three years.

1) If the Board determines to conduct a search, the Board will appoint an acting President. If an acting President is appointed, the acting President serves as the President of the institution until a person is permanently appointed as President following a presidential search. An acting President will not be eligible for consideration as a candidate for the permanent appointment as President. The Board shall determine whether to conduct a national, regional, in-state or other search for a permanent President.

2) If, by an action approved by an affirmative vote of not less than two-thirds of the Board, the Board determines to appoint an interim President to a specified term, an acting President will not be appointed. The Chancellor's recommended candidate for acting President may be considered by the Board for appointment as the interim President. If the Board appoints an interim President, the interim President will be appointed to a specified term of one to three years. At any time prior to the expiration of the interim President's specified term, the Board may approve a decision to conduct a search.

3) An interim President must serve at least a year before the Board may consider making the appointment permanent and the Board shall, at a public meeting, first allow and consider input from the institution's major constituencies. Prior to the last year of the term of an interim President appointed to a multi-year term, or prior to the end of the year of an interim President appointed to a one-year term, the Board may conduct a periodic evaluation of the interim President consistent with the Board policy governing periodic evaluation of NSHE Presidents.

If at any time during the term of an interim President, the Board determines not to appoint the interim President to the permanent position, the Board may direct that a search be conducted in the manner provided for in this Section 1.5.4. The interim President will not be eligible for consideration as a candidate for the permanent position. The Board shall determine whether to conduct a national, regional, in-state or other search for a permanent President.

(f) If the Board determines to conduct a search, a Regents' Presidential Search Committee composed of four to six members of the Board of Regents shall be appointed by the Chair of the Board for the purpose of recruiting and recommending a nominee or nominees to the full Board of Regents for consideration by the Board for appointment to the position. The Chair of the Board shall appoint the chair of the Regents' Presidential Search Committee. The Chair of the Board of Regents shall also appoint institutional advisory members to the Committee from the member institution involved to include: (i) five faculty members nominated by the senate; (ii) up to three administrators; (iii) one classified employee nominated by the classified employees'

organization, if any, or if the search is at DRI, one technologist nominated by the technologists' organization, if any; (iv) one undergraduate student representative and one graduate student representative nominated by the appropriate student government as applicable to the institution involved; and (v) one alumnus. The Committee Chair may also appoint such other persons as advisory members to the Committee as may be deemed necessary. The affirmative action officer of the member institution involved, if any, shall be an ex officio advisory member of the Committee. The institutional advisory members of the Committee serve as non-voting members to advise the voting members of the Regents' Presidential Search Committee on matters being considered.

(g) The Regents' Presidential Search Committee will oversee the details of the search. The budget for the search shall be established by the Chair of the Board in consultation with the Chancellor and Chief of Staff of the Board and shall take into consideration the institutional finances. The Chancellor shall, in accordance with direction from the Committee, either directly, or in consultation with a Search Consultant, if one is hired, be responsible for the initial screening process to determine candidates for consideration by the Committee. The Regents' Presidential Search Committee shall meet at the call of the chair of the Committee to discuss the qualifications of applicants recommended after the initial screening process and to hear the recommendations of the institutional advisory members of the Committee. The Committee will interview and evaluate candidates, after which the Regents' Presidential Search Committee will select its nominee or nominees for consideration by the full Board of Regents for appointment to the position. If the Board determines not to appoint the nominee(s) recommended by the Regents' Presidential Search Committee, it may direct the Committee to continue the search process and to recommend an additional nominee or nominees for consideration by the full Board of Regents.

The Board Office shall provide staff assistance to the Committee.

(h) The Board shall determine whether the Committee shall be aided by a Search Consultant. If the Board determines that the services of a Search Consultant would be helpful, a Search Consultant shall be selected by the Chancellor, the Chief of Staff of the Board of Regents, and the Chief General Counsel. The Search Consult shall (i) assist the Committee in the performance of its search, (ii) attend all meetings of the Committee, (iii) help the Committee in defining general parameters for the search, (iv) prepare and present a leadership profile for the Committee's approval at its first meeting regarding the qualifications sought for the President position, and (v) obtain at the first Committee meeting approval from the Committee on the publication and on-line locations where advertising for the President position will be placed.

(i) All costs associated with a Presidential search, including the costs of a Search Consultant, shall be paid by the institution that has the vacancy.

(j) By affirmative vote of not less than two-thirds of the members of the Board, the Board may authorize deviations from the processes defined in this policy.

(B/R 9/19)

Section 1.6 Administrators

1.6.1 Appointment of Administrators

(a) The appointment of the heads of administrative units below the level of vice president within a System institution, including department chairs, and all other persons reporting directly to the institutional President shall be made by the President. In the process of making such an appointment, the President or his or her designee shall consult with faculty of the appropriate administrative unit. Persons appointed to such positions shall serve solely at the pleasure of the President. Department chairs as administrators shall be directly responsible to their supervisor or supervisors for the operation of their departments.

(b) The appointment of vice presidents reporting directly to the institutional President, including interim or acting appointments, shall be subject to the approval of the Chancellor. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the Chancellor approves the appointments. Vice presidents shall serve in such positions solely at the pleasure of the institutional President. The appointment of vice presidents shall be reported to the Board of Regents by the President.

(c) The appointment of provosts reporting directly to the institutional President, including interim or acting appointments, shall be subject to the approval of the Chancellor in consultation with the Chair of the Board of Regents. Such appointments shall not take effect, and no employment contracts for such positions shall be issued or be binding, until the Chancellor approves the appointments. Provosts shall serve in such positions solely at the pleasure of the institutional President. The appointment of provosts shall be reported to the Board of Regents by the President.

(d) The appointment of administrators reporting directly to the Chancellor, including interim or acting appointments, shall be approved by the Chancellor, and such appointments shall not take effect, until a written employment contract has been executed by the Chancellor. Administrators in such positions shall serve solely at the pleasure of the Chancellor. The appointment of such administrators shall be reported to the Board of Regents by the Chancellor.

1.6.2 **Duties and Responsibilities.** The duties and responsibilities of administrators described in this Section shall be prescribed by the Chancellor or the President, as the case may be.

1.6.3 **Recruitment.** The procedures for recruitment and screening of candidates for administrative positions described in this Section shall be included in the institutional bylaws. Procedures for recruitment and screening for the position of director of the Nevada System of Higher Education Computing Services shall provide for representation in the recruitment and screening process from all System institutions.

(B/R 9/16)

Section 1.7 Descriptive Headings

The descriptive headings or titles immediately preceding or within the text of individual Sections and Subsections in the Nevada System of Higher Education Code, except the Section and Subsection numbers, do not constitute part of the Nevada System of Higher Education Code and are included only for convenient reference.

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 2

ACADEMIC FREEDOM AND RESPONSIBILITY

Section 2.1 Declaration of Policy 2
Section 2.2 Applicability 2
Section 2.3 Freedoms and Responsibilities 3

Section 2.1 Declaration of Policy

2.1.1 **Higher Education and the Common Good.** Institutions of higher education are conducted for the common good and not to further the interest of either the individual member of the faculty or the institution. The continued existence of the common good depends upon the free search for truth and knowledge and their free exposition.

2.1.2 **Academic Freedom.** Academic freedom is essential to these purposes and is applicable to both teaching and research. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. Freedom in research is fundamental to the advancement of truth and knowledge. A member of the faculty has freedom and an obligation, in the classroom or in research, to discuss and pursue the faculty member's subject with candor and integrity, even when the subject requires consideration of topics which may be politically, socially or scientifically controversial. In order to ensure the freedom to seek and profess truth and knowledge, as stated in Section 2.3 of the Nevada System of Higher Education Code, the faculty member, as defined in Section 2.2 of this chapter, shall not be subjected to censorship or discipline by the Nevada System of Higher Education on grounds that the faculty member has expressed opinions or views which are controversial, unpopular or contrary to the attitudes of the Nevada System of Higher Education or the community.

2.1.3 **Academic Responsibility**. The concept of academic freedom is accompanied by the equally demanding concept of academic responsibility. A member of the faculty is responsible for the maintenance of appropriate standards of scholarship and instruction.

2.1.4 **Acts Interfering with Academic Freedom.** The Nevada System of Higher Education is committed to the solution of problems and controversies by the method of rational discussion. Acts of physical force or disruptive acts which interfere with Nevada System of Higher Education activities, freedom of movement on the campuses or freedom for students to pursue their studies are the antithesis of academic freedom and responsibility, as are acts which in effect deny freedom of speech, freedom to be heard and freedom to pursue research of their own choosing to members of the faculty or to invited guests of the Nevada System of Higher Education.

(B/R 4/02)

Section 2.2 Applicability

Academic freedom is the right of all members of the faculty, part-time or full-time, including graduate assistants and fellows, in the Nevada System of Higher Education. Academic freedom is also extended to the invited guests of the Nevada System of Higher Education.

(B/R 4/02)

Section 2.3 Freedoms and Responsibilities

2.3.1 **Freedom in Research.** A member of the faculty is entitled to full freedom in research and in the professional publication of the results, subject to the satisfactory performance of the faculty member's other academic duties.

2.3.2 **Freedom to Publish.** A member of the faculty is entitled to full freedom to publish literary, academic, technical or other noteworthy works as required in the performance of the faculty member's duties and/or obligations to the Nevada System of Higher Education.

2.3.3 **Freedom in the Classroom.** A member of the faculty is entitled to freedom in the classroom in discussing a subject, but the faculty member should be careful not to persist in discussing matters, which have no relation to the subject taught.

2.3.4 **Faculty as Citizens.** A member of the faculty is a citizen of the community, a member of a learned profession and an employee of an educational institution. A faculty member speaking, writing or acting as a citizen shall be free from institutional censorship or discipline.

2.3.5 **Obligations and Responsibilities.** The special position of a member of the faculty imposes special obligations and responsibilities. As a person of learning and an employee of an educational institution, a faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances and acts. Therefore, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others and should indicate clearly that the faculty member is not an institutional spokesperson.

(B/R 4/02)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 3

TENURE FOR UNIVERSITY FACULTY

Section 3.1 Declaration of Policy 2
Section 3.2 Eligibility for Tenure 2
Section 3.3 Probation 3
Section 3.4 Appointment with Tenure 5

Section 3.1 Declaration of Policy

3.1.1 **Limited to Universities.** Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the universities of the System only.

3.1.2 **Conditions on Tenure.** The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges afforded by tenure.

Section 3.2 Eligibility for Tenure

3.2.1 **University of Nevada, Reno; University of Nevada, Las Vegas.** Except as provided in this chapter, full-time and part-time academic faculty in Rank II, Rank III, and Rank IV positions at the University of Nevada, Reno, and the University of Nevada, Las Vegas shall be eligible for tenure. For the purpose of this section, part-time academic faculty shall be equal to at least .5 FTE. Administrators may be included in this condition of eligibility, but only in the capacity of academic faculty. Full-time academic faculty in these institutions in Rank O or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances

3.2.2 **Academic Faculty Paid with Grant, Endowment, Gift, Clinical, Contract, Sponsored Project or Self-Supporting Funds**

(a) Except as provided in paragraph (c) herein, academic faculty whose appointments are in positions paid with more than .5 FTE grant, endowment, gift, clinical, contract, sponsored project, or self-supporting funds are not eligible for such appointment with, nor shall have, tenure unless such funds are long-term or ongoing, as determined by the institution.

(b) Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983, shall continue to be employed with tenure subject to the provisions of this Code.

(c) In the event that a member of the academic faculty whose initial appointment was in a position paid with more than .5 FTE grant, endowment, gift, contract, clinical, sponsored project, or self-supporting funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon the request of the academic faculty member and the approval of the president, as part of the probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

3.2.3 Rank O.

(a) Faculty placed in Rank O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Rank O position.

(b) Upon the request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Rank O position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Rank O position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

(c) Academic faculty at the University of Nevada, Reno and the University of Nevada, Las Vegas who have been placed in Rank O positions may be given such academic titles as the member institution, at the president's discretion, may consider appropriate, but such academic faculty shall not be eligible for appointment with, nor shall have, tenure under any circumstances by reason of the granting of such academic titles.

(B/R 9/17)

Section 3.3 Probation

3.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 3.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president’s designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution's bylaws.

(b2) The president of the institution, without seeking Board of Regents' approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year.

(c) Authorized periods of leave, paid or unpaid, may be excluded from service toward the seven-year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exclude periods of leave shall be based upon the sole discretion of the president. The president's decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed seven years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exceed the seven-year probationary period shall be based upon the sole discretion of the president. The decision of the president is final. The request for an extension of the seven-year period of probation must state the reasons for such extension.

3.3.2 **Consideration for Tenure During Probation.** Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

3.3.3 **Full-Time Service at Other Institutions.** Upon the request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.

3.3.4 **Completion of Probationary Period.** After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be reappointed at any rank providing eligibility for such appointment unless such appointment is with tenure.

(B/R 12/11)

Section 3.4 Appointment with Tenure

3.4.1 **Recommendations and Appointment.** At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for appointment with tenure shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 3.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

3.4.2 **Standards for Recommending Appointment with Tenure.**

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the three standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 3.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

In standards one and two, an academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of these standards and no less than a “satisfactory” rating in the other.

1. Standard One: Teaching/Performance of Assigned Duties

Either of the following:

(A) If applying for tenure as a university instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom, laboratory, and/or clinical setting, the ability to communicate effectively with students and demonstrated skill in handling classroom and other duties related to teaching. Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter, to evoke response in students, to demonstrate competence in advising students, and to demonstrate community engaged teaching.

(B) If applying for tenure as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties, which may include community engagement.

2. Standard Two: Research, Scholarly, Creative and Entrepreneurial Activity
Demonstrated continuing professional growth related to the academic faculty member's discipline or program area as shown by a record of research, scholarly, creative or entrepreneurial activity, each of which may include community engagement, resulting in publication or comparable productivity.

3. Standard Three: Service
In addition to standards one and two, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A) Membership and participation in professional organizations;

(B) Ability to work with the faculty and students of the member institution in the best interests of the academic community and the people it serves, and to the extent that the job performance of the academic faculty member's administrative unit may not be otherwise adversely affected;

(C) Service on university or System committees;

(D) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

(E) Recognition and respect outside the System community for participation in activities that use the faculty member’s knowledge and expertise or further the mission of the institution, or that provide an opportunity for professional growth through community engaged interaction with industry, business, government, and other institutions of our society, within the state, the nation or the world.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be used in evaluating the applicant for appointment with tenure.

(c) The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in this subsection of the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

3.4.3 **Recommendations for Tenure.** The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures, which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

3.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or any misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

3.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

3.4.6 **Tenure for Academic Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in an administrative position is a separate and distinct concept from employment as a member of the academic faculty. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative

position, may be removed from the administrative position without cause, reasons or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which the appointment with tenure was made.

3.4.7 Relinquishment of Tenure.

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 3.2.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers employment from the member institution granting an appointment with tenure to another System institution, the faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold a tenured appointment under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.

3.4.8 **Transfer to the Chancellor's Office.** A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the president of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

3.4.9 **Resignation or Termination.** A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/17)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 4

TENURE FOR COMMUNITY COLLEGE FACULTY

Section 4.1 Declaration of Policy 2
Section 4.2 Eligibility for Tenure 2
Section 4.3 Probation 3
Section 4.4 Appointment with Tenure 5

Section 4.1 Declaration of Policy

4.1.1 **Limited to Community Colleges**. Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the community colleges of the System only.

4.1.2 **Conditions on Tenure.** The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges provided by tenure.

Section 4.2 Eligibility for Tenure

4.2.1 **Applicable Faculty Positions.**

(a) Except as provided in this chapter, full-time academic faculty at the College of Southern Nevada, the Great Basin College, the Truckee Meadows Community College and the Western Nevada College shall be eligible for appointment with tenure.

(b) Administrative faculty who has already been appointed with tenure as administrators prior to July 1, 1990 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code. Administrative faculty who has been employed in tenure track positions as of April 5, 1991 will continue to be eligible for tenure until the completion of their probationary periods.

4.2.2 **Faculty Paid with Short Term, Nonstate Funds.**

(a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid in whole or in major part with short term, nonstate funds are not eligible for appointment with, nor shall have, tenure under any circumstances.

(b) Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code.

(c) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon the request of the faculty member and the approval of the president, as part of the

probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

4.2.3 Range O.

(a) Faculty placed in Range O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Range O position.

(b) Upon the request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Range O position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Range O position is subsequently appointed to a range capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

4.2.4 Employment by Multiple System Institutions.

(a) Full-time academic faculty who are partly employed by more than one of the member institutions identified in Subsections 3.2.1 and 4.2.1 of the NSHE Code and who are employed in positions which otherwise confer eligibility for appointment with tenure shall be eligible for such appointment in the institution having the largest portion of the qualified FTE. In the event that FTE is equally shared between such member institutions, the chancellor shall determine the member institution in which eligibility for appointment with tenure shall exist.

(B/R 4/99)

Section 4.3 Probation

4.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve a probationary period in a member institution identified in Subsection 4.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed five years of uninterrupted full-time employment.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period, and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president's designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution's bylaws.

(b2) The president of the institution, without seeking Board of Regents' approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year.

(c) Authorized period of leave, paid or unpaid, may be excluded from service toward the five year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exclude periods of leave shall be based upon the sole discretion of the president. The president's decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed five years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exceed the five-year probationary period shall be based upon the sole discretion of the president. The president's decision is final. The request for an extension of the five-year period of probation must state the reasons for such extension.

4.3.2 **Consideration for Tenure During Probation.** Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

4.3.3 **Full-Time Service at Other Institutions.** Upon the request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.

4.3.4 **Completion of Probationary Period.** After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be employed at any range unless such appointment is made with tenure.

(B/R 12/11)

Section 4.4 Appointment with Tenure

4.4.1 **Recommendations and Appointment.** At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for such appointment shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 4.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

4.4.2 **Standards for Recommending Appointment with Tenure.**

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the two standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 4.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

1. Standard One: Teaching/Performance of Assigned Duties

An academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of the following areas, whichever is applicable.

(A) If employed primarily as an instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom, laboratory, and/or clinical setting, the ability to communicate effectively with students and demonstrated skill in handling classroom and other duties related to teaching. Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter and to evoke response in students.

(B) If employed primarily as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties.

2. Standard Two: Service

In addition to standard one, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A) Interest and ability in advising students;

(B) Membership and participation in professional organizations;

(C) Ability to work with the faculty and students of the member institution in the best interests of the academic community and the people it serves, and to the extent that the job performance of the academic faculty member's administrative unit may not be otherwise adversely affected;

(D) Service on college or System committees;

(E) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

(F) Recognition and respect outside the System community for participation in activities that use the faculty member's knowledge and expertise or further the mission of the institution, or that provide an opportunity for professional growth through interaction with industry, business, government, and other institutions of our society, within the state, the nation or the world.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be used in evaluating the applicant for appointment with tenure.

(c) The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in this subsection of the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

4.4.3 **Recommendations for Tenure**. The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

4.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

4.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

4.4.6 **Tenure for Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in a particular administrative position is a separate and distinct concept from employment with tenure. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reasons or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which an appointment with tenure was made.

4.4.7 **Relinquishment of Tenure.**

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 4.2.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers from the member institution granting an appointment with tenure to another System institution, the tenured faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold tenure under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.

4.4.8 **Transfer to the Chancellor's Office.** A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the president of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

4.4.9 **Resignation or Termination.** A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/11)

TITLE 2 – Nevada System of Higher Education CODE

CHAPTER 5

PERSONNEL POLICY FOR FACULTY

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Section 5.1 Applicability

Unless otherwise stated, the provisions of this chapter apply to all faculty of the System having an employment contract provided for herein, but excluding letters of appointment.

Section 5.2 Personnel Actions

5.2.1 **Recommendations for Action.** All recommendations for personnel actions shall be directed through regular administrative channels.

5.2.2 **Final Approval.** The President must approve all recommendations concerning appointments to employment, nonreappointment to employment of nontenured faculty members, salary, promotion, or appointment with tenure within the President's System institution. However, an appointment with tenure shall also require, before becoming effective, the approval of the Board of Regents. The President must provide 5 working days notice to the institutional faculty senate prior to approving a promotion to the position of Associate Professor (Rank III) or Professor (Rank IV). In accordance with the requirements of *NRS* 281.210, employees who are related to the institution President within the third degree of consanguinity or affinity must be appointed by the Board of Regents.

5.2.3 **Denial of Appointment with Tenure, Promotion or Reappointment.** A faculty member who has been denied appointment with tenure, promotion, reappointment to employment, or who has received a notice of termination may, within 15 calendar days after notification of such denial or termination, provide a written request to the department chair, supervisor, or dean who rendered the negative decision asking for a statement in writing of the reasons for the denial or notice of termination. The response must be received by the faculty member within 15 calendar days after the appropriate administrator receives the written request for reasons.

5.2.4 **Reconsideration of Personnel Action Denying Appointment with Tenure, Promotion or Reappointment.** Within 15 calendar days after receipt of the written reasons for denial of appointment with tenure, promotion or reappointment to employment, or for the issuance of a notice of termination, a faculty member may request reconsideration. The request shall be submitted in writing to the faculty member's department chair, supervisor, or dean who rendered the negative decision together with the reasons, arguments and documentation supporting the request for reconsideration. The request for reconsideration shall be promptly directed through regular administrative channels with recommendations for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the President after receipt of the recommendations, except that if the President, after reconsideration, decides to recommend appointment with tenure should be granted, the final decision must be made by the Board of Regents.

5.2.5 **Faculty Not Eligible for Tenure.** Faculty of the special units and the DRI shall not be eligible for appointment with, nor shall have, tenure under any circumstances, except for such tenured appointments as have already been made prior to July 1, 1983.

(B/R 9/10)

Section 5.3 Appointing Authority

The President of each System institution shall be the appointing authority for all faculty of the System institution. No employment contract is valid without the President's signature and a contract form which has not been signed by the President is considered an instrument of negotiation and is not a binding contract or offer. The President shall have the authority to issue a contract for employment for any approved or budgeted position, except as otherwise stated in Subsections 1.6.1 and 5.4.2 of the Nevada System of Higher Education (NSHE) Code.

Section 5.4 Appointment and Termination

5.4.1 **Recruitment Procedures**. Each System institution shall develop procedures for recruitment and selection of faculty. These procedures shall be published in the administrative manual of the System institution. Such procedures shall be consistent with the provisions of the NSHE Code.

5.4.2 **Duration of Employment Contracts.**

(a) Except as provided in this Subsection, an employment contract shall be for a term not to exceed twelve months. In any case, an employment contract's termination shall coincide with the conclusion of a fiscal year of the System. Except as provided in this Subsection, an employment contract for a term in excess of twelve months or which overlaps a fiscal year requires the approval of the Board of Regents prior to being issued or becoming binding.

(b) At the time of the initial appointment to employment of a faculty member who would otherwise be eligible for tenure and after consultation with the applicable department or other similar administrative unit, a President may offer at the President's discretion, and the faculty member may agree to accept, an employment contract for a period of up to three years which would not provide for eligibility for an appointment with tenure. A faculty member employed under such a contract shall not be eligible for appointment with, nor shall have, tenure during the period of such contract under any circumstances. At the termination of such an initial employment contract, succeeding employment contracts for periods of up to three years each under the same conditions as stated in this paragraph may be offered by the President at the President's discretion and accepted by the faculty member. Alternatively, the contract, at the discretion of the President, may be renewed on an annual basis and accepted as such by the faculty member. Faculty members accepting employment contracts authorized by this paragraph shall be placed in Rank O or Range O, as the case may be. During the term of such contracts such faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. An initial employment contract authorized by this paragraph for a term of up to one year shall require at least 90 calendar days notice of nonrenewal of appointment prior to the contract's termination, such a contract for a term

of two years shall require at least 180 calendar days notice of nonrenewal of appointment prior to the contract's termination and such a contract for a term of three years shall require at least 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. All succeeding employment contracts authorized by this paragraph of whatever duration shall require 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. Nothing in this paragraph shall prevent the President from offering at the President's discretion, and the faculty member from accepting, an employment contract for a position providing eligibility for tenure after the termination of any employment contract authorized by this paragraph.

(c) Except as provided in this paragraph, after the third year of employment, a President may offer at the President's discretion, and a nontenured faculty member may accept, an employment contract for a period of up to three years. At the termination of such an employment contract, succeeding employment contracts for periods of up to three years each may be offered by the President at the President's discretion and accepted by the nontenured faculty member. Alternatively, the contract, at the discretion of the President, may be renewed on an annual basis and accepted as such by the faculty member. During the term of such contracts, such nontenured faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. The minimal notice of nonrenewal of appointment shall be as provided in Section 5.9 of the NSHE Code. The provisions of this paragraph shall not be applicable to faculty employed for a probationary period in a position providing eligibility for tenure or employed under paragraph (b) herein. The President may establish specific criteria in the institutional bylaws for issuance of extended contracts under this paragraph. Nothing in this paragraph shall give rise to any appointment or eligibility for appointment with tenure under any circumstances.

(d) Nontenured faculty at the William S. Boyd School of Law, after the third year of employment, may be offered and may accept an employment contract for a period of up to five years. At the termination of such an employment contact, succeeding employment contracts for periods of up to five years each may be offered. All such employment contracts shall be on the same basis as, and subject to the same limitations, terms and conditions as those described in paragraph (c) herein.

(e) Contracts for athletic directors, head athletic coaches, and certain other athletic personnel are subject to and governed by Title 4, Chapter 24.

5.4.3 **Terms and Conditions of Employment.** In accordance with Section 5.4.4 below, all employment contracts shall be in writing, electronic or hard copy, and shall specify therein the terms and conditions of employment. The provisions of the NSHE Code, in their entirety and as amended from time to time, shall be a part of the terms and conditions of every employment contract, except as may be varied in the contract. Any understanding, promise, term, condition or representation not contained in the contract is of no effect.

5.4.4 **Employment Contracts and Interpretation.** An initial employment contract shall not be binding until executed, either electronically or by any process that demonstrates the acceptance of its terms and conditions by both the appointee and the appointing authority, and approved as may be provided in this NSHE Code. Except as otherwise provided in Code Section 5.4.2, and if the employment contract has not been terminated or expired as provided in the terms of the contract and notice of non-reappointment or termination has not been issued, subsequent employment contracts shall renew, without any action required of the appointing authority or the appointee, on July 1 and end on the following June 30th. The renewed employment contract, if any, shall include any merit increases awarded to the employee, cost of living or other compensation adjustments funded by the Nevada Legislature, as well as any furloughs, unpaid leave or salary reductions imposed by the Nevada Legislature, Office of the Governor, Board of Regents, or any combination thereof. Any other amendments of the terms and conditions in an employment contract shall be accepted by the employee, who shall be deemed to have accepted the amended terms and conditions by any of the following means: (i) an electronic or other process which demonstrates acceptance of the amended and renewed contract; (ii) the cashing of a payroll check during the term of the renewed contract; or (iii) the failure to refund within seven calendar days the entirety of any payroll check electronically deposited into the employee's account during the term of the renewed contract. All employment contracts are subject to and interpreted in accordance with Nevada law and Board of Regents' Code.

5.4.5 **Financial Reasons for Furlough, Reduction in Pay or Lay Off**

(a) A faculty member may be furloughed, have pay reduced, or be laid off as an employee before the end of the contract term because of a financial exigency declared by the Board of Regents. For faculty members of the Desert Research Institute, however, refer to Section 5.8 of the NSHE Code.

(b) Faculty members may be furloughed, have pay reduced, or be laid off under this Subsection for a financial exigency upon a declaration of the Board of Regents, after a recommendation for same by the Chancellor and by the Presidents of the System institutions to be affected by the proposed financial exigency, that a financial exigency exists in the System, a System institution, or an administrative unit of a System institution. Nothing in this provision shall prevent the layoff of a faculty member under this Subsection without such a declaration of the Board of Regents when such faculty member's employment contract contains the specific provision that such faculty member's continued employment during the term of the contract is dependent on the availability of funds, nor is a declaration of financial exigency (with the accompanying requirements of Section 5.4.6) required in order for the Board of Regents to consider and implement pay reductions or unpaid leave equating to six percent or less of base pay as a result of final legislative action to generally reduce all state employee pay by that amount. Such legislatively authorized pay reduction shall not be implemented earlier than the start of the next fiscal year commencing after the date of Board of Regents approval nor without first considering the recommendation of the Chancellor and the Council of Presidents after consultation with the

faculty senates, with consideration of alternative means of reducing expenses to meet budget reductions and methods of maintaining recognition of base pay and salary schedules. The pay reductions or unpaid leave shall be for no more than two years. If the final legislative action continues to generally reduce all state employee pay beyond a two year period, the Board of Regents may likewise extend such reductions beyond two years, up to a cumulative cap of 6 percent for the entire period of the reduction, based on the same process of consultation and recommendation required for the initial implementation.

(c) Before a recommendation is made to the Board of Regents by the Chancellor and the President or Presidents that a financial exigency should be declared:

1. The Chancellor and the President or Presidents shall be satisfied that all available means to reduce the expenditure levels (i) are exhausted, (ii) would not be adequate, (iii) would not be feasible or (iv) would not be appropriate.

2. The President or Presidents shall seek the advice of the senates or senate representatives of System institutions to be affected by the proposed declared financial exigency concerning said exigency and such advice shall be forwarded to the Board of Regents along with recommendations of the Chancellor and the President or Presidents.

(d) After a financial exigency has been declared by the Board of Regents, depending upon the circumstances, the Board may choose to immediately implement a financial exigency or authorize the following provisions to be put into effect:

1. Each System institution affected shall select an ad hoc financial exigency committee to prepare recommendations for a plan to implement the discontinuance or reduction in size of administrative units, projects, programs or curricula, to include furloughs, pay reductions or faculty lay-offs if necessary, due to the financial exigency. Each such plan shall establish the criteria necessary for recommending and determining such actions.

2. The President shall determine the number of persons to serve on the ad hoc financial exigency committee, shall choose the chair of the committee and, in addition, shall choose one half of the remaining membership of the committee. The senate shall elect one half of the membership of the committee. The chair shall vote only in case of a tie vote. The plan recommended by the committee must receive the approval of the President.

3. The plan, as approved by the President, must be submitted to the Chancellor within a time limit agreed to by the President and the Chancellor. If the plan is not submitted within that time, the Chancellor, at the Chancellor's option, may extend the time for such submission or may prepare a plan for the System institution which fails to submit such plan within the time limit set or as may be extended.

4. In the case of a System-wide financial exigency, all plans must be forwarded to the Council of Presidents for review and recommendations as to any necessary coordination between the System institutions in the implementation of the plans and to harmonize or eliminate any material conflicts in the plans.

5. All plans must be reviewed by the Chancellor and the President or Presidents before being forwarded to the Board of Regents.

6. All plans must be forwarded to the Board of Regents with the recommendations of the Chancellor and the President or Presidents and all plans must receive the approval of the Board, which shall be final. The Board may appoint an ad hoc financial exigency committee composed of members of the Board to work with the System institutions in preparing and reviewing plans and to report to the Board concerning plans prior to their consideration by the full Board.

7. A plan shall take into consideration the affirmative action goals of the System, the responsibility of the System and the System institutions to continue to offer the appropriate ranges of programs or curricula to its enrolled students and the missions of the institutions of the NSHE.

(e) A financial exigency, once declared, may be reviewed every 180-calendar days or sooner if appropriate, by the Board of Regents on the issue of whether it should continue or be declared ended. Before making a recommendation to the Board of Regents on whether a state of financial exigency should be continued or be declared ended, the President or Presidents shall seek the advice of the senates of the System institutions to be affected by the financial exigency and shall obtain their respective recommendations concerning whether the state of financial exigency should continue or be declared ended. The senate recommendations shall be forwarded to the Board of Regents along with the recommendations of the Chancellor and the President or Presidents.

5.4.6 <u>Procedures for Furlough, Pay Reduction or Lay Off Due to Financial Exigency</u>

(a) If a faculty member is furloughed, pay is reduced or the faculty member is given notice of lay off or is laid off because of financial exigency as provided in this chapter, the provisions of this Subsection shall be applicable.

(b) The faculty member shall be continued in employment, if possible and if such employment does not result in the termination of employment of another faculty member, in an appropriate qualified professional capacity within the System institution involved. The President of the institution, in consultation with the faculty senate, shall in writing set forth the administration's policy regarding the possible continuation in employment of faculty members who are to be furloughed, reduced in pay or laid off for financial exigency.

(c) If a faculty member is laid off for financial exigency, the faculty member's position will not be filled within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level. If the institution, within two years of a faculty member's lay off, intends to establish tenure track positions in the faculty member's former subject area, and if an offer of appointment is made to the former faculty member, it must include an offer of tenure.

(d) A lay off for financial exigency shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the salary of the faculty member being laid off for such period, the notice period may be shortened to a period commensurate with the amount of funds reasonably available to make such payments. Notice of furlough or pay reduction for financial exigency shall require at least 15-calendar days notice.

(e) Notice of the furlough or pay reduction of faculty members for financial exigency or notice of a lay off for financial exigency, except for notice of nonreappointment to employment of faculty members given under Subsections 5.4.2, 5.8.2, 5.9.1 or 5.9.2 of the NSHE Code, shall be in writing and shall furnish the faculty member with a reasonably adequate statement of the basis for the decision to furlough, reduce pay or lay off the faculty member, a reasonably adequate description of the manner in which the decision was arrived at and a reasonably adequate disclosure of the information and data upon which the decision-maker or makers relied. The notice shall also inform the faculty member of the right to reconsideration, the procedures for reconsideration and the identity of the person or persons to whom a request for reconsideration should be directed.

(f) Within 15 calendar days after receipt of the notice of furlough, pay reduction or lay off for financial exigency, the faculty member may request reconsideration of the decision to furlough, reduce pay or to lay off at which time the following provisions and procedures are applicable:

1. The reconsideration process shall be limited in its scope to the issue of whether there is sufficient evidence to support the specific decision to furlough, reduce pay or to lay off the faculty member requesting the reconsideration or whether there has been material deviation from the procedures established on which such a specific furlough, pay reduction or lay off decision has been based, or both. There shall be no reconsideration of the policy decisions to declare a financial exigency, to discontinue or reduce in size an administrative unit, project, program or curriculum because of financial exigency.

2. In the event decisions are made to furlough, reduce pay or to lay off faculty members under this Section because of financial exigency, the President shall establish one or more employment review committees. The President shall determine the number of persons to serve on each committee, shall determine their terms of service, shall choose the chair of each committee and, in addition, shall choose one half of the remaining membership of each committee. The senate shall elect one half of the membership of each committee. A chair shall vote only in case of a tie vote. No one who took part in making the specific recommendation to the President to furlough, reduce pay or to lay off the faculty member requesting the reconsideration may be a member of an employment review committee.

3. The request for reconsideration shall be submitted in writing to the President, together with the reasons, arguments and documentation supporting the request for reconsideration. The President shall immediately send the request for reconsideration, together with a copy of the notice of furlough, pay reduction or lay off, to the employment review committee. Administration may respond in writing to the request for reconsideration. Any such written response must be served on the employment review committee and the affected faculty member no later than three calendar days before the reconsideration hearing.

4. The employment review committee shall hold a hearing on the request for reconsideration within 15 calendar days of its receipt or, given the number of requests that may be received, as soon after that time limit as is reasonably feasible. The hearing shall be informal and nonadversarial in nature. The committee shall have the discretion to consolidate hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.

5. The faculty member requesting reconsideration may have an advisor. Evidence presented must possess reasonably probative value, materiality and relevancy to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decision to furlough, reduce pay or to layoff cannot be sustained.

6. The System institution in which the furlough, pay reduction or the layoff is due to take place shall have an opportunity at the reconsideration hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the committee.

7. The employment review committee shall forward its written recommendation to the President on the issue or issues presented by the request for reconsideration within 10 calendar days after the conclusion of the hearing. The President shall make a decision within 5 calendar days after receipt of the recommendation. The President's decision shall be final and shall be sent, in writing, to the faculty member requesting reconsideration.

(g) The review provided by this Subsection for furloughs, pay reductions or for lay-offs because of financial exigency shall be the exclusive means of review of such decisions. However, such review shall not be applicable to the issuance of notices of nonreappointment to employment of faculty members as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the NSHE Code.

(h) All notices or other documents may be served electronically, by mail or hand-delivered.

5.4.7 Curricular Reasons for Lay Off

A faculty member may be laid off because an administrative unit, project, program or curriculum has been discontinued, reduced in size or reorganized for bona fide reasons pertaining to the missions of the System institutions, resulting in the elimination of the faculty member's position. Bona fide curricular reasons may include, but are not limited to, low or declining student demand, changes in the mission of a system institution, or adverse financial conditions forcing a system institution to prioritize its projects, programs and curricula. Such curricular revisions shall come as a consequence of the academic planning process as established in writing, after consultation with the faculty senate regarding each of the matters set forth below in this Subsection. The said academic planning process must be approved by the Presidents of the member institutions affected, and may be set forth in the institutional bylaws. The process must include, but is not limited to, the following steps:

(a) The administration shall prepare and make public an initial curricular revision proposal that includes, but is not limited to, the following:

1. The reasons for the proposed curricular revisions;
2. The criteria by which an administrative unit, project, program or curriculum were selected for curricular revision which results in the elimination of faculty positions;
3. The process and criteria that will be used in attempting to continue faculty members in employment under Sec. 5.4.8(b); and;

4. The process and criteria which will be used to determine whether a laid off faculty member should be offered reappointment under Sec. 5.4.8(c).

(b) The administration shall provide access to all the financial data relied upon in developing the proposal;

(c) An affected administrative unit, project, program or curriculum shall be given the opportunity to suggest alternatives to the initial proposal;

(d) The faculty senate shall review the initial proposal (along with any alternatives suggested by an affected administrative unit, project, program or curriculum), and may comment on the necessity of the proposed curricular revisions and make recommendations for alternatives to the proposed curricular revisions;

(e) The administration shall present the final curricular revision proposal to the Board of Regents for approval at a regular or special meeting of the Board before layoff notices are served.

For faculty members of the Desert Research Institute, however, refer to Section 5.8 of the NSHE Code.

5.4.8 Procedures for Lay Off Due to Curricular Reasons

(a) If a faculty member is given notice of lay off or is laid off for curricular reasons as provided in this chapter, the provisions of this Subsection shall be applicable.

(b) The faculty member shall be continued in employment, if possible and if such employment does not result in the termination of employment of another faculty member, in an appropriate qualified professional capacity within the System institution involved.

(c) If a faculty member is laid off for curricular reasons, the faculty member's position will not be filled within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level. If the institution, within two years of a faculty member's lay off, intends to establish tenure track positions in the faculty member's former subject area, and if an offer of appointment is made to the former faculty member, it must include an offer of tenure.

(d) If a faculty member is notified of a lay off for curricular reasons on or before December 1 of the faculty member's current contract year, the layoff shall not be in effect until the following June 30. If a faculty member is notified of a lay off for curricular reasons after December 1 of the faculty member's current contract year, the layoff shall not be in effect until the completion of the contract year immediately following the June 30th of the contract year of notice.

(e) Notice of a lay off for curricular reasons, except for notice of nonreappointment to employment of faculty members given under Subsections 5.4.2, 5.8.2, 5.9.1 or 5.9.2 of the NSHE Code, shall be in writing and shall furnish the faculty member with a reasonably adequate statement of the basis for the decision to lay off the faculty member, a reasonably adequate description of the manner in which the decision was arrived at, and a reasonably adequate disclosure of the information and data upon which the decision-maker or makers relied. The notice shall also inform the faculty member of the right to reconsideration, the procedures for reconsideration and the identity of the person or persons to whom a request for reconsideration should be directed.

(f) Within 15 calendar days after receipt of the notice of lay off, the faculty member may request reconsideration of the decision to lay off at which time the following provisions and procedures are applicable:

1. The reconsideration process shall be limited in its scope to the issue of whether there is sufficient evidence to support the specific decision to lay off the faculty member requesting the reconsideration or whether there has been material deviation from the procedures established on which such a specific lay off decision has been based, or both. There shall be no reconsideration of the policy decisions to discontinue, reduce in size or reorganize an administrative unit, project, program or curriculum because of curricular reasons.

2. In the event decisions are made to lay off faculty members under this Section because of curricular reasons, the President shall establish one or more employment review committees. The President shall determine the number of persons to serve on each committee, shall determine their terms of service, shall choose the chair of each committee and, in addition, shall choose one half of the remaining membership of each committee. The senate shall elect one half of the membership of each committee. A chair shall vote only in case of a tie vote. No one who took part in making the specific recommendation to the President to lay off the faculty member requesting the reconsideration may be a member of an employment review committee.

3. The request for reconsideration shall be submitted in writing to the President, together with the reasons, arguments and documentation supporting the request for reconsideration. The President shall immediately send the request for reconsideration, together with a copy of the notice of lay off, to the employment review committee. Administration may respond in writing to the request for reconsideration. Any such written response must be served on the employment review committee and the affected faculty member no later than three calendar days before the reconsideration hearing.

4. The employment review committee shall hold a hearing on the request for reconsideration within 15 calendar days of its receipt or, given the number of requests that may be received, as soon after that time limit as is reasonably feasible. The hearing shall be informal and nonadversarial in nature. The committee shall have the discretion to consolidate hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.

5. The faculty member requesting reconsideration may have an advisor. Evidence presented must possess reasonably probative value, materiality and relevancy to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decisions to furlough, reduce pay or to layoff cannot be sustained.

6. The System institution in which the layoff is due to take place shall have an opportunity at the reconsideration hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the committee.

7. The employment review committee shall forward its written recommendation to the President on the issue or issues presented by the request for reconsideration within 10 calendar days after the conclusion of the hearing. The President shall make a decision within 5 calendar days after receipt of the recommendation. The President's decision shall be final and shall be sent, in writing, to the faculty member requesting reconsideration.

(g) The review provided by this Subsection for layoffs because of curricular reasons shall be the exclusive means of review of such decisions. However, such review shall not be applicable to the issuance of notices of nonreappointment to employment of faculty members as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the NSHE Code.

(h) All notices or other documents may be served electronically, by mail or hand-delivered.

5.4.9 Reassignment and Transfer of Administrators.

(a) Reassignment of Administrators. An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. However, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied, the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty, of the System institution in which the administrator was employed until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be

reassigned to duties within the System institution. Nothing in this Section shall be interpreted as abrogating the notice of nonreappointment provisions of Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code.

(b) Transfer of Administrators.

1. Process

In order to support shared services initiatives approved by the Board of Regents, the Chancellor may transfer an administrator to any NSHE institution or unit, in accordance with the restrictions of this policy. For purposes of this Section, the term "administrators" means administrative faculty employed in executive, supervisory or support positions, and excludes faculty in tenure-eligible positions and tenured faculty. Before making the decision to transfer an administrator, the Chancellor shall provide a written recommendation regarding the transfer of an administrator to the Presidents and the faculty senates of the institutions affected by the transfer, and to the administrator(s) being recommended for transfer. The Chancellor's written recommendation shall address the following:

1. The business purpose for the transfer and the impact on services;
2. The consideration of alternatives;
3. The financial and budget impact of the transfer, including but not limited to the allocation of costs or savings between the institutions involved;
4. The liability for employee annual leave, which may include, but is not limited to sharing of the liability by the institutions/units and/or directing employees to use leave; and
5. Any specific and extraordinary impact on affected individuals.

The administrators proposed to be transferred, Presidents and faculty senates of the institutions affected, shall have the opportunity to provide written input within thirty (30) calendar days after receipt of the Chancellor's written recommendation. The Chancellor shall issue a written final decision providing a final version of the original justification as well as the final recommendation. A copy of the written decision of the Chancellor shall be provided to the Board of Regents.

2. Rights of Transferred Administrator(s).

The transferred administrator shall continue as a member of the faculty with all rights and privileges of the faculty of the System institution or unit to which the administrator is transferred. Except as may be provided in the transfer plan regarding annual leave, employee sick and annual leave shall transfer with the administrator to the new institution or unit. Before the date of transfer, DRI employees shall have the right to make a written request for payment of a portion of sick leave and/or sell back of a portion of annual leave in accordance with DRI Bylaws, Chapter 1, Sections 10.1 and 10.3. The rights provided to DRI employees under DRI Bylaws, Chapter 10, Sections 10.1 and 10.3 do not transfer with the employee to the new institution or unit. For the purposes of contract renewals and other notices, the employee will retain his or her original NSHE hire date.

3. Geographic Limitations on Transfer.
Administrators shall not be transferred between northern institutions or northern offices (including but not limited to UNR, WNC, TMCC, GBC, DRI-North, System Administration/SCS-North) and southern institutions or southern offices (including but not limited to UNLV, NSC, CSN, DRI-South, System Administration/SCS-South), and between GBC and Reno/Carson City (UNR, WNC, TMCC and DRI-North, System Administration/SCS-North) institutions without the agreement of the employee. If an employee consents to transfer between northern and southern institutions, or GBC and Reno/Carson City institutions, moving expenses shall be provided in accordance with state law.

4. Miscellaneous.
Nothing in this Section shall be interpreted as abrogating the notice of nonreappointment provisions of Sections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code. The decision of the Chancellor to transfer an administrator in accordance with this Section is not subject to appeal. The transfer of an administrator in accordance with this Section is not subject to statement of reasons, reconsideration or grievance under Sections 5.2.3, 5.2.4 and 5.7, respectively, of the NSHE Code.

5.4.10 Credit for Leave Balance Between Schools of Medicine.

(a) Credit for Leave Balance.

The leave balances of a professional staff member of the University of Nevada, Reno School of Medicine physically located in southern Nevada who is hired by the University of Nevada, Las Vegas School of Medicine under 5.4.10(a)(1) shall be afforded credit for leave in accordance with this policy. For purposes of this Section, the term “professional staff member” includes academic and administrative faculty.

Each University of Nevada, Reno School of Medicine professional staff member physically located in Southern Nevada who was previously employed by University of Nevada, Reno School of Medicine and accepts a new position with University of Nevada, Las Vegas School of Medicine (each a “University of Nevada, Las Vegas School of Medicine New Faculty Hire”) shall be given credit for their leave balance in accordance with the following provisions:

1. University of Nevada, Las Vegas School of Medicine shall, not later than May 1, 2017, notify the Chancellor and University of Nevada, Reno School of Medicine of the identity of each University of Nevada, Las Vegas School of Medicine New Faculty Hire that has indicated they will accept employment with University of Nevada, Las Vegas School of Medicine effective July 1, 2017.

2. Not later than July 2, 2017, University of Nevada, Reno School of Medicine will notify the Chancellor and University of Nevada, Las Vegas School of Medicine of the accrued leave, sick and annual, for each University of Nevada, Las Vegas School of Medicine New Faculty Hire identified by University of Nevada, Las Vegas School of Medicine under Code Section 5.4.10(a)(1).

3. The Chancellor shall approve the credit for leave balance to be awarded to former University of Nevada, Reno School of Medicine employees that become University of Nevada, Las Vegas School of Medicine New Faculty Hires under Code Section 5.4.10(a)(1).

4. Subject to a maximum cap of 48 days of annual leave, and 96 days of sick leave, on a one-time basis only, the leave balances for each University of Nevada, Las Vegas School of Medicine New Faculty Hire shall be credited by University of Nevada, Las Vegas School of Medicine effective upon their date of hire at University of Nevada, Las Vegas School of Medicine.

5. University of Nevada, Reno School of Medicine shall not be required to pay out to any University of Nevada, Las Vegas School of Medicine New Faculty Hire any accrued leave, annual leave or sick, in excess of the amounts credited by University of Nevada, Las Vegas School of Medicine under Code Section 5.4.10(a)(4).

6. University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine shall share the responsibility for accrued leave that is credited pursuant to a separate agreement approved by the Board of Regents.

7. University of Nevada, Las Vegas School of Medicine shall be authorized to direct each University of Nevada, Las Vegas School of Medicine New Faculty Hire to use credited annual leave subject to its policies.

(b) Credit of leave balance does not impact employment status.
For purposes of contract renewals and other notices, University of Nevada, Las Vegas School of Medicine New Faculty Hire will not retain his or her hire date. Except for the granting of leave credit, each University of Nevada, Las Vegas School of Medicine New Faculty Hire will be considered a new employee of NSHE under all applicable provisions of the NSHE Code, including, but not limited to, Section 5.4 of the NSHE Code. Additionally, the University of Nevada, Las Vegas School of Medicine New Faculty Hires shall be subject to a compensation and leave benefits accrual and implementation plan that differs from that currently used by University of Nevada, Reno School of Medicine.

(c) Constructive Request for Credit of Leave. For any University of Nevada, Reno School of Medicine employees that leave University of Nevada, Reno School of Medicine prior to July 2, 2017, but after August 8, 2016, and who are subsequently employed by University of Nevada, Las Vegas School of Medicine prior to July 1, 2018 ("Applicable Time Frame"), his/her annual leave that was previously paid out by University of Nevada, Reno School of Medicine will be reimbursed by University of Nevada, Las Vegas School of Medicine to University of Nevada, Reno School of Medicine on the same pro-rated guidelines as agreed to by University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine. With respect to any University of Nevada, Reno School of Medicine Employees that leave University of Nevada, Reno School of Medicine and then seek employment with University of Nevada, Las Vegas School of Medicine within the Applicable Time Frame University of Nevada, Las Vegas School of Medicine may require that, as a condition of employment with University of Nevada, Las Vegas School of Medicine, the former University of Nevada, Reno School of Medicine employee will need to repay to University of Nevada, Las Vegas School of Medicine the annual leave that University of Nevada, Las Vegas School of Medicine is required to reimburse University of Nevada, Reno School of Medicine. There will not be retroactive application of this provision with respect to any University of Nevada, Reno School of Medicine employees who already left University of Nevada, Reno School of Medicine to join University of Nevada, Las Vegas School of Medicine prior to August 1, 2016.

(d) Miscellaneous. Nothing in this Section 5.4.10 shall be interpreted as abrogating the notice of notice of non-reappointment provisions of Sections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code. The decision of the Chancellor to credit a professional staff member's leave balance in accordance with this Section is not subject to appeal. The credit of a professional staff member's leave balance in accordance with this Section is not subject to statement of reasons, reconsideration or grievance under Sections 5.2.3, 5.2.4 and 5.7, respectively, of the NSHE Code.

(e) Policy Effective Date. The provisions contained in this Code Section 5.4.10 shall be effective as of August 15, 2016, and shall automatically terminate without the necessity of further action 3 years thereafter, unless extended or sooner terminated by the Board of Regents of the Nevada System of Higher Education.

5.4.11 Joint Faculty Appointments for Schools of Medicine

1. Joint faculty appointments are a subtype of NSHE adjunct faculty appointments below 1.0 FTE for the University of Nevada, Reno School of Medicine and the University of Nevada, Las Vegas School of Medicine. A joint appointment may be assigned to a clinician who is employed by an external institution, including hospitals, that has an affiliation agreement with an NSHE institution. A joint appointment includes expectations for teaching and supervision of NSHE students and medical residents, as specified in the terms of each appointment.

2. Joint faculty appointments pursuant to this Section shall be included under a Professor of Clinical Medicine series.

5.4.12 Emergency Furloughs Due to COVID-19 Budget Shortfalls

Notwithstanding any other provision in Title 2 of the NSHE Code or the *Board of Regents Handbook*, and to comply with emergency directives from the Office of the Governor or the Nevada Legislature to reduce budgetary expenditures and costs during any fiscal quarter, year or biennium due to the COVID-19 pandemic, the Board of Regents may authorize any NSHE institution and/or System Administration and its units to implement one or more monthly furlough days and/or half days for academic and administrative faculty and to reduce a faculty member's salary to reflect the furlough day(s) for all or any portion of fiscal year 2021, without the declaration of a financial exigency, the issuance of a notice of non-reappointment, or any other procedural requirement or review as set forth in this Chapter or any other provision of the Code or *Handbook*.

(a) Notice

1. A notice of furloughs shall be given under this Section to faculty members, either individually or collectively, and no less than ten (10) calendar days before the notice becomes effective. The time frame for notice pursuant to this Section may be shortened if funding is not reasonably available to continue making payments during this ten (10)-day notice period. Notice may be properly delivered via electronic means to the faculty member's work email account, hand delivered, and/or mailed through the US Postal Service to the faculty member's home address. If notice is mailed through the US Postal Service, the ten (10)-day notice period begins to run the day after mailing.

2. The notice shall provide the faculty member with a reasonable statement of the basis for the decision to furlough and a description of the manner in which the decision was arrived, including the date it was made and the information relied upon. The notice shall also inform the faculty member of the right to reconsideration of the decision, the procedures governing reconsideration, and the contact information for whom a request for reconsideration should be made.

(b) Process for Reconsideration

1. A faculty member may request reconsideration of the decision to impose one or more furlough days on the faculty member within five (5) calendar days of receiving notice of the furlough. Timely requests for reconsideration shall be limited to the issue of whether there is a reasonable basis to support the decision or a mistake of material fact was relied upon as it relates to the individual faculty member. There shall be no reconsideration of the Board's policy decision to authorize or implement furlough day(s) pursuant to this Section or due to a personal financial hardship. A request for reconsideration will not stay implementation of a decision to implement one or more furlough day(s) for a faculty member, and the faculty member must comply with the furlough decision while the request is pending.

2. In the event decisions are made to impose furloughs under this Section, the President of each NSHE institution, as applicable, shall establish one or more reconsideration committees to review an individual faculty member's request for reconsideration. The President shall determine the number of persons to serve on each committee and their terms of service, designate one person of each committee to serve as the chair, and choose one half of the remaining membership of each committee. The Faculty Senate of the institution shall determine the remaining one half of the committee membership.

3. A request for reconsideration of a decision to furlough an individual faculty member must be timely submitted to the President, together with the reasons, arguments, and documentation supporting the request for reconsideration. The President shall send a request for reconsideration, together with a copy of the notice of furlough, to the review committee. The institution may respond to the request for reconsideration through an administrator designated by the President. A response must be submitted to the review committee and the faculty member no later than three (3) calendar days before the reconsideration hearing.

4. The review committee shall hold a hearing on the request for reconsideration within fifteen (15) calendar days of its receipt of the request or, given the number of requests that may be received, as soon thereafter as reasonably feasible. The hearing shall be informal and non-adversarial in nature. The committee shall have the discretion to consolidate multiple hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.

5. A faculty member requesting reconsideration may have an advisor present at the hearing. Evidence presented at the hearing must possess reasonably probative and material value and be relevant to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decision to implement a furlough on the faculty member cannot be sustained.

6. The institution shall have an opportunity at the hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the review committee.

7. The review committee shall forward its written recommendation to the President on the issue(s) presented by the request for reconsideration within ten (10) calendar days after the conclusion of the hearing. The President shall make a final decision within five (5) calendar days after receipt of the recommendation.

   The President's decision shall be final and shall be sent to the faculty member requesting reconsideration.

8. The reconsideration provided to faculty members by this Section for the imposition of one or more furlough day(s) shall be the exclusive process of review. It is not applicable to the issuance of notices of non-reappointment of employment or termination set forth in other provisions of the Code or *Handbook*. All notices or other documents served pursuant to this Section may be done so via email, hand delivered, and/or by US Postal Service mail.

(B/R 9/20)

Section 5.5 Salaries

5.5.1 Development and Review of Salary Schedules.

a. Periodic Four-Year Salary Schedule Updates. The salary schedules for the universities, Desert Research Institute, special units, state college, and the community colleges for executives, administrators and faculty shall be reviewed and updated every four years. The Chancellor shall engage an independent compensation expert, with expertise in higher education compensation, to review and recommend to the Chancellor updates to the salary schedules using peer institution and other appropriate market data as determined by the independent expert. The institutional presidents may provide suggested peer institutions for consideration by the independent compensation expert. The independent compensation expert shall present the proposed updated salary schedules, methodology used (including the selection of peer institution and appropriate market data) and recommendations to the Presidents and the Faculty Senate Chairs to obtain their input. The first salary schedule update by an independent compensation expert shall be initiated in no later than October 1, 2021. The updated salary schedules shall be published in January 2022 to be effective July 1, 2022. Thereafter, the salary schedule updates must occur in this manner every four years.
b. Annual Salary Schedule Increases. In years where the periodic four-year update does not occur, the salary schedules shall be updated annually to reflect market-based salary increases, if any, using a percentage determined by the Chancellor. By October 1 of each year, the NSHE Human Resources Office shall recommend to the Chancellor an annual percentage increase, if any, based upon review of the most recent data from indices such as CUPA, Oklahoma State University faculty salary survey data, WorldatWork and US Labor Market annual salary increases for higher education. The recommended annual adjustments must be approved by the Chancellor after review by the Chancellor's cabinet. The updated salary schedules may be published no later than January 30 of each year to be effective July 1.
c. Approval and Report of Salary Schedule Updates. The Chancellor shall advise the Presidents and Faculty Senate Chairs regarding the proposed updated salary schedules at least 30 days before publication of the updated salary and shall identify any positions which fall below updated salary schedule minimums for that position. Any proposed revisions to the schedules shall not go into effect until approved by the Chancellor. The Chancellor shall provide a report to the Board of Regents regarding any approved salary schedule changes.

5.5.2 **Salary Schedule - Universities.** The salary schedule for academic faculty at the universities shall be related to academic rank, as defined in Section 5.11 of the NSHE Code, except for faculty in Rank O as provided in Subsection 3.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.3 **Salary Schedule – State College.** The salary schedule for academic faculty at the state college shall be related to academic rank, as defined in Section 5.11 of the NSHE Code, except for faculty in Rank 0 as provided in Subsection 7.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.4 **Salary Schedule – Community Colleges.** All community colleges in the NSHE shall adopt a single salary for the academic faculty, except for faculty in Rank 0 as provided in Subsection 4.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11.1 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.5 **Salaries for Faculty in Rank 0 and Range 0.** Faculty employed in Rank 0 and Range 0 shall receive such salaries as are approved by the Presidents. Salaries for such faculty may be identical with salary schedules establishing ranks or ranges, but this provision shall not be interpreted to mean that such faculty is employed in any rank or range other than 0, nor to mean that such faculty is eligible for tenure.

5.5.6 **DRI Salaries.** The Desert Research Institute will determine initial salaries of its faculty based upon their qualifications and the requirements of the rank and position. Annual salary adjustments thereafter will be based on cost of living changes, incentive and/or merit, promotion and equity. The DRI shall utilize a ranking system for its personnel, to consist of Ranks 0 through IV.

5.5.7 **Unpaid Leave or Temporary Workload Increases**

Notwithstanding Title 2, Section 5.4, as the 75th Session of the Nevada Legislature has explicitly appropriated a lower amount for NSHE salaries than would otherwise be authorized and appropriate according to the NSHE salary policies, the Board of Regents does hereby and for the 2009-2011 biennium only, temporarily reduce salaries through the use of unpaid leave in an amount equivalent to the amount of legislative salary cut for FY 2011. The Board shall, to the extent feasible, devise methods that protect base compensation and benefits and shall offer tenured faculty an alternative of unpaid teaching workload increases in lieu of unpaid leave. The various Presidents shall consult with their respective faculty senates regarding the implementation of this Section. Unpaid leave or temporary workload increases required by this Section are final and not subject to appeal, grievance or reconsideration. The provisions of this Section shall constitute constructive notice to all faculty and no individual notice to any such faculty member shall be required hereunder to implement the foregoing. To the extent any conflict or inconsistency between this and any other Section of the

Code exists, the provisions of this Section shall control. This Section will terminate on June 30, 2011.

(B/R 12/19)

Section 5.6 Faculty Benefits

5.6.1 The Board of Regents, with the consultation of the officers of the System and the senates, may adopt such policies concerning fringe benefits for faculty as are considered appropriate. These may include, but are not limited to, policies concerning annual leave, sick leave, sabbatical leave, consulting services, retirement, insurance, tax-sheltered annuities and grants-in-aid. These policy statements shall be codified as provided by the Board of Regents' Bylaws, and it shall be the responsibility of each President to include such policy statements, or a summary thereof, in the administrative manual or faculty handbook of the member institution or special unit. Failure to include such policy statements or summary in an administrative manual or faculty handbook shall not inure to the benefit of a faculty member.

5.6.2 Personnel and payroll files of NSHE professional staff are confidential. Personnel and payroll records may only be released pursuant to the written authorization of the professional staff member or pursuant to a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter, or to the U.S. Equal Employment Opportunity Commission, the Nevada Equal Rights Commission, or the U.S. Office of Civil Rights. The provisions of Title 2, Chapter 5, Sections 5.6.2 and 5.6.3 apply to letters of appointment, graduate assistants, graduate assistant-specials, resident physicians, resident dentists, postdoctoral fellows, and student employees.

(a) The professional staff member shall have access to his or her official personnel and payroll files, and the professional staff member may grant access to such files to a representative with a written authorization from the staff member. The following additional personnel shall have access to a professional staff member's personnel and payroll files solely for reasons germane to the performance of their official duties: the staff member's supervisors, which may include a departmental chair, dean, director, vice-President, provost, President, and Chancellor; institution payroll officers; institution personnel officers, which may include appointed disciplinary officers; System legal counsel; internal auditors; members of the Board of Regents; faculty senate chair; and confidential institution committees including but not limited to tenure and grievance committees.

(b) The following information in these personnel files is public information and must be disclosed to the public upon request: the employee's name, title, job description, compensation and perquisites, business address and business telephone numbers, beginning date of employment and ending date of employment, educational background and work history.

(c) Confidential information in a personnel or payroll file that is related to an investigation or disciplinary process concerning allegations of research misconduct may be released to a granting or contracting agency or other entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant of contract. In the case of an investigation of an employee for matters related to allegations of research misconduct, the investigative materials obtained or created by the Administrative Officers may be released to a granting or contracting agency or entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant or contract.

(d) The personnel and payroll files of a current or former employee must be provided to any NSHE institution or unit at which the current or former employee has applied for employment or to work as an independent contractor. In addition, confidential information related to:

1. any outcomes of a review, inquiry or investigation of a complaint of discrimination, sexual harassment or other misconduct against;
2. a disciplinary process against; and/or
3. any restrictions or limitations on rehiring a current or former NSHE employee

shall be provided to any other NSHE institution or unit at which the current or former employee has applied for employment or to work as an independent contractor.

The request for personnel or payroll files, or for confidential information must be made by the chief human resources officer (or designee) of the institution at which the individual is applying for employment or to work as an independent contractor, and must be directed to the chief human resources officer (or designee) of the institution or unit at which the applicant is a current or was a former employee. All confidential information provided to the requesting chief human resources officer (or designee) shall continue to be confidential.

(e) A report of, informal complaint of, or formal complaint of sexual harassment and the investigative materials and any report related to an investigation, complaint process, or disciplinary process concerning allegations of discrimination, sexual harassment, or sexual assault are confidential and may not be released except: (1) pursuant to a court order directing the release of the records signed by a judge with jurisdiction over the matter; (2) to the U.S. Equal Employment Opportunity Commission; (3) to the Nevada Equal Rights Commission; (4) to the U.S. Department of Education's Office for Civil Rights; (5) to any federal grant awarding agency to comply with any law, regulation, executive order, or term or condition of the grant award; (6) as may be permitted by FERPA or FERPA regulations, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder; (7) to an employee who is subject to a disciplinary process that could result in a written warning or reprimand, suspension or termination based on a finding of discrimination, sexual harassment, or sexual assault; or (8) as required by law.

In the event an employee is placed on administrative leave, or in the event other administrative action is taken in connection with or as the result of an investigation or disciplinary process concerning allegations of discrimination, sexual harassment, or sexual assault, including but not limited to the issuance of a written warning or written reprimand to the employee, notice of such administrative leave and/or other administrative action may be made to the federal grant awarding agency as required by the terms and conditions of the grant award or federal law or regulation.

5.6.3 Except as otherwise provided in this Section, any information contained in employment application materials (e.g. letters of interest, curriculum vitae, application, employment and educational records, publications or work samples) submitted for consideration of employment within NSHE are confidential, except the finalists considered by the Search Committees for the positions of Chancellor or President, during search processes until such time as a candidate accepts employment within NSHE. During search processes, such documents can only be released pursuant to the written authorization of the prospective professional staff member or a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter. Applications may be shared by NSHE institutions for the purpose of employee recruitment with the permission of the applicant. Upon acceptance of an employment offer, information contained in the application materials as stated in 5.6.2 (b) shall become public records.

(B/R 12/20)

Section 5.7 Grievance Procedures

5.7.1 **Authority to Establish Grievance Procedures.** Each System institution may establish in their respective institutional bylaws procedures for reviewing faculty grievances as defined in Subsection 5.7.2 of the NSHE Code.

5.7.2 **Scope of Grievance Procedures.** A grievance is an act or omission to act by the respective administrations of the System institutions, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws. Decisions of the Board of Regents are not subject to review by grievance procedures. Any decision which involves the nonreappointment to or termination of employment of faculty as provided in Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the NSHE Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures.

5.7.3 **Grievance Procedures.** In a System institution, which elects to establish grievance procedures, the institutional bylaws shall establish the procedures to be used in reviewing grievances. However, if a multi-member grievance committee, board or panel is established, the institutional bylaws must provide that each such grievance committee, board or panel shall represent the administration and the faculty of the System institution. Such institutional bylaws must also provide that hearings before a grievance officer, committee, board or panel shall be informal in nature. The institutional bylaws must provide that the decisions of the grievance officer, committee, board or panel shall be in the form of recommendations and are advisory only. Such recommendations shall be sent to the President.

(B/R 12/06)

Section 5.8 Continuation and Termination of Faculty Appointments at Desert Research Institute (DRI)

5.8.1 **Declaration of Policy.** The DRI derives the vast majority of its funding for salaries of its research faculty from grants and contracts. While it is in the best interest of the DRI and its faculty either to have grants and contracts renewed or to replace them in new areas of research, this is not always possible. It is, therefore, necessary that the DRI have the flexibility to fund faculty during times of reduced funding so that they may recover their funding and remain productive.

5.8.2 **Bridge Funding.** Bridge funding defines conditions and mechanisms under which research faculty, otherwise in good scientific standing, which find themselves in serious financial circumstances, can be helped to bridge such temporary times. This process is intended to smooth out unpredictable and unavoidable fluctuations through an opportunity to recover stability through short-term changes of direction and fields of endeavor. Bridge funding is available to all research faculty but not available to Executive Directors and Vice Presidents and Rank 0 Faculty.

Faculty on bridge funding remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. The faculty member will continue to accrue service days and is eligible for all funds within DRI. Bridge funding is not severance pay nor is it a benefit earned without further obligation. Bridge funding is available only to faculty in Professor Ranks II, III, and IV and those in Research Associate ranks I, II, III, and IV. Bridge funding duration is based on service days, which are defined as one day for each calendar month of uninterrupted employment and are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). The maximum number of service days is one year. Rank days are: 20 working days for Rank I and II personnel, 40 working days for Rank III personnel and 60 working days for Rank IV personnel. Postdoctoral positions accumulate no rank or service days.

(a) Conditions. A faculty member will be placed on bridge funding by the Executive Director of their Research Unit if for three consecutive months the faculty member generates less than 50 percent of their appointment salary and benefits from all funding sources external to their research unit and approved for use (including but not limited to grants, contracts, other external funding, recharge centers, institutional project assignments,

sabbatical leave, and other DRI funds). The Executive Director, with the faculty member approval, may seek a temporary waiver from the President of DRI so that the faculty member is not placed on bridge funding. Placement on bridge funding may be appealed by a faculty member to a DRI-wide committee established by the Faculty Senate and reporting to the President. If the committee finds and the President concurs that bridge funding was not justified, then the faculty member shall be reinstated with all service days restored.

Bridge funding shall not begin until after three consecutive months of reduced (<50percent) funding. A recovery plan shall be negotiated by the faculty member and Research Unit Executive Director (or designated representative) during the first two weeks of bridge funding. If the faculty member and the Executive Director are unable to reach concurrence on the recovery plan, the faculty member or the Executive Director may appeal to a DRI-wide committee established by the Faculty Senate and reporting to the President. If the faculty member does not follow the agreed upon recovery plan termination for cause may follow. Bridge funding shall be used to support faculty salary to further proposal development and other duties negotiated with the Research Unit or DRI Administration. Faculty receiving bridge funding shall meet all contract requirements and may change their appointment percentage with approval of the Research Unit Executive Director. The minimum level of appointment during bridge funding is 51percent of a full-time equivalent position.

(b) Review of Recovery Plan. The faculty member and appropriate Executive Director will review the recovery plan before 50percent of the bridge funding is spent. If they concur that the Recovery Plan is inadequate, then the plan shall be rewritten within two weeks. The approval and review mechanism that applies to the original recovery plan shall also apply to rewrites of the recovery plan.

(c) Extension and Service Days. While a faculty member is receiving bridge funding, any work performed to complete other funded responsibilities shall be charged to those sources. Expenditure of time not covered by these sources shall be charged to a bridge funding account. Bridge funding will be considered a pool of funds similar to any other account that a faculty member may use. It is up to the faculty member to manage these funds in a manner that best benefits him or her. Charges to accounts other than the bridge funding account shall extend the duration of bridge funding in an amount equal to the time charged to extramural sources. Time will be charged based on percent of effort, similar to other accounts. Use of bridge funding shall expend service days that a faculty member has accumulated based on length of service.

(d) Reinstatement. Bridge funding shall end and the faculty member will not face termination when 70percent or more funding of salary and benefits of the desired contract has been demonstrated for the past nine months or upcoming nine months or more from all funding sources external to the research unit. Service days expended under bridge funding shall not be reinstated.

(e) Notice of Nonreappointment. An executive director or vice president shall determine whether a professional contract of a DRI faculty member shall be given a notice of nonreappointment. A notice of nonreappointment must be approved by the President. Rank III research faculty with two total years of full-time employment and Rank IV research faculty with one total year of full-time employment at DRI are not subject to nonreappointment as a means for termination. The minimum notice for full-time employees shall be 1) one working day of notice for each calendar month of uninterrupted employment for all Rank I associate track employees, 2) one working day of notice for each calendar month of uninterrupted employment plus 20 working days for Rank II employees, 3) one working day of notice for each calendar month on interrupted employment plus 40 working days for Rank III employees, and 4) one working day of notice for each calendar month of uninterrupted employment plus 60 working days for Rank IV employees. All service days are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). Administrative Faculty (Rank 0) employed by DRI after (July 1, 2005), will receive 60 working days of notice of nonreappointment. Administrative Faculty already employed by DRI on or before July 1, 2005, may use 60 working days or their earned service days; whichever is larger as their nonreappointment notice. The maximum amount of notice that any faculty member can accrue shall not extend beyond 12 calendar months. The affected faculty member can request a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.

5.8.3 **Termination of Faculty Appointments.** Vice Presidents and Executive Directors, determine continuation and termination of appointments of personnel who report to them. Termination decisions shall be made in consultation with the President or appropriate Vice President as set forth in Title 2, Chapter 5 of the NSHE Code. Employment may be terminated for:

(a) Cause (Chapter 8 of the NSHE Code). Termination for cause involves any prohibited activity, listed in Section 8.3 of NSHE Code.

A decision resulting in the termination of a faculty member for cause may be appealed to the Board of Regents. See, Chapter 8, Sections 8.4.6, NSHE Code.

(b) Programmatic or Adverse Financial Conditions (Chapter 5 of the NSHE Code). DRI Faculty function through their diverse disciplines coupled to their ability, directly or indirectly, to raise funds from outside the Institute for their projects and associated personnel. The Institute derives much of its strength from this combined function. It is inevitable that some individuals will experience extremes of funding – both increasing and decreasing.

The minimum level of appointment during bridge funding is 51 percent of a full-time equivalent position. The Research Unit Executive Director shall advise and counsel faculty members on bridge funding to implement the recovery plan and obtain funding to return to regular faculty status. The faculty member has the primary responsibility to recover their funding.

1. Notice of Termination. A DRI research faculty member's employment may be terminated during the contract term for programmatic or adverse institutional financial conditions. Notice of termination shall follow the period of bridge funding for research faculty (for those faculty in Professorial ranks II, III, and IV and Research Associate ranks I, II, III, and IV) if the faculty member is unable to generate sufficient funds to meet the requirements for reinstatement. Termination is the only option available for a decision "not to reinstate." Research Faculty will receive a termination time equal to their rank days as defined under bridge funding. A faculty member receiving notice of termination shall remain under contract (full or partial at a minimum of 51percent of an annual "A" contract) and work to meet the conditions of reinstatement. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. The deadline for termination shall not be extended for faculty who renegotiate their contract to less than 100percent of an annual "A" contract (each rank day will count as one termination day). The faculty who elect to remain under contract are expected to meet the obligations of their contract to obtain termination funding. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports only to the President, who makes the final decision.

2. Conditions. For research faculty, notice of termination shall be given when bridge funding is exhausted and the faculty member has not regained at least 70 percent funding of salary and benefits from all sources external to the research unit for the upcoming nine months for the desired contract. The date of termination shall be computed from the point of bridge funding exhaustion until all rank days are expended. Rank days are defined above in the bridge funding section. The Executive Director(s) or designated representative will continue to advise and counsel faculty members on termination funding to obtain extramural funding to end the termination.

3. Reinstatement. Faculty members who have received notice of termination may be reinstated by demonstrating 70 percent funding or more from all sources external to the research unit for the upcoming nine months for their desired contract. At this point, the faculty member's termination notice shall be revoked and all rank days reinstated.

4. Contract Discontinuance for Research Faculty. If a faculty member who has received notice of termination is unable, by the termination date, to regain 70 percent funding or more from all sources for the upcoming nine months for their desired contract it will be terminated immediately. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges

defined by the NSHE and DRI. Faculty who elect to remain under contract are expected to meet the obligations of their contract.

5. Notice of Termination for Rank 0 Faculty. Rank 0 Faculty may receive employment termination due to programmatic or adverse financial conditions. Administrative Faculty employed by DRI after the time of the adoption of this document June 23, 2005, will receive 60 working days of termination notice before their contract will be terminated during the contract term. Administrative faculty already employed by DRI at the time of the adoption of this document June 23, 2005 may use sixty (60) working days or their earned service days, whichever is larger as their termination notice. The maximum termination notice by accumulated service days cannot exceed one year. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports to the President, who makes the final decision.

6. Notice of Termination or Non-Reappointment of Post Doctoral Faculty. Post-doctoral employees will receive a minimum notice for termination of an existing contract of 60 working days and the cause for the termination. They may also file a request for a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.

(B/R 11/07)

Section 5.9 Notice of Nonreappointment and Notice of Termination for System, Except DRI

5.9.1 **Minimum Notice of Nonreappointment for Nontenured Academic and Administrative Faculty.** Except as provided in Subsections 5.4.2, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code, and unless provided otherwise in an employment contract, notice of nonreappointment to employment of nontenured academic faculty and administrative faculty hired before March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units shall be given:

(a) Not later than March 1 of the first academic or fiscal year of service, if the employment contract terminates at the end of that year, or if an employment contract for a one year appointment terminates during an academic or fiscal year, at least 90 calendar days in advance of its termination;

(b) Not later than December 15 of the second academic or fiscal year of service, if the employment contract terminates at the end of that year, or if the second employment contract for a one year appointment terminates during an academic or fiscal year, at least 180 calendar days in advance of its termination;

(c) At least 365 calendar days in advance of the termination of each succeeding employment contract of one academic or fiscal year's duration after the second year of service;

(d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, no less than 14 calendar days in advance of the termination of such contracts.

5.9.2 Shortened Notice of Nonreappointment for Nontenured Academic and Administrative Faculty for Financial Exigency.

(a) Nonreappointment of a nontenured academic or administrative faculty member at the end of an existing employment contract by a System institution because of a financial exigency declared by the Board of Regents under Subsection 5.4.5 of the NSHE Code shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the terminating faculty member's salary for such period, the notice of nonreappointment may be shortened to a period commensurate with the amount of funds reasonably available to make such payments.

(b) If a nontenured academic or administrative faculty member is not reappointed to employment under the shortened notice of nonreappointment because of financial exigency, the faculty member's position will not be filled by a new appointee within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level.

(c) Nothing herein shall prevent the System institutions from not reappointing nontenured academic or administrative faculty members at the end of the term of their employment contracts because of financial reasons without a declaration of financial exigency by the Board of Regents under Subsection 5.4.5 of the NSHE Code if the notice of nonreappointment provided by Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 or 5.9.6 of the NSHE Code is given.

5.9.3 Notice of Termination for Nontenured Academic and Administrative Faculty hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.4 and 5.9.6 of the NSHE Code, and unless otherwise provided in the contract of employment, nontenured academic and administrative faculty hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units may be given notice of termination by the appointing authority at any time after the commencement of employment. Such (non-reappointment) termination notice:

(a) If in the first academic or fiscal year of service shall be given at least 90 calendar days in advance of date of termination;

(b) If in the second academic or fiscal year of service shall be given at least 180 calendar days in advance of date of termination;

(c) If in the third and subsequent years of service shall be given at least 365 calendar days in advance of the date of termination;

(d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, shall be given no less than 14 calendar days in advance of the termination of such contracts.

The contract of employment of a nontenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

For nontenured academic faculty if the notice period expires during the semester the contract terminates at the end of the semester.

5.9.4 Notice of Termination for Nontenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.6 of the NSHE Code, and unless otherwise provided in the contract of employment, non-tenured administrators of the rank of dean or higher to include those who directly report to the Provost or President, hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given a notice of termination by the appointing authority at any time after the commencement of employment. Such notice of termination shall be given:

a. 60 calendar days after the receipt of written notice of termination, in the first full or partial fiscal year of employment;

b. 90 calendar days after the receipt of written notice of termination, in the second fiscal year of employment;

c. 120 calendar days after the receipt of written notice of termination, in the third or subsequent fiscal year of employment.

The contract of employment of a non-tenured administrative faculty member at the rank of dean or higher is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

5.9.5 Effective Date of a Notice of Nonreappointment or Notice of Termination

The effective date of a Notice of Nonreappointment under Subsections 5.9.1 and 5.9.2, or a Notice of Termination under Subsections 5.9.3, 5.9.4 and 5.9.6 is the date of delivery if hand-delivered, or if mailed, the date of mailing. Notices are deemed received on the date the notice is hand-delivered or the date the notice is mailed.

5.9.6 Notice of Termination for Administrative Faculty hired on or after July 1, 2016, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the NSHE Code, and unless otherwise provided in the contract of employment, administrative faculty hired on or after July 1, 2016, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State College, Henderson, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units may be given notice of termination by the appointing authority at any time after the commencement of employment.

(a) The termination notice shall be given:
   1. in the first 365 calendar days of employment, at least 60 calendar days in advance of the date of termination;
   2. in the second year (calendar day 366 through calendar day 730) of employment, at least 90 calendar days in advance of the date of termination;
   3. in the third year (calendar day 731 through calendar day 1,095) of employment, at least 120 calendar days in advance of the date of termination;
   4. in the fourth year (calendar day 1,096 through calendar day 1,460) of employment or subsequent years of employment, at least 180 calendar days in advance of the date of termination.

(b) For employment contracts of less than one calendar or fiscal year's duration, notice must be given for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, shall be given no less than 14 calendar days in advance of the termination of such contracts.

(c) The contract of employment of a nontenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year in which the notice is given.

(d) A decision to issue a notice of termination under this Section is not subject to review by grievance procedures established in accordance with Section 5.7 of the NSHE Code.

(B/R 3/16)

Section 5.10 Termination Upon Exhaustion of Leave or Falsification of Credentials

5.10.1 Notice of Termination of Faculty after Exhaustion of Leave.

(a) A tenured or nontenured faculty member who is not able to return to work after the exhaustion of all available leave and the expiration of any extended sick leave granted under Title 4, Chapter 3, Section 18 (7) or Title 4, Chapter 3, Section 18 (8) shall be entitled to 15 calendar days notice of termination.

(b) The provisions of Title 2, Chapter 6, do not apply where an employee is unable to return to work after the exhaustion of all available leave and the expiration of any extended sick leave.

5.10.2 Termination for Falsification of Credentials.

(a) It is the policy of the NSHE that all academic faculty (including academic faculty on letters of appointment) and professional staff positions shall require a minimum of a bachelor's degree, or appropriate professional experience in lieu of post secondary education equivalent to such degree, and that all such academic degrees shall have been awarded by an accredited institution as recognized by the United States Department of Education and/or the Council on Higher Education Accreditation (CHEA). All vacancy announcements or advertisements for faculty and professional staff positions shall include explicit reference to these requirements. If the applicant earned their degrees outside of the United States, the applicant must have their transcripts evaluated by an approved evaluating entity. The expense of the evaluation shall be born by the applicant. Each institution shall independently verify academic credentials within 30 calendar days from the effective date of employment and develop a procedure to ensure that the verification process takes place. Further, each institution shall independently verify academic credentials obtained after an employee's original hire date prior to recognizing such credentials in official personnel files, academic catalogues, institutional publications, other official documents, or for the purpose of promotion or title change.

(b) Each candidate interviewed for a professional position within the NSHE shall sign a pre-employment declaration before they are interviewed. This declaration shall certify that application materials submitted in support of their candidacy for employment are a true and accurate representation of their education and qualifications and acknowledging that falsification of employment applications or documents submitted to the NSHE, or making other false or fraudulent representation in securing employment is prohibited.

(c) Falsification or misrepresentation of credentials, or evidence that degrees offered in support of candidacy for employment have been issued from non-accredited institutions, shall invalidate the employment contract and shall be grounds for immediate termination. The provisions of Title 2, Chapter 6, do not apply when employment is terminated under these circumstances.

(B/R 12/06)

Section 5.11 Academic and Equivalent Ranks and Titles

5.11.1 **Academic Rank.** The universities & state college shall provide in their institutional bylaws for policies and procedures pertinent to the use of academic ranks, such academic ranks to consist of lecturer or instructor, which shall be at Rank I; assistant professor, which shall be at Rank II; associate professor, which shall be at Rank III; and professor, which shall be at Rank IV. Such bylaws, which shall be consistent with the NSHE Code and with generally accepted practice among universities and colleges in the United States, shall establish policies and procedures for appointment of faculty to these ranks and promotion through the ranks.

5.11.2 **Community College Titles.** After prior consultation with the faculty senate, each President of a community college, at the President's option, may establish academic titles for the college's faculty as provided in this Subsection. Nontenured faculty shall have the academic title of "Instructor." Tenured faculty shall have the title of "Community College Professor." Community College titles shall not be related to salaries or salary levels in any form whatsoever.

(B/R 1/03)

Section 5.12 Evaluation

5.12.1 **Evaluations.** Faculty shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit.

5.12.2 **Procedures.** All performance evaluations of untenured faculty shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” All performance evaluations of tenured faculty shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory” unless institutional bylaws require a rating of only (i) “satisfactory” or (ii) “unsatisfactory.” The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty shall be established in Board policies and institutional bylaws. All performance evaluations shall include a narrative addressing each area of performance, and at least every three years a narrative addressing progress toward tenure and/or promotion, if applicable. The three year narrative progress assessment shall be prepared in consultation with the appropriate tenure review committee or promotion committee, if any. Evaluations of instructional faculty shall include an assessment incorporating teaching evaluations completed by their students.

5.12.3 **Review of Evaluations.** Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member's adverse annual evaluation rating, as provided in Section 5.16 of the NSHE Code. Academic and administrative faculty who disagree with the supervisor's evaluation may submit a written rejoinder, as provided for in Title 4, Ch. 3, Sec. 4(5).

(B/R 10/08)

Section 5.13 Annual Performance Evaluation of Tenured Faculty

5.13.1 **Declaration of Policy.** It is the policy of this System to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the academic community's expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.12 of the NSHE Code.

5.13.2 **Evaluation Procedure.**

(a) If the annual performance evaluations provided for in Section 5.12 of the NSHE Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment.

(b) An overall "unsatisfactory" rating in two consecutive annual performance evaluations as provided in this Section shall be cause for termination of employment. Hearings to consider terminations initiated by this Section shall be held by a special hearing officer and special hearing committee under Section 6.11 of the NSHE Code. All other provisions of Chapter 6 of the NSHE Code should be followed to the extent applicable.

Notwithstanding the provisions of Subsections 6.11.4, 6.12.1 and 6.13.2 of the NSHE Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations which initiated the hearing shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the System institution.

(c) The provisions of this Section shall not apply to administrators who hold tenure as academic faculty members at the universities as long as they continue as administrators. Only the performance of such administrators of their assigned administrative duties shall be evaluated under Section 5.12 of the NSHE Code. Commencing five years after such administrators are discontinued as administrators, the provisions of this Section shall be applied to them as tenured faculty members.

(d) After the completion of the annual performance evaluations provided for in Section 5.12 of the NSHE Code, the Presidents shall submit an annual report to the Board of Regents detailing the process and outcomes of the annual performance evaluations.

(B/R 6/16)

Section 5.14 Oaths or Affirmations

No affirmation or oath shall be required of faculty, except that oath provided by Article 11, Section 5 and Article 15, Section 2 of the Nevada Constitution.

Section 5.15 Resignations/Leave

1. Resignations.

   a. All resignations by a member of the academic or administrative faculty should be in writing and should be submitted to the appointing authority at least 30 calendar days in advance of its effective date. The resignation must be accepted in writing by the appointing authority (or designee).

   b. If a resignation is tendered verbally or is conveyed to an employee other than the appointing authority, the resignation must still be accepted in writing by the appointing authority (or designee).

   c. A resignation should indicate an effective date. If the resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance and this date must be reflected in the written acceptance.

   d. Once an employee's resignation is accepted by the appointing authority, the employee shall have three working days after such acceptance to revoke the resignation. Thereafter, the employee may not revoke the resignation, regardless of the effective date set forth in it. A revocation of a resignation must be in writing and must be delivered to the appointing authority within the foregoing time period to be effective.

   e. The decision of an appointing authority not to accept a request to rescind a resignation more than three working days after its written acceptance is not subject to grievance or appeal processes.

2. Leave

   Leave may only be taken in accordance with the policies in Title 4, Chapter 3. Unauthorized leave is charged as leave without pay pursuant to Title 4, Chapter 3, Section 43, and may subject the employee to disciplinary action under Title 2, Chapter 6.

(B/R 12/06)

Section 5.16 Review of Evaluations and/or Denial of Salary Increase.

Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member's adverse annual evaluation rating and a procedure to review denial of a salary increase. In connection with review of merit pay, "denial of a salary increase" means review of the step or level of merit at those institutions that award a standard amount of merit pay based on a certain step or level. The procedure adopted must include at least one of the following review processes:

a. Reconsideration pursuant to the NSHE Code, Section 5.2 (except that the supervisor is not required to state reasons for an adverse annual evaluation under Section 5.2.3 if the reasons for the evaluation are stated in the evaluation);
b. Grievance pursuant to the NSHE Code, Section 5.7;
c. Peer review pursuant to Title 4, Chapter 3, Section 4(5); or
d. Any other similar review procedure that provides reasonable opportunity to challenge an adverse annual evaluation or denial of a salary increase.

The result of any review procedure must be in the form of a recommendation to the President for a final decision (or in the case of the System Office, to the Chancellor), except that if the bylaws authorize a grievance, peer review, or other similar review procedure and also authorize reconsideration, then the bylaws may provide that the request for reconsideration terminates at a level below the President (or Chancellor), such as at the Provost, Executive Vice President, Academic Vice President or dean level. In the event the bylaws provide for more than one review process, the bylaws may also specify an order in which the procedures are initiated.

In addition to the procedure for review adopted in the bylaws, the faculty member also has the right to submit a rejoinder as specified in Title 4, Chapter 3, Section 4(5).

If a merit pay determination is directly tied to the outcome of a faculty member's evaluation review, then the bylaws shall provide that the same process is followed for both the evaluation review and the merit pay determination.

Regardless of the review procedure, the process for the President to adopt or reject the recommendation regarding an annual evaluation shall be the same as that specified for peer evaluations in Title 4, Chapter 3, Section 4(5).

In the event the bylaws fail to specify a procedure for review of an adverse annual evaluation rating or denial of merit, the faculty member will have the right to pursue reconsideration and a grievance, in addition to submitting a written rejoinder.

(B/R 12/06)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 6

RULES AND DISCIPLINARY PROCEDURES FOR FACULTY EXCEPT DRI, AND DEGREE REVOCATIONS

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Section 6.1 Scope of the Chapter

6.1.1 **Applicability of Procedures and Sanctions.** The procedures and sanctions established in this chapter are applicable to the resolution and determination of charges against faculty and for degree revocations of the Nevada System of Higher Education for allegedly engaging in conduct prohibited by the Nevada System of Higher Education Code or by other applicable stated policies, procedures, rules, regulations or bylaws of the System institutions.
*(DRI--see Title 2, Chapter 8)

6.1.2 **Proceedings Concurrent.** Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

6.1.3 **Computation of Time**. In computing any period of time prescribed by this Chapter, the day of the act, event or default from which a designated period of time begins to run shall not be included. The last day of the time period shall be counted, unless it is a Saturday, Sunday or legal State holiday, in which case the time period runs until the end of the next day which is not a Saturday, Sunday or legal State holiday.

(B/R 9/15)

Section 6.2 Cause

6.2.1 **Prohibited Activity - Faculty Only**. The following conduct, being incompatible with the purposes of an academic community, is prohibited for all members of the faculty of the System, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in Section 6.3 of the Nevada System of Higher Education Code.

(a) Failure to perform the duties for which the faculty member is employed.

(b) Failure to maintain a required level of performance as provided in Section 5.12 of the Nevada System of Higher Education Code.

(c) Incompetence or inefficiency in performing the duties for which the faculty member is employed.

(d) Insubordination.

(e) Falsification of employment applications or documents submitted to the System, its member institutions or its special units, or making other false or fraudulent representations in securing employment.

(f) Dishonesty.

(g) Conviction of any criminal act involving moral turpitude.

(h) Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the *Nevada Revised Statutes*, while on duty, due consideration being given to NRS 284.379.

(i) Unauthorized absence from duty or abuse of leave privileges.

(j) Personal or professional conduct which shows that the faculty member is unfit to remain in the faculty member's employment position or which has an ascertainable harmful or adverse effect on the efficiency of the faculty member's administrative unit.

(k) Commission of any of the acts specified in Subsection 2.1.4 of the Nevada System of Higher Education Code;

(l) The use of, or threat to use, force or violence against any member or guest of the System community, except when lawfully permissible;

(m) Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the premises of the System;

(n) The intentional disruption or unauthorized interruption of functions of the System, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the System;

(o) Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on premises occupied by, the System;

(p) Knowing possession on any premises of the System of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the president of any System institution or the president's authorized agent, unless such possession reasonably relates to duly recognized System functions by appropriate members of the faculty, other employees or students;

(q) Continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the System after having been ordered to leave by the president of a System institution or the president's designee;

(r) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the Nevada System of Higher Education;

(s) Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the System community by filing a complaint or charges under this Nevada System of Higher Education Code or under any applicable established grievance procedures in the System;

(t) The repeated use of obscene or abusive language in a classroom or public meeting of the System where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class, is not significantly related to the teaching of the subject matter;

(u) Disorderly, lewd or indecent conduct occurring on System premises or at a System sponsored function on or off such premises;

(v) The use of threats of violence against a faculty member or the faculty member’s family in order to secure preferential treatment for grades, loans, employment or other service or privilege accorded by the System;

(w) Any act of unlawful discrimination based on race, creed, color, gender (including pregnancy related conditions), age, disability whether actual or perceived by others, military status or military obligations, sexual orientation, gender identity or expression, genetic information, religion or national origin or any act of employment or educational retaliation against any person who has made a complaint about such discrimination;

(x) Sexual harassment, defined as unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual or gender bias nature constitute sexual harassment when:

1. Educational Environment:
    a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
    b. Conduct that is sufficiently severe, persistent or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the institution ("hostile environment").
2. Workplace Environment:
    a. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity ("quid pro quo"); or
    b. Conduct that is sufficiently severe, persistent or pervasive so as to create a work environment that a reasonable person would consider intimidating, hostile or abusive and which may or may not interfere with the employee's job performance ("hostile environment").

Sexual harassment includes sexual violence, sexual assault, dating violence, domestic violence, stalking and coercion or similar acts in violation of state or federal law.

(y) Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same;

(z) Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program or file of the Nevada System of Higher Education;

(aa) Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the university or community college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual;

(bb) Any other conduct which violates applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the Board of Regents or a System institution;

(cc) Any act prohibited by local, state or federal law which occurs on System premises or at a System sponsored function on or off such premises; and

(dd) Willful incitement of persons to commit any of the acts herein prohibited.

(ee) Use, possession, manufacturing or distribution (hereinafter "use") of marijuana, including for medical purposes; heroin; narcotics; or other controlled substances; use or possession of any illegal and/or unauthorized drugs, prescription drugs, and drug paraphernalia or being under the influence of illegal drugs except as expressly permitted by law. 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.

(ff) Dating Violence. Dating Violence is an act committed by a person who is or has been in a "dating relationship" with the victim:

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context; and
2. For the purpose of this definition:

   Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.

   Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse.

   Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this Section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

(gg) Domestic Violence. Domestic Violence is an act that includes but is not limited to violence which occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

1. A battery.
2. An assault.
3. Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
4. A sexual assault.
5. A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
   a. Stalking.
   b. Arson.
   c. Trespassing.
   d. Larceny.
   e. Destruction of private property.

f. Carrying a concealed weapon without a permit.

g. Injuring or killing an animal.

6. A false imprisonment.

7. Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

(hh) Stalking. Stalking is defined to be when a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member. Stalking includes but is not limited to:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

   a. Fear for the person's safety or the safety of others; or

   b. Suffer substantial emotional distress.

2. For the purpose of this definition:

   a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property.

   b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

   c. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(ii) Sexual Violence. Sexual violence is a severe form of sexual harassment, and refers to physical sexual acts or attempted sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law.

Sexual coercion is:

a. The use of violence or threats of violence against a person or the person's family or property;

b. Depriving or hindering a person in the use of any tool, implement or clothing; or

c. Attempting to intimidate a person by threats or force,

d. When committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing.

In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

6.2.2 **Mental or Physical Incapacity.** The inability or incapacity to perform the duties for which the faculty member is employed due to mental or physical reasons may lead to suspension or termination of employment as provided in Subsections 6.3.6(b) and 6.3.7(b) of the Nevada System of Higher Education Code, due consideration being given to the provisions of NRS 284.379.

6.2.3 **Sexual Harassment.**

(a) The Board of Regents deems the sexual harassment of students and employees to be unacceptable and prohibited. The Board of Regents' policy against sexual harassment is set forth in Title 4, Chapter 8, Section 13.

1. Because of the particularly offensive and degrading nature of sexual harassment, the danger of academic or employment retaliation for accusations of sexual harassment and the difficult and tense academic or employment environment which can result while allegations of sexual harassment are investigated or heard, it is the policy of the Board of Regents that, pending the completion of an investigation and/or disciplinary hearing into the allegations of sexual harassment, and only to the extent deemed necessary by the facts of each case, contacts between the complainant(s) and the person accused of sexual harassment shall be kept to a minimum or eliminated altogether by physical separation, assignment to other duties or classes or placement on administrative leave.
2. Such action shall be deemed to be without prejudice to any person involved or determination of the truth or falsity of the allegations.
3. Any such action shall be taken or maintained in such manner as to afford the least possible disruption to the day-to-day activities of the institution but the ease of reassigning students or employee subordinates in place of instructors or supervisors shall not be a factor in taking such action.

(b) An alleged victim of sexual harassment (complainant) and a person against whom a complaint of alleged sexual harassment is filed (respondent) shall have the opportunity to select an independent advisor for assistance, support and advice. They shall be advised at the beginning of the Title 2, Chapter 6 complaint process that he or she may select an independent advisor and it shall become their choice to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time. The institutional affirmative action officer, Title IX coordinator or the administrative officer shall advise the

complainant and respondent of this right. The means and manner by which an independent advisor shall be made available shall be determined by each institution or unit.

In any hearings on a complaint of sexual harassment, the burden of proof shall be by a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the misconduct occurred). In connection with any hearings, the complainant and respondent have equal rights to be interviewed, identify witnesses, provide and receive documentation and witness lists pertaining to the complaint, and to appeal the decision in accordance with Section 6.13. With respect to an institutional disciplinary proceeding alleging a sexual violence, domestic violence, dating violence or stalking offense, the Clery Act (20 U.S.C. § 1092 (f) requires that the complainant and respondent must be informed of the outcome simultaneously. With the approval of the administrative officer only, the complainant or respondent may waive all time limits established in this Chapter, except the time limit stated in Subsections 6.10.2 and 6.11.7.

(c) Interim measures, as described in NSHE *Handbook*, Title 4, Chapter 8, Section 13, except administrative leave, may be implemented without a hearing and are not subject to any grievance procedure. Interim measures remain in force throughout the disciplinary process and may be made permanent if they are necessary to prevent the recurrence of sexual harassment.

(B/R 6/17)

Section 6.3 Disciplinary Sanctions

The following sanctions are applicable to faculty of the Nevada System of Higher Education for conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code. Depending on the seriousness of the misconduct, these sanctions may be imposed in any order.

6.3.1 **Warning.** Notice, oral or written, that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action.

6.3.2 **Reprimand.** A formal censure or severe reproof administered in writing to a person engaging in prohibited conduct.

6.3.3 **Restitution.** The requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft or misappropriation of property. The failure to make restitution shall be the cause for more severe disciplinary action.

6.3.4 **Reduction in Pay**. A reduction in pay may be imposed at any time during the term of an employment contract upon compliance with the procedures established in this chapter.

6.3.5 **Suspension.** Exclusion from assigned duties for one or more workweeks without pay, as set forth in a written notice to the employee. The phrase "workweek" has the meaning ascribed to it in the Fair Labor Standards Act; 29 U.S.C. § 207(a).

6.3.6 **Termination.** Termination of employment for cause. A hearing held under the procedures established in Section 6.11 and other applicable provisions of this chapter shall be required before the employment of an employee may be terminated for cause.

6.3.7 **Revocation of a Degree**

(a) The Board and its institutions reserve the right to withdraw academic degrees in the event that a case is brought after graduation for material academic misconduct that impacts the reputation of the institution, including misrepresentation of academic credentials or material falsification in an application, if the act occurred before graduation and during the time the student applied to, or was enrolled at an NSHE institution, but a complaint had not been filed prior to graduation. Institutions who are investigating acts of misconduct prior to a student graduating may postpone the awarding of a degree pending the outcome of the investigation and imposing of appropriate disciplinary sanctions.

(b) Upon receipt of a complaint that a degree was conferred to a student accused of academic misconduct under Subsection (a), the institution shall commence an investigation under Section 6.8. The purpose of the investigation is for the administrative officer to make a recommendation to the president whether the charges are warranted, and if so, whether the violation is of such severity to warrant revocation of degree.

(c) If the president determines that the charges are warranted and the violation, if proven, is of sufficient severity to warrant revocation of degree, then a special hearing committee and special hearing officer shall be appointed in accordance with Section 6.11.

(d) The charged party shall receive all due process required by this Chapter in the investigation and hearing.

(e) The president may consider alternatives to revocation of degree, depending on the severity of the offense.

(f) After receiving the recommendation of the special hearing officer and special hearing committee, if it is determined that revocation of the degree is warranted, the president may revoke the degree. The charged party shall have an opportunity to appeal to the Board of Regents based on the procedure and grounds for appeal specified in Section 6.13.

(g) On appeal, the Board may take such action as specified in Section 6.13.2(d).

(h) The fact of degree revocation will appear permanently on the student's transcript.

(i) Events of misconduct discovered more than 7 years following graduation from an NSHE institution are not subject to the provisions of this section.

(j) NSHE institutions shall appropriately inform students of the Board's degree revocation policy.

(B/R 3/14)

Section 6.4 Authority of the President

6.4.1 **Exercise of Authority.** The president shall exercise authority in disciplinary actions in accordance with the procedures established in this chapter and other laws and regulations as are applicable.

6.4.2 **President Has Final Decision-Making Authority**. All determinations and findings made within the System institutions are in the nature of recommendations to the president who shall have the final decision making authority, except as otherwise provided in the Nevada System of Higher Education Code.

6.4.3 **Designation of Hearing Officers.** The designation of hearing officers and decisions on the challenges of any hearing officer for cause, as provided in this chapter, shall be made by the president or the president's designee.

6.4.4 **Delegation of Authority.** The functions of the president, as prescribed in this chapter, may be delegated by the president to individual designees who are members of the staff of the System institution and such designees shall exercise these functions in the president's name. All references in the procedures established by this chapter to the president include such designees.

Section 6.5 Administrative Leave

6.5.1 **President to Order Administrative Leave.** The president of each System institution may order any faculty member to be placed on administrative leave for the interim period pending a disciplinary hearing whenever the president determines that administrative leave is required in order:

(a) To protect life, limb or property;

(b) To ensure the maintenance of order; or

(c) To remove a person from the Nevada System of Higher Education community when an act of sexual harassment has been alleged against such person and the accuser or the accused person cannot be assigned to other duties or classes or placed elsewhere in the System institution apart from each other pending the completion of an investigation and/or disciplinary hearing into the allegation.

6.5.2 **Hearing.** Any person placed on such administrative leave shall be afforded an opportunity for a hearing with respect to the issue of the leave. The hearing on the administrative leave will be held no later than ten (10) calendar days of the leave, unless the person placed on leave agrees to delay the hearing to a later time. The hearing shall be held under the hearing procedures established in Section 6.9 of the Nevada System of Higher Education Code, so far as can be made applicable, and by a general hearing officer as established in Section 6.10 of the Nevada System of Higher Education Code. The president's decision upon the hearing officer's recommendation shall be final. The issue shall be limited to whether the continued administrative leave of the individual involved pending the outcome of a disciplinary hearing is warranted.

6.5.3 **Expulsion from Premises.** Administrative leave under this section will be coupled with a withdrawal of consent by the System for the individual involved to remain on System premises whenever there is reasonable cause to believe that life, limb, property or the maintenance of order are in danger.

6.5.4 **Administrative Officer's Duties.** The administrative officer, as established in Section 6.7 of the Code, shall be responsible for presenting evidence that the administrative leave, withdrawal of consent to remain on System premises, or both, should be continued.

6.5.5 **Administrative Leave With Pay.** Administrative leave under this section shall be with pay and other benefits.

(B/R 9/15)

Section 6.6 Reprimands or Warnings

6.6.1 **Authority of Administrators to Discipline.** Vice presidents, deans, directors and persons in equivalent positions shall have the authority to issue reprimands or warnings (as defined under 6.3.1 and 6.3.2) to faculty members and other professional employees under procedures stated in 6.6 of the NSHE Code. Procedures under 6.6 differ from procedures established in Sections 6.7 to 6.14 of the NSHE Code. Code 6.6 procedures are to be used whenever possible, as an alternative to those in 6.7 to 6.14.

6.6.2 **Right to Notice.** At least fifteen (15) calendar days before issuing a warning or reprimand, a person proposing to issue the warning or reprimand shall notify the person whom it is proposed to so discipline in writing of the charges involved and of the proposed discipline. The notice shall also schedule a meeting between the person charged and the person proposing to issue the warning or reprimand for the purpose of discussing the charges. The notice shall:

1. Include all materials and documentation to support the charges;
2. Clearly state that it activates the processes set forth in 6.6 of the NSHE Code, and also state the alternatives available under 6.6.3 to the affected person; and
3. Advise the affected person of his or her rights according to 6.6.6.

After the person proposing the disciplinary action has sent the notification, ten (10) calendar days must elapse before Section 6.6.3 is implemented, during which time no documentation of the proposed action may be placed in the affected person's personnel file.

6.6.3 **Choice of Response.** The person affected by the proposed disciplinary action shall have:

1. The right to mediation as outlined in 6.6.4, or through 6.6.8.
2. The right to accept the reprimand or warning, or within ten (10) calendar days after receiving the notification to respond, in writing to the warning or reprimand and to have that response immediately placed in his or her personnel file.

3. The right to grieve the warning or reprimand unless mediation is selected. If the affected person elects to grieve the warning or reprimand, mediation may not be used.

Choice of mediation shall delay the filing of any warning or reprimand in the affected person's file until after the mediation proceeding is concluded and a final decision rendered:

6.6.4 **Use of Mediation.** If the person affected by the proposed decision to reprimand or warn chooses to select mediation procedures outlined below, he or she must notify, in writing, the vice president or dean within ten (10) calendar days of receiving notification of the intent to reprimand or warn. The mediator will be selected within fifteen (15) calendar days following request for mediation using a procedure jointly developed by the campus administration and faculty senate. All materials relevant to the proposed disciplinary sanction shall be delivered to the mediator within five (5) calendar days of the appointment of the mediator. All parties may view all materials deposited with the mediator.

6.6.5 **Mediation.** The mediator will call a meeting of both parties to facilitate an informal resolution of the matter. Both parties must participate in good faith in the mediation procedures. The meeting will take place within fifteen (15) calendar days after the appointment of the mediator. The mediator shall conduct the meeting with attention to fairness and due process, and shall seek to preserve the rights of all affected parties. The mediator shall have the right to call witnesses if deemed necessary by the mediator.

6.6.6 **Rights of the Affected Person When Mediation has Been Chosen.** The person shall have:

1. The right to access all materials and documents relevant to the proposed disciplinary action at least ten (10) calendar days prior to the meeting with the mediator;
2. The right to have a colleague present, and the right to introduce materials in response to the proposed warning or reprimand; and
3. The right to appeal any decision to the president.

6.6.7 **Standard of Evidence.** All decisions must be based on evidence which establishes that it is more likely than not that the respondent has violated the rules of conduct.

6.6.8 **Decision.** Any agreement reached by the affected person and the administrator through the mediation process shall be placed in the affected person's personnel file. This agreement may not be appealed through any grievance process. If there is not an agreement between the parties, the mediator will submit a written report within fifteen (15) calendar days to the immediate supervisor of the administrator bringing the charges. A copy of the mediator's report shall also be given to the administrator bringing the charges and the affected person. The immediate supervisor must make a decision within ten (10) calendar days about whether the warning or reprimand will be issued. If the decision is to warn or reprimand the affected person the affected person may appeal to the president. The affected person may file a written appeal with the president within fifteen (15) calendar days. The written appeal shall contain the reasons, arguments and documentation supporting the appeal. The president shall reach a decision

within a reasonable time after receipt of the written appeal. The president may uphold, modify or reverse the disciplinary sanction. The president's decision shall be final and cannot be grieved.

(B/R 9/15)

Section 6.7 Administrative Officer

6.7.1 **Appointment of Administrative Officer.** The president of each System institution shall appoint, on either an ad hoc or a continuing basis, a person who shall have the authority to perform the duties established for the administrative officer in this chapter. The president may assign either a staff member of the System institution, or alternatively, may engage the services of an attorney who has been a member of the State Bar of Nevada at least five years or who is otherwise qualified by professional experience in administrative law. The person so assigned to these duties shall serve in this assignment at the pleasure of the president.

It is the intent of the Board that this position shall not be used to create the basis for an on-campus staff attorney appointment that will report directly or indirectly to the institutional president. In order to assure an appropriate separation of responsibilities, the job description of the person appointed as administrative officer must be approved by the executive vice chancellor & chief counsel prior to appointment. The person appointed to perform the duties of administrative officer shall not represent the System institution nor engage in the practice of law on behalf of the System institution, including, but not limited to, the rendering of legal advice or opinions.

6.7.2 **Titles.** Although termed the "administrative officer" for the purposes of this chapter, the person selected as administrative officer may use such local, administrative title as the president may determine.

6.7.3 **Assistants.** All references in this chapter to the administrative officer shall include other persons who are authorized by the president to assist the administrative officer and to act in the administrative officer's name.

6.7.4 **Combined Duties**. The president may combine the duties of the administrative officer with those of any other person employed by the System institution, but may not combine such administrative officer duties with those performed by hearing officers or hearing committee members under the procedures of this chapter.

(B/R 4/08)

Section 6.8 Decision to Hold Hearings

6.8.1 **Complaints.** Except as may be provided in Section 6.6 of the Nevada System of Higher Education Code, all complaints alleging conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code or by applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the System institutions shall be filed with the administrative officer. The complaint shall be in writing, shall be signed by the complainant and shall, to the extent reasonably possible, specify the date, time, place, person or persons involved and the circumstances of the alleged prohibited conduct, including the name or names of persons who may have witnessed the alleged prohibited conduct.

6.8.2 **Investigation, Informal Resolution or Recommendation for Hearing.**

(a) The administrative officer shall investigate complaints with the purpose of clarifying the facts and the positions taken by the parties. The investigation shall be completed and a charging letter, if any, issued within sixty (60) calendar days after the receipt of the complaint. At a minimum, the charging letter shall contain the information specified in the Code, Subsection 6.8.1, and shall inform the person charged that, although there is no requirement or compulsion to do so, a written reply may be submitted.

(b) The person charged may present a written answer within seven (7) calendar days after receipt of a charging letter.

(c) If deemed appropriate to do so, the administrative officer, with the approval of the president, may informally resolve the complaint by conciliating with the parties, by permitting the complainant to voluntarily drop the complaint or by permitting the person charged to voluntarily accept disciplinary sanctions.

(d) Within five (5) calendar days after the administrative officer's receipt of the charged person's written answer to the charging letter, or if the charged person did not answer, then within five (5) calendar days of the date the answer was due, and if the complaint cannot be informally resolved, the administrative officer shall make a recommendation to the president as to whether or not the complaint should proceed to a hearing and, if a hearing is recommended, the administrative officer shall recommend the type of hearing which may be held, as specified in Subsection 6.8.3 of the Nevada System of Higher Education Code.

(e) A hearing shall be held whenever the president accepts the administrative officer's recommendation to that effect or does not accept a contrary recommendation from the administrative officer. The president shall decide the kind of hearing to be held, as authorized in Subsection 6.8.3 of the Nevada System of Higher Education Code. The president shall make this decision within seven (7) calendar days after receipt of the administrative officer's recommendation. Within the time period set forth in this paragraph, the president shall inform the administrative officer of the president's decision and, if deciding to hold a hearing under Section 6.9 of the Nevada System of Higher Education Code, shall also inform the faculty senate chair of the decision. If the hearing is to be held under Section 6.9 of the Nevada System of Higher Education Code on a charge or charges of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code, the president shall also inform

the president of the appropriate student government within the time period set forth in this paragraph if a student or graduate student is involved in the charge as an alleged victim.

(f) If it is determined by the president that the matter should not proceed to a hearing, then unless new evidence, sufficient in the opinion of the president to reopen the case, is subsequently discovered, the complaint shall be dismissed and the disciplinary procedure shall be considered closed. All documents relating to the case shall be deposited with the president's office where they shall be retained for a period of one year, after which time they shall be released to the person charged, if requested by that person, or shall be destroyed unless destroyed sooner pursuant to regulations, policies or procedures established by the System institution.

6.8.3 **Types of Hearings.** Except as mandated by Subsections 6.3.7(b) and 6.5.2 of the Nevada System of Higher Education Code, based upon the recommendation of the administrative officer and such other considerations as may be pertinent, the president shall decide whether a disciplinary hearing shall be held:

1. By a general hearing officer, in an office hearing as provided in Section 6.10 of the Nevada System of Higher Education Code; or
2. By a special hearing officer and special hearing committee, as provided in Section 6.11 of the Nevada System of Higher Education Code.

6.8.4 **Factors to be Considered.** In making a recommendation or decision to hold a type of hearing, the administrative officer or the president, respectively, may consider as nonbinding factors the wishes of the person charged, the degree of apparent complexity of the facts or issues and the seriousness of the offense.

6.8.5 **Waiver of Hearing.** The person charged may waive a hearing and accept a disciplinary sanction recommended by the administrative officer and approved by the president as provided in Subsection 6.8.2 of the Nevada System of Higher Education Code.

(B/R 9/15)

Section 6.9 Provisions Applicable to Hearings

6.9.1 **Applicable Provisions.** The provisions of this section shall be applicable to hearings held pursuant to Sections 6.9 through 6.11 of the Nevada System of Higher Education Code.

6.9.2 **Hearing Arrangements.** The administrative officer shall make physical and scheduling arrangements for hearings required by Sections 6.9 through 6.11 of the Nevada System of Higher Education Code.

6.9.3 **Notice.**

(a) The person charged must receive, at least ten (10) calendar days before the hearing, written notice from the administrative officer containing:

1. The date, time and place of the hearing;

2. Specification of the misconduct charged by citing the applicable provision of the Nevada System of Higher Education Code or the applicable stated policy, prohibition, procedure, rule, regulation or bylaw of a System institution which has been alleged to have been violated;

3. Specification, to the extent reasonably possible, of the time, place, person or persons involved and the circumstances of the alleged prohibited conduct, including the name or names of persons who may have witnessed the alleged prohibited conduct;

4. Notification that the person charged may be accompanied by an advisor of the charged person's choice, and of the time within which the person charged must inform the administrative officer of the name and address of the advisor, if any, and whether the advisor is an attorney, or else forfeit the right to have an advisor present, as provided in Subsection 6.9.6 of the Nevada System of Higher Education Code; and

5. Such other information as the administrative officer may wish to include.

(b) The administrative officer shall be responsible for preparing and delivering notices required by this section. All notices or other documents shall be (1) served by 1st class mail, postage prepaid, and by email, if a current email address is available to the institution; or (2) hand delivered. Notice delivered by mail shall be considered delivered when sent, provided that three (3) additional calendar days shall be added to the time period set forth for minimum notice. A copy of the applicable disciplinary hearing procedures shall accompany each notice.

6.9.4 Evidence.

Evidence shall be considered if it possesses reasonably probative value, materiality and relevancy as determined by the hearing officer. No evidence other than that received at the hearing shall be considered in the decision. Upon request, the person charged, the person's advisor, if any, and the administrative officer shall have the right to examine, at least five (5) calendar days prior to the hearing during reasonable business hours, any documentary evidence to be presented at the hearing. The parties shall also have the right to present, challenge or rebut evidence and to question or cross-examine witnesses. The findings and recommendation of the Title IX coordinator pursuant to NSHE *Handbook*, Title 4, Chapter 8, Section 13 shall be considered. Formal rules of evidence shall not apply, but irrelevant or unduly repetitious evidence shall be excluded.

6.9.5 Administrative Officer's Duties.

The administrative officer shall marshal and present the evidence against the person charged.

6.9.6 Advisors, Attorneys.

(a) The person charged may be accompanied by one advisor of the person's choice, who may represent and advise the person and may present the evidence on the person's behalf. The person charged must give written notice of the name and address of the advisor, and whether the advisor is an attorney, to the administrative officer no later than seven (7) calendar days before the time set for the hearing. An advisor will not be permitted at the hearing without such notice.

(b) Should a person charged advise that the person will be accompanied by an attorney as advisor, the administrative officer shall advise the vice chancellor for legal affairs so that an attorney will be present at the hearing to represent and advise the administrative officer and to present the evidence on behalf of the administrative officer.

6.9.7 Technical Errors. Technical departures from or errors in following the procedures established in the Nevada System of Higher Education Code or in any applicable stated prohibition, policy, procedure, rule, regulation or bylaw of a System institution under which disciplinary procedures are being invoked shall not be grounds to withhold disciplinary action unless, in the opinion of the president, the technical departures or errors were such as to have prevented a fair and just determination of the charges.

6.9.8 Closed Hearings. The hearing shall be closed unless the person charged requests an open hearing. Only the person charged and one advisor, the administrative officer and one advisor, the person or persons conducting the hearing, a person designated to record a hearing, as may be provided in this chapter, and witnesses while such witnesses are presenting evidence may be present for a closed hearing. When a hearing is held on a charge under Subsection 6.2.1 (w) or (x) of the Nevada System of Higher Education Code, the hearing shall be closed unless the complainant requests an open hearing. When a hearing is held on a charge made under Subsection 6.2.1 (w) or (x) of the Nevada System of Higher Education Code, the institution's affirmative action or Title IX coordinator may also be present for a closed hearing, and any person who alleges to be the victim of an act of sexual harassment may have a non-attorney supporter present for a closed hearing during the person's testimony only.

6.9.9 Consolidated Hearings.

(a) When more than one person is charged with prohibited conduct arising out of a single occurrence, or out of multiple occurrences, a single hearing may be held for all of the persons so charged. Such persons may request that their cases be consolidated with others or separated from others. The administrative officer shall make determinations regarding consolidation. All such determinations shall be subject to revision by the general hearing officer, institutional hearing committee or special hearing officer, as the case may be. In the event of such revision, all cases affected shall be rescheduled for hearing.

(b) The separation of one or more cases from a group of cases previously set for a consolidated hearing shall not be considered to affect the consolidation of the remaining cases in the group.

6.9.10 **Absence of the Person Charged.** If the person charged does not appear, either personally or through an advisor, at a hearing without satisfactory explanation for the absence having been made at the earliest opportunity, or should the person charged leave the hearing before its conclusion, the hearing shall proceed without the person charged and the general hearing officer, institutional hearing committee or the special hearing officer and special hearing committee, as the case may be, shall make findings of fact, recommendations or a report, as the case may be, on the available evidence. The fact that an administrative hearing or a civil or criminal trial for the person charged is pending shall not be considered a satisfactory explanation for absence unless the actual hearing or trial date conflicts with a date for a hearing held under this chapter, or unless it is physically impossible for the person charged, through no fault of that person, to attend a hearing held under this chapter.

6.9.11 **Subpoena.** The president shall issue subpoenas to compel the attendance of persons and the presentation of documents at all hearings established under this chapter upon the request of the person charged or of the administrative officer. Such subpoena authority shall be exercised under the authority conferred by NRS 396.323.

6.9.12 **Waiver or Extension of Time.**

(a) Matters preliminary to hearings shall be decided, hearings conducted and cases determined under these procedures as quickly as is reasonably feasible, consistent with reasonable notice.

(b) With the approval of the administrative officer only, a person charged may waive all time limits established in this chapter, except the time limits stated in Subsections 6.10.2 and 6.11.7 of the Nevada System of Higher Education Code.

(c) Extension of time for hearings shall be authorized by general hearing officers, institutional hearing committee chairs or special hearing officers only upon good and compelling reasons. The possibility or pendency of administrative, civil or criminal proceedings against the person charged is not such a good and compelling reason for extension of time unless the hearing or trial of such is scheduled for the same date as a hearing to be held under this chapter, or unless it is physically impossible for the person charged, through no fault of that person, to attend a hearing to be held under this chapter.

6.9.13 **Repetition of Hearing.** A hearing may not be held more than once on the basis of any specific complaint after a hearing process has been completed except as may be provided in this chapter.

6.9.14 **Standard of Proof.** The standard of proof is a preponderance of the evidence in all hearings and any appeals (i.e., the evidence establishes that it is more likely than not that the misconduct occurred).

(B/R 9/15)

Section 6.10 General Hearing Officer

6.10.1 **Appointment.** The president shall designate one or more general hearing officers who shall serve for terms as determined by the president.

6.10.2 **Office Hearings by a General Hearing Officer.** Office hearings by a general hearing officer shall be informal in nature and subject to such procedures as the president may determine. A hearing shall be held and a recommendation made to the president as soon as is reasonably possible, but no later than one hundred eighty (180) calendar days after the filing of the complaint with the administrative officer. Upon agreement of the administrative officer and the person charged, an additional ninety (90) calendar day extension shall be granted by the general hearing officer if the person charged has the right under the Older Workers Benefits Protection Act to a time period for consideration or cancellation of a proposed settlement agreement. The sexual harassment complainant must also agree to such extension.

6.10.3 **Findings and Recommendations.** Findings of fact and recommendations of the general hearing officer shall be made in writing to the president within a reasonable time after the close of the hearing with copies to the person charged and to the administrative officer. The full range of sanctions established by Section 6.3 of the Nevada System of Higher Education Code is available, except as may be limited therein.

(B/R 9/15)

Section 6.11 Special Hearing Officer and Special Hearing Committee

6.11.1 **Appointment of Special Hearing Officer.**

(a) Within five (5) calendar days after making a decision to hold a hearing before a special hearing officer and a special hearing committee, the president shall select a special hearing officer and, within the time period set forth in this paragraph, shall inform the person charged and the administrative officer of the identity of the special hearing officer.

(b) Special hearing officers shall be attorneys who have been members of the State Bar of Nevada for at least five years or who are otherwise qualified by professional experience in presiding at judicial or quasi-judicial adversary proceedings. They will not hold any employment or other contractual relationship with any System institution during the period of their service.

(c) A special hearing officer may be challenged for cause as set forth in Section 6.11.6, but no peremptory challenge shall be allowed.

6.11.2 **Duties of the Special Hearing Officer.** The function of the special hearing officer shall be that of presiding officer of a special hearing committee during a hearing with the following authority:

(a) To make all rulings on matters relating to the conduct of the hearing, including the consideration of evidence;

(b) To maintain order, and the special hearing officer may exclude anyone who refuses to be orderly;

(c) To recognize witnesses for the purpose of giving testimony during which the special hearing officer may also question witnesses;

(d) To make such rulings on procedure deemed appropriate so long as not inconsistent with the applicable procedures established in this chapter;

(e) To act as general advisor to the special hearing committee, but shall have no voting authority;

(f) To prepare, at the conclusion of the hearing, a written report which shall contain, as to the person charged, the following:

1. Findings of fact as determined by the special hearing officer together with a determination that the person charged did or did not commit the act or acts charged.
2. A finding that the act or acts did or did not constitute one or more of the causes for discipline or suspension or termination for cause established in this Code or other applicable stated prohibition, policy, procedure, rule, regulation or bylaw of a System institution.
3. Such further information as the special hearing officer may consider appropriate.

The special hearing officer's report shall be prepared and submitted to the president, with copies to each member of the special hearing committee, the person charged and the administrative officer, within a reasonable time after the conclusion of the hearing.

6.11.3 Appointment of the Special Hearing Committee.

(a) A faculty-hearing panel, composed of at least 15 faculty members, shall be selected by the faculty senate of each System institution. Both academic faculty and administrators shall be eligible to serve. The members of the faculty-hearing panel shall serve one-year terms and upon agreeing to serve shall commit themselves in writing to serve on a special hearing committee when needed. System institution administrators are obligated by the provisions of this subsection to grant special hearing committee members administrative leave or other assistance necessary to enable them to fulfill their responsibilities as members of special hearing committees. This might require providing teaching assistance from classes or other administrative relief from assigned duties.

(b) Except as provided in subparagraph (c) below, within five (5) calendar days after receipt from the president of notice of the president's decision to hold a hearing under Section 6.11 of the Nevada System of Higher Education Code, the faculty senate chair shall select the names of nine persons from among the faculty hearing panel, the selection to be made by lot, to serve on a special hearing committee and the faculty senate chair, within the time period set forth in this paragraph, shall inform the person charged and the administrative officer of the names of the persons selected.

(c) If a hearing is to be held on a charge or charges of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code and if a student or graduate student is involved in the charge as an alleged victim, within five (5) calendar days after receipt of notice of the president's decision to hold a hearing under Section 6.8.3 of the Nevada System of Higher Education Code, the faculty senate chair shall select the names of eight persons from among the faculty hearing panel, the selection to be made by lot, and the appropriate student government president shall nominate three students, to serve on a special hearing committee and the faculty senate chair and the appropriate student government president, within the time period set forth in this paragraph, shall inform the person charged and the administrative officer of the names of the persons selected or nominated.

6.11.4 **Duties of the Special Hearing Committee.** The function of the special hearing committee shall be:

(a) Together with the special hearing officer, to hear evidence presented at a hearing held under this chapter during which the committee members may also question witnesses; and

(b) To make recommendations, after reviewing the report of the special hearing officer, to the president at the conclusion of a hearing for dismissal of charges or imposition of a sanction or sanctions. Such recommendations shall be in writing and shall be made by the committee within a reasonable time after reviewing the special hearing officer's report with copies sent to the person charged and the administrative officer. The full range of sanctions established by Section 6.3 of the Nevada System of Higher Education Code is available.

6.11.5 **Hearings to be Recorded.** A tape recording will be made of the hearing and kept in the president's office for at least one year before being destroyed, unless the matter is brought before the courts during which time the recording will be kept until the matter is decided in the courts. Except as provided herein or for purposes of appeal, a tape recording of a closed hearing shall be confidential. The person charged, on request of and at the charged person's expense may have or, under supervision may make, a copy of such recording. No tape recording by the person charged or by other persons at the hearing will be permitted. The person charged may, at the charged person's expense, provide for a certified court reporter. A copy of the court reporter's transcript shall also be made available to the president upon the president's request and at the System institution's expense.

6.11.6 Challenges.

(a) Within seven (7) calendar days after the faculty senate chair, and the appropriate student government president under Subsection 6.11.3(c) of the Nevada System of Higher Education Code, has informed the person charged and the administrative officer of the identities of the persons selected from the faculty hearing panel or nominated by the student government president, the administrative officer and the person charged or the adviser of the person charged shall meet in person or by telephone to exercise, in alternate order, the peremptory challenges provided in subparagraph (c) of this subsection. The person charged or the adviser shall exercise the first peremptory challenge. Peremptory challenges not exercised at this time shall be waived. At this time, the person charged or the adviser shall also submit written challenges for cause, as provided in subparagraph (b) of this subsection. No challenge for cause may be exercised after this date.

(b) The person charged may challenge the special hearing officer or the members of the special hearing committee for cause for the following reasons:

1. The person challenged was a participant in the event out of which the alleged prohibited conduct arose; or
2. The person challenged bears a relationship to some party to the proceedings which may prejudice the charged person's ability to obtain a fair and impartial hearing and decision.

Within the time period set forth in paragraph (a) of this section, the person charged shall submit a written statement setting forth the allegations underlying the challenge to the administrative officer. The administrative officer shall send the written challenge to the president the same day it is received, with a copy to the person challenged. Within seven (7) calendar days after receipt of the written challenge, the president or the president's designee shall determine whether the facts present grounds for disqualification. The decision of the president shall be final. A hearing shall not be held until the challenge is decided by the president. The special hearing officer or special hearing committee members may be disqualified on their own motions.

(c) The administrative officer and the person charged each shall have the right to challenge:

1. In the case of a hearing to be held to hear a charge of sexual harassment under Subsection 6.2.2(p) of the Nevada System of Higher Education Code in which a student or graduate student is an alleged victim, no more than two members of the faculty hearing panel selected by lot and no more than one student government nominee without cause;
2. In all other cases, no more than two members of the faculty hearing panel selected by lot without cause.

(d) In cases of consolidated hearings, the persons charged shall be limited to a total of the number of challenges without cause appropriate under either subparagraph (c)(1) or (c)(2) above.

(e) Replacements for disqualified special hearing officers shall be made by the president within five (5) calendar days after the president's decision on a challenge for cause. Replacements for disqualified special hearing committee members shall be made by lot from the faculty hearing panel or shall be nominated by the appropriate student government president as the case may be within five (5) calendar days after the president's decision on a challenge for cause. No further challenges for cause of either a special hearing officer or members of a special hearing committee shall be permitted.

(f) The special hearing committee shall consist of five members. In the event a member is unable to serve due to unavoidable reasons, the administrative officer may choose to have the vacancy filled by the procedure stated in subparagraph (e) of this subsection or proceed to a hearing with the remainder of the special hearing committee, provided that the special hearing committee shall consist of no fewer than three members.

6.11.7 **Hearing and Recommendation.** A hearing shall be held and a recommendation made to the president no later than one hundred eighty (180) calendar days after the filing of the complaint with the administrative officer. Upon agreement of the administrative officer and the person charged, an additional ninety (90) calendar day extension shall be granted by the special hearing officer if the person charged has the right under the Older Workers Benefits Protection Act to a time period for consideration of or cancellation of a proposed settlement agreement. The complainant of sexual harassment must also agree to such extension.

For the sake of convenience, the time limits for procedures specified throughout this section are summarized as follows:

(a) The complaint is filed.

(b) Within sixty (60) calendar days after receipt of the complaint, the administrative officer completes the investigation (see Section 6.8.2(a)). During that time period, the administrative officer shall issue a charging letter to the person charged who then has seven (7) calendar days after receipt of the charging letter to respond to it, if desired (see Section 6.8.2(b)).

(c) Within five (5) calendar days after receipt of any written response from the person charged or within five (5) calendar days after completion of the investigation, the administrative officer makes a recommendation to the president on whether to hold a hearing or not (see Section 6.8.2(d)).

(d) Within seven (7) calendar days after receipt of the administrative officer's recommendation, the president makes a decision on whether to hold a hearing or not and informs the administrative officer and faculty senate chair of the decision (see Section 6.8.2(e)).

(e) Within five (5) calendar days after notification of the president's decision, the president shall choose a special hearing officer and the faculty senate chair shall choose nine names from the faculty hearing panel and each shall forward the names to the person charged and the administrative officer (see Section 6.11.1(a)).

(f) Within seven (7) calendar days after the president and the faculty senate chair have forwarded the name of the special hearing officer and the names chosen from the faculty hearing panel, the administrative officer and the person charged or the adviser of the person charged meet to exercise peremptory challenges and to transmit challenges for cause (see Section 6.11.6(a)).

(g) The same day that challenges for cause are received by the administrative hearing officer, the administrative hearing officer shall send such challenges to the president (see Section 6.11.6(b)).

(h) Within seven (7) calendar days after receipt of challenges with cause, the president shall make a decision on the challenges (see Section 6.11.6(b)).

(i) Within three (3) calendar days after the president's decision on challenges for cause, vacancies in the appointments of special hearing officer or members of a special hearing committee shall be filled (see Section 6.11.6(e)).

(j) Within one hundred eighty (180) calendar days after the filing of the complaint with the administrative officer, the hearing shall be held and a recommendation made to the president for action. Upon agreement of the administrative officer and the person charged, an additional ninety (90) calendar day extension shall be granted by the special hearing officer if the person charged has the right under the Older Workers Benefits Protection Act to a time period for consideration or cancellation of a proposed settlement agreement. The complainant of sexual harassment must also agree to such extension (see Section 6.11.7).

(B/R 9/15)

Section 6.12 President's Decision

6.12.1 **Options Available.** The president shall review the findings of fact and recommendations of the general hearing officer or the institutional hearing committee or, in cases heard before a special hearing officer and special hearing committee, the report of the special hearing officer and the recommendations of the special hearing committee. The president may:

(a) Dismiss the charge;

(b) Affirm the recommended sanction;

(c) Impose a lesser sanction than recommended;

(d) Impose a greater sanction than recommended; or

(e) Order a new hearing.

6.12.2 **Decision and Notification.** The president shall reach a written decision within a reasonable time after receipt of findings of fact and recommendations from the general hearing officer or institutional hearing committee or after receipt of reports and recommendations from the special hearing officer and the special hearing committee. The president shall notify the person charged and the administrative officer of the decision. If the action taken is reduction in pay, suspension, or termination, the person charged shall either be notified by personal delivery of the decision or shall be notified by U.S. Mail, hand-delivery or by e-mail to the person's NSHE or institution e-mail address. The decision is deemed received upon hand-delivery, or as of the day it is mailed or e-mailed. If there is no appeal, the president's decision is final.

(B/R 9/15)

Section 6.13 Appeals

6.13.1 **Requirements for Appeals.**

(a) Appeals from the decision of the president must be filed by the person charged within seven (7) calendar days of the receipt of the decision. The appeal must be in writing and shall be directed to the administrative officer.

(b) The appeal must include facts that reasonably establish one or more of the following grounds for appeal, which are the only grounds for appeal:

1. The procedures under which the person was charged are invalid or were not followed;
2. The person charged did not have adequate opportunity to prepare and present a defense to the charges;
3. The evidence presented at the hearing was not substantial enough to justify the decision;
4. The sanction imposed was not in keeping with the gravity of the violation.

6.13.2 **Decision on Appeal.**

(a) Within five (5) calendar days after receipt, the administrative officer shall direct the appeal, together with any reply the administrative officer deems necessary provided a copy of the reply is sent to the person charged, to:

1. The president for reconsideration when the sanction imposed is suspension or reduction in pay or a lesser sanction.
2. To the Board of Regents for action when the sanction imposed is termination.

(b) A decision on the appeal shall be made within a reasonable time after receipt of the appeal by the president or within a reasonable time after the next Board of Regents meeting during which the appeal was considered. For applicable appeals, the appeal shall be placed on the meeting agenda of the Board of Regents as soon as is legally possible under Nevada law after receipt of the appeal. The president or the Board of Regents, as the case may be, shall give notification of the decision in the same manner as is provided in Subsection 6.12.2 of the Nevada System of Higher Education Code.

(c) The president or the Chair of the Board of Regents, as the case may be, may request a personal appearance of the person charged if the president or the Chair of the Board of Regents, as the case may be, is of the opinion that justice will be served by such appearance. The appearance of the person charged shall be limited to the issues raised by the appeal as provided in Subsection 6.13.1 of the Nevada System of Higher Education Code. The person charged must be informed that an appearance is not compulsory and a nonappearance will not prejudice the appeal.

(d) The president or the Board of Regents, as the case may be, may:

1. Dismiss the charge;
2. Affirm the charge;
3. Impose a lesser sanction; or
4. Order a new hearing.

(B/R 9/15)

Section 6.14 Records

All reports and decision reached after hearings or appeals held under this chapter are declared to be public records subject to the provisions or exclusions of the public records laws of the *Nevada Revised Statutes* as they may be interpreted by the courts.

(B/R 1/07)

Section 6.15 Dismissed Charges

Whenever charges against a person are dismissed, all documents relating to the case will be deposited with the president where they shall be retained for a period of one year, after which time they shall be released to the person who was charged if requested by that person, or shall be destroyed unless destroyed sooner pursuant to regulations, policies or procedures established by the System institution.

(B/R 1/07)

Section 6.16 Classified Employees and Research Technologists

(a) Employees of the System who are in the classified service of the State of Nevada shall be disciplined only under the procedures established by the *Nevada Revised Statutes* and the State of Nevada Division of Human Resource Management, *Rules for State Personnel Administration*.

(b) Research technologists of the Desert Research Institute shall be disciplined only under the procedures established in the DRI *Technologists Manual*, as authorized by the Board of Regents.

(B/R 6/08)

Section 6.17 Lie Detector Tests

Lie detector tests shall not be required in conjunction with System personnel proceedings nor in relation to System personnel matters.

(B/R 1/07)

Section 6.18 Applicability to Others

In the event any person who is not a member of the System community should engage in conduct prohibited by this chapter, the president or the president's designee shall inform that person that the person is not authorized to remain on the premises owned or occupied by the System and shall direct such person to leave the premises. In the event such person fails to leave the premises after being ordered to do so, the president or the president's designee may cause such person to be ejected. Nothing herein shall be so construed as to authorize or prohibit the presence of any such person prior to such violation nor to affect such person's liability for trespass or loitering as prescribed by law.

(B/R 1/07)

Section 6.19 Resignations During Ongoing Investigations, Hearings, and Appeals

In the event a person against whom disciplinary proceedings have been commenced pursuant to this Chapter 6 of the Nevada System of Higher Education Code resigns, in writing, from the person's employment prior to the completion of any investigation, hearing or appeal commenced before receipt of the resignation, then:

(a) The provisions of Subsection 5.15.1 - Resignations, of the Nevada System of Higher Education Code shall not apply. The resignation need not be accepted by the appointing authority (or designee), and shall be effective immediately. Unless otherwise mandated by law, the person submitting the resignation shall not be permitted to revoke the resignation under any circumstances.

(b) The pending investigation, hearing, or appeal shall immediately cease.

(c) In cases involving gender discrimination or sexual harassment, the Title IX coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

(d) The facts and circumstances of the charge(s) may be cause for denial of an application of employment or to work as an independent contractor.

(B/R 9/15)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 7

TENURE FOR STATE COLLEGE FACULTY

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Section 7.1 Declaration of Policy

7.1.1 Limited to State College . Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the state college of the System only.

7.1.2 Conditions on Tenure. The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges afforded by tenure.

Section 7.2 Eligibility for Tenure

7.2.1 Nevada State College. Except as provided in this chapter, full-time and part-time academic faculty in Rank II, Rank III, and Rank IV positions at Nevada State College shall be eligible for tenure. For the purposes of this section, part-time academic faculty shall be equal to at least .5 FTE. Administrators may be included in this condition of eligibility, but only in the capacity of academic faculty. Full-time academic faculty in these institutions in Rank O or Rank I positions are not eligible for appointment with, nor shall have, tenure under any circumstances.

7.2.2 Academic Faculty Paid with Short Term, Nonstate Funds.

(a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid with more than .5 FTE short term, nonstate funds are not eligible for such appointment with, nor shall have, tenure under any circumstances.

(b) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon request of the academic faculty member and the approval of the president, as part of the probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

7.2.3 Rank O.

(a) Faculty placed in Rank O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Rank O position.

(b) Upon request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Rank O position may be counted towards the completion of a probationary period for tenure in the event an academic faculty member employed in a Rank O position is subsequently appointed to a rank capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

(c) Academic faculty at Nevada State College who have been placed in Rank O positions may be given such academic titles as the member institution, at the president's discretion, may consider appropriate, but such academic faculty shall not be eligible for appointment with, nor shall have, tenure under any circumstances by reason of the granting of such academic titles.

Section 7.3 Probation

7.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 7.1.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president's designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution's bylaws.

(b2) The president of the institution, without seeking Board of Regents' approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted

tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year.

(c) Authorized periods of leave, paid or unpaid, may be excluded from service toward the seven-year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exclude periods of leave shall be based upon the sole discretion of the president. The president's decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed seven years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exceed the seven-year probationary period shall be based upon the sole discretion of the president. The decision of the president is final. The request for an extension of the seven-year period of probation must state the reasons for such an extension.

7.3.2 **Consideration for Tenure during Probation.** Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

7.3.3 **Full-time Service at Other Institutions.** Upon request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.

7.3.4 **Completion of Probationary Period.** After completion of a probationary period, an academic faculty member eligible for such appointment with tenure shall not be reappointed at any rank providing eligibility for such appointment unless such appointment is with tenure.

(B/R 12/11)

Section 7.4 Appointment with Tenure

7.4.1 Recommendations and Appointment. At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for appointment with tenure shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 7.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

7.4.2 Standards for Recommending Appointment with Tenure.

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the three standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 7.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

1. Standard One: Teaching or Other Professional Duties
An academic faculty member being recommended for appointment with tenure must receive an "excellent" rating in one of the following areas, whichever is applicable:

(A) If applying for tenure as a college instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom, laboratory, and/or clinical setting, the ability to communicate effectively with students, demonstrated skill in handling classroom and other duties related to teaching, mentoring, and student advisement. Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter, to evoke response in students.

(B) If applying for tenure as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties.

In addition to standard one, an academic faculty member being recommended for appointment with tenure must receive at least a "satisfactory" rating in standards two and three:

2. Standard Two: Scholarship/Creative Activity

Demonstrated continuing professional growth in the academic faculty member's discipline or program area as shown by a record of scholarship and/or creative activity, including, but not limited to, creation, application, synthesis, or transmission of knowledge; cross-disciplinary collaboration; acquiring and sustaining faculty expertise; and, in appropriate fields or disciplines, visual, performing, and literary arts that express original ideas, interpretations, imaginations, thoughts, or feelings.

3. Standard Three: Service

Including, but not limited to:

(A) Interest and ability in advising students;

(B) Membership and participation in professional organizations;

(C) Ability to work with the faculty and students of the member institution in the best interests of the academic community and the people it serves, and to the extent that the job performance of the academic faculty's administrative unit may not be otherwise adversely affected;

(D) Service on college or System committees;

(E) Recognition among colleagues for possessing professional integrity and the capacity for further significant intellectual and professional achievement; and

(F) Recognition and respect outside the System community for participation in activities that use the faculty member's knowledge and expertise or further the mission of the institution, or that provide an opportunity for professional growth through interaction with industry, business, government, and other institutions of our society, within the state, the nation or the world.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be used in evaluating the applicant for appointment with tenure.

(c) The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

7.4.3 **Recommendations for Tenure.** The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

7.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or any misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

7.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

7.4.6 **Tenure for Academic Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in an administrative position is a separate and distinct concept from employment as a member of the academic faculty. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reason or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which the appointment with tenure was made.

7.4.7 Relinquishment of Tenure.

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 7.1.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers employment from the member institution granting an appointment with tenure to another System institution, the faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold a tenured appointment under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.

7.4.8 **Transfer to the Chancellor's Office.** A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the president of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

7.4.9 **Resignation or Termination.** A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/11)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 8

RULES AND DISCIPLINARY PROCEDURES FOR MEMBERS OF THE DESERT RESEARCH INSTITUTE (DRI)

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Section 8.1 Scope of the Chapter

Desert Research Institute (DRI) expects good standards of conduct and work performance from all employees and these standards will be enforced in a just and systematic way. Employees should have a fair opportunity to remedy problems of conduct or performance. To this end, should an employee fail to meet the DRI's required standards, the following procedure is outlined and is approved by Nevada System of Higher Education (NSHE) Board of Regents for DRI. All matters relating to the disciplinary procedure are strictly confidential to the parties and their representatives involved and a breach of this confidentiality may in itself result in disciplinary action.

The president of DRI shall exercise authority in disciplinary actions in accordance with the procedures established below and with other laws and regulations as applicable. All determinations and recommendations go to the president who shall have the final decision making authority. The president or the president's designee shall make the designation of an administrative officer. The function of the president may be delegated by the president to individual designees who are members of the staff of NSHE and such designees shall exercise these functions in the president's name.

Section 8.2 Informal Discipline (Counseling – Informal Discussion)

Counseling consists of an informal discussion between an employee and his or her supervisor regarding problems with the employee's work performance or conduct. Counseling should consist of a private discussion to define a desired course of action to improve the employee's performance or behavior and identify the supervisor's expectation for the employee. The counseling session is documented in a written memo to the employee that identifies the expected actions, and a copy of the memo should be retained in the supervisor's files and not the employee's personnel file. The employee may be referred to the Employee Assistance Program (EAP) at this time if the issue can best be addressed by the EAP.

Section 8.3 Cause

The objective of this procedure is to ensure consistent and equitable treatment of an employee who is liable to disciplinary action. At every stage in the procedure the employee will be advised of the nature of the complaint and will be provided with all relevant information and the potential scope of the disciplinary action. A supervisor may stop the disciplinary action at any stage with documentation that satisfactory conduct or performance has been achieved.

Disciplinary action should primarily be corrective and provide the employee with the opportunity where necessary to improve conduct and/or job performance to a standard acceptable by DRI. Disciplinary action is appropriate when an employee fails to meet satisfactory standards with regard to the prohibited activity listed in NSHE Code, Subsections 8.3.1, 8.3.2, 8.3.3 and 8.3.4.

8.3.1 **Prohibited Activity**. The following conduct or performance, being incompatible with the purposes of an academic community, is prohibited for all employees of the DRI, shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in this chapter of the NSHE Code.

(a) Failure to perform the duties for which the employee is employed (lack of funding is not considered a prohibited activity).

(b) Failure to maintain a required level of performance as indicated by a rating of unsatisfactory.

(c) Incompetence or inefficiency in performing the duties of the employee's position.

(d) Insubordination.

(e) Falsification of employment applications or documents submitted to the DRI, its member institutions or its special units, or making other false or fraudulent representations in securing employment.

(f) Dishonesty.

(g) Conviction of any criminal act involving moral turpitude.

(h) Being under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances as defined in the *Nevada Revised Statutes* (284.406), while on duty, due consideration being given to NRS 284.379. In compliance with the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the work place.

(i) Unauthorized absence from duty or abuse of leave privileges.

(j) Personal or professional conduct which shows that the employee is unfit to remain in his or her position or which has an ascertainable harmful or adverse effect on the efficiency of his or her research or administrative unit.

8.3.2 **Additional Prohibited Activity.** The following conduct, being incompatible with the purposes of DRI, is prohibited for all employees of the DRI. This prohibited conduct shall constitute cause for discipline and may lead to the procedures and disciplinary sanctions established in this chapter of the NSHE Code.

(a) Commission of any of the acts specified in Subsection 2.1.4 of the NSHE Code.

(b) The use of, or threat to use, force or violence against any member or guest of the System community, except when lawfully permissible.

(c) Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on the premises of the System.

(d) The intentional disruption or unauthorized interruption of functions of the System, including but not limited to classes, convocations, lectures, meetings, recruiting interviews and social events, on or off premises of the System.

(e) Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of or on premises occupied by, the System.

(f) Knowing possession on any premises of the System of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the president of any System institution or the president's authorized agent, unless such possession reasonably relates to duly recognized System functions by appropriate members of the faculty, other employees or students.

(g) Continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the System after having been ordered to leave by the president of a System institution or the president's designee.

(h) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the NSHE.

(i) Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the System community by filing a complaint or charges under this NSHE Code or under any applicable established grievance procedures in the System.

(j) The repeated use of obscene or abusive language in a classroom or public meeting of the System where such usage is beyond the bounds of generally accepted good taste and which, if occurring in a class, is not significantly related to the teaching of the subject matter.

(k) Willful incitement of persons to commit any of the acts herein prohibited.

(l) Disorderly, lewd or indecent conduct occurring on System premises or at a System sponsored function on or off such premises.

(m) Any act prohibited by local, state or federal law which occurs on System premises or at a System sponsored function on or off such premises.

(n) The use of threats of violence against an employee or the employee's family in order to secure preferential treatment for grades, loans, employment or other service or privilege accorded by the System.

(o) Any act of unlawful discrimination based on race, creed, color, gender (including pregnancy related conditions), age, disability whether actual or perceived by others, military status or military obligation, sexual orientation, gender identity or expression, genetic information, religion or national origin or any act of employment or educational retaliation against any person who has made a complaint about such discrimination.

(p) Sexual harassment, defined as unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual or gender bias nature constitute sexual harassment when:

1. Educational Environment:
    a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
    b. Conduct that is sufficiently severe, persistent or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the institution ("hostile environment").
2. Workplace Environment:
    a. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity ("quid pro quo"); or
    b. Conduct that is sufficiently severe, persistent or pervasive so as to create a work environment that a reasonable person would consider intimidating, hostile or abusive, and which may or may not interfere with the employee's job performance ("hostile environment)".

Sexual harassment includes sexual violence, sexual assault, dating violence, domestic violence, stalking and coercion or similar acts in violation of state or federal law.

(q) Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same.

(r) Willfully destroying, damaging, tampering, altering, stealing, misappropriating, or using without permission any system, program or file of the NSHE.

(s) Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the university or community college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.

(t) Any other conduct which violates applicable stated prohibitions, policies, procedures, rules, regulations or bylaws of the Board of Regents or a System institution.

(u) Dating Violence. Dating Violence is an act committed by a person who is or has been in a "dating relationship" with the victim:

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context; and
2. For the purpose of this definition:

   Dating violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.

   Dating violence includes, but is not limited to, mental, sexual or physical abuse or the threat of such abuse.

   Dating violence does not include acts covered under the definition of domestic violence.

For the purpose of complying with the requirements of this Section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

(v) Domestic Violence. Domestic Violence is an act that includes but is not limited to violence which occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

1. A battery.
2. An assault.
3. Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.
4. A sexual assault.
5. A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:
   a. Stalking.
   b. Arson.
   c. Trespassing.

d. Larceny.

e. Destruction of private property.

f. Carrying a concealed weapon without a permit.

g. Injuring or killing an animal.

6. A false imprisonment.

7. Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.

(w) Stalking. Stalking is defined to be when a person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member. Stalking includes but is not limited to:

(1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. Fear for the person's safety or the safety of others; or

b. Suffer substantial emotional distress.

(2) For the purpose of this definition:

a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, or interferes with a person's property.

b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

c. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(x) Sexual Violence. Sexual violence is a severe form of sexual harassment, and refers to physical sexual acts or attempted sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law.

Sexual coercion is:

a. the use of violence or threats of violence against a person or the person's family or property;

b. depriving or hindering a person in the use of any tool, implement or clothing; or

c. attempting to intimidate a person by threats or force,

d. when committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing.

In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

8.3.3 <u>Mental or Physical Incapacity</u>. The inability or incapacity to perform the duties for which the faculty member or employee is employed due to mental or physical reasons may lead to suspension or termination of employment as provided in Subsection 8.4.5 in this Chapter, due consideration being given to the provisions of NRS 284.379.

8.3.4 <u>Sexual Harassment</u>.

(a) The Board of Regents deems the sexual harassment of students and employees to be unacceptable and prohibited. The Board of Regents policy against sexual harassment is set forth in Title 4, Chapter 8, Section 13.

1. Because of the particularly offensive and degrading nature of sexual harassment, the danger of academic or employment retaliation for accusations of sexual harassment and the difficult and tense academic or employment environment which can result while allegations of sexual harassment are investigated or heard, it is the policy of the Board of Regents that, pending the completion of an investigation and/or disciplinary hearing into the allegations of sexual harassment, and only to the extent deemed necessary by the facts of each case, contacts between the complainant(s) and the person accused of sexual harassment shall be kept to a minimum or eliminated altogether by physical separation, assignment to other duties or classes or placement on administrative leave.
2. Such action shall be deemed to be without prejudice to any person involved or determination of the truth or falsity of the allegations.
3. Any such action shall be taken or maintained in such manner as to afford the least possible disruption to the day-to-day activities of the institution but the ease of reassigning students or employee subordinates in place of instructors or supervisors shall not be a factor in taking such action.

(b) An alleged victim of sexual harassment shall have the opportunity to select an independent advisor for assistance, support and advice. The alleged victim shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the alleged victim to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the alleged victim. The institutional affirmative action officer or the administrative officer shall advise the alleged victim of this right. The means and manner by which an independent advisor shall be made available shall be determined by each institution or unit.

(c) Interim measures as described in NSHE *Handbook*, Title 4, Chapter 8, Section 13, except for administrative leave, may be implemented without a hearing and are not subject to grievance procedures. Interim measures remain in force throughout the disciplinary process and may be made permanent if they are necessary to prevent the reoccurrence of sexual harassment.

(B/R 3/16)

Section 8.4 Formal Discipline

Disciplinary action will normally follow the progressive stages. All decisions shall be based upon a preponderance of the evidence (i.e., evidence which establishes that it is more likely than not that the employee violated the rules of conduct). The president of DRI will determine if a misconduct or failure to perform is serious enough to warrant eliminating one or more stages.

Formal disciplinary procedures normally follows five stages:

Stage 1 - Formal Verbal Warning
Stage 2 - Written Warning
Stage 3 - Final Written Warning
Stage 4 - Review
Stage 5 - Appeal and Disciplinary Action

8.4.1 **Administrative Leave.** In certain cases where serious allegations have been made, including cases of gross misconduct, administrative leave may be imposed pending an investigation. Administrative leave is defined as leave for an interim period pending a disciplinary review whenever the president determines that administrative leave is required in order to 1) protect, life, limb, or property, 2) ensure the maintenance of order, or 3) remove a person from NSHE when an act of sexual harassment has been alleged against such a person and the accuser or the accused person cannot be assigned to other duties apart from each other pending the completion of an investigation and or disciplinary review into the allegation. During administrative leave an employee maintains his or her full salary and benefits but is not permitted on DRI property and has no job responsibilities.

8.4.2 **Stage 1 Formal Verbal Warning.** An employee will receive a formal verbal warning if the employee fails to respond to earlier informal discipline. At a private meeting with the employee, the supervisor will advise the employee that he or she is being given a formal verbal warning, a record of which will be put in the employee's personnel file. The warning shall include all documents and records to support the disciplinary action

The employee will also be told the improvement required and when the conduct or performance will be reviewed which in no case will be less than 20 working days. This warning will be confirmed in writing and a copy of the warning will be placed in the employee's personnel file. The employee may write a written response to this warning if he or she does not agree, which will also be placed in the employee's personnel file. All written material through stage 3, including the employee responses will be placed in the employee's personnel file.

The employee may request mediation within five working days of a verbal warning. The president will select the mediator and the meeting(s) and final resolution will be completed and reported in 10 working days. If both the employee and supervisor accept the mediator's recommendations the subsequent stages will be terminated. If either one does not accept the recommendations the procedure will continue. The mediation process will run concurrent with 20 working days for the next review.

8.4.3 **Stage 2 Written Warning.** If an employee does not sufficiently improve in the described period of time after the formal verbal warning, a written warning will be issued. Disciplinary warnings should specify standards required and/or the extent to which performance or conduct falls short, and as far as possible detail the remedies required to rectify the situation and the likely consequences if the required improvement is not forthcoming. The employee may write a response to this written warning if he or she does not agree. The employee will be told that a first written warning is being given, and that a copy of the warning will be retained in the employee's personnel file. The written warning will specify how the employee must improve and establish a time period which in no case will be less than 20 working days) when the conduct or performance will be reviewed. Depending on the nature and seriousness of the offence involved, a first written warning may be given where no previous verbal warning has been given pursuant to Section 8.4.

8.4.4 **Stage 3 Final Written Warning.** If, following a first written warning, an employee persists in not improving conduct or performance, the director of Human Resources and the supervisor will meet with the employee to review the increasingly serious nature of the situation, and to advise the employee that a final written warning will be issued. A copy of the warning will be retained in the employee's personnel file. The employee may write a response to this final written warning if he or she does not agree. The employee will be told that a final written warning is being issued which will indicate the improvement required and establish a time period which will in no case be less than 20 working days when the conduct or performance will be reviewed. The employee will be advised that failure to improve his or her conduct or performance may result in disciplinary sanctions up to and including termination. In more serious cases where no verbal or written warnings have previously been given, a final written warning may be issued pursuant to Section 8.4.

If required improvement in conduct or performance is not accomplished within the established time period then an investigation of the factual basis for the final written warning will be conducted to review the documents and records which support the disciplinary action and the actions to date. An administrative officer chosen by the president will conduct the investigation into the action. The employee may object to the choice of the administrative officer if a reasonable basis to believe a bias or conflict exists. The administrative officer shall investigate all material for the purposes of clarifying the facts and positions taken by the employee and the supervisor. The investigation shall be completed within 10 working days of the issuance of the charge to the administrative officer. The administrative officer shall make a written recommendation to the president as to whether a faculty review should occur as provided in stage four or all disciplinary action should be dropped. The president will make the final decision within five working days of receiving the administrative officer's recommendation. No sanctions will be taken against an employee until the case has been investigated and the facts established.

8.4.5 **Stage 4 Review.** Stage 4 applies after the completion of stage 3, a division executive director or vice president replaces the supervisor (if other than an executive director or vice president) in conducting the disciplinary action.

The president may order any employee to be placed on administrative leave if he or she believes the situation warrants that type of action pursuant to Subsection 8.4.1.

A faculty review will occur unless the employee specifically requests that a review not be conducted. If there is no review the process will move directly to sanctions. The Faculty Senate will form a review committee for the president, composed of at least three members of the faculty who are not employed in the employee's unit, which will review all documents and records and determine what additional information is needed to complete their review. During this review the employee must be able make a statement to the committee and present documents contesting the final written warning. At the chair's discretion the committee may interview witnesses. The chair will be responsible for the confidential records, written and/or taped of all review proceedings and maintain all documents and records. The president will select the chair and the employee or supervisor may challenge any committee member if a reasonable basis to believe a bias or conflict exists. Both the executive director or vice president and employee have the right to review and comment on all material prior to the final report being delivered to the president. A written recommendation of the Faculty Senate Review committee shall be submitted to the president, within 10 working days of receiving its charge. The president shall make the final decision in the matter. The president will provide both the employee and executive director or vice president with a summary of the findings and his or her decision within 10 working days.

8.4.6 **Stage 5 Appeal and Sanctions.** The employee may appeal for action in writing, within five working days to the president for the following reasons:

1. The procedures under which the person was charged are invalid or were not followed;
2. The person charged did not have adequate opportunity to prepare and present a defense to the charges;
3. The information presented for the review was not substantial enough to justify the decision; or
4. The sanction, except termination, imposed was not in keeping with the seriousness of the conduct or performance.

The employee may appeal for action in writing, within five working days to the Board of Regents for the sanction of termination.

The president or the Board of Regents, as the case may be, may:

1. Dismiss the charge
2. Affirm the charge
3. Impose a lesser or greater sanction; or
4. Order a new review.

The possible sanctions are:

1. Restitution. Is the requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft or misappropriation of property. The failure to make restitution shall be the cause for a more severe sanction.
2. Reduction in Pay. A reduction in pay may be imposed at any time during the term of an employment contract upon compliance with the procedures established in this chapter.

3. Suspension. Exclusion from assigned duties for one or more workweeks without pay. The normal workweek for DRI employees is 40 hours. The workweek begins at 12:01 a.m. Sunday and ends 11:59 p.m. on Saturday.
4. Termination. Immediate ending of employment after the appropriate completion of all the stages in this Chapter.

8.4.7 **Proceedings Concurrent.** Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

8.4.8 **Computation of Time.** In computing any period of time prescribed by this Chapter, the day of the act, event or default from which a designated period of time begins to run shall not be included. The last day of the time period shall be counted, unless it is a Saturday, Sunday or legal State holiday, in which case the time period runs until the end of the next day which is not a Saturday, Sunday or legal State holiday.
(B/R 9/15)

Section 8.5 Research Technologists

Research technologists of the DRI shall be disciplined and sanctioned only under the procedures established in the *DRI Technologists Manual*, as authorized by the Board of Regents. The causes resulting in disciplinary action will be the same for technologists as for other employees.
(B/R 6/08)

Section 8.6 Procedures Available when Sexual Harassment is Alleged

The following additional procedures apply in proceedings alleging sexual harassment:

(a) An alleged victim of sexual harassment (complainant) and the employee charged (respondent) shall each have the opportunity to select an independent advisor for assistance, support and advice. The complainant and respondent shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the complainant or respondent to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the complainant or respondent. The institutional affirmative action officer or Title IX coordinator shall advise the complainant and respondent of this right at the beginning of the process.

(b) The complainant may choose to not permit the matter to be resolved by the informal resolution process or may terminate the informal resolution process at any time prior to a written determination being signed. If sexual assault is alleged, the informal resolution process may not be used;

(c) The complainant must be given the opportunity to participate in any pre-hearing procedures;

(d) In a hearing involving more than one charged employee, the review board may require a charged individual to be absent from any testimony that is not relevant to that charged individual;

(e) The complainant must receive a list of all witnesses at the same time it is received by the respondent;

(f) The findings and recommendation of the Title IX coordinator pursuant to NSHE *Handbook*, Title 4, Chapter 8, Section 13 shall be considered;

(g) The complainant may present witnesses and other evidence at the hearing;

(h) The complainant shall be served a copy of the recommendation of the faculty senate review committee and of the decision of the president, except for the discipline imposed upon the charged employee unless the discipline directly relates to the complainant.

(i) If the complainant is aggrieved by the recommendation of the faculty senate review committee or by the decision of the president, the complainant has the right to appeal the decision to the president or the Board of Regents in the same manner as the respondent;

(j) With respect to an institutional disciplinary proceeding alleging sexual assault, domestic violence, dating violence or stalking offense, the Clery Act (20 U.S.C. § 1092 (f))requires that the accuser and the accused must be informed simultaneously of the outcome;

(k) The hearing shall be closed unless the complainant requests an open hearing.

(B/R 9/15)

Section 8.7 Resignations During Ongoing Investigations, Hearing and Appeals

In the event a person against whom disciplinary proceedings have been commenced pursuant to this Chapter 8 of the Nevada System of Higher Education Code resigns, verbally or in writing, from the person's employment prior to the completion of any investigation, hearing or appeal commenced before receipt of the resignation, then:

(a) The provisions of Subsection 5.15.1- Resignations, of the Nevada System of Higher Education Code shall not apply. The resignation need not be accepted by the appointing authority (or designee), and shall be effective immediately. Unless otherwise mandated by law, the person submitting the resignation shall not be permitted to revoke the resignation under any circumstances.

(b) The pending investigation, hearing, or appeal shall immediately cease.

(c) In cases involving gender discrimination or sexual harassment, the Title IX coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

(d) The facts and circumstances of the charge(s) may be cause for denial of an application of employment or work as an independent contractor.

(B/R 9/15)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 9

CONFIDENTIALITY OF CERTAIN RECORDS

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Section 9.1 Definitions

9.1.1 For the purposes of all approved Board policies and procedures, the following are deemed to be restricted access research, and are therefore confidential, such that unauthorized disclosure is prohibited:

(a) “Classified Research” is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency, that will require government-issued security clearances for participation;

(b) “Sensitive but not Classified Research” is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency that is treated as confidential by state or federal law or regulation;

(c) “Proprietary Research” includes, but is not limited to, trade secrets, confidential business information, and all other intellectual property, inventions and copyrightable works. As used in this section:

(1) “Trade Secret” means information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(2) “Confidential Business Information” means any private financial or commercial information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or customers. “Confidential business information” does not include the financial terms of a contract or the identity of a contractor, except in extraordinary circumstances where state or federal law or regulation may require the non-disclosure of such information.

(3) “Intellectual Property" as defined in Title 4, Chapter 12.

(4) "Inventions" as defined in Title 4, Chapter 12.

(5) "Copyrightable Works" as defined in Title 4, Chapter 12.
(B/R 6/07)

(d) “Confidential Research Information” includes, but is not limited to any and all records of an institution that have been created, developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution concerning research that have not been published, patented or otherwise disclosed, such as:

(1) Information contained in research proposal funding applications and human, animal, or clinical research protocols;

(2) Preliminary research data and memorandum discussions regarding preliminary data;

(3) Unpublished manuscripts or unpublished lecture notes, data, and other information relating to research;

(4) Creative works in process; or

(5) Intellectual property disclosures, laboratory notebooks and computer records associated with confidential research information, and scholarly correspondence prior to official publication of research results.

(e) Nothing in this policy shall be construed to require release of any confidential patient or other medical records in violation of federal and state privacy laws.

(B/R 10/07)

Section 9.2 Internal Audit Department Working Papers

9.2.1. All working papers from an NSHE internal audit are confidential and may be destroyed by the NSHE chief internal auditor five years after the report is issued, except that the chief internal auditor:

(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction;

(b) Shall make such working papers available for inspection by the members of the Audit Committee upon his or her request; and

(c) May make such working papers available for inspection by an authorized representative of a governmental entity for an official matter.

(B/R 9/14)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 10

RULES OF CONDUCT AND PROCEDURES FOR STUDENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION

Section 10.1 . Scope of the Chapter 2
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Section 10.1
.....Scope of the Chapter

10.1.1 Applicability of Procedures and Sanctions.

The procedures and sanctions established in this chapter are applicable to the resolution and determination of charges against students of the Nevada System of Higher Education for allegedly engaging in conduct prohibited by the Nevada System of Higher Education rules of conduct or by other applicable stated policies, procedures, rules, regulations or bylaws of the System institutions. Except as expressly provided in Section 10.4.12, the System institutions and professional schools may establish written policies, procedures and sanctions for the discipline of their students that may be used in lieu of the policies, procedures and sanctions of this chapter, including but not limited to the establishment of student conduct councils, subject to the prior review by the institution's general counsel and to the approval of the President of the institution.

10.1.2 Proceedings Concurrent.

Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative civil or criminal proceedings arising out of the same or other events.

10.1.3 Student Defined.

The term, "student" means any person who is or was enrolled in courses, either full-time or part-time, including correspondence study, electronic means, study abroad, or auditing, or courses offered through any institution satellite campuses or auxiliary means. Students are subject to disciplinary action for conduct that occurs during any period under this chapter's authority and jurisdiction as defined above. Students who leave the institution before a conduct matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the institution are considered "students". This includes individuals who have applied for admission to the institution or have been notified of their acceptance for admission.

10.1.4 Rules of Conduct.

The term, "rules of conduct" means the rules established in Section 10.2 of this chapter and includes any rules incorporated by reference in that Section.

10.1.5 System.

The term, "System," means the Nevada System of Higher Education.

10.1.6 Charged Student.

The term, “charged student,” means the student alleged to have violated the rules of conduct.

(B/R 9/15)

Section 10.2 Cause

10.2.1 Prohibited Conduct.

The following conduct is prohibited:

(a) Acts of dishonesty, including but not limited to the following:

(1) Cheating, plagiarism, fraudulently obtaining grades, falsifying research data or results, assisting others to do the same, or other forms of academic or research dishonesty;

(2) Furnishing false information to any institution or System official, faculty member, or office;

(3) Forgery, alteration, misuse, theft, or using without permission, any institutional document or record.

(b) Disorderly, lewd or indecent conduct, including the disruption, obstruction, or unauthorized interruption of teaching, convocations, recruiting interviews, social events, research, meetings, business and administration, disciplinary proceedings, or other institutional or System activities, including public service functions and outreach activities on or off campus, or other activities when the conduct occurs on institutional premises.

(c) Physical abuse and/or conduct that threatens or endangers the health or safety of any member or guest of the System community.

(d) Verbal abuse, intimidation, coercion, or bullying which is sufficiently severe, persistent or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the educational services, activities or opportunities offered by the university.

(e) Interference by force, threat or duress with the lawful freedom of movement of persons or vehicles on institutional premises.

(f) Resisting or obstructing institutional or other public officials in the performance of their duties.

(g) Failure to comply with the directions of institutional officials acting in accordance with their duties and/or failure to identify oneself to these persons when requested to do so.

(h) Acts of physical force or disruptive acts which interfere with institutional activities, freedom of movement on the campuses, freedom for students to pursue their studies, freedom of speech, freedom to be heard, and freedom to pursue research of their own choosing.

(i) Failure of the student to present proper credentials, student identification card, driver's license, or parking registration, to institutional officials upon their request.

(j) Forgery, alteration, falsification or destruction of System documents or furnishing false information in documents submitted to the System.

(k) Willful damage, destruction, defacement, theft or misappropriation of equipment or property belonging to, in the possession of, or on premises occupied by the System.

(l) Knowing possession on any premises of the System of any firearms, explosives, dangerous chemicals or other instruments of destruction, or other dangerous weapons as defined by the laws of the State of Nevada, without the written authorization of the institutional President or the President's authorized agent.

(m) Continued occupation of buildings, structures, grounds or premises belonging to, or occupied by, the System after having been ordered to leave by the institution's President, the President's designee, or the Chancellor.

(n) False reporting of any emergency situation, including but not limited to, misuse of campus or System emergency notification equipment. Unauthorized tampering with, and/or accessing of, safety, security, or fire protection equipment or devices. Setting off a fire alarm for reasons other than actual fire or emergency, involvement in setting or causing any unauthorized fire in or on institution property.

(o) The unauthorized possession, loan, modification, or distribution of keys, pass cards or institutional identification cards. Unauthorized or unlawful entry or access to institutional or System facilities, including buildings and grounds. The reproduction, manufacture or duplication of any key, pass card, institutional or System identification card or unlocking devise for use on institution or System facilities or locks without proper authorization.

(p) Abuse, unauthorized use, or theft of institutional or System computer facilities and resources, including but not limited to:

    (1) Unauthorized entry into, or transfer of, a file to use, read, or change the contents or for any other purpose; and/or a violation of copyright laws;

    (2) Use of another individual's identification and/or password;

    (3) Interfering with the work of another student, faculty member or institution or System official, or with the normal operation of the institution or System Computing System; or,

    (4) Violating the institution's Standards of Conduct for the Use of Institution's Computers.

(q) Willfully destroying, damaging, tampering, altering, stealing, misappropriating or using without permission any System, program or file of the System.

(r) Violation of the institution's policies and regulations governing residence in institution owned or controlled property, and access to and use of all institutional facilities, including responsibility for the conduct of guests.

(s) Use, possession, or distribution of alcoholic beverages without authorization (except as expressly permitted by System or Institutional regulations, such as the Alcoholic Beverage Policy), or public intoxication. Alcoholic beverages may not, in any circumstances, be used by, possessed by, or provided to, any person under 21 years of age.

(t) Use, possession, manufacturing or distribution (hereinafter "use") of marijuana, including for medical purposes; heroin; narcotics; or other controlled substances; use or possession of any illegal and/or unauthorized drugs, prescription drugs, and drug paraphernalia or being under the influence of illegal drugs except as expressly permitted by law. 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.

(u) Contempt of student disciplinary proceedings including impairing or interrupting any proceeding or providing false information to institution or System officials and student hearing board members during the course of the conduct resolution process. Failure to comply with the terms of any sanction imposed in accordance with the rules of conduct.

(v) The repeated use of obscene or abusive language in a classroom or public meeting of the System and which, if occurring in a class, is not significantly related to the teaching of the subject matter.

(w) The use of threats or violence against a faculty member or the faculty member's family in order to secure preferential treatment for grades, loans, employment, or other service or privilege accorded by the System.

(x) Any act of unlawful discrimination based on race, color, gender (including sexual harassment and pregnancy related conditions), age (40 or older), sexual orientation, disability, whether actual or perceived by others, military status or military obligations, religion or national origin, gender identity or expression, or genetic information, or any act of employment or educational retaliation against any person who has made a complaint about such discrimination.

(y) Sexual harassment, as defined in the regulations (34 C.F.R. Part 106) implementing Title IX of the Education Amendments Act of 1972, which is conduct on the basis of sex that satisfies one of the following:

1. An employee of a NSHE institution (including but not limited to a student employee) conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or

3. Sexual assault, as defined in 34 C.F.R. § 668.46(a) (commonly known as the Clery Act), as amended by the Violence Against Women Act, including dating violence, domestic violence, and stalking.

(z) Sexual assault, which is the use of, or threat to use, force or violence of a sexual nature, defined as sexual assault, against any member or guest of the institutional community on institution-owned or institution controlled property or at any institution sponsored program.

(aa) Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the university, college or community college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.

(bb) Intentionally making an accusation that is false or is made with reckless disregard for the truth against any member of the System community by filing a complaint or charges under the rules of conduct or under any applicable established complaint or grievance procedures in the System.

(cc) Willful incitement of individuals to commit any of the acts herein prohibited.

(dd) Any other conduct that violates applicable stated prohibitions, policies, procedures, rules, or regulations of the institution or Board of Regents.

(ee) Any act prohibited by local, state or federal law that occurs on System premises or at a System-sponsored function on or off such premises.

(ff) Dating Violence. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(gg) Domestic Violence. “Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(hh) Stalking. “Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

(ii) Sexual Violence. Sexual violence is a severe form of sexual harassment and refers to physical, sexual acts or attempted sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law. A person may be incapable of giving consent due to the use of drugs or alcohol, age, an intellectual or other disability, or other factors, which demonstrate a lack of consent or inability to give consent.

Sexual coercion is:

1. the use of violence or threats of violence against a person or the person's family or property;
2. depriving or hindering a person in the use of any tool, implement or clothing;
3. attempting to intimidate a person by threats or force; or
4. conduct committed with the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing.

In the context of sexual misconduct, coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

10.2.2 Institutions May Prohibit Other Conduct.

An institution may adopt policies which prohibit other conduct not included above which are approved by the President and institution's general counsel. (B/R 12/20)

Section 10.3 Student Conduct Officers or Coordinators.

10.3.1 Appointment of Student Conduct Officer or Coordinator .

The President of an institution may appoint a student conduct officer or coordinator and alternate student conduct officers or coordinators to serve if the student conduct officer is unable to perform the duties of this Section for any reason.

10.3.2 Training of Student Conduct Officer or Coordinator .

Student conduct officers or coordinators at an institution or professional school must receive training approved by the institution's legal counsel.

(B/R 9/15)

Section 10.4 Allegations of Violations of the Rules of Conduct.

Complaints alleging discrimination, including sexual harassment, that do not constitute sexual harassment under Title IX, are subject to the complaint and investigation procedures set forth in Title 4, Chapter 8, Section 13(C) of the NSHE *Handbook*. The hearing procedures and sanctions established in this Chapter 10 are applicable to the resolution and determination of such complaints.

Procedures required for allegations of sexual harassment under Title IX, including allegations of sexual assault, dating violence, domestic violence, and stalking, are set forth in Section 10.4.12. In the event allegations of misconduct include allegations of Title IX sexual harassment as well as allegations of other misconduct, all the allegations will be handled in accordance with the provisions of Section 10.4.12. The procedures for all other allegations are as follows:

10.4.1 Complaints.

Any member of the institution community may file a complaint against a student for violations of the rules of conduct. The complaint shall be prepared in writing and filed with the President or the student conduct officer. Any complaint should be submitted as soon as possible after the incident takes place.

10.4.2 Investigations and Computation of Time.

The student conduct officer, coordinator or designee may conduct an investigation to determine if the complaint has merit. At any time, the student conduct officer may determine that the best course of action to take is to informally resolve the complaint through mediation, conflict resolution, or an educational conference. Upon completion of the investigation, the student conduct officer or coordinator will deliver a letter to the student. The letter shall state the factual allegations, the charges, the student conduct officer's or coordinator's proposed informal resolution process, if not completed earlier, and a copy of this chapter.

In computing any period of time prescribed by this Chapter, the day of the act, event or default from which a designated period of time begins to run shall not be included. The last day of the time period shall be counted, unless it is a Saturday, Sunday or legal State holiday, in which case the time period runs until the end of the next day which is not a Saturday, Sunday or legal State holiday.

10.4.3 Informal Resolution.

The charged student shall participate in and work with the student conduct officer or designee for an informal resolution of the complaint. At the conclusion of the successful informal resolution process, a written determination shall be signed by both the student conduct officer or coordinator, and charged student which may include any of the disciplinary sanctions described in this chapter. At any time prior to signing a written determination, the charged student has the right to request a hearing before a hearing board or hearing officer as the means to resolve the complaint.

10.4.4 Failure to Reach Resolution.

If the student conduct officer and charged student do not reach an informal resolution or if the charged student requests a hearing, then the student conduct officer or coordinator shall notify the charged student in writing that the matter will be addressed through a hearing before a student conduct board or a student conduct hearing officer. A time shall be set for a student conduct hearing to occur within a reasonable time from this notification, yet not more than twenty-five (25) calendar days from the date of the decision to proceed with formal resolution of the complaint. Maximum time limits for scheduling of student conduct hearings may be extended at the discretion of the student conduct officer or coordinator. Notice of the hearing may be given by electronic mail or by first class mail with the U.S. Postal Service with delivery confirmation to the last known address of the student or by personal delivery.

10.4.5 Appointment of Hearing Boards or Hearing Officer.

The President or designee may establish one or more student conduct hearing boards or appoint individual hearing officers. A board shall be from three to five persons. Every board shall include at least one student and at least one faculty member. All complaints shall be heard by a board unless the charged student and student conduct officer agree that the complaint may be heard by a hearing officer.

10.4.6 Hearings.

A hearing before a student conduct board or hearing officer shall be conducted under the following rules of procedure:

(a) In student conduct hearings involving more than one charged student, the student conduct officer or coordinator, in his or her discretion, may permit the student conduct hearing concerning each charged student to be conducted either separately or jointly.

(b) The charged student has the right to be assisted by an advisor. The advisor serves as a supporter and advisor during the conduct hearing. The charged student and the student conduct officer or coordinator are responsible for presenting his or her own information, introducing witnesses, and answering questions throughout the hearing. When a student selects an advisor, in this process the advisor has no right to speak during the hearing except to the

charged student. The advisor may be an attorney. The student conduct officer or coordinator has sole discretion to allow for a delay in the hearing to allow for the scheduling conflicts of an advisor.

(c) The charged student and student conduct officer or coordinator shall notify the opposing party of all witnesses and provide copies of all documents and records in writing that the party proposes to introduce as evidence at least five (5) calendar days prior to the hearing. The President shall issue subpoenas to compel the attendance of persons and the presentation of documents at all hearings established under this chapter upon the request of the person charged or of the student conduct officer or coordinator. Such subpoena authority shall be exercised under the authority conferred by NRS 396.323.

(d) The charged student(s) and advisors, if any, along with the student conduct officer shall be allowed to attend the entire portion of the hearing, at which information is received, excluding the time of deliberations. Admission of any other person to the student conduct hearing shall be at the discretion of the student conduct board or hearing officer.

(e) Witnesses will provide information to, and answer questions from, the student conduct board or hearing officer. The charged student and student conduct officer may suggest questions. These questions will be directed to the chairperson of the conduct board or the hearing officer, who will question the witnesses directly. The chairperson of the conduct board or the hearing officer will decide on the specific course of questioning and/or information sharing throughout the hearing.

(f) All student conduct boards, hearing officers, or student conduct officers, may accommodate concerns for personal safety, well-being, and/or fears of confrontation, by the complainant, the accused, and witnesses, during the hearing or during the informal resolution process by providing the opportunity for the hearing board or student conduct officer to receive the pertinent information and conduct conversations for the resolution of the case using methods other than requiring both parties to be present in the same room at the same time. Such options include use of a visual screen, participation by videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined by the chairperson of the student conduct hearing board or hearing officer conducting the hearing.

(g) Either party may present pertinent written statements, records, or other information to the student conduct board or hearing officer. The formal rules of evidence in court shall not apply but irrelevant or unduly repetitious evidence shall be excluded.

(h) To the extent consistent with the Family Educational Rights and Privacy Act (“FERPA”) the hearing, except for deliberations, shall be taped or digitally recorded. Upon request by the student, a written transcript will be provided at the student’s expense. Personally identifiable information will be removed. The record shall be the property of the institution, and will be maintained with the student’s conduct records by the student conduct officer.

(i) Student conduct hearings shall be conducted in private, unless the charged student requests an open hearing. An open hearing must be held consistent with Subsection (f).

(j) If a charged student, with notice, does not appear at a student conduct hearing, the information in support of the complaint shall be presented, considered, and acted upon even if the charged student is not present. Failure of the student to appear is not evidence that the student was responsible for the charge of misconduct.

(k) The hearing will proceed according to the institution's schedule and will not be delayed by another process off campus.

(l) The chairperson of the student conduct board or the hearing officer decides procedural questions.

(m) The members of the student conduct board or the hearing officer deliberates in closed session after the hearing has concluded, and shall determine whether or not the charged student has violated each Section of the rules of conduct that the student is charged with having violated. This determination is made through consensus when possible, and if not possible, then by a simple majority vote of the board members.

(n) The student conduct board or hearing officer's determination shall be made on the basis of whether it is more likely than not that the charged student violated the rules of conduct.

(o) If the charged student is found not to have violated the rules of conduct, then the hearing is concluded. If the charged student is found to have violated the rules of conduct, then the student conduct board or hearing officer will discuss possible sanctions for the student after being informed of the student's disciplinary record with the institution.

(p) The student conduct board chairperson or the hearing officer will provide the board's decision on the violation and, if appropriate, for sanctions to the student conduct officer or coordinator and to the student. This written decision will be served within seven (7) calendar days of the conclusion of the hearing. The written decision may be served by electronic mail or by first class mail with the U.S. Postal Service with delivery confirmation to the last known address of the student or by personal delivery. Service is complete upon sending of the email or depositing with the U.S. Postal Service.

(q) With respect to an institutional disciplinary action alleging sexual violence, domestic violence, dating violence or stalking offense, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (f). 34 CFR 668.46 (Clery Act) requires that the complainant and respondent must be informed simultaneously of the outcome.

10.4.7 <u>Appeals.</u>

A student who is aggrieved by the decision of a student conduct hearing board or hearing officer may appeal to a vice president designated by the President or the President may decide to hear the appeal. The appeal shall be in writing and delivered to the student conduct officer within seven (7) calendar days of

the student's receipt of the decision. The student's appeal must include all written arguments in support of the appeal.

(a) The only grounds for an appeal are:

(1) Deviations from procedures set forth which results in significant prejudice.

(2) The decision reached regarding the charged student was not based on a decision that it was more likely than not that the charged student violated the rules of conduct.

(3) The sanction(s) imposed were not appropriate for the violation of the rules of conduct which the student was found to have committed.

(b) The student conduct officer or coordinator shall review the appeal and direct it, along with the recording of the hearing, any written evidence and arguments, and decision to the vice president designated by the President to hear the appeal within fourteen (14) calendar days of receiving the appeal. With the record, the student conduct officer or coordinator shall file written arguments in opposition to the appeal.

(c) The designated vice president shall review the recording of the hearing and the complaint, and decision, along with any information and evidence that was part of the decision-making of the conduct case, and will decide whether or not the appeal should be upheld. The designated vice president may uphold the decision, may refer the case back to the original board or hearing officer or may order a new hearing before a new board or hearing officer.

(d) The decision of the vice president shall be in writing and served upon the student and student conduct officer or coordinator within thirty (30) calendar days of the receipt of the decision and record of the hearing by the vice president. The vice president may extend the time limit of this Section by written notice to the parties.

(e) Any sanction against the student shall not take effect until any appeal is concluded.

(f) The student conduct officer or coordinator may suspend any time limits contained in this chapter during winter or summer breaks.

10.4.8 <u>Sanctions and Expunging the Record.</u>

The student conduct officer or designee will be responsible for monitoring the student in successfully carrying out the sanctions imposed as the result of a hearing or the final determination of the informal resolution process. Unless the student conduct officer otherwise states in writing, any final action resulting from a disciplinary hearing or the informal resolution process shall become part of the student's disciplinary record. Other than institutional expulsion or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, institution suspension, institution expulsion, or withholding of a degree, upon application to the student conduct officer or coordinator and approval by the President. A student may request that his or her disciplinary record be expunged and any such notation be removed from the student's transcript during the student's

semester before graduation or any time following graduation. The burden demonstrating reasonable cause for considering the expunging of a disciplinary record lies with the student. In considering such requests, the institution may consider the:

(a) Stated reason for request and circumstances surrounding the request;

(b) Date and seriousness of the violation;

(c) Student's behavior and disciplinary record since the violation, including successful completion of any imposed sanctions;

(d) The impact, if any, on the public that failure to give such notice may cause; and

(e) Consequences of denying the request.

The grant or denial of a request to expunge a student's disciplinary record shall rest solely within the discretion of the institution, and the enumeration of the foregoing factors shall not in any way imply a duty on the institution to grant such a request by means of a balancing or other test. If a request is not granted, the student at yearly intervals thereafter may request that his or her disciplinary record be expunged. The denial of a request to expunge is not appealable.

10.4.9 <u>Sanctions.</u>

The following are the disciplinary sanctions that may be imposed on a student found to have violated the rules of conduct. More than one sanction may be imposed.

(a) Warning. A notice, oral or written, that the student has violated the rules of conduct.

(b) Reprimand. A written reprimand for violation of specified regulations.

(c) Restitution. Compensation for loss, damage, theft or misappropriation of property, or injuries sustained in an incident of student misconduct. This may take the form of appropriate service, monetary, or material replacement or a combination of these.

(d) Probation. Probation consists of a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to have violated any institutional regulation(s) during the probationary period.

(e) Loss of Privileges. Denial of specified privileges for a designated period of time. This may include denying the student access to any campus, site, or building while permitting the student to enroll in off-campus classes such as internet or correspondence classes.

(f) Discretionary and Educational Sanctions. Participation in specific educational programs, such as alcohol or other drug educational intervention conferences, assessments, educational activities, including on-line instructional workshops, and work assignments or service to the institution or the community, and other related discretionary assignments.

(g) Residence Hall Suspension. Separation of the student from the residence halls for a period of time, after which the student is eligible to return. The minimum period of suspension is one semester and the maximum period is two semesters. Conditions for readmission may be specified in the suspension.

(h) Residence Hall Permanent License Cancellation. Permanent separation of the student from the residence halls.

(i) Withholding of a Degree. Prior to the awarding of a degree, the institution may withhold a degree from a student.

(j) Institutional Suspension. Exclusion for a definite period of time from attending classes and from participating in other activities of the System, as set forth in a written notice to the student. The official transcript of the student shall be marked —DISCIPLINARY SUSPENSION EFFECTIVE ____TO ___. The parents or legal guardians of minor students shall be notified of the action.

A student who is enrolled in his or her last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous semester may request that the notation of the disciplinary suspension be removed from the official transcript when two years have elapsed since the expiration of the student's suspension. Such request must be submitted in writing to the President or his designee. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.

(k) Deferred Institutional Suspension. Deferred separation of the student from the institution until the close of the current semester or some other time frame for review of student progress in addressing the conduct matter.

(l) Institutional Expulsion. Termination of student registration and status for an indefinite period of time. Permission of the President shall be required for readmission. The official transcript of the student shall be marked —DISCIPLINARY EXPULSION EFFECTIVE ____. The parents or legal guardians of minor students shall be notified of the action.

A student who is enrolled in his or her last semester before graduation or is not currently enrolled in the System and who was not registered during the previous semester or who graduated at the end of the previous semester may request that the notation of the disciplinary expulsion be removed from the official transcript when four years have elapsed since the expiration of the student's expulsion or termination. Such request must be submitted in writing to the President or designee. If the request is not granted, the student at yearly intervals thereafter may submit a request for removal of the notation.

10.4.10 Emergency Removal.

The President, the student conduct officer, or coordinator may impose an immediate emergency removal (hereafter, "removal") prior to the resolution of a charge of violation of the rules of conduct on the charged student. This removal includes the immediate exclusion from the institution and all of the institution's campuses, sites, locations, and property of a student for an interim period whenever the President determines that this is required to:

(a) Ensure the safety and well-being of members of the institution's community;

(b) Protect institution property;

(c) Prevent the student from posing an ongoing threat of disruption of, or interference with, the normal operations of the institution; or

(d) Protect any student from discrimination, including sexual harassment or retaliation for the report of discrimination, including sexual harassment.

10.4.11 Conditions of Emergency Removal and Hearing.

(a) When an emergency removal is imposed, the charged student shall be denied access to the institution, including classes and all other institutional activities or privileges for which the student might otherwise be eligible, as the President, the student conduct officer, or coordinator may determine to be appropriate. During the time of the removal from the institution, the student may not come onto institutional property for any reason other than meeting with the appropriate official(s) regarding resolution of the emergency removal and the student conduct violation. The student conduct officer or coordinator may permit the student to participate in distance learning classes that do not include entering onto institutional property and provide adequate protections to prevent any of the conditions of (a), (b), (c) or (d), above, from occurring. Any student so removed shall be afforded an opportunity for a hearing on the emergency removal no later than fourteen (14) calendar days following the removal unless the student agrees to delay the hearing to a later time. A hearing officer shall hold the hearing under the hearing procedures of the rules of conduct where those may be applicable. The student conduct hearing officer or coordinator shall make a recommendation to the President. The President's decision upon the hearing officer's recommendation shall be final. The removal does not replace the regular disciplinary process, which shall proceed under this chapter.

(b) Interim measures as described in NSHE *Handbook*, Title 4, Chapter 8, Section 13(B), except for emergency removal of the student, may be implemented without a hearing and are not subject to any grievance procedure.

10.4.12 Procedures Required when Title IX Sexual Harassment is Alleged.

(a) Definitions

1. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
2. "Respondent" means an individual who has been reported be the individual engaging in conduct that could constitute sexual harassment.
3. "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.
4. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
   - (i) An employee of a NSHE institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
   - (ii) Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
   - (iii) Sexual assault, as defined by the Clery Act, 34 C.F.R. § 668.46(a), as amended by the Violence Against Women Act of 1994, including but not limited to dating violence, domestic violence, and stalking.

For the purposes of this definition, "education program or activity" includes locations, events, or circumstances over which an institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an institution, which may include but is not limited to recognized fraternity, sorority, or student organizations. This definition does not apply to persons outside the United States.

For the purposes of this definition, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program.

"Rape" means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Statutory rape” means sexual intercourse with a person who is under the statutory age of consent (16 years old).

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship.

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

5. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment.
6. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
7. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to an institution’s Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President.

8. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution.
9. "Institution" means any and all of NSHE's eight (8) institutions, including the College of Southern Nevada; the Desert Research Institute; Great Basin College; Nevada State College; Truckee Meadows Community College; the University of Nevada, Las Vegas; the University of Nevada, Reno; and Western Nevada College, and NSHE's System Administration offices.
10. "Consent" means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.
    - Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
    - Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
    - The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
    - Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
    - Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
    - Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes: impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.
    - The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

(b) Response to Sexual Harassment.

An institution with actual knowledge of sexual harassment allegations in an education program or activity of the institution, as all defined in Subsection (a), against a person in the United States must respond promptly in a manner that is not deliberately indifferent. An institution is "deliberately indifferent" only if its response to sexual harassment allegations is clearly unreasonable in light of the known circumstances.

An institution's response must treat complainants and respondents equitably by offering supportive measures as defined in Subsection 6 of Subsection (a) to all parties, and by following a complaint process that complies with Subsection (e) before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection 6 of Subsection (a) against a respondent.

The institution's Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in Subsection 6 of Subsection (a), consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. An institution's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Depending on the specific nature of the problem, supportive measures and remedies may include, but are not limited to:

For Students:

a) Issuing a no-contact directive(s);
b) Providing an effective escort to ensure safe movement between classes and activities;
c) Not sharing classes or extracurricular activities;
d) Moving to a different residence hall;
e) Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
f) Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
g) Restricting to online classes;
h) Providing information regarding campus transportation options;
i) Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined;[1] and

[1] For example, if one party was disciplined for skipping a class in which the other party was enrolled, the institution should review the incident to determine if class was skipped to avoid contact with the other party.

j) Requiring the parties to report any violations of these restrictions.

For Employees:

k) Providing an effective escort to ensure safe movement between work area and/or parking lots/other campus locations;

l) Issuing a no-contact directive(s);

m) Placement on paid leave (not sick or annual leave);

n) Placement on administrative leave;

o) Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;

p) Providing information regarding campus transportation options;

q) Instructions to stop the conduct;

r) Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;

s) Reassignment of duties;

t) Changing the supervisory authority; and

u) Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the supportive measures and remedies.

Supportive measures and remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Supportive measures and remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

Remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any supportive measures or remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the supportive measures or remedies meet the goals of preventing ongoing harassment or discrimination, protecting the safety of the parties, and preventing retaliatory conduct.

In responding to allegations of sexual harassment, an institution shall not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

(c) Response to a Formal Complaint.

1. In response to a formal complaint, an institution must investigate the allegations contained therein and follow a complaint process that complies with Subsection (e). With or without a formal complaint, an institution must comply with Subsection (b).
2. Nothing in this Subsection precludes an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an

immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

3. An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a complaint process involves more than one complainant or more than one respondent, references in this Section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

(d) General complaint process requirements. Institutions shall:

1. Permit any person to report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator;
2. Promote impartial investigations and adjudications of formal complaints of sexual harassment;
3. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a complaint process that complies with this Section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection 6 of Subsection (a) against a respondent. Remedies must be designed to restore or preserve equal access to the institution's education program or activity. Such remedies may include the same individualized services described in Subsection 6 of Subsection (a) as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;
4. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

5. Ensure that the Title IX Coordinator, investigator, hearing officer, or any person designated by an institution to facilitate an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
6. Ensure that the Title IX Coordinator, investigator, hearing officer, or any person designated by an institution to facilitate an informal resolution process receive training on the definition of sexual harassment in Subsection (a), the scope of the institution's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
7. Ensure, coordination with the NSHE Chief General Counsel, that hearing officers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Subsection 4 of Subsection (g);
8. Ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Subsection 4 of Subsection (g);
9. Ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes;
10. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process;
11. Establish a reasonably prompt time frame for conclusion of the complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the institution offers informal resolution processes, and a process that allows for the temporary delay of the complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The institution must establish a reasonably prompt time frame that complies with the procedures outlined in Chapter 284 of the Nevada Administrative Code for classified employees, Chapter 289 of the Nevada Administrative Code for law enforcement, Chapter 6 of the NSHE Code for professional employees, and Chapter 10 of the NSHE Code or applicable code of conduct for students. Institutions may establish different time frames for different types of cases (e.g., sexual assault, domestic violence, dating violence, etc.);

12. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the institution may implement following any determination of responsibility;
13. State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard, and must apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and must apply the same standard of evidence to all formal complaints of sexual harassment;
14. Include the procedures and permissible bases for the complainant and respondent to appeal a written determination;
15. Describe the range of supportive measures available to complainants and respondents;
16. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege; and
17. Require any party to assert that the Title IX Coordinator, investigator(s), or hearing officer(s) has a conflict of interest or bias against complainants or respondents generally or the individual complainant or respondent at the time the party knew or should have known of such conflict of interest or bias.

(e) Complaint Procedures.

1. Upon receipt of a formal complaint, an institution must provide the following written notice to the parties who are known:
   (i) Notice of the institution's complaint process that complies with this Section, including any informal resolution process; and
   (ii) Notice of the allegations potentially constituting sexual harassment as defined in Subsection (a), including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Subsection (a), and the date and location of the alleged incident, if known. This written notice also must:
      (A) Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process;
      (B) Inform the parties that they may have an advisor of their choice under Subsection 4 of Subsection (f) who may be, but is not required to be, an attorney, and may inspect and review evidence under Subsection (f); and
      (C) Consistent with Subsection (l), inform the parties of the prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

2. If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Subsection 1 of Subsection (e), the institution must provide notice of the additional allegations to the parties whose identities are known.
3. Dismissal of formal complaint.
   (i) If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Subsection (a) of this Section even if proved, did not occur in the institution's education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Board of Regents' *Handbook*, NSHE Code, or institution's code of conduct.
   (ii) The institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
      (A) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
      (B) The respondent is no longer enrolled or employed by the institution; or
      (C) Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
   (iii) Upon a dismissal required or permitted pursuant to Subsections i and ii of Subsection 1 of Subsection (e), the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

(f) Investigation of a Formal Complaint. The institution investigating a formal complaint must:
1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties, provided that the institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so for a complaint process under this Section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the institution must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or complaint proceeding. However, an institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;
7. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
8. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required under this Section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Each party's written response, if any, shall be submitted to the investigator at least three (3) days prior to the live hearing.

(g) Live Hearings.

1. An institution must hold a live hearing over which a hearing officer presides. The hearing officer cannot be the same person as the Title IX Coordinator or the investigator(s).

2. At the live hearing, the hearing officer must permit each party's advisor during cross examination to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the institution under Subsection 4 of Subsection (f) of this Section to otherwise restrict the extent to which advisors may participate in the proceedings.
3. The live hearing may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or the witness answering questions.
4. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. For the purposes of this Section, "relevant" means a question or evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the question or evidence. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
5. If a party does not have an advisor present at the live hearing, the institution must provide, without fee or charge to that party, an advisor of the institution's choice, who shall not be an attorney, to conduct cross-examination on behalf of that party. Such advisors need not be provided with specialized training because the essential function of such an advisor provided by the institution is not to "represent" a party but rather to relay the party's cross-examination questions that the party wishes to have asked of other parties or witnesses so that parties never personally question or confront each other during a live hearing.

6. If a party or witness does not submit to cross-examination at the live hearing, the hearing officer(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
7. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
8. Nothing in this Subsection shall be construed to impair rights under the U.S. Constitution, including but not limited to the Fifth Amendment, or privileges recognized by statute or common law.

(h) Determination Regarding Responsibility.

1. The decision-maker, or hearing officer(s) as appropriate, must issue a written determination regarding responsibility under the preponderance of the evidence standard within 14 calendar days of the live hearing.
2. The written determination must include:
   (i) Identification of the allegations potentially constituting sexual harassment as defined in Subsection (a);
   (ii) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
   (iii) Findings of fact supporting the determination;
   (iv) Conclusions regarding the application of the institution's code of conduct to the facts;
   (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the institution to the complainant; and
   (vi) The institution's procedures and permissible bases for the complainant and respondent to appeal.
3. The institution must provide the written determination regarding responsibility to the parties simultaneously. The written determination becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(i) Appeals.

1. Within five (5) calendar days, any party may appeal from a determination regarding responsibility, and from an institution's dismissal of a formal complaint or any allegations therein, on the following bases:
   - (i) Procedural irregularity that affected the outcome of the matter;
   - (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
   - (iii) The Title IX Coordinator, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
   - (iv) Any additional basis offered by an institution.
2. As to all appeals, the institution must:
   - (i) Immediately notify the other party in writing when an appeal is filed;
   - (ii) Ensure that the decision-maker for the appeal is not the same person as the hearing officer(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
   - (iii) Ensure that the decision-maker(s) for the appeal:
     - (A) Does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
     - (B) Receives training on the definition of sexual harassment in Subsection (a), the scope of the institution's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
     - (C) Receives training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Subsection 4 of Subsection (g);
     - (D) Receives training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Subsection 4 of Subsection (g); and
     - (E) Uses training materials that do not rely on sex stereotypes.
   - (iv) Give all parties an equal opportunity to submit a written statement in support of, or challenging, the outcome within five (5) calendar days of the outcome;

(v) Issue a written decision within five (5) calendar days of receiving a written statement in support of, or challenging, the outcome describing the result of the appeal and the rationale for the result; and

(vi) Provide the written decision simultaneously to all parties.

3. The review on appeal is limited to the record, except in appeals based on newly discovered evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made. In such appeals, newly discovered evidence may be considered on appeal notwithstanding its absence from the record.

(j) Informal Resolution.

1. If a formal complaint of sexual harassment is filed, and at any time prior to reaching a determination regarding responsibility, an institution may offer the parties the option of informal resolution and may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:

   (i) Provides to the parties a written notice disclosing the allegations; setting forth the requirements of the informal resolution process, including the circumstances under which its agreed upon resolution precludes the parties from resuming a formal complaint arising from the same allegations; and explaining that any statements made or documentation or information provided by a party during the informal resolution process shall not be used or relied upon in a subsequent complaint process or live hearing without the permission of the party who made the statement or provided the documentation or information;

   (ii) Obtains the parties' voluntary, informed written consent to the informal resolution process; and

   (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

2. Institutions must provide the parties with a written notice explaining that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the complaint process with respect to the formal complaint, and withdraw from any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

3. An institution shall not require the parties to participate in an informal resolution process for any reason, and shall not require waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this Section as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

4. An individual serving as a facilitator of an informal resolution process shall not be the Title IX Coordinator, Title IX investigator, Title IX hearing officer, witness, or other institutional employee that has a duty to disclose allegations of sexual harassment to the institution.

(k) Recordkeeping.

1. An institution must maintain for a period of at least seven (7) years records of:
   - (i) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under Subsection 7 of Subsection (g), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
   - (ii) Any appeal and the result therefrom;
   - (iii) Any informal resolution and the result therefrom; and
   - (iv) All materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process. An institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public;
   - (v) For each response required under Subsections (b) and (c), an institution must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If an institution does not provide a party with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken.

(l) False Reports. Because discrimination and sexual harassment frequently involve interactions between persons that are not witnessed by others, reports of discrimination or sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or sexual harassment under this policy. However, individuals who knowingly make false reports or submit false information during the complaint process may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good

faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

(m) Retaliation.

1. Retaliation Prohibited. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to have engaged in sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the complaint procedures for sex discrimination required to be adopted under Subsection C.
2. Specific circumstances.
   (i) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Subsection 1 of Subsection (m).
   (ii) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a complaint proceeding under this part does not constitute retaliation prohibited under Subsection 1 of this Subsection (m), provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

10.4.13 Board of Regents Policy Against Unlawful Discrimination and Unlawful Harassment.

The Board of Regents policy against unlawful discrimination and unlawful harassment is set forth in Title 4, Chapter 8, Section 13 of the Board of Regents' *Handbook*.

10.4.14 Withdrawal of Student from Institution During Ongoing Investigations, Hearings, and Appeals.

In the event a student against whom disciplinary proceedings have been commenced pursuant to this Chapter 10 of the Nevada System of Higher Education Code withdraws from the institution prior to the completion of any investigation, hearing or appeal commenced before receipt of the withdrawal, then:

a. The withdrawal shall be effective immediately. Unless otherwise mandated by law, the person submitting the withdrawal shall not be permitted to revoke the resignation under any circumstances.

b. The pending investigation, hearing, or appeal shall immediately cease.

c. In cases involving gender discrimination or sexual harassment, the Title IX coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

d. The facts and circumstances of the charge(s) may be cause for denial of readmission, denial of an application of employment or denial of work as an independent contractor.

(B/R 12/20)

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 11

STUDENT PROGRAM DISMISSAL PROCEDURES

Section 1. Dismissal from Programs 2
Section 2. Dismissal for Failure to Maintain Required Grades or Required Grade Point Average (GPA) 2
Section 3. Dismissal Procedures 2

Section 1. Dismissal from Programs

A student may be dismissed from a program for academic reasons which may include but are not limited to inadequate grades or failure to remain in academic good standing as defined by the program, a lack of professionalism or unethical conduct, or failure to comply with other specific program requirements. Failure to comport with professional and/or ethical standards applicable to the particular discipline or program may be grounds for dismissal from a program. "Program" includes but is not limited to all undergraduate and graduate programs which have special requirements for admission to and/or for progression within the particular program. If the program has special requirements for admission or progression, they must be in writing and either published on the institution's website or provided in writing to all students who are admitted to the program. The program dismissal procedures established in this chapter are not applicable to expulsion from an institution for violation of the applicable student code of conduct.

System institutions, professional schools and individual programs may establish written policies, procedures and sanctions for program dismissals that may be used in lieu of the procedures of this chapter, subject to prior review by the institution's general counsel and the approval of the president of the institution. Any such policy will be effective the next semester following its approval by the president. In the absence of such an approved policy, the procedures set forth in this chapter will apply.
(B/R 6/14)

Section 2. Dismissal for Failure to Maintain Required Grades or Required Grade Point Average (GPA)

If the program dismissal is based upon failure to maintain required grades or a required GPA for the particular program or for a course within the program, this program dismissal procedure does not apply and the student may be summarily dismissed from the program. The student's only recourse to challenge a grade is to utilize the institution's grade appeal process. If the student's grade appeal is successful, the student must be reinstated in the program.
(B/R 6/14)

Section 3. Dismissal Procedures

a. Notice of the Dismissal.

   The student must be provided with a written statement of reasons for the program dismissal action before the student is dismissed from the program. However, student behavior or actions that threaten professional and/or ethical standards or norms may result in a modification of this procedure. Student actions related to the program, which cause life, health and safety risks, or program disruption, may be a basis for immediate removal from program activities (including but not limited to academic classes) pending the outcome of a review conference. Approval by the institution's president or designee is required in cases of immediate removal from a program where a notice of dismissal and review conference occur subsequently.

The notice of dismissal must include information about the review conference procedure (set forth in Subsection b. below) and the date for the review conference. A student may but is not required to be given a warning and the opportunity to correct any violations of program requirements before the issuance of a notice of dismissal.

b. Review Conference.

The student must be afforded the opportunity for a review conference. A review officer will administer and carry out the review conference.

The review conference is an informal meeting that is not intended to be adversarial in nature. The student may be accompanied by an advisor during the conference. The advisor serves in a support role to the student during the review conference. In this process the advisor has no right to speak during the review conference except to the student.

If a student, who has been given notice, does not appear for the review conference, the review conference will still proceed.

The review conference is the time for presentation of the information, documents or witnesses in support of the dismissal. The review conference is the time at which the student is afforded the opportunity to present information, documents or witnesses on his or her behalf. Witnesses may present a statement to the review officer. However, only the review officer may ask questions of any witnesses. Further, the individual who made the recommendation for program dismissal has the opportunity to participate in the review conference and may present information, documents or witnesses in support of the program dismissal recommendation. The review officer may also include a representative from the applicable discipline or program in the review conference.

A review conference must occur no earlier than three (3) college working days after the date on which written notification of the recommendation for dismissal was sent to the student by e-mail or by personal delivery. If the notice was sent by US Mail, the review conference must occur no earlier than five (5) college working days after the date of mailing. However, upon request by the student, the review officer, in his or her sole discretion, may grant an extension of time with regard to the review conference. Unless an extension of the time for the review conference has been granted by the review officer, the review conference must take place no later than 10 college working days after the date the written notice of dismissal was sent or delivered to the student.

c. Review Officer.

The review officer must be an individual at the level of academic vice president or designee. The review officer must not have been involved in the program dismissal recommendation.

d. Written Decision.

After careful review of all the materials, statements and relevant circumstances, the review officer must issue a written decision setting forth the reasons upon which the final decision is based. If the review officer does not uphold the recommendation for dismissal, the student must be reinstated in the program. The review officer will render a decision to the student and the program within five (5) college working days after the review conference.

e. Standard of Review.

The review officer's determination shall be made on the basis of whether it is more likely than not that the student engaged in behavior or actions related to the program that warrant program dismissal.

f. Decision Final.

The decision of the review officer is final and is not subject to appeal.

g. Re-Entry or Re-Admission.

Each institution shall determine the conditions, if any, for re-entry or re-admission to the program.

(B/R 6/14)

Title 3 – Legal Status of the University

Chapter 1

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Section 1. Introductory Statement

The University of Nevada was created by the Nevada State Constitution. The Constitution further sets forth certain requirements concerning the University of Nevada and prescribes certain powers, duties and limitations upon the Board of Regents. Pertinent provisions of the Constitution and digests of the Nevada Supreme Court decisions interpreting some of these provisions are included in this chapter.

Section 2. Pertinent Constitutional Provisions

The following are provisions in the Nevada State Constitution which affect the University of Nevada:

a. Article 11, Section 4 – Establishment of state university; control by board of regents.
The Legislature shall provide for the establishment of a State University which shall embrace departments of Agriculture, Mechanic Arts, and Mining to be controlled by a Board of Regents whose duties shall be prescribed by Law.

b. Article 11, Section 5 – Establishment of normal school and grades of schools; oath of teachers and professors.
The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the University, as in their discretion they may deem necessary, and all Professors in said University, or Teachers in said Schools of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article Fifteen of this Constitution. No Professor or Teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this Section, shall be entitled to receive any portion of the public monies set apart for school purposes.

c. Article 11, Section 6 – Support of university and common schools by direct legislative appropriation; priority of appropriation.
In addition to other means provided or the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

d. Article 11, Section 7 – Board of Regents: Election and duties. {Effective through November 22, 2010, and after that date unless the proposed amendment is agreed to and passed by the 2009 Legislature and approved and ratified by the voters at the 2010 General Election.}
The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first four years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulation as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of office of said Board of Regents provide for the election of a new Board of Regents and define their duties.

Article 11, Section 7 – Board of Regents: Creation; organization; appointment of members; duties. {Effective November 23, 2010, if the proposed amendment is agreed to and passed by the 2009 Legislature and approved and ratified by the voters at the 2010 General Election.}

1. There is hereby created a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law.
2. The Legislature shall provide by law for:
   a. The organization of the Board of Regents, including, but not limited to, the number of members of the Board of Regents and the qualifications and terms of office of the members of the Board of Regents;
   b. The appointment of the members of the Board of Regents by the Governor; and
   c. The duties of the Board of Regents and its members.

e. Article 11, Section 8 – Immediate organization and maintenance of state university.
The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said Mining department in such manner as to make it most effective and useful, Provided, that all the proceeds of the public lands donated by Act of Congress approved July second AD. Eighteen hundred and sixty two, for a college for the benefit of Agriculture, the Mechanics arts, and including Military tactics shall be invested by the said Board of Regents in a separate fund to be appropriated exclusively for the benefit of the first named departments to the University as set forth in Section Four above; And the Legislature shall provide that if through neglect or any other contingency, any portion of the fund so set apart, shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund so that the principal of said fund shall remain forever undiminished.

f. Article 11, Section 9 – Sectarian instruction prohibited in common schools and university.
No sectarian instruction shall be imparted or tolerated in any school or University that many be established under this constitution.

g. Article 11, Section 10 – No public money to be used for sectarian purposes.
No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose.

(B/R 6/09)

Section 3. Supreme Court Interpretations

The Nevada Supreme Court has had few occasions to interpret constitutional provisions relating to the University. However, such interpretations have great bearing on the authority of the Board of Regents and the manner in which the University is to be operated. The following are digests of these decisions as contained in Nevada Digests.

a. Attorney general, who was added as ex officio member of board of regents by legislative act, was not entitled to discharge duties of regent because he was not elected to that position in manner provided by previously enacted sec. 2, ch. 37, Stats, 1887 (cf. NRS 396.040), provided for election of three members of such board, or by Nev. Art. 11, & 7, requiring legislature to provide for election of member of board. State ex re. Mach v. Torreyson, 21 Nev. 517, 34 Pac. 870 (1893), cited, King v. Board of Regents, 65 Nev. 533, at 544, 200 P.2d 221 (1948), distinguished, State ex. Rel. Dickerson v. Elwell, 73 Nev. 187, at 189, 313 P.2d 796 (1957).

b. Nev. Art. 11, & 4, provides that legislature shall establish state university to be controlled by board of regents who duties shall be prescribed by law, and language of several statutes beginning 1887 that "powers and duties" of board shall be those prescribed by statutes did not establish practical construction broadening legislative authority, because where inescapable meaning of constitution is apparent from instrument itself, it is not permissible to adopt any different construction however long continued or however distinguished its authorship. King v. Board of Regents, 65 Nev. 533, 200 P.2d 221 (1948).

c. Nev. Art. 11, & 4, provides that state university shall be controlled by board of regents and unquestioned right of legislature to appropriate required funds for maintaining university does not indicate that constitution does not best exclusive and plenary control in regents, because right to provide and limit funds is entirely different from administration and control of university itself. King v. Board of Regents, 65 Nev. 533, 200 P.2d 221 (1948).

d. Nev. Art. 11, & 4, provides that legislature shall establish state university to be controlled by board of regents whose duties shall be prescribed by law and right of regents to control university in their constitutional, executive and administrative capacity is exclusive of such right in any other department of government, except for right of legislature to prescribe duties and for other legislative rights. King v. Board of Regents, 65 Nev. 533, 200 P.2d 221 (1948), distinguished, State ex rel Richardson v. Board of Regents, 70 Nev. 144, at 147, 261 P.2d 515 (1953).

e. Nev. Art. 11, & 7, provides for election of board of regents to control state university, and provision of statute creating advisory board that governor appoint members from among nominees chosen by elected board did not save statue from rule that legislature in absence of express constitutional authority may not add foreign duties to or take away natural duties from constitutionally created office. King v. Board of Regents, 65 Nev. 533, 200 P.2d 221 (1948), cited, Laxalt v. Cannon 80 Nev. 588, at 592, 397 P.2d 182 (1964), distinguished, Shamberger v. Ferrari, 73 Nev. 201, at 206, 314 P.2d 384 (1957).

f. Board of regents of university in exercise of its rule-making power under NCL & 7728 (NRS 396.110) could as to future employment revoke rule providing that member of staff could be dismissed only for cause and provide that any member of staff could be dismissed at the will of board of regents. State ex rel. Richardson v. Board of Regents, 70 Nev. 144, 261 P.2d 515 (1953).

g. Rule that professor with tenure may be discharged only for cause, adopted by board of regents of university pursuant to NCL & 7728 (NRS 396.110), had force and effect of statute and was binding upon such board. State ex rel. Richardson v. Board of Regents, 70 Nev. 144, 261 P.2d 515 (1953).

h. Discharge of professor by board of regents was judicial act subject to review by court on certiorari where board had adopted rule, pursuant to NCL & 772B (NRS 396.110), that professor with tenure could be discharged only for cause after hearing. State ex rel. Richardson v. Board of Regents, 70 Nev. 144, 261 P.2d 515 (1953).

i. In original action of quo warranto to oust four defendants from office as members of the board of regents of University of Nevada, where legislature had increased membership of board from five to nine members, vacancies which existed in four new offices could be filled until next general election only by appointment by Governor, appointment of persons to fill such vacancies by legislature was without constitutional authority. State ex rel. Dickerson v. Elwell, 73 Nev. 187, 313 P.2d 796 (1957).

j. For purposes of resolution adopted by board of regents of university that professor with tenure could be discharged only for "cause," cause did not mean any cause which board deemed sufficient cause, but rather legal cause, which touches on qualifications of person or his performance of duties, showing that he is not fit or proper person to hold office. State ex rel. Richardson v. Board of Regents, 70 Nev. 144, 261 P.2d 515 (1953).

k. Where faculty member of university was dismissed for insubordination on ground that he had made false accusation against president of university when he opened meeting of American Association of University Professors, of which he was president, by stating that he was surprised to see so many present in view of unfair and unwarranted criticism of association by president of university, and remark referred to address to faculty by president which most members of association had heard, remark could not be considered more than a statement of opinion, could not have misled those who had heard the president's address, and was not valid ground for dismissal. State ex rel. Richardson v. Board of Regents, 70 Nev. 347, 269 P.2d 265 (1954).

l. Where university professor was dismissed by board of regents for insubordination on grounds that he distributed to faculty, for purpose of attacking department of education and president, a magazine article that was critical of public schools, colleges of education, teachers colleges and professional educators, evidence did not support such ground where it appeared that lowering of entrance requirements was being considered, that professor distributed article to substantiate argument against lowering of requirements, that another article which was critical of the one distributed was admitted by professor to be fair criticism, that he offered to distribute that article, that dean of college of education did not regard article as attack upon him, the college, or president, that there was no disruption of faculty, and that there was university policy in effect which approved faculty participation in academic matters. State ex rel. Richardson v. Board of Regents, 70 Nev. 20, at 24, 293 P.2d 424 (1956), Oliver v. Spitz, 76

Nev. 5, at 10, 348 P.2d 158 (1960), Urban Renewal Agency v. Iacometti, 79 Nev. 113, at 119, 379 P.2d 466 (1963).

m. "Insubordination" which would warrant dismissal of university professor imports willful disregard of express or implied directions, or such defiant attitude as to be equivalent thereto. State ex rel. Richardson v. Board of Regents, 70 Nev. 347, 269 P.2d 265 (1954).

n. Where annually published bulletin of state university contained rules for its government, description of it organization, and report of its activities, continued appropriations by legislature and allowance of claims for bulletin from year to year could be said to constitute legislative approval of matters reported. King v. Board of Regents, 65 Nev. 533, 200 P.2d 221 (1948).

o. Professor received tenure with Desert Research Institute only, and not in University and Community College System of Nevada as whole because at time tenure was granted he was employed solely as DRI staff member who taught no more than one course per term in University, and DRI, as established by NRS 396.795 and 396.7953, was separate University division operating under personnel policy and procedure distinct from normal University policies. Winterberg v. University of Nevada System, 89 Nev. 358, 513 P.2d, 1248 (1973).

p. Order enjoining University of Nevada Board of Regents from discontinuing uneconomic University-operated food service and laying off classified employees in order to obtain such services from independent contractor was reversed on appeal where record clearly established that Regents acted in good faith to effect real, and not fundamentally sham, reorganization for substantial rather that arbitrary and capricious reasons. Although "good faith" alone would not justify layoff of classified employees and engaging independent contractor under NRS 2874.380 and 284.173, regularity of official action was presumed and burden was on party challenging action to show that action was in bad faith, fundamentally a sham, or was taken arbitrarily, capriciously, or for insubstantial reasons. University of Nevada v. State Employees Association, 90 Nev. 105, 520 P.2d, 602 (1974).

q. Review of record established that nontenured probationary faculty member at the University of Nevada, Las Vegas received a notice of termination sufficient to satisfy the mandate of the University and Community College System of Nevada Code and thus, his termination was lawful. Edwards v. The Board of Regents of the University of Nevada, et al, 92 Nev. 744, 557 P.2d 709 (1976).

r. Statute requiring all personnel actions taken by state, county or municipal departments, agencies, boards or appointing officers to be based solely on merit and fitness reasonably and properly imposes upon the governing board of the University of Nevada the obligations that it imposes on other state, country and municipal boards, namely the obligation to make hiring and retention decisions on the basis of merit and fitness and not on an immaterial factor such as age, sex, race, color, creed or national origin. Board of Regents v. Oakley, 97 Nev. 605, 637 P.2d 1199 (1981).

s. The Legislature may not invade the constitutional powers of the Board of Regents of the University of Nevada through legislation which directly interfaces with essential functions of the university. Board of Regents v. Oakley, 97 Nev. 605, 637 P.2d 1199 (1981).

Section 4. *Nevada Revised Statutes*, Chapter 396

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.

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.

a. 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 <u>only</u> 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:

   a. To provide for the safety and security of students, employees, and guests on each campus;
   b. To protect NSHE property;
   c. To create an atmosphere of respect, friendliness, and community on the campus using a community-oriented policing model developed to support the System and enhance the welfare of students and staff; and
   d. 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 campus or 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 take part in multi-jurisdictional task forces with other law enforcement agencies for the purpose of acting on matters concerning NSHE related business. The NSHE shall provide a "hold harmless" agreement to the sponsoring jurisdiction.

5. 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.

6. 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.

7. Hiring Criteria

   All NSHE police departments shall ensure qualified personnel are hired consistent with the hiring standards, guidelines and criteria established by the Nevada Peace Officers Standards and Training (P.O.S.T.).

8. 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 department 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. Pursuant to NRS 396.327, every member of the Police Department for the System is required to wear a badge bearing the words "University Police, Nevada."

9. 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.

10. 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 any NSHE police department. Any special operations must be approved by the police department head, the President of the relevant institution(s), and the Chancellor and reported to the Board after the operation is complete.

11. Board of Regents Reports

    The Board of Regents shall review annual 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 a copy of the annual security reports compiled for the preceding year pursuant to 20 U.S.C. §1092, including an executive summary and statistics regarding crimes on campus. 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).

12. Campus Reports and Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

    All NSHE police departments or public safety offices serving the institution 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.

    Available resources to assure compliance with the Act include, but are not limited to, the *Handbook* for Campus Security and Reporting (*https://www2.ed.gov/admins/lead/safety/handbook.pdf*).

13. Sex Offenders and Registered Offenders: Institutional Designee for Communication with Law Enforcement Agencies

    Each police department head must designate an employee of the police department or public safety office serving the institution who will be the contact person for law enforcement agencies, including the Nevada Department of Parole and Probation, concerning sex offenders and registered offenders, as defined under Title 4, Chapter 1 of the *Handbook*. The institutional designee must inform the appropriate local, state, or federal law enforcement agencies, including the Nevada Division of Parole and Probation of the Department of Public Safety, of any restrictions placed on a sex offender or registered offender as a condition of enrollment, employment, or presence at the institution.

    At least annually, each institution shall transmit to the Nevada Division of Parole and Probation of the Department of Public Safety the inventory required pursuant to Title 4, Chapter 22 of the *Handbook* of all programs or activities that involve children under the age of 18 years, including but not limited to high schools or other partnerships/affiliations with school districts, daycare facilities, summer camps and programs, sport camps, research studies, and other activities or programs that are specifically intended to involve children under the age of 18 years.

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.

16. University Police Services, Southern Command

University Police Services, Southern Command shall be responsible for providing security and police services to NSHE campuses and facilities in southern Nevada. This department shall provide sworn uniformed officer(s) to enforce relevant laws and promote public safety in a manner commensurate with the needs of each relevant campus or facility.

The police department head shall report directly to the Presidents of College of Southern Nevada, Desert Research Institute, Nevada State College, and the University of Nevada, Las Vegas, respectively, or their designee, as to matters related to their respective institutions. However, with respect to day-to-day administrative supervision (e.g., approval of leave time), the police department head may directly report to one of the above-mentioned institution Presidents or their designee. The police department head shall serve as the administrator-in-charge of the department and, as such, shall be responsible for upholding and enforcing the policies and procedures of this department in service of the mission of this Section and the missions of each institution.

In any dispute arising under this Section, the Presidents of the relevant institutions shall meet and confer with the police department head and attempt to reach a satisfactory resolution. If no resolution is reached, the Chancellor shall be notified and the Presidents of the relevant institutions shall meet, confer, and attempt to reach a satisfactory resolution. If no resolution is reached, the Presidents of the relevant institutions shall refer the dispute to the Chancellor who shall make a decision. The Chancellor's decision shall be final.

The Presidents of the relevant institutions shall meet and confer with one another as needed and at least annually to discuss the police department head's performance. The Presidents of the relevant institutions shall have an opportunity to comment on their satisfaction with the services delivered and request adjustments or modifications.

In the event of a vacancy in the office of the police department head, the Presidents of the relevant institutions shall convene to determine the process for filling the vacancy.

17. University Police Services, Northern Command

University Police Services, Northern Command shall be responsible for providing security and police services to NSHE campuses and facilities in northern Nevada (including Tonopah). This department shall provide sworn uniformed officer(s) to enforce relevant laws and promote public safety to follow procedures in a manner commensurate with the needs of each relevant campus or facility.

The police department head shall report directly to the Presidents of Desert Research Institute, Great Basin College, Truckee Meadows Community College, the University of Nevada, Reno, and Western Nevada College, respectively, or their designee, as to matters related to their respective institutions. However, with respect to day-to-day administrative supervision (e.g., approval of leave time), the police department head may directly report to one of the institution Presidents or their designee. The police department head shall serve as the administrator-in-charge of the department and, as such, shall be responsible for upholding and enforcing the policies and procedures of this department in service of the mission of this Section and the missions of each institution.

In any dispute arising under this Section, the Presidents of the relevant institutions shall meet and confer with the police department head and attempt to reach a satisfactory resolution. If no resolution is reached, the Chancellor shall be notified and the Presidents of the relevant institutions shall meet, confer, and attempt to reach a satisfactory resolution. If no resolution is reached, the Presidents of the relevant institutions shall refer the dispute to the Chancellor who shall make a decision. The Chancellor's decision shall be final.

The Presidents of the relevant institutions shall meet and confer with one another as needed and at least annually to discuss the police department head's performance. The Presidents of the relevant institutions shall have an opportunity to comment on their satisfaction with the services delivered and request adjustments or modifications.

In the event of a vacancy in the office of the police department head, the Presidents of the relevant institutions shall convene to determine the process for filling the vacancy. (B/R 12/21)

Section 13. Regent Travel and Host Spending Policy

1. <u>In-State Travel</u>. 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. <u>Out-of-State Travel</u>. 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. <u>Operating Funds</u>. 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. Regent-Emeritus/Emerita Status

1. Regent-Emeritus/Emerita status is a privilege, awarded in the Board of Regents' discretion by action of the Board, to honor a former Regent after long-term achievement and distinguished service to NSHE. A minimum of 12 years of service is required to be eligible for the title of Regent-Emeritus/Emerita. Persons currently holding or running as a candidate for an elected public office are not eligible to be awarded Regent-Emeritus/Emerita during their term of office.

2. Emeritus/Emerita Regents may, upon request, receive business cards, a parking permit to park on campus while attending official institutional events, and such other attendant privileges as the Chancellor may deem appropriate.

(B/R 6/19)

Section 15. 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 16. 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. Awards granted shall be referred to as the "Sam Lieberman Regents' Award for Student Scholarship" in commemoration of his service and dedication to higher education in Nevada.

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 6/20)

Section 17. Nevada Regents' Award for Creative Activities

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 18. Nevada Regents' Researcher Awards

1. The Nevada Regents' Researcher Award shall be given annually to NSHE faculty members at UNLV, UNR, NSC and DRI with a distinguished record in research. Two awards will be given annually: one to a faculty member in recognition of a distinguished career in research and one to a faculty member in recognition of mid-career accomplishments 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 up to three NSHE faculty members at each UNLV, UNR, NSC 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 3/22)

Section 19. 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. Four awards will be granted annually.
   a. Full-time faculty who are tenured or tenure track 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.
   b. Full-time faculty who are not tenured or tenure track who provide instruction as part of their regular assignments at DRI or who provide instruction as their primary assignments at UNLV, UNR, and NSC are eligible for one award.
   c. Full-time faculty who are tenured or tenure track who provide instruction as their primary assignment at CSN, GBC, TMCC, and WNC are eligible for one award.
   d. Full-time faculty who are not tenured or tenure track who provide instruction as their primary assignment at CSN, GBC, TMCC, and WNC are 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 11/18)

Section 20. 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 21. 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 22. 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 23. 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 Nevada System of Higher Education (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. The NSHE also acknowledges its obligations to comply with the Nevada Public Records Act and federal and state laws

governing discovery in litigation, subpoenas, court orders and national security. Each institution within NSHE may adopt further computing resources policies congruent with these principles.

2. Applicability and Definitions
   a. This policy applies to all NSHE institutions, the Chancellor's Office and the Nevada System of Higher Education Computing Services.
   b. For purposes of this Section:
      i. "President" means the chief executive officer of a member institution, and the term shall also include the Chancellor where the context of this policy requires with respect to the Unit or the special units.
      ii. "Unit" means the combined administrative unit consisting of the Chancellor's Office and the NSHE Computing Services.
      iii. "User" includes faculty, staff and students.
      iv. "NSHE policies" include the *Board of Regents Handbook* and the NSHE Procedures and Guidelines Manual.

3. Procedures and Guidelines

   In addition to the provisions of this Section, the Chancellor is directed to establish procedures and guidelines necessary to implement the Computing Resource Policy, including but not limited to, circumstances in which a user's email may be accessed when the user is absent without notice or leaves the employment of NSHE or in emergency situations.

4. 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 and the Chancellor's Office. 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 policies 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 may first be given, if required by federal or state law or NSHE policies, notifying the user that their action violates policy or law and that their access will be suspended if the action continues. The applicable NSHE policies, Nevada law and campus by-laws shall be followed if the need to suspend computing privileges of 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. Users are discouraged from storing personal or family financial, medical, business or other records on NSHE computers. Personal use shall not interfere with official institutional or Unit use. Any user who intentionally or negligently damages NSHE computing resources shall be held responsible for the resultant expense.

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 shall 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.

5. 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. Except as provided herein, the content of files of a current user shall only be examined when there is a reasonable suspicion of wrongdoing or computer misconduct as determined by the 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 Chapter 6 or Chapter 10 of the NSHE Code, Nevada law, or an institutional student conduct process. 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.

6. 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 users are responsible for not installing illegal computer software on NSHE equipment. All NSHE institutions and the Unit will enforce copyright laws and provide appropriate software management controls.

7. 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.

8. Legal Context: All federal and state laws, NSHE policies, and individual institutional policies are applicable to computer and network usage. Violation of NSHE policies may result in disciplinary action. Violation of applicable laws may result in civil damages and criminal sanctions under state and federal law.

(B/R 12/17)

Section 24. NSHE Information Security Policy

1. It is the policy of the Board of Regents that sensitive data maintained or transmitted by a Nevada System of Higher Education (NSHE) institution, the Chancellor's Office or the NSHE Computing Services must be secure. Further, as data collectors, NSHE institutions, the Chancellor's Office and NSHE Computing Services are required to comply with Nevada Revised Statutes (NRS) 603A.010-603A.910 (Security of Personal Information). Accordingly, the Board of Regents hereby establishes this policy in order protect sensitive data from unauthorized access, use, and disclosure, and establishes standards for the maintenance and handling of sensitive data and other information.

2. Definitions

   For purposes of this Section:

   a) "Unit" means the combined administrative unit consisting of the Chancellor's Office and the Nevada System of Higher Education Computing Services.
   b) "Sensitive data" refers to personal information as that term is defined in NRS 603A.040, including but not limited to social security number, and any other data identified in state and federal law that the Unit or any NSHE institutions are required protect from unauthorized access, use, or disclosure.

3. NSHE Standards for Security Controls

   NSHE hereby adopts the National Institute of Standards and Technology (NIST) Cybersecurity Framework, currently in effect and as otherwise amended or updated, as the NSHE standards for security controls.

4. NSHE Chief Information Security Officer

   The Chancellor shall appoint a Chief Information Security Officer ("CISO") for NSHE who shall be responsible for development and management of an information security program for the Unit and NSHE institutions. In addition, the NSHE CISO:

   a) Shall establish appropriate management and governance structures related to information security or NSHE;
   b) May establish system-wide committees to assist in the development and management of the NSHE information security program;
   c) Shall work with NSHE Internal Audit on any testing or validation related to the NSHE information security program and Unit and institutional compliance with the program; and

      May develop an operations manual or similar document providing technical guidance to the Unit and NSHE institutions for the development of information security plans required by this Section that includes, but is not limited to, provisions for compliance with the Graham Leach Bliley Financial Services Modernization Act of 1999 (15 U.S.C. § 6801 et seq. and 16 CFR §314.1 et seq.), the Health Insurance

Portability and Accountability Act of 1996 (HIPPA), and Payment Card Industry Data Security Standard (PCI-DSS).

5. Unit and Institutional Information Security Plans

   The Unit and each NSHE institution shall:

   a) Prepare and maintain a written information security plan that incorporates the NIST Cybersecurity Framework and includes, but is not limited to, the following:
      i. An inventory of the Unit's or institution's current cybersecurity controls aligned with the NIST Cybersecurity Framework (the "Current Profile"); and
      ii. A plan for maintaining alignment with the NIST Cybersecurity Framework that addresses any necessary improvements or emerging threats (the "Target Profile").
   b) Update their Current Profile and Target Profile, every two years or sooner if required by the NSHE CISO.

6. The Unit and each NSHE institution shall comply with any notification requirements applicable in the event of a breach of sensitive data or other information, including, without limitation, NRS 603A.220 (Disclosure of breach of security of system data; methods of disclosure) and any other applicable state or federal laws and regulations. Any Unit or institutional breaches of sensitive data or other information shall be reported to the NSHE CISO within 24 hours of the Unit's or institution's discovery of any such breach.

7. Any use of social security numbers by the Unit or an NSHE institution shall comply with the Privacy Act of 1974 (codified at 5 U.S.C. § 552a). The Unit and each NSHE 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.

8. The Unit and each NSHE institution shall comply with the disclosure requirements set forth in NRS 239B.030 (Disclosure of Personal Information to Governmental Agencies: Recorded, filed or otherwise submitted documents).

(B/R 12/17)

Section 25. 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 26. 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 27. 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 28. 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[1] with legitimate educational interest[2];
    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;

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[1] 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."
[2] 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.

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;
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 at 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 29. Records Retention Policy *(effective date of July 1, 2016)*

The NSHE Records Retention and Disposition Schedule is set forth in the NSHE *Procedures and Guidelines Manual*. Amendments to the NSHE Records Retention and Disposition Schedule are subject to the approval of the State of Nevada Records Committee and the Chancellor.

(B/R 12/15)

Section 30. 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, System General Counsel, 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 31. 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, Chapter 239 of the *Nevada Revised Statutes*.

2. Open Meeting Law Guidelines.
   a. Office of the Attorney General.

      The System General Counsel 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 or an audio recording will be made available for inspection by the public within 30 working days after adjournment of the meeting and the minutes and any audio recording 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.
   4. Unless good cause is shown, minutes of a meeting subject to the Open Meeting Law shall be approved within 45 days after the meeting or at the next meeting of the Board or committee, whichever occurs later.
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(3).
   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 except as otherwise provided in NRS 241.033(5)(b) which authorizes the Chair to allow Board members to determine, by majority vote, which additional persons, if any, other than the person who is the subject of the closed meeting, are allowed to attend the closed session or a portion thereof. 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 of 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(3)(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 or an audio recording will be made available for inspection 30-working days after the adjournment of the meeting in accordance with NRS 241.035(2) and a copy of the minutes or audio recording will be made available to a member of the public upon request free of charge.
   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 System General Counsel.

(B/R 9/15)

Section 32. 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 ensure 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 33. Possession of Weapons on NSHE Property

1. <u>INTRODUCTION</u>

   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.[3] 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 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.

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[3] *District of Columbia v. Heller*, 554 U.S. 570, 626-7 and 626-7, n. 26 (2008).

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. <u>WRITTEN REQUEST FOR PERMISSION TO CARRY WEAPON ON NSHE PROPERTY</u>

a. General Rule: An individual seeking permission to carry a weapon[4], 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.

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[4]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.

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;
    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 34. Possession and Use of 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 marijuana, including for medical purposes. Federal law prohibits the use of marijuana, including for medical purposes, on college and university campuses that receive federal funding. The following provisions shall govern the possession and use of marijuana, including for medical purposes, 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 agreement 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 agreements 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 marijuana, including for medical purposes, 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, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine. Any NSHE institution may engage in 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 9/18)

Section 35. 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)

Section 36. Policy on Registered Offenders

1. <u>Policy Statement</u>

   The Nevada System of Higher Education is committed to promoting a safe and secure environment at all of its institutions. Each institution shall comply with federal and state law and policies set forth by the Board of Regents governing registered offenders, as defined by this Section.

   Pursuant to this Section and based on the nature of the offense and risk level of the registered offender, institutions may deny admission, revoke admission, limit enrollment and/or restrict the activities of a student, employee or other individuals on the campus who are registered offenders.

2. Definition of “Registered Offender”

As used in this Section, “registered offender” refers to any individual required to register as a sex offender or offender convicted of a crime against a child under federal or state law, including Chapter 179D of Nevada Revised Statutes, regardless of whether that individual is under supervision by any agency of a local, state or federal government.

3. Institutional Procedures Governing Registered Offenders

Each President shall develop procedures governing the application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors, on campus of a registered offender. These procedures must comply with state and federal law governing registered offenders and must include, but are not limited to, the following:

a. Self-Reporting Required by Registered Offender

Institutions must require registered offenders to report their offender status and provide other information required by the institution to the institution’s police or security services and/or other individual or department designated by the institution. Failure to self-report may result in immediate removal from campus and/or disciplinary action, including sanctions authorized by this Section. Other information required by the institution may include, but is not limited to, contact information; changes in residence and employment; and name and address of supervising agency, if any.

b. Restrictions Placed on Registered Offender by Institution

Institutions must document any restrictions placed on the registered offender as a condition of application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors. The restrictions may include but are not limited to:

i. Restrictions on Institutional Housing

Institutions may deny or restrict a registered offender from working, visiting, or living in residence halls, apartments or other institutional facilities for housing.

ii. Restriction on Enrollment

Institutions may withdraw, restrict or change student enrollment, including distance education courses, in which a registered offender is enrolled based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender under state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.

iii. Restricted Areas/Locations

Institutions may restrict registered offenders from working or being present in specified areas or locations on the campus based on the presence of minors or other restrictions placed on the registered offender by the institution or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety. Such locations include, but are not limited to, any children’s programs.

iv. Restriction on Employment

In accordance with the Board of Regents Code, Title 2, Chapter 6, institutions may deny, terminate or change the duties of employment of a registered offender based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender by the institution or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.

v. Restriction on Extracurricular or Co-Curricular Activities

Institutions may restrict the participation of a registered offender in extracurricular or co-curricular activities based on the presence of or potential to interact with a minor, and/or other restrictions placed on the registered offender by the institution or pursuant to state or federal law, as a condition of parole or probation, or by the Nevada Division of Parole and Probation of the Department of Public Safety.

vi. Meeting with Institutional Designee

Institutions may require registered offenders to meet with a person designated by the institution upon application, admission, enrollment, employment and/or other presence, including but not limited to volunteers and vendors, and/or as requested or determined necessary by the institution.

c. Student Appeal Process

Institutions must establish an appeals process under which an offender who provides written notice of an objection to any restriction imposed pursuant to the institutional policy may appeal. Such restrictions may include, but are not limited to, the denial or revocation of admission or the administrative withdrawal from classes. Pending appeal, all restrictions imposed by the institution remain in place.

d. Policy Applicability and Sanctions

All students, faculty, staff, and other members of the campus community are subject to this policy. Individuals who violate this policy are subject to discipline up to and including termination and/or expulsion in accordance with this Section; the NSHE Code (or applicable Student Code of Conduct); in the case of classified employees, the Nevada Administrative Code; or in the case of DRI technologists, the Technologists Manual. Other, lesser sanctions may be imposed, depending on the circumstances.

(B/R 9/16)

Section 37. Unmanned Aircraft Systems (UAS)

1. General Policy

The Board of Regents and the Nevada System of Higher Education (NSHE) are committed to the appropriate and safe use of unmanned aircraft systems (UAS) to further academic and research objectives.

2. Procedure
   a. NSHE institutions must operate UAS in full compliance with all applicable federal laws, including Federal Aviation Administration (FAA) rules and regulations, and all applicable local and state laws, including the provisions of Chapter 493 of Nevada Revised Statutes governing unmanned aircraft vehicles and NRS 396.970 which prohibits surreptitious electronic surveillance on NSHE campuses. Federal regulations supersede any conflicting Board or institutional policies or procedures. NSHE employees, staff or students using UAS as part of their employment or as part of an NSHE program must abide by the most current FAA and state regulations, including obtaining any necessary federal or state authorizations. If UAS operators are uncertain of the applicable regulations at the time of flight planning, Nevada Institute for Autonomous Systems (NIAS) or the FAA should be contacted. Permission for flight operations should also be acquired from property owners/land managers in advance of flight activities.
   b. After obtaining all required flight permissions, and prior to beginning any operations, the employees, staff and students using UAS outdoors must contact the risk manager or other designated individual responsible for UAS for their institution and confirm that insurance coverage, if required, will be obtained and in place prior to operation, and at a minimum, will ensure liability coverage is provided through the limitations on State tort actions pursuant to Chapter 41 of Nevada Revised Statutes or a separate insurance policy.
   c. All NSHE UAS operators must take all reasonable measures to protect the safety of those involved in the operation and the general public and to avoid violating the privacy rights of the general public.
   d. Each institution shall establish policies and procedures governing the use of UAS that comply with federal and state law governing UAS flight and may include, but are not limited to:
      i. Requesting required permissions and receiving guidance regarding UAS on the campus, including the designation of an individual on campus to serve as a UAS representative or coordinator;
      ii. UAS use for educational, recreational, or hobby purposes on campus, including requiring membership in organizations that provide insurance coverage as part of membership;
      iii. Limitation and/or designation of specific campus areas and times for UAS use such as UAS “geo-fencing” (may include but is not limited to approved designated outdoor netted areas that are exempt from FAA requirements);
      iv. Prohibitions on use in and around student housing or other areas;
      v. Requiring central registration/approval of all UAS vehicles and notification of police/security when UAS use will occur;
      vi. Restrictions on UAS flight over sporting or other outdoor events;
      vii. UAS use for research on or off campus;
      viii. Export control restrictions on UAS use;
      ix. Third-party requests for flights over campus (e.g. media requests);
      x. Use of third-party contractors for UAS operation;
      xi. Training requirements for UAS operators;
      xii. Discipline for violation of UAS policies and procedures; and
      xiii. UAS use for other purposes on or off campus.

e. Any third party, including institution contractors and vendors, wishing to use a UAS over NSHE property must first receive approval through the President of the institution with authority over the property. The President may delegate this responsibility to individual designees at the institution.
f. Any faculty, staff or students operating UAS for educational, hobby, or recreational purposes on NSHE property must abide by the FAA safety guidelines for Model Aircraft Operations.

3. Sanctions
    a. Any violations of Board or institutional policy by an individual will be dealt with in accordance with applicable Board and institutional policies and procedures, which may include disciplinary actions up to and including termination of employment or enrollment.
    b. Legal prohibitions regarding physical presence on campus, including trespassing, and other legal action may also be pursued against third parties that operate UAS in violation of this policy.
    c. Fines or damages incurred by individuals, institutional departments or units that do not comply with this policy will not be paid by NSHE and will be the responsibility of those persons involved.

(B/R 9/16)

Section 38. Freedom of Expression: Aspirational Statement of Values

The Nevada System of Higher Education (NSHE) and its eight institutions are committed to free and open inquiry in all matters and strive to afford all members of the NSHE community the broadest possible latitude to speak, write, listen, challenge and learn. Except insofar as limitations on that freedom are necessary to the functioning of NSHE and its institutions, NSHE and its institutions fully respect and support the freedom of all its students, faculty, and staff to discuss any topic that presents itself, free of interference. NSHE and its institutions support addressing issues and controversies by the method of open discussion.

The freedom to debate and discuss the merits of ideas is both welcomed and encouraged. The climate of conflict among competing ideas is quite natural and NSHE and its institutions are appropriate spaces for discourse that inspires critical thought and promotes enhanced learning opportunities.

This freedom, however, is not absolute. In narrowly-defined circumstances, NSHE and its institutions may lawfully restrict expression and may reasonably regulate the time, place, and manner of expression consistent with First Amendment principles.

NSHE and its institutions are committed to the principle that it may not restrict or suppress debate or deliberation because the ideas put forth are thought to be offensive, unwise, immoral, or misguided. History shows that when institutions of higher education attempt to censor or punish the free expression of ideas, they undermine their core function of promoting rational discussion, inquiry, discovery, and the dissemination of knowledge. It is not the proper response of NSHE and its institutions to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. It is for members of the NSHE community to make those judgments for themselves.

Members of the NSHE community are encouraged to promote an atmosphere of mutual respect that is aligned with institutional values of inclusivity, diversity, and critical thinking. These values and this encouragement inform the vision of the community we aspire to be.

Faculty, students, staff, and others are free to criticize, contest, and condemn views expressed on campus; however, they may not obstruct, disrupt, suppress or otherwise interfere with the freedom of others to express views they reject or even loathe. For members of the NSHE community, a proper response to ideas they find offensive, unwarranted, and dangerous is to engage in robust counter-speech that challenges the merits of those ideas and exposes them for what they are. To this end, NSHE and its institutions have a responsibility not only to promote a lively and fearless freedom of expression and deliberation, but also to protect that freedom when others attempt to restrict it.
(B/R 3/19)

Section 39. Notice to Board of Public Comments on Certain Federal Matters

The Board of Regents shall promptly be provided a copy of any written public comments submitted by an NSHE institution, or the Office of the Chancellor, to any federal agency or official regarding the proposed adoption, repeal, or amendment of any federal policy, regulation, or statute.
(B/R 6/19)

Section 40. Regents' Outstanding Classified Staff Award

1. The Board of Regents' Outstanding Classified Staff Award is given annually to staff members with distinguished classified service. One award will be granted annually to a full-time member of the classified staff who provides outstanding service in support of the institution and/or classified staff. An eligible employee may be nominated based upon, but not limited to, the following criteria:
    a. Contribution to the achievement of their institutions mission and goals;
    b. Attitude towards fellow employees, students, and the public, as well as attitude towards work, including, availability, cooperation, courtesy, friendliness, helpfulness, and presence on the job;
    c. Service to fellow employees, students and the public;
    d. Work quality, including accuracy, completion, creativity, dependability, initiative, and timeliness;
    e. Participation where involvement was beyond the scope of regular duties; and
    f. Interest in professional or self-development.

2. Nominations. Notification shall be sent annually by the NSHE Director of Human Resources to each NSHE institution. Each institution's President, in conjunction with the institution's Classified Council, may submit one nomination for consideration to the NSHE Director of Human Resources. The nomination may be drawn from the institution's employee of the year or other qualified candidates.

Each nomination must contain the following information only:

a. Formal Letter. A nomination may be from an NSHE employee or student and should address the following:
    i. How the candidate accomplished a significant record of excellence in service that is worthy of recognition by the Board of Regents.
    ii. Clear evidence of the following:
        1. Specific service to the institution, the campus community, and/or NSHE; and
        2. Any other supplemental materials that support the nomination.
    iii. Nomination materials must be submitted to the NSHE Director of Human Resources via electronic mail no later than October 30 of each year.
b. Length of Service. Candidates should have at least five years of cumulative service with NSHE by the date of nomination to be considered for the award. If an institution wishes to nominate a candidate that has fewer than five years of cumulative service within NSHE, an additional letter of justification must be submitted.
c. Review. The NSHE Classified Council will review the submitted nominations for eligibility requirements and to confirm required materials are included in nominee packets.

3. Composition of the Selection Committee. The Selection Committee for the Regents' Outstanding Classified Staff Award shall be composed of the following individuals:
    a. NSHE Director of Human Resources;
    b. One institutional administrator or designee from each NSHE institution;
    c. One NSHE Classified Council Executive Board member appointed by the NSHE Classified Council; and
    d. One Classified Council Chair/President or designee from each NSHE institution.

    The Selection Committee may elect to utilize an external entity as part of its evaluation of nominees.

4. Final Approval. The recommendation of the candidate by the Selection Committee shall be presented to the NSHE Classified Council for approval. Upon approval by the NSHE Classified Council, the candidate and supporting materials shall be forwarded to the Office of the Chancellor for final consideration and approval by the Board of Regents.

5. Award Amount. The award will carry with it a cash stipend of $3,000 for the recipient.
(B/R 1/21)

Title 4 - Codification of Board Policy Statements

Chapter 2

ADMINISTRATIVE OFFICERS

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Section 1. Duties and Responsibilities of System Officers

The duties, responsibilities and job descriptions of the Chancellor and the Presidents of the member institutions shall be as stated in the Bylaws of the Board of Regents.

Section 2. Appointment and Vacancies of System Officers

The Chancellor shall establish procedures concerning the appointments and vacancies of System officers.
(B/R 10/04)

Section 3. Duties and Responsibilities of System Administration Executive Staff

The Chancellor may, as provided in Title 2, Chapter 1 of the Code, appoint certain executive staff to assist with the effective operation of the NSHE, to include Vice Chancellors, System General Counsel, and any other administrative positions that may report directly to the Chancellor. The Chancellor shall notify the Board in writing when a new Vice Chancellor or equivalent position is added. The duties, responsibilities, job descriptions, and annual evaluation guidelines for System Administration executive staff shall be stated in writing and maintained on file in the Chancellor's Office.

In the event a professional conflict of interest arises with respect to the reporting line between the System General Counsel and the Chancellor, the System General Counsel shall report directly to the Board Chair until such time as the conflict of interest is removed.
(B/R 3/18)

Section 4. Evaluations

In accordance with basic principles approved by the Board of Regents, the Chancellor shall maintain written guidelines on file in the Chancellor's Office for the annual performance evaluations of the Chancellor, the institution Presidents and the System Administration staff.
(B/R 3/04)

Title 4 - Codification of Board Policy Statements

Chapter 3

PROFESSIONAL STAFF

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Section 1. Basic Policies

Personnel policies for professional staff of the Nevada System of Higher Education (NSHE) are also contained in the NSHE Code and in the institutional bylaws and policies.

Policies for the Desert Research Institute Technologist are controlled by the DRI Technologists Manual (approved by the Board of Regents on a pilot basis January 28, 1988, and permanently in April, 1989).
(B/R 6/08)

Section 2. Standards for Defining the Professional Staff

1. Persons occupying employment positions in the NSHE meeting one or more of the following criteria shall be in the professional staff of the NSHE:

   a. At the universities only, academic faculty includes the following:

      (1) Instructional faculty, which consists of persons teaching, tutoring, instructing and lecturing in the activity of imparting knowledge;

      (2) Research faculty, which consists of persons with advanced scientific or academic training who are actively engaged in the research field, and are responsible for identifying research problems, developing designs or hypotheses, analyzing results of research investigations, reaching conclusions, publishing the results of research and investigations and obtaining research grants or funding; or

      (3) Library faculty, which consists of persons with a degree of at least master of Library Science from an accredited institution who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching and research.

   b. At the state colleges only, academic faculty includes the following:

      (1) Instructional faculty, which consists of persons teaching, tutoring, instructing, and lecturing in the activity of imparting knowledge;

      (2) Counseling faculty, which consists of persons with at least a masters degree from an accredited institution who are employed in the student services units of the state college of the NSHE and who provide professional counseling services closely and directly supportive of teaching and student development; or

      (3) Library faculty, which consists of persons with a degree of at least master of Library Science from an accredited institution who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching and research.

c. At the community colleges only, academic faculty includes the following:

(1) Instructional faculty, which consists of persons teaching, tutoring, instructing or lecturing in the activity of imparting knowledge;

(2) Counseling faculty, which consists of persons who are employed in the student services units of the community colleges of the NSHE and who provide professional counseling services closely and directly supportive of teaching and student development; or

(3) Library faculty consists of persons who are employed in the libraries of the NSHE and who provide professional library services closely and directly supportive of teaching.

d. Administrative faculty excludes the above and includes the following:

(1) Executive faculty, which consists of the Chancellor, the secretary to the board, the vice chancellors and the Presidents and vice presidents of the member institutions of the NSHE;

(2) Supervisory faculty, which consists of persons who perform predominately office or non-manual work of a supervisory nature as head of a college, school, center, division, laboratory or other administrative unit of a member institution or special unit of the NSHE; or

(3) Support faculty, which consists of persons, including but not limited to teaching assistants, laboratory assistants, athletic coaches and assistant athletic coaches, who perform predominately office or non-manual work:

(a) Of a confidential nature performed under the direct supervision of a member of the executive faculty; or

(b) Of a predominately intellectual, specialized or technical nature requiring training, experience or knowledge in a field of science, learning or occupation customarily acquired by a course of specialized intellectual instruction, studies or experience, which is performed under general supervision only and requires the consistent exercise of discretion and judgment.

2. Resident physicians and postdoctoral fellows, as defined in Title 4, Chapter 7 of the Board of Regents *Handbook*, and DRI Research Technologists, are excluded from the provisions of this section.

3. Each member institution or special unit may establish a committee to assist each institution or special unit in identifying positions, which may be established in either the professional or the classified staff of the NSHE. This section shall not be deemed to apply to custodial, clerical or maintenance employees of the NSHE who are in the classified service of the State of Nevada as provided for in *Nevada Revised Statutes* 284.140(4).

(B/R 2/05)

Section 3. Faculty Workload Policy

1. The Board of Regents of the NSHE recognizes the distinct and unique missions of its member institutions, each of which serves the needs of the citizens of the State of Nevada through a combination of quality teaching, scholarly research or creative activity, and service. The way in which these activities are combined to set the individual faculty member's workload depends primarily on the mission of the institution and the constituencies it serves.

2. The NSHE Code defines the primary areas of faculty responsibility for all higher education institutions in Nevada, and these areas are reinforced throughout the Code in standards for tenure and annual evaluation.

3. With the exception of faculty members at the Desert Research Institute, all NSHE instructional faculty members are expected to teach; develop curriculum; conduct other instructional activities including advising, grading, and preparing for classes; maintain currency in their academic discipline; and perform public and professional service, service to the institution, and similar academic activities. In addition, at the universities, state college and Desert Research Institute, academic faculty members are expected to conduct scholarly research or creative activity.

4. Consistent with the principles identified herein, and consistent with their mission, the NSHE institutions shall have substantial autonomy to select and determine the relative importance of faculty activities in the areas of teaching, scholarly research or creative activity, and service. The distribution of responsibilities should take maximum advantage of the talents of individual faculty members and may reflect differences among academic disciplines.

5. The Board of Regents affirms that the duties in each of these areas are essential elements of the work of the faculty and must be viewed as a whole whenever faculty workload and productivity are measured and reported. Faculty workload cannot and should not be measured solely by the time spent by the faculty member in the classroom.

6. In recognition of its commitment to accountability and productivity, the Board of Regents will regularly compile information regarding faculty workloads. To aid in this process, the following expected teaching workloads at NSHE institutions shall be established:

    a. At the universities, an expectation of 18 instructional units per academic year, or 9 units each semester. For faculty heavily involved in doctoral-level education or research, the expected instructional workload may be reduced as required by an equivalent increase in doctoral-level instruction and/or research. Additionally, newly-hired faculty may be given a reduced instructional workload for a limited period of time in order to establish a research program.

    b. At the state college, an expectation of 24 instructional units per academic year, or 12 units each semester.

    c. At the community colleges, an expectation of 30 instructional units per academic year, or 15 units per semester. For faculty teaching upper division level courses, the President of the community college may approve a differentiated workload calculated at 1.25 instructional units per credit.

d. As it applies to a, b, and c, reassignments from the expected instructional load as well as course overloads must be approved in advance by the appropriate vice president or President.

e. The aforementioned expectations do not apply to the instructional faculty of the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; the University of Nevada, Las Vegas School of Dental Medicine; and the William S. Boyd School of Law.

7. It shall be the responsibility of the President of each NSHE institution to establish justifiable, equitable instructional workload standards through a process of shared governance with the faculty. It is expected that the institutional policies will provide detailed guidelines for equivalent teaching load credit as well as adjustments of workloads that reflect different kinds of instruction – including, but not limited to, distance education, rural education, internet instruction, vocational education, and clinical education. The policies should also take into account non-instructional activities that may be essential to the work of faculty in particular disciplines and provide equitable recognition for extra contact hours that faculty spend with students in courses that involve studios, laboratories, clinics, independent study, thesis and dissertation, internships, and similar activities related to instruction.

8. In the fall of every even-numbered year, the Chancellor shall compile a System report on faculty workloads at NSHE institutions.

9. The Board of Regents encourages NSHE institutions to participate in national, benchmarked studies, and their participation shall be facilitated by System staff.

(B/R 9/18)

Section 4. Evaluations

1. The NSHE Code, Chapter 5, Section 5.12.1 and 5.12.2, establishes that written performance evaluations of academic faculty and administrative faculty shall be conducted at least once annually by department chairs, supervisors or heads of administrative units. One of the purposes of annual performance evaluations is to provide constructive, developmental feedback to the faculty member.

2. All performance evaluations shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used. The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty are established in institutional bylaws. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the appropriate administrative unit. The evaluation of the Presidents and the Chancellor shall follow guidelines approved by the Board of Regents.

3. The annual performance evaluation of tenured faculty is addressed in NSHE Code, Chapter 5, Section 5.12.

4. Academic and administrative faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor.

5. Academic and administrative faculty who disagree with the supervisor's evaluation may submit a written rejoinder, and where authorized by the institution bylaws as provided for in Section 5.16 of the NSHE Code, request a peer evaluation. The supervisor's official evaluation and the faculty member's rejoinder and/or peer evaluation will be retained in the faculty member's personnel file along with other recommendations from a review process. If a peer evaluation, or any other review process result in a recommendation that the initial evaluation be changed, that recommendation shall be forwarded to the President or designee of the institution, who, at his or her discretion, may change the faculty member's evaluation by means of an addendum attached to the front of the evaluation stating how the evaluation is being changed and the reasons for the change. If the President or designee does not change the evaluation, the reasons shall also be stated by means of an addendum attached to the front of the evaluation. The President or designee shall sign the addendum and provide a copy to the faculty member.

6. Academic or administrative faculty members receiving an overall rating of "unsatisfactory" on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first "unsatisfactory" rating.

7. Academic faculty in tenure-track positions shall, in addition to the annual written evaluation, be entitled to a written mid-tenure review of their progress toward tenure. The procedures for the review shall be described in each institution's bylaws. Notwithstanding a positive mid-tenure review, the award of tenure remains a discretionary act as provided in the NSHE Code.

(B/R 12/06)

Section 5. Credentials for Community College Faculty

A minimum of a master's degree is required for instruction in baccalaureate-level courses or an appropriate combination of education and experience. A bachelor's degree, or appropriate experience in lieu of a post-secondary education, is required for instruction in occupational courses.
(B/R 12/89)

Section 6. Advanced Degrees

A faculty member may be permitted to become a candidate for an advanced degree outside his/her own department if the request to do so is approved by the appropriate graduate school committee, the graduate dean, and the President.
(B/R 5/79)

Section 7. Nepotism

1. It is the policy of the NSHE that none of its employees or officers shall engage in any activities that place them in a conflict of interest between their official activities and any other interest or obligation. Conflict of interest requires all employees and officers to disqualify themselves from participating in a decision when a financial or personal interest is present.

2. The *Nevada Revised Statutes* 281.210 and the *Nevada Administrative* Code 284.375 and 284.377 prohibit the employment of relatives under certain circumstances. Except for relationships allowed pursuant to those documents, no employing authority of the NSHE may appoint a person to an employment position if, upon the appointment, the person will be the immediate supervisor or will be in the direct line of authority of any relative of a NSHE employee within the third degree of consanguinity or affinity.

   Exceptions to this policy must have the prior written approval of the employing authority (defined as the President or Chancellor, as the case may be), along with a written agreement detailing the manner in which conflicts of interest will be ameliorated. The source of funding to pay a newly hired employee may not serve as a basis to waive the restrictions of this policy. A contractual relationship between a Regent and a NSHE institution is subject to the limitations contained in NRS 396.122.

3. Consanguinity is a blood relationship within a family of the same descent. Affinity is a marriage or other legal relationship (such as adoption) formally recognized by the State of Nevada. Relationships within the third degree of consanguinity or affinity are defined as:

   (a) The employee's spouse, child, parent, sibling, half-sibling, or step-relatives in the same relationship;

   (b) The spouse of the employee's child, parent, sibling, half-sibling, or step-relative;

   (c) The employee's in-laws, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin.

4. Members of the Board of Regents must report on an annual disclosure form when a relative within the third degree of consanguinity or affinity is hired by a NSHE institution. (B/R 1/03)

5. Except for relationships allowed pursuant to *Nevada Revised Statutes* 281.210 and *Nevada Administrative* Code 284.375 and 284.377, if a supervisor and an employee who is in the direct line of authority of the supervisor become related after the supervisor and employee have been appointed to their respective positions, the appointing authority shall ensure that, as soon as practicable, the employees do not continue to hold positions in which one of the employees is in the direct line of authority of the other employee.

6. A supervisor who becomes related to an employee in the direct line of authority of the supervisor shall notify the appointing authority within 10 working days after the supervisor and employee become related.

7. Upon receiving notification of a relationship from a supervisor pursuant to paragraph 4, the appointing authority may request a recommendation from each of the employees for appropriate action to be taken to alter the line of authority. In determining the manner in which to comply with this policy, the appointing authority is not required to accept a recommendation from the employees involved.

8. A person serving in a supervisory position may not participate in decisions regarding hiring, reappointment, placement, evaluation, rate of pay, salary increases, promotion, tenure, monetary awards, or other personal interest for a relative employed by the NSHE, as defined in paragraph 3, even when the supervisor is not in the direct line of authority.

9. In enforcing this policy, each NSHE institution should avoid any appearance of impropriety as well as any potential conflict of interest.

10. NSHE institutions may establish additional nepotism policies and procedures as long as they do not conflict with the NSHE nepotism policy or with state laws and regulations.

11. Violators of this policy may be subject to NSHE disciplinary action as well as sanctions stipulated in the *Nevada Revised Statute*s and *Nevada Administrative Code*.

(B/R 10/02)

Section 8. Conflicts of Interest - Chancellor and Presidents

1. Conflicts of Interest. The Chancellor and Presidents shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment transaction, or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties or employment in the interest of the institution they serve. Whether an outside interest or activity results in a conflict of interest will be determined in accordance with the provisions of the Nevada Code of Ethical Standards, NRS 281A.400-NRS 281A.660.

2. Outside Professional or Scholarly Service. The Chancellor and Presidents are prohibited from undertaking any outside professional or scholarly service that would result in a conflict of interest or interfere with the performance of his or her assigned duties. Outside service subject to this policy, may include, but is not limited to service on corporate boards. Before undertaking any outside professional or scholarly service for compensation:
    a. The Chancellor shall provide advance written notification to and obtain the written approval of the Chair of the Board of Regents, and
    b. The Presidents shall provide advance written notification to and obtain the written approval of the Chancellor.

    When participating in outside professional or scholarly activities during regular work hours, appropriate leave shall be taken.

3. Other Policies on Outside Professional or Scholarly Service. The policies on approval of outside professional or scholarly service for all other faculty members are found herein below in Title 4, Chapter 3, and in Title 4, Chapter 11 (for DRI faculty).

(B/R 9/12)

Section 9. Compensated Outside Professional Services

(For DRI Faculty Members, See Title 4, Chapter 11, Sec. 12)

1. Outside professional or scholarly service by faculty members within their subject matter field and for compensation is recognized as a legitimate activity unless specifically prohibited by the employee's contract with the institution.

2. Outside professional or scholarly service as contemplated by this section shall not interfere with the performance of the duties of any faculty member. If taken during the faculty member's standard workweek, such service shall occupy no more than one day's equivalent time per work week (20%) for full-time faculty members. Faculty members on 12-month contracts must take annual leave if providing outside professional or scholarly service during the standard work week. For the purposes of this paragraph, annual leave is not required to be taken if the activity is scholarly in nature and advances the reputation of the institution, such as serving on a national review board, and the amount of compensation, above expenses, is less than the monetary value of taking a half-day leave.

3. No faculty member may undertake outside professional or scholarly service that would result in a conflict of interest with his or her assigned duties. Conflict of interest means any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of an employee to the institution.

4. Faculty members performing compensated outside professional or scholarly service are subject to the code of ethical standards of the State of Nevada (NRS 281A.400-281A.660), which governs the conduct of public officers and employees.

5. A faculty member may not perform an official act on behalf of the institution that directly benefits a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative, agent, director, or officer. This prohibition is not intended to limit a faculty member's ability to enter into a contract between a governmental entity, the institution, and a private entity to the extent authorized by and in conformity with NRS 281.221(3), NRS 281.230(3), NRS 281A.430(3), the Board of Regents Intellectual Property Policy (Title 4, Chapter 12, Sections 1-8), and the Board of Regents Conflict of Interest Policy (Title 4, Chapter 10, Section 1.7).

6. For the purpose of this section, potential conflicts of interest include a faculty member's involvement in transactions or decisions on behalf of an institution, in which the faculty member knows that benefits accrue to individuals in the faculty member's household, persons to whom the faculty member is related by blood, adoption or marriage within the third degree of consanguinity, or persons with whom the faculty member has substantial and continuing outside business relationships.

   Relationships within the third degree of consanguinity or affinity are defined as:

   (a) The faculty member's spouse, child, parent, sibling, half-sibling, or step-relatives in the same relationship;

   (b) The spouse of the faculty member's child, parent, sibling, half-sibling, or step-relative; or

   (c) The faculty member's in-laws, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin.

7. Except as otherwise provided in this section, full-time faculty members engaged in providing compensated outside professional or scholarly service shall provide advance notification and request approval in writing to their immediate supervisor about the nature of the work to be performed, the company/organization for which the work will be performed, and the estimated time involved. The request must be approved in advance by the supervisor within 10 working days. Individual requests to perform outside professional or scholarly service shall be considered confidential personnel documents pursuant to Title 2, Chapter 5, Section 5.6.2.of the Code.

   Institutions may establish an expedited pre-approval process for notification of certain compensated outside professional or scholarly activities that are for a short-period, determined to be routine or standard, and compensated at $3,000 or less per activity. Such services must be identified within the written pre-approval process established by the institution and may include activities such as service on a national panel, speaking engagements as allowed by the institution, and reviewing manuscripts.

8. When a supervisor believes that a faculty member's consulting activities conflict with the faculty member's obligations to the institution or other obligations of the institution, the supervisor shall inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the appropriate vice president or vice chancellor, as the case may be, will hear and evaluate the evidence and render a decision, or appoint a review committee if necessary. The vice president or vice chancellor may require the faculty member to cease performance of existing obligations while the faculty member remains a NSHE employee.

9. Faculty members performing compensated outside professional or scholarly service shall inform those who engage them that they are not acting in the name of the institution and that the institution is not a party to the contract nor liable for any actions of such faculty member.

10. In negotiating for a contract for outside compensated professional or scholarly services, faculty members shall not use institutional stationery or forms in any manner.

11. Full-time faculty members may make a general announcement of their availability as consultants but may not solicit consulting assignments.

12. Faculty members working independently on their own time may obtain patents or copyrights on the results of their work.

13. Faculty members performing compensated outside professional or scholarly service are subject to the Board policy on personal use of System property or resources (Title 4, Chapter 1, Section 25). A faculty member working independently on an outside-compensated contract shall not use NSHE facilities, equipment or personnel unless such use is authorized in advance by the supervisor. Reimbursement of any costs to the institution shall be in accordance with Title 4, Chapter 1, Section 25.

14. It is the responsibility of each full-time faculty member to report outside compensated services in a timely manner and to certify the accuracy of the disclosures. Failure to disclose outside compensated services in a timely and accurate manner constitutes a basis for disciplinary action under Title 2, Chapter 6 of the Code. Records are to be kept annually by the dean or appropriate vice president, or vice chancellor as the case may be, of all approved consulting activities in each department or division.

15. Each NSHE institution shall publish an annual report regarding compensated outside professional or scholarly service completed by its full-time faculty (aggregate data) and approved by the institution in accordance with the provisions of this section. This report will verify that all potential conflicts of interest have been reviewed and approved in accordance with the provisions of this section. A summary of these reports will be sent to the Board of Regents annually.

(B/R 6/14)

Section 10. Death Benefits

1. Pursuant to *Nevada Revised Statutes* 281.155, if a faculty member has filed a signed, written designation of beneficiary, the final payment of compensation due a deceased faculty member, as provided in this section, shall be released to the designated beneficiary. If the deceased faculty member has not filed such a signed, written designation of beneficiary, the final payment is a part of the faculty member's estate and shall be paid to the estate.

   "Final payment" means the net amount due the employee after the deduction of all withheld sums from the faculty member's gross compensation.

2. In addition to any benefits which may be paid to a beneficiary, or to an estate if there is no beneficiary, of a deceased faculty member from insurance, a retirement program or any other source, the NSHE shall pay to the beneficiary or the estate of the deceased, as the case may be, the following:

   a. Faculty members on a 12 month appointment who are on the payroll at the time of death shall receive salary through the day of death plus any earned but unused annual leave, plus one-twelfth of the current annual contract salary.

   b. Faculty members on a 10-month appointment who are on the payroll at the time of death shall receive salary through the day of death plus one-twelfth of the current annual contract salary.

(B/R 4/82)

Section 11. Grants-In-Aid – General Administration

Unless otherwise provided, the following provisions govern the administration of NSHE grants-in-aid for professional staff, including their spouse or registered domestic partner and financially dependent children as authorized by this Chapter.

1. The registration fees associated with the William S. Boyd School of Law, the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the pre-doctoral program at the University of Nevada, Las Vegas School of Dental Medicine are eligible for a grant-in-aid.

2. Except as otherwise provided, persons who receive a grant-in-aid pursuant to this Chapter and enroll in a state-supported course at any NSHE institution shall receive a grant-in-aid equivalent in value to that portion of the per credit registration fee at the enrolling institution allocated to the State Supported Operating Budget (or General Fund). The Capital Improvement Fee and the General Improvement Fee shall be waived at all institutions as

part of the grant-in-aid, except at the universities where the Capital Improvement Fee only will be waived.

3. Laboratory and other special course fees, including but not limited to the technology fee, will not be included in a grant-in-aid award.

4. Grants-in-aid may be awarded fall, spring and summer semesters only.

5. Summer session grants-in-aid for state-supported courses shall be equivalent in value to the per credit grant-in-aid allowed in the subsequent fall semester.

6. Self-supporting courses, including community service and continuing education courses, may be eligible for a grant-in-aid equivalent in value to the total registration fee charged or the amount of the per credit registration fee that would be allocated to the State Supported Operating Budget (for state-supported courses), whichever is less. It is the responsibility of each institution to designate any self-supporting programs that are not grant-in-aid eligible.

(B/R 9/18)

Section 12. Grants-In-Aid – Professional Staff and Dependents

1. The following classifications for professional staff are eligible for grants-in-aid as defined by this section:
   a. Professional staff members who are on an “A” or “B” contract for at least .50 FTE employment;
   b. Professional staff members who are on sabbatical or leave of absence without pay;
   c. Emeritus faculty and emeritus professional staff;
   d. Adjunct and clinical faculty, including joint faculty appointments within the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine; and
   e. Retired professional staff members who are age 55 or over at the time of retirement and have at least 20 years of NSHE service.
2. Except for adjunct and clinical faculty, including joint faculty appointments within the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine, the spouse and financially dependent child for all categories of professional staff defined in subsection 1 are eligible for grants-in-aid as defined by this section.

3. For purposes of this section, “adjunct faculty” means any individual holding a professional position with any member institution or unit of the System, except as a clinical faculty member, for which the individual receives no salary. For purposes of this section, "clinical faculty member" means any individual holding a professional position within the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; the Orvis School of Nursing, University of Nevada, Reno; or the University of Nevada, Las Vegas School of Dental Medicine for which the individual receives no salary, or other professional positions designated by the President for which the individual receives no salary.

4. The domestic partner and their financially dependent children are eligible for grants-in-aid for all categories of professional staff defined in subsection 1 if the domestic partnership is registered with the office of the Nevada secretary of state.

5. For the purposes of this Chapter, “financially dependent child” shall mean a natural, adopted or step child of a professional staff member who is not financially independent, is claimed as an exemption for federal income tax purposes under the U.S. Internal Revenue Code (26 U.S.C. § 152), and has not attained the age of 24. The professional staff member must attest to a dependency each time a grant-in-aid is issued. Institutions awarding a grant-in-aid to a spouse or financially dependent child may at any time request proof of dependent eligibility for verification purposes.

6. Institutions may establish a deadline for the submission of a grant-in-aid request.

7. For qualified dependent children who have served on active duty in the United States Armed Forces, the age limitation set forth in subsection 3 shall be extended for the period of such active service, but not to exceed six years.

8. Except as otherwise provided, professional staff members as defined in this section are restricted to no more than six credits in the fall and spring semesters. Professional staff members employed under an “A” contract shall be limited to three credits for a grant-in-aid across all summer semesters. Upon approval by the institutional President or his or her designee, on a case by case basis, professional staff members enrolled in a degree program designed for working professionals may also take an additional three credits in the fall, spring and summer semesters. Professional staff members employed under a “B” contract are not limited in the number of credits that are grant-in-aid eligible during all summer sessions. There shall be no restriction on the number of credit hours a spouse or financially dependent child may register for under this policy. Upon approval by the institutional President, community college faculty while on sabbatical may take additional courses under this policy if for professional development.

9. A professional staff member, spouse or financially dependent child enrolled in a course under a grant-in-aid at the time the professional staff member’s contract terminates shall be permitted to finish the course under the grant-in-aid.

10. System Administration or an institution awarding the grant-in-aid to an employee or his spouse or financially dependent child must notify the employee and the Internal Revenue Service of the appropriate taxable benefit pursuant to the NSHE’s Section 127 Educational Assistance Plan.

11. Widows or widowers and financially dependent children of deceased former professional staff members, or professional staff members who have become totally and permanently disabled, their spouses and financially dependent children may request a grant-in-aid on the form prescribed by the Chancellor. Such individuals are eligible for a grant-in-aid under the following conditions:

    a. The professional staff member shall have held a valid unfulfilled "A" or "B" contract or have been granted sabbatical leave at the time of death or such disability.

    b. The spouse, widow, widower, financially dependent child, or disabled former professional staff member may receive a grant-in-aid for no more than eight semesters.

12. Grant-in-aid requests by professional staff must be approved by their supervisor. Grant-in-aid requests on behalf of a spouse or financially dependent child do not require supervisor approval, but each institution and the System Office shall designate a central office to be responsible fo r reviewing and processing the requests. All requests for grant-in-aid by professional staff members must be made on a form prescribed by the Chancellor. Institutions may utilize an on-line grant-in-aid form if the content of the on-line form includes the same information that is required on the form prescribed by the Chancellor.

(B/R 9/18)

Section 13. Grants-In-Aid – Temporary Part-Time Faculty

1. Temporary part-time faculty (Letter of Appointment (LOAs)), as defined in Title 4, Chapter 3, may receive a grant-in-aid for courses at any NSHE institution, not to exceed the number of credit hours the part-time faculty member is currently teaching, and not to exceed six credit hours.

    a. The grant-in-aid is applicable only to courses taken during the fall and spring regular semesters.

    b. The grant-in-aid based on credit hours may be utilized during the semester in which the temporary part-time faculty member is teaching or in the semester immediately following.

    c. Temporary part-time faculty employed by continuing education and community service units are not eligible for a grant-in-aid or waiver.

    d. Non-resident temporary part-time faculty receiving a grant-in-aid shall be deemed residents for tuition purposes.

2. For temporary part-time faculty who do not teach, the course equivalency for their services shall be determined by multiplying six credit hours by the faculty member's FTE. The credit hours will be rounded up to determine the maximum number of credit hours covered by a grant-in-aid.

(B/R 12/14)

Section 14. Leave of Absence Without Salary

1. Leave of absence without salary, for periods up to and including twelve months, may be granted by the President, in accordance with the provisions of this policy, to faculty members who wish to absent themselves from their institutional duties. Reasons for a leave of absence without salary would include: a.) to undertake work that benefits the NSHE; such as, research work, advanced study, related consultation, teacher exchange and governmental service; or b.) other situations deemed appropriate by the President. Where approved the conditions under which the leave is authorized shall be in writing, and shall specify who will pay for the employee's group health insurance, with a copy given to the applicant and to the institution's human resources office.

2. Faculty members who are authorized to take leave of absence without salary which will benefit the NSHE and who are otherwise eligible to participate in the State of Nevada's group insurance program shall have their premiums paid by the NSHE as authorized by *Nevada Revised Statutes* 287.044. Otherwise, faculty must pay the premiums themselves. Absent the payment of premiums, there will be no insurance coverage from NSHE during the term of the leave of absence and upon return, re-enrollment will occur subject to rules of the State of Nevada group insurance program.

3. Request for an extension of a leave of absence without salary resulting in a leave of absence for periods extending beyond twelve months is subject to approval of the institution President, or in the case of the System office and its units, the Chancellor.

4. Request for leave without salary shall be made to the President or designee through the department chair and dean of the college or immediate supervisor and appropriate vice president. A requirement of the approval process is that the leave can be arranged without seriously impairing the work of the department.

5. Institutions may further define the reasons for granting a leave under this policy as long as the criteria establish under this policy are met. Leave without salary shall be granted only to a faculty member who has been employed by the NSHE for at least one year. No leave of absence shall be granted for a longer period than two years except for the purpose of pursuing activities, which will tend to further the education of such a person in his/her special field. The furtherance of education will include only advance study and governmental service. The faculty member is expected to return to the employer for a period of time at least equal to that of his/her last contract. For good cause, the President may approve exceptions to the above criteria.

(B/R 3/10)

Section 15. Sabbatical Leave

1. In conformity with NRS 284.345, interpretations of that statute by the attorney general, and previous Board rulings, the number of sabbatical leaves granted for each succeeding academic year shall not exceed a number equal to two percent of the academic faculty in the current year. When applied to professional staff within the Desert Research Institute, the term "research faculty" shall replace the term "academic faculty." Those whose primary responsibility is administrative in nature are not eligible for sabbatical leave.

2. Sabbatical leave allocations shall be prorated to the institutions, or other administrative units not a part of an institution, based upon the FTE "academic faculty" in that unit.

3. Any academic faculty member, whose position is funded in whole from state sources, and who has served full-time on either a ten-month or twelve-month contract for six or more years, is eligible for sabbatical leave. Such faculty shall serve at least six additional years prior to eligibility for subsequent sabbatical leaves. Faculty holding the designation of Lecturer may be eligible for sabbatical leave, at the discretion of each institution. The term “full-time” means an appointment at 1.0 FTE for the contract year. Full-time faculty whose positions are funded in whole or in part from non-state sources may be eligible for sabbatical leave according to the terms of this policy only if the funds to support a sabbatical leave can be derived from the appropriate non-state funding source. The use of non-state funds for sabbatical leave must also be approved by the appointing authority. Part-time academic

faculty (i.e. those having an FTE of at least .50 but less than 1.0 for the contract year) may be eligible for sabbatical leave at the discretion of the institution. In such cases, the leave and payment provided shall be at a time and amount pro-rated to reflect part-time status.

4. Eligibility for sabbatical leave commences at the end of the sixth year of full time service in the same position. Any period of time spent on an unpaid status is not considered a part of the six-year service requirement under this policy. Applications for a sabbatical leave must be submitted while a faculty member is in a paid status.

5. Eligible applicants for sabbatical leave shall have two alternatives: one year's leave at two-thirds of annual salary or one-half year's leave at full base salary. For part-time faculty, FTE will be used to calculate pro-rated salary continuation while on leave.

6. The taking of sabbatical leave will not interfere with the continuing employment of an individual by the NSHE, or any other rights or privileges normally associated with appointment to the NSHE faculty. Retirement contributions for Retirement Plan Alternative (RPA) members will be made based on compensation. Service credit for PERS members will be earned in the proportion that the faculty member's actual compensation bears to his or her previous compensation.

7. Implementation/Process

    a. The procedures for sabbatical leave shall be approved by the President or designee.

    b. The appropriate faculty senate shall select the Sabbatical Leave Committee to review and rank all applications.

    c. If an institution or other administrative unit is not entitled to at least one sabbatical leave, as explained in paragraph 2 above, the Chancellor shall group two or more institutions or other administrative units to secure one allocation and the appropriate faculty senates shall select the Sabbatical Leave Committee to review the applications.

    d. NSHE institutions may adopt such supplemental procedures concerning sabbatical leaves as the faculty senates and Presidents deem appropriate, provided that such procedures are in harmony with Board of Regents policy.

8. Obligations Upon Taking Sabbatical Leave

    a. In conformity with *Nevada Revised Statutes* 284.345, ". . .no sabbatical leave with pay shall be granted unless the person requesting such leave agrees in writing with the employer to return to the employer after such leave for a period not less than that required by his/her most recent contract of employment with the employer, if the employer desires his/her continued service." The employee will agree to return to the employer in a paid status immediately upon the end of the sabbatical leave.

    b. Additional income--for example, grants-in-aid or fellowships--may be accepted during the leave provided the activity for which the income is received contributes to the individual's professional development or his/her future usefulness to the NSHE.

    c. Acknowledgment of sabbatical assistance shall be given in any publications resulting from work accomplished during the sabbatical leave.

d. A written report concerning sabbatical leave activities shall be submitted to the President, in accordance with procedures established by the President, and to the faculty member's dean or other appropriate supervisor within three months of return from leave.

(B/R 12/09)

Section 16. Entrepreneurial Leave – Universities and DRI

The universities and Desert Research Institute may establish policies in consultation with institutional legal counsel that govern entrepreneurial leave for faculty engaged in entrepreneurial activity that advances research; supports the state's economic development plan, technology transfer, commercialization, or the Knowledge Fund established pursuant to *Nevada Revised Statutes* 231.1592; or similar activities. The policies shall provide for approval of such leave by the President and will not apply to the sabbatical leave authorized under *Nevada Revised Statutes* 284.345. Entrepreneurial leave is not subject to the limitations governing outside professional or scholarly service set forth in Section 9.2 of this chapter and Title 4, Chapter 11, Section 12.2.

(B/R 9/14)

Section 17. Administrative Leave

1. Introduction

   a. Higher Education administrators should continually participate in professional development activities that ensure the employment of the most effective administrative knowledge and managerial skills in their current assignments. Some of these exposures may be available within the parent institution or University system, but more often they reside at institutions not easily accessible due to the constraints of time availability and distance.

   b. University of Nevada campuses should initiate a program of administrative leaves for administrators assigned responsibilities in areas of dynamic growth and changing responsibilities or in areas in need of updated administrative or managerial skills.

   c. Administrative leaves would not be for the purpose of improving academic or disciplinary research capabilities, nor for obtaining advanced degrees. Leaves would be granted on the demonstrated need for administrators to acquire explicit training necessary for improving performance in their current assignment.

2. Eligibility for Administrative Leaves

   a. Administrative officers, such as President, vice-president, assistant or associate vice-president, deans and assistant and associate deans, who are on continuing full-time administrative appointments would be eligible but with no more than 1 FTE per calendar year per campus. Permanent full-time administrators or directors of programs may be eligible if designated as eligible by the institutional President and the Chancellor.

   b. Eligible administrators may apply for an administrative leave after serving at least three years as a full-time administrator in the NSHE. An administrator would be eligible to reapply for additional administrative leave at three-year intervals.

3. Duration and Timing of an Administrative Leave - An administrative leave would not exceed three calendar months. Unless specified and approved in advance, the three-month administrative leave should be taken during the summer months and not require employment of a replacement.

4. Administrative Leave Compensation

    a. An administrator will receive full campus compensation unless receiving salary contributions from extramural sources. If the recipient of the administrative leave obtains a foundation grant or other compensation from non-NSHE sources for the period of the leave, the campus shall not be obligated to pay more than that amount of administrative compensation which, when added to the non-University compensation, will equal 110 percent of the individual's annual base salary for the period of leave. If an allowance for transportation and/or cost-of-living differential is included in the outside compensation, the amount of this allowance will be disregarded in computing the administrative leave compensation to be paid by the campus.

    b. Individuals who are on administrative leaves of absence, whether in residence or away from the campus, may not, as employees, provide any services to the NSHE for which compensation is paid in excess of the approved administrative leave.

5. Fringe Benefits During Leave - To the extent permitted by law, administrators on leave will be regarded as in active NSHE employment status for purposes of benefits and will continue to receive and accrue benefits under applicable NSHE policies as if they were in active service. Payments for NSHE insurance premiums and retirement contributions will be based upon actual NSHE compensation made to the individual. Subject to legal restrictions, the individual may make arrangements with the personnel office for personal payment of additional amounts, if necessary, to maintain full insurance and retirement benefits during the period of the leave.

6. Obligations of Personnel on Administrative Leave

    a. The recipient of a leave must agree to return to the service of the NSHE after the termination of the leave for a period of time at least equal to the length of the leave. If he/she does not so return, or returns for a shorter period of service than required under this regulation, the NSHE will be entitled to a proportionate refund of the compensation paid by the NSHE during the leave. Upon a determination that the enforcement of this obligation will create an extreme hardship or would be seriously inequitable, the Chancellor and/or President may waive the refund in whole or in part.

    b. Within 90 days of the completion of the leave, a written report on the activities undertaken during the leave must be submitted by the recipient of the leave to the institutional President or the Chancellor, as the case may be.

7. These provisions shall not supersede other administrative leave, or leave without pay, as approved by the appointing authority.

(B/R 10/04)

Section 18. Presidential Leaves

NSHE Presidents are expected to take periodic leaves consistent with the following provisions:

1. Leaves may be either a full semester or three months in duration.

2. Presidents are eligible for full semester leaves, at full pay, after their first six years of service. They may opt, alternatively, for a three-month leave at such time. Following the initial leave, Presidents are eligible for three-month leaves after three years of service or for full semester leaves after each six-year period of service.

3. In applying for leaves, which are subject to approval by the Board of Regents, Presidents shall specify the objectives of the proposed leave and provide a plan for assignment of presidential responsibilities during the leave period.

4. A report on the leave shall be provided to the Board after the President's return.

5. Presidents will be expected to serve their institutions for at least one-year after returning from leave, irrespective of the leave's duration.

6. The word "President" in this section is intended to apply as well to the NSHE Chancellor.
(B/R 6/91)

Section 19. Sick Leave

1. Full-time professional staff members on an "A" or "B" contract shall be granted sick leave as required, up to 30 working days at full salary, available at any time during the initial 12 months of service. Part-time professional staff members on an "A" or "B" contract shall be granted a pro rata amount as required.

2. Beginning one year after the starting date of his or her initial contract, each full-time staff member will begin to accrue additional sick leave at the rate of two days for each full month of paid service, to be added to any remaining balance of unused sick leave from the first 12 months of service. Sick leave may be accrued from year to year not to exceed 96 working days. Part-time staff members will earn a pro rata amount of sick leave for each calendar month worked. Paid sick leave shall not be granted in excess of sick leave earned except as provided in paragraph 7. The employee shall not be paid for any unused sick leave upon termination of employment.

3. A professional staff member is entitled to use accumulated sick leave for personal illness; disability; medical, optometry, or dental service or examinations; child bearing or temporary disability, upon approval of the appointing authority. The appointing authority may require a staff member to provide medical certification from a medical practitioner for absences of more than five consecutive days or if abuse is suspected.

   If an eligible employee is using leave, with or without pay, in a manner which would qualify under the Family Medical Leave Act (FMLA), the appointing authority shall designate the leave as FMLA and shall provide written notice to the employee who details the obligations of the employee and the effects of using the leave. While in FMLA status, all available paid leave must be used before leave without pay.

4. Up to fifteen days of earned sick leave per contract year may be used by the professional staff member to care for or assist family members, in-laws, or step relatives within the third degree of consanguinity or relationship, or members of the professional staff member's household for the following events: illness; injury, or medical, optometry or dental service or examination. Requests for use of additional earned sick leave days beyond the fifteen-day limitation may be made in writing to the appropriate appointing authority. Approval is at the discretion of the appropriate appointing authority. The fifteen-day limitation does not apply if the leave is approved under the FMLA.

5. A professional staff member may take up to 10 working days of employee's earned sick leave, in the event of the death of a person listed in paragraph 4 above. Requests for use of additional earned sick leave days beyond the ten-day limitation may be made in writing to the appropriate authority. Approval is at the discretion of the appropriate appointing authority.

6. A professional staff member who qualifies under the FMLA is entitled to a total of 12 work weeks of leave during a "rolling" 12-month period. The period is measured backward from the date an employees uses a qualifying Family and Medical Leave. To qualify, a staff member must have been employed by the NSHE for at least 12 months and have been in a paid status or a minimum of 60% FTE averaged over the 12-month period preceding the leave. While in FMLA status, all available paid leave must be used before leave without pay. A staff member may use FMLA leave for the birth of a child, and to care for a newborn child; for placement of a child with the staff member for adoption or foster care; to care for the staff member's spouse, parent or child with a serious health condition; or because the staff member is unable to perform one or more of the essential functions of his/her job due to a serious health condition. If a staff member must take unpaid leave under FMLA, the employer is required to maintain the staff member's health insurance coverage for the timeframe represented by the FMLA leave.

   Additional unpaid leave directly related to the birth, the placement of a child with the staff member for adoption or foster care, or child rearing of a child who is a member of the professional employee's household shall be granted to either parent, upon request, up to a maximum of one year. During any unpaid leave the employer will not maintain the staff member's health insurance coverage, unless the unpaid leave is approved under the FMLA. The NSHE guarantees that the professional staff member will return to his or her original position, or if the original position no longer exists, to a comparable position, without loss of seniority or other benefits.

7. After 12 continuous months employment, where a physician certifies that a professional staff member is unable to resume duties after exhausting all accumulated sick and annual leave, the professional staff member may petition for, and may be granted, with the approval of the President extended salaried sick leave. Approval may be given only if the funding source permits payment of extended salaried sick leave. An additional three calendar months may be granted to employees continuously employed for more than twelve months and up to twenty-four months; an additional six calendar months may be granted to employees continuously employed for more than twenty-four months and up to thirty six months; and an additional twelve calendar months plus one calendar month for each full year of employment with the NSHE may be granted to employees continuously employed for more than thirty-six months. An eligible employee may initially request less extended salaried sick leave than authorized under this policy, or may be granted less than the maximum amount of time authorized. The lifetime maximum, which may be granted to an employee, is twelve

calendar months plus one calendar month for each full year of employment with the NSHE. During extended salaried sick leave, no annual or sick leave shall be earned. If at the end of the extension period a physician certifies that the professional staff member is still unable to resume duties, the appointment shall be terminated. Where employment shall be terminated under these circumstances, the provision of Title 2, Chapter 6 of the Board of Regent's *Handbook* shall not apply.

8. If an employee has been employed for less than 12 consecutive months, the President may approve an employee request for unpaid sick leave not to exceed three months duration. If the employee is unable to return to employment after the expiration of this unpaid leave of absence, the appointment shall be terminated. Where employment shall be terminated under these circumstances, the provisions of Title 2, Chapter 6, of the Board of Regents' *Handbook* shall not apply.

9. Cases of injury or accident or illness in connection with the work of professional staff members are covered by workers' compensation statutes and regulations. In order to ensure this protection for out-of-state travel, requests should always be submitted in advance by staff members conducting NSHE business, attending meetings, etc., even if work is undertaken outside of work hours and at the professional staff member's own expense.

(B/R 4/02)

Section 20. Annual Leave

1. All professional staff members on a full-time 12-month appointment ("A" contract) earn annual leave at the rate of two working days for each full calendar month of service. Prorated credit shall be earned for partial months of service. Professional staff members on a part-time 12-month appointment earn pro rata annual leave credit.

2. Professional staff members on an academic year ("B" contract) appointment do not earn annual leave.

3. Annual leave may be cumulative from year to year, not to exceed 48 days as of the first day of each fiscal year, and any annual leave in excess of 48 days is forfeited on that date. No compensation will be authorized for unused or excess leave at the end of each fiscal year. Earned annual leave shall be taken at a time approved or directed by the supervisor or other appropriate administrative officer. Insofar as possible, approval to use annual leave must be secured in advance, in accordance with the provisions contained in Title 4, Chapter 3, Section 19.2.

   a. Employees shall be given an opportunity to use accumulated annual leave in excess of 48 working days prior to the last day of the fiscal year provided a request for leave is given by the employee no later than April 1 to the supervisor or other appropriate administrative officer.

4. Annual leave for full-time professional staff at all NSHE institutions is used in increments of a half-day or a full-day as prescribed by the appropriate Human Resource Office. See also Chapter 3, Section 19.

5. Professional staff on an "A" contract appointment who resign or retire shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of employment.

6. Professional staff whose contract is being changed from a 12-month ("A" contract) appointment to an academic year ("B" contract) appointment shall be entitled to be paid for unused accumulated annual leave up to the maximum of 48 days, unless the supervisor or other appropriate administrative officer directs the employee, in writing, to use all or a portion of the accumulated leave prior to the final date of the “A” contract term.

7. Professional staff on a 12-month "A" contract appointment who take an approved leave of absence without pay shall be entitled to use accumulated annual leave, with prior approval of the supervisor or other appropriate administrative officer, before going into unpaid status; however, the professional staff member shall not be paid for any unused accumulated annual leave before going into unpaid status. Annual leave cannot be earned while on leave without pay.

(B/R 8/02)

Section 21. Family Medical Leave/Fair Labor Standards Act

1. Professional staff is entitled to take leave in accordance with the Family and Medical Leave Act of 1993, as amended, its implementing regulations (Part 825 of Title 29 of the Code of Federal Regulations) and institutional policies promulgated in accordance therewith. See, for example, 29 C.F.R. 825.301 and FMLA guidance at http://www.dol.gov/whd/fmla/.

2. The provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C.§ 201, et seq.), shall be adhered to by all NSHE institutions. See FSLA guidance at http://www.dol.gov/whd/flsa/.

(B/R 9/14)

Section 22. Military Leave

1. Professional staff who are members of Federal Reserve forces or the Nevada National Guard are entitled to serve under orders without loss of regular compensation for a period not to exceed fifteen working days in any one calendar year. Such military leave of absence shall be in addition to any vacation or sick leave to which such staff member might otherwise be entitled. Authorized military leave of absence without salary (except for the differential compensation provided in Section 21.5 below) shall be granted for periods in excess of fifteen working days.

2. In accordance with federal law, 38 U.S.C.§ 2021 et seq. professional staff members who serve under orders on training duty in the Armed Forces of the United States, including the federal reserve forces or the National Guard, shall be entitled to such rights and privileges regarding reinstatement to employment, seniority, status and pay, as is provided for in federal and Nevada statutory law.

3. In time of war or national emergency, leave without pay may be granted to a professional staff member who is called or volunteers to serve in federally sponsored scientific research and development projects, provided no such leave may be granted to any staff member who would not have been continued in employment in the NSHE at the termination of the period of employment current at the time of the staff member's entry into such defense work and further provided that no such leave is ordinarily granted to persons performing such work under a government contract with the NSHE. Such leave terminates 90 days following the end of the war or national emergency, or the date of the professional staff member's

termination of such work, whichever is earlier. Upon application for reinstatement to employment within such 90 day period, the professional staff member shall be restored to the staff member's previous employment position or to a position of like seniority, status or pay, unless circumstances in the employing institution have so changed as to make such reemployment impossible or unreasonable.

4. Professional staff members applying for military leave must present a copy of their military orders or other substantial evidence pertaining to their active or training duty requirements or employment in defense work. Certified copies of discharge papers or other evidence pertaining to discharge or termination must be submitted to the appropriate Business Center Personnel Office for reinstatement.

5. Professional staff who officially receives orders to serve as members of Federal Reserve Forces or the Nevada National Guard will be compensated for the difference in their NSHE pay and their military pay through the end of their employment contract. The differential compensation will commence immediately following the 15 working days of regular compensation provided for in Title 4, Chapter 3, Section 21, Subsection 1.

   The institution at which the professional staff member is employed will continue making retirement contributions for eligible employees in accordance with the Retirement Plan Alternative (RPA) plan document. At the request of the employee, other employment benefits – including but not limited to health insurance – will be continued through the contract year at the same cost that the employee is currently paying.

(B/R 8/07)

Section 23. Judicial Leave

1. Appearance in connection with one's official capacity as a University employee at a trial or other court proceeding, to include an arbitration or mediation hearing, whether it be as a party to the action, or as a witness for any party to the proceeding, is considered a short-term leave and may be authorized by the appointing authority concerned for periods up to 30 calendar days without loss of salary. In special cases, salaried leave for longer periods may be authorized by the President. Judicial leave also will be granted to serve on a jury or when summoned to be a witness. Judicial leave is not available for court appearances in connection with personal legal matters.

2. Any remuneration received in connection with jury duty or as a witness may be retained by the faculty member.

(B/R 4/02)

Section 24. Leave Records

1. Each appointing authority shall keep accurate and complete records of earned and used leave for each NSHE employee. Such records shall be kept as prescribed by the appropriate Human Resource Office, and reports shall be made to the Human Resource Office as it may require. Leave records are subject to examination by those persons in the employee's chain of command, by Human Resource officials, and by internal or external auditors. For regulatory reporting purposes, leave balances may be reported to appropriate institutional financial officers.

2. Insofar as possible, all leave shall be requested and approved in advance by the supervisor or other appropriate administrative officer according to the policies for each type of leave as contained in this chapter of the *Handbook*. The approval and recording of unanticipated leave shall occur immediately after use of the leave.

3. Annual leave and sick leave for full-time employees must be used as prescribed by the appropriate human resource office in either half-day or full-day increments.

(B/R 8/02)

Section 25. Professional Salary Schedule

1. Title 2, Chapter 5, Section 5.5 of the Code contains provisions for professional salary schedules.

2. The institutional President or the Chancellor, as the case may be, shall approve the initial placement of professional employees on the salary schedule at the time of appointment. The President or Chancellor shall also approve any subsequent adjustment in salary or contract conditions, except that individuals whose initial appointments require Board approval shall also require such approval for salary adjustments and changes in contract conditions, exclusive of COLA, as stipulated in Section 28 of this chapter.

3. Each NSHE institution shall develop written policies and criteria by institution and/or unit for the recommendation of merit awards for both academic faculty and administrative faculty. Merit awards are subject to the approval of the institutional President, or the Chancellor as the case may be, except as provided in Section 28 of this Chapter.

4. Performance bonuses or commissions are generally not permitted for NSHE professional staff, regardless of the source of funding.

    a. On a case-by-case basis, limited exceptions based on prevailing labor market practices may be requested in writing by the institution President. In such limited cases, if approved by the Chancellor, the employment contracts that specify a bonus or commission must meet the following conditions:

        1. The terms of the bonus or commission must be approved in advance by the President and reported to the Chancellor. This authority may not be delegated to any other institutional officer.

        2. The bonus or commission must be in conformity with state and federal laws and regulations.

        3. The bonus or commission must be tied to specific measurable standards that are documented in writing as part of the employment contract.

        4. The financial terms and measurable standards for the bonus or commission must be reviewed by the vice chancellor of legal affairs and approved by the President prior to the preparation of the employment contract. In the case of employment contracts that must be forwarded to the Board of Regents per System policy, the bonus or commission must be approved by the Chancellor and the Board of Regents.

5. The bonus or commission cannot be paid with state-appropriated funds.

6. The bonus or commission shall not become part of the employee's base salary.

b. A bonus or commission is not to be confused with a special, one-time monetary award that may be presented to professional staff in recognition of length of service or as part of a competitive award program to recognize superior accomplishments in teaching, research, creative activity, service, or advising.

(B/R 6/21)

Section 26. NSHE Executive Salaries

1. Chancellor: The initial salary for the Chancellor shall be set by the Board of Regents.

2. System Executive Staff: The initial salary for the vice chancellors and equivalent positions shall be set by the Chancellor, subject to section 27 of this chapter.

3. Board Officer: The initial salary for the Chief of Staff and Special Counsel to the Board shall be set by the Board.

(B/R 12/19)

Section 27. Initial Placement on the Salary Schedule

1. The provisions of this section are applicable to all employment positions, including executive, administrative and academic faculty positions at all institutions.

2. Initial placement of positions will be made within the range for that position as reflected in the approved and applicable salary schedule. Placement should be based on factors such as prior experience, appropriate credentials, length of service, and quality of performance. Except as otherwise provided in this section, initial placement must fall between the minimum salary and Q2/median/mid-range on the applicable salary schedule.

3. Initial placement at a level higher than Q2/median/mid-range, but within the range, must (a) be accompanied by written justification and evidence of substantial experience or credentials relative to the position, and (b) be approved by the President (for institutional positions) or Chancellor (for System positions).

4. Initial placement for institutional positions above the range of the applicable salary schedule must be approved by the Chancellor before an offer is made. All institution requests for such placement must be (a) signed by the institution president and (b) explain why the candidate is unlikely to accept employment without an exception to the salary schedule, including factors such as the candidate's extraordinary qualifications and experience, the competitive nature of the field or discipline, and the candidate's salary history. Initial placement above the range of the applicable salary schedule should be rare and may only be approved by the Chancellor after he or she has consulted with the Board Chair. On or before August 1, of each year, a report shall be provided to the Board detailing, by institution, all requests for initial placement of positions above the applicable salary schedule during the immediately preceding fiscal year.

5. Initial placement of System positions above the range of the applicable salary schedule must be approved by the Chancellor before an offer is made. All System requests for such placement must be (a) signed by a vice chancellor of equivalent position overseeing the position, and (b) explain why the candidate is unlikely to accept employment without an exception to the salary schedule, including factors such as the candidate's extraordinary qualifications and experience, the competitive nature of the field or discipline, and the candidate's salary history. Initial placement above the range of the applicable salary schedule should be rare and may only be approved by the Chancellor after he or she has consulted with the Board Chair. On or before August 1 of each year, a report shall be provided to the Board detailing all System requests for initial placement of positions above the applicable salary schedule during the immediately preceding fiscal year.

(B/R 12/19)

Section 28. Ongoing Review and Approval of Executive Salaries and Annual Report to Board on All Employment Positions

1. After initial placement on the appropriate executive salary schedule, executive salaries shall be reviewed and approved as follows:

    a. Deans: Any proposed salary adjustments for deans (executive directors at DRI) at the member institutions, exclusive of COLA, shall be recommended by the appropriate vice president, approved by the President, and forwarded for information to the Chancellor annually. If any recommended salary falls outside the Board-approved salary range for that position, it must be approved by the Chancellor.

    b. Vice Presidents: Any proposed salary adjustments for vice presidents or equivalent positions at the member institutions, exclusive of COLA, shall be approved by the President and reported to the Chancellor.

    c. Presidents: Any proposed salary adjustments for Presidents, exclusive of COLA, shall be (i) recommended by the Chancellor in consultation with the Board Chair based on performance criteria assessed in an annual or periodic evaluation, and (ii) be approved by the Board of Regents. The Chancellor's recommendation must conform to guidelines set by the Board of Regents and be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the President's performance exceeded his or her performance program and goals.

    d. System Executive Staff: Any proposed annual salary adjustments for vice chancellors exclusive of COLA, shall be approved by the Chancellor based on performance criteria assessed in an annual evaluation. The Chancellor's recommendation must conform to guidelines set by the Board of Regents and be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.

e. Board Officer: Any proposed annual salary adjustments for the Chief of Staff and Special Counsel to the Board, exclusive of COLA, shall be recommended by the Board Chair, based on performance criteria assessed in an annual or periodic evaluation, and approved by the Board of Regents. The Board Chair's recommendation must conform to guidelines set by the Board of Regents.

f. Chancellor: Any proposed salary adjustments for the Chancellor, exclusive of COLA, shall be recommended by the Board Chair, based on performance criteria assessed in an annual or periodic evaluation, and approved by the Board of Regents. The Board Chair's recommendation must conform to guidelines set by the Board of Regents.

2. On or before August 1 of each year, a report shall be provided to the Board of Regents detailing, for the immediately preceding year, the following for all employment positions, including executive, administrative and faculty positions, for each institution and System Administration:

   a. A list of position, by department, school or functional area, that received a salary increase or adjustment (singular of aggregate) of ten percent (10%) or greater during that fiscal year, exclusive of cost-of-living or merit increases.

   b. A list of positions, by department, school or functional area, that received performance bonuses or commissions pursuant to Section 25 of this chapter.

   c. A list of positions, by department, school or functional area, that receive an equity adjustment pursuant to Chapter 3, Section 2.3 of the Procedures and Guidelines Manual.

   d. A list of positions, by department, school or functional area, that received any type of back-pay or retroactive compensations and the reasons for such compensation.

(B/R 12/19)

Section 29. Policies for Executive Salary Increases.

The following policies shall govern deliberations by the Chancellor and the Board, as the case may be, in recommending salary increases for the Chancellor, Presidents, vice chancellors (or equivalent positions) and the secretary to the board:

1. Any recommendation for an annual merit increase must be based on meritorious performance, documented in a written annual evaluation, which substantially exceeds the individual's performance program and goals for the year and has dramatically moved and shaped the individual's department and/or institution.

2. In years in which a cost-of-living adjustment is made for all NSHE professional employees, the Chancellor and the Board may, at their discretion, recommend no more than a 1 percent increase in salary for meritorious performance. In years in which there is no cost-of-living adjustment for NSHE professional employees, the recommendation shall not exceed a 2.5 percent increase in salary for meritorious performance. In either case, the recommendation will take into consideration any budgetary constraints in the fiscal year in which the salary increase will take effect.

3. Increases in salary for meritorious performance may not be awarded across the board to the executives governed by this section.

4. Salary increases, other than merit increases as governed and limited by the provisions of subsection 2, approved by the Chancellor in accordance with the provisions contained in Section 28 of this Chapter must be reported to the Board. The report shall provide the Chancellor's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.

5. Salary increases, other than merit increases as governed and limited by the provisions of subsection 2, recommended by the Board Chair in accordance with the provisions contained in Section 28 of this Chapter must be approved by the Board. The recommendation shall provide the Board Chair's rationale for the salary adjustment, including information on the manner in which the individual's performance exceeded his or her performance program and goals.

(B/R 12/17)

Section 30. Executive Perquisites.

Executive perquisites are set by the Board of Regents as part of the employment contract and shall be provided to the Chancellor, institutional Presidents, and other executives as determined by the Board of Regents. The Board may elect to provide an individualized set of perquisites to each executive in negotiation with the Chancellor. Appropriate perquisites may be pro-rated for time served by persons appointed to interim executive positions, the terms of which shall be set in the interim employment contract. Executive perquisites shall include, but not be limited to:

a. Car Allowance: Either a car or a car allowance shall be granted to the Chancellor and the institutional Presidents. The car allowance shall be set at $8,000 per year, with this dollar amount to be reviewed every 3 years. Car allowances shall not be provided to other executives; however those executives shall be reimbursed for mileage according to state guidelines for use of personal vehicles on the job.

b. Housing Allowance: A housing allowance shall be granted to the Chancellor and the institutional Presidents. The housing allowance shall be set at $12,000 per year for the Chancellor, community college Presidents, and DRI President. The housing allowance for the state college President shall be set at $15,000 per year. The housing allowance for the University Presidents shall be set at $18,000 per year. The dollar amounts shall be reviewed every 3 years. Dual housing allowances and housing allowances for other executives may be granted at the discretion of the Board of Regents. (B/R 10/03)

c. Relocation Expenses: Relocation expenses shall be reimbursed within the guidelines and limits set by the State of Nevada and in the manner prescribed by state regulations.

d. Other Perquisites: The Board of Regents may, at its discretion, grant other perquisites on a case-by-case basis to the Chancellor, institutional Presidents, and other executives as part of the person's employment contract.

(B/R 10/04)

Section 31. Other Salary Supplement

The Board of Regents, at its discretion, may permit the Chancellor and institutional Presidents to receive a salary supplement contributed from, and with prior consent of, private sources in addition to their base, state-funded compensation. All privately funded salary supplements must be approved in advance by the Board of Regents and will be irrevocable for the tenure of the President. The supplement must be made to the employee by and through the institution in accordance with provisions contained in Title 4, Chapter 10, Section 10 (A) (6) (a).
(B/R 10/03)

Section 32. Regents Professor and Emeritus Status

1. Presidents who choose to retire from NSHE after serving as President for a period of at least five years are eligible for emeritus status. Former Presidents granted emeritus status shall be provided office space on campus and attendant privileges. Emeritus status must be recommended by the Chancellor and approved by the Board of Regents.

2. Upon the recommendation of the Chancellor and the approval of the Board of Regents Presidents who elect to assume or resume a faculty position after serving as President for a period of at least ten years shall be awarded the title of Regents Professor.

3. The Regents Professorship provides an office, a part-time secretary, telephone, personal computer, allowances for supplies and travel, in addition to parking and library privileges as an active faculty member. Regents Professors shall provide an annual report of their activities to appropriate campus officers, the Chancellor's Office and the Board of Regents.

4. A Chancellor who becomes a Regents Professor may choose the campus at which he or she wishes to serve, and may, following appropriate consultation, move to another campus from time to time. Presidents who wish to serve at institutions other than their own may do so if such service is mutually agreeable.

5. To the extent practicable, and where not inconsistent with the individual's assigned teaching duties at the institution, the costs and salary and fringe benefits of Regents' Professorships shall be borne by the NSHE institutions. The costs and salary and fringe benefits for the Chancellor's Regents Professor shall be borne by the Board of Regents.

6. The word "President" in this section is intended to apply as well to former Chancellors of NSHE. Emeritus status and Regents Professorships for former Chancellors must be recommended by the Chairman of the Board of Regents and approved by the Board. A former President or Chancellor that does not meet the five year service requirement in Subsection 1 may nonetheless be granted emeritus status in recognition of extraordinary performance or achievement as determined by the Board of Regents.

(B/R 9/17)

Section 33. Presidential Transition

1. When the President of a NSHE institution requests reassignment from the presidential position to an employment position as a full time member of the academic faculty of the institution, the outgoing President's salary shall be no more than that of a leading academic faculty member in the field or discipline to which the outgoing President will be reassigned.

2. At the time of a President's request for reassignment, the Chancellor shall conduct an evaluation of the President's overall professional performance in office and the location of the assignment where the outgoing President might best contribute to an academic unit at the institution. Based upon this evaluation, the Chancellor shall provide:

   a. An appropriate rank (where applicable) and term contract in a specific academic unit in the institution; and

   b. An academic year salary up to, but not exceeding, the level of a leading academic faculty member in the field or discipline to which the outgoing President will be reassigned. The Chancellor may be required to estimate, based upon information from other NSHE institutions, what that salary level should be in cases where there are no academic faculty members in the unit to which the outgoing President will be reassigned, whose seniority and career accomplishments match those of the outgoing President.

3. An outgoing President may request a period of professional development leave in which to prepare to return to the duties of a full time academic faculty member. The outgoing President shall submit a proposal for the Chancellor's review and approval describing a plan of activity during the leave, together with a written commitment from the outgoing President agreeing to the performance of academic duties in the academic faculty position for at least one (1) year after the completion of the leave. The Chancellor shall specify the terms of the leave, including the following:

   a. Duration: Leave shall be for a period of one semester only (four months for the Desert Research Institute), provided, however, that the Chancellor may approve a leave up to one academic year (one fiscal year for the Desert Research Institute) in exceptional circumstances as shall be documented in the outgoing President's leave proposal;

   b. Salary: The outgoing President's salary during the period of professional development leave shall be set up to, but no greater than, the mid-point between the presidential salary of the outgoing President and the eventual academic faculty salary;

   c. Expenses: The Chancellor may also recommend special travel and other research expenses for the outgoing President during the professional leave period, provided, however, that the justification for such expenses is documented in the request for leave.

   Perquisites associated with the office of President, including, but not limited to, automobile, housing and host allowances, shall not be continued during the period of the leave. The costs, salary and fringe benefits payable to the outgoing President during the period of the leave shall be borne by the outgoing President's institution.

4. In the event of an involuntary reassignment of a President of a NSHE institution to an academic faculty position in the institution, continuation of the salary, fringe benefits and perquisites, if any, during the remainder of the term of the then-current employment contract of the outgoing President shall be determined by the provisions of the then-current employment contract. Upon expiration of the outgoing President's then-current employment contract, the salary and, if still applicable, the leave provisions of this section shall be applied to the former President.

(B/R 12/09)

Section 34. Vice Presidential Transition

1. When the vice president of a NSHE institution requests reassignment from the vice presidential position to an employment position as a full time member of the academic faculty of the institution, the outgoing vice president's salary shall be no more than that of a leading academic faculty member in the field or discipline to which the outgoing vice president will be reassigned.

2. At the time of a vice president's request for reassignment, the President of the NSHE institution shall conduct an evaluation of the vice president's overall professional performance in office and the location of the assignment where the outgoing vice president might best contribute to an academic unit at the institution. Based upon this evaluation, the President shall determine:

    a. An appropriate rank (where applicable) and term contract in a specific academic unit in the institution; and

    b. An academic year salary up to, but not exceeding, the level of a leading academic faculty member in the field or discipline to which the outgoing vice president will be reassigned. The President may be required to estimate, based upon information from other NSHE institutions, what that salary level should be in cases where there are no academic faculty members in the unit to which the outgoing vice president will be reassigned, whose seniority and career accomplishments match those of the outgoing vice president.

3. An outgoing vice president may request a period of professional development leave in which to prepare to return to the duties of a full time academic faculty member. The outgoing vice president shall submit a proposal for the President's approval describing a plan of activity during the leave, together with a written commitment from the outgoing vice president agreeing to the performance of academic duties in the academic faculty position for at least one (1) year after the completion of the leave. The proposal shall specify the terms of leave including the following:

    a. Duration: Leave shall be for a period of one semester only (four months for the Desert Research Institute), provided, however, that the President may approve a leave up to one academic year (one fiscal year for the Desert Research Institute) in exceptional circumstances as shall be documented in the outgoing vice president's leave proposal;

b. Salary: The outgoing vice president's salary during the period of professional development leave shall be set up to, but no greater than, the mid-point between the vice presidential salary of the outgoing vice president and the eventual academic faculty salary;

c. Expenses: The President may also approve special travel and other research expenses for the outgoing vice president during the professional leave period, provided, however, that the justification for such expenses is documented in the request for leave. Perquisites associated with the Office of vice president, including, but not limited to, automobile, housing and host allowances, shall not be continued during the period of the leave. The costs, salary and fringe benefits payable to the outgoing vice president during the period of the leave shall be borne by the outgoing vice president's institution.

4. In the event of an involuntary reassignment of a vice president of a NSHE institution to an academic faculty position in the institution, continuation of the salary, fringe benefits and perquisites, if any, during the remainder of the term of the then-current employment contract of the outgoing vice president shall be determined by the provisions of the then-current employment contract. Upon expiration of the outgoing vice-president's then-current employment contract, the salary and, if still applicable, the leave provisions of this section shall be applied to the former vice president.

5. The principles stated in this section shall also be applied by each NSHE institutional President to administrators below the level of vice president who request reassignment or are involuntarily reassigned from their administrative positions to employment positions as full time members of the academic faculty of the institution. Upon the adoption or amendment of a policy implementing such principles, each President shall provide a copy of each adopted or amended policy to the Chancellor.

(B/R 10/04)

Section 35. Community College Professional Advancement Program

1. Eligibility For Professional Advancement

   All academic faculty holding a .50 FTE or above and who have been placed on the Academic Faculty Salary Schedule are eligible for this plan.

2. Expense Encumbrance or Reimbursement Disclaimer

   a. The college will not pay nor shall a faculty member have caused any liability or encumbrance to accrue to the college for expenses the faculty member entered into during the course of the professional advancement program, except where otherwise allowed by the President, in writing, or by Board of Regent policy.

   b. The professional grant-in-aid, allowed under the provisions of Title 4, Chapter 3, Section 12, may be used to pay for course work taken within the NSHE (NSHE).

3. Voluntary Program

   Participating in the Professional Advancement Program is completely voluntary. No administrator may require any faculty member to participate in the program.

4. Faculty Senate Review Committee for Professional Advancement Appeals

   A Faculty Senate Committee will be convened by and report to the Faculty Senate Chair when an appeal for denial of professional advancement is received. It is the responsibility of the applicant to make his/her case for professional advancement in the written application that this committee will review. The committee may call for additional assistance from program area faculty.

5. The Chancellor shall prescribe in procedures a program outline for professional advancement, program standards, and an appeals process.

(B/R 12/19)

Section 36. Summer Term Salary Schedules

Salary schedules for summer session faculty at all NSHE institutions shall be reviewed and updated annually by the President's office at each institution and approved by the Chancellor. Any proposed revisions to the schedules shall not go into effect until approved by the Chancellor. The Chancellor shall provide a report to the Board of Regents regarding any approved salary schedule changes. Summer term salary schedule reviews and updates will not occur more frequently than annually.

(B/R 12/19)

Section 37. Enhanced 12-Month Contracts for Academic Nursing Faculty (UNLV, NSC and CSN Only)

The following provisions are applicable to the University of Nevada, Las Vegas, Nevada State College, and the College of Southern Nevada only:

1. If the institution adopts a three semester model for its nursing program, the institution may employ full-time academic nursing faculty under a B3 contract.

2. Nursing faculty employed by the institution under a B3 contract must adhere to the faculty workload requirements defined in Title 4, Chapter 3 for each of the three semesters. The institution will report annually to the Chancellor's Office the number of academic nursing faculty employed under B3 contracts and the total number of credit hours taught during each semester of contract.

3. Compensation for academic nursing faculty under a B3 contract shall be determined based on the approved nine-month academic salary schedules approved by the Chancellor times 1.5.

(B/R 12/19)

Section 38. Reduced Appointments for Tenured Faculty

1. A faculty member with a full-time tenured appointment may, by mutual agreement of the faculty member and the President of the faculty member's institution, be given a reduced appointment of less than 1.00 FTE, but no less than 0.50 FTE, under terms and conditions mutually agreed to in writing by the faculty member and the President, and which will be attached to or otherwise included in the faculty member's employment contract. A tenured faculty member agreeing to such a reduced appointment shall retain tenure. Such a reduction shall be issued only at the discretion of the institutional President.

2. A tenured faculty member agreeing to a reduced appointment under this section shall be reinstated to full-time employment either upon mutual agreement of the faculty member and the President or upon the direction of the President, which direction must be given in writing at least one year in advance of such reinstatement.

3. The institution, at the time of implementing this policy, will set a limit on the number of appointments made.

(B/R 12/19)

Section 39. Emeritus/Emerita Status

1. Emeritus/Emerita status is an honor, which may be awarded to full-time faculty, and professional staff who retire after distinguished and long-term achievement and service to a NSHE institution or to a NSHE System Administration unit. Recommendations for emeritus/emerita status will be based upon appropriate review processes established at each institution and shall be approved by the President or the Chancellor, in the case of System Administration recommendations. Normally a minimum of ten year's service is required prior to conferral of the title of emeritus/emerita. The President or Chancellor must provide 5 working days notice to the institutional or System faculty senate prior to approving Emeritus/Emerita status.

2. A person granted the title Emeritus/Emerita is considered to have lifetime status as a NSHE employee.

3. Emeritus faculty and professional staff, their spouses and financially dependent children are eligible for grant-in-aid privileges equivalent to those provided pursuant to Title 4, Chapter 3, Section 11.

4. Institutions may adopt such policies concerning additional benefits for emeritus faculty as are considered appropriate. Such policy statements, or a summary thereof, shall be in writing and, as appropriate, included in the administrative manual or faculty handbook of the institution. Additional benefits that may be adopted for System Administration emeritus faculty or staff shall be established in cooperation with a specific NSHE institution on a case-by-case basis.

(B/R 12/19)

Section 40. The NSHE Anti-Drug Policy Statement

1. The NSHE prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace. Any employee who violates this policy is subject to disciplinary action, which may include termination of employment.

2. During the course of employment, any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by *Nevada Revised Statutes* 193.105, regardless of where the incident occurred.

3. Any employee who is convicted of unlawfully giving or transferring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while acting within the scope of his/her NSHE employment will be subject to discipline up to and including termination.

4. The term, "controlled substance" means any drug defined as such under the regulations adopted pursuant to *Nevada Revised Statutes* 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include "legal drugs" which are not prescribed by a licensed physician.

5. Each State employee is required to inform his or her appointing authority within five days after he or she is convicted for violation of any federal or state criminal drug statute when such violation occurred while representing the NSHE or on the premises.

6. Any government agency with which the NSHE holds a contract or grant will be notified within ten days after receiving notice that an employee of the agency was convicted within the meaning used in paragraph 4, above.

7. Employees desiring more information concerning substance abuse, or seeking information on counseling may contact the designated Employee Assistance Representative for their institution.

(B/R 12/19)

Section 41. Letters of Appointment and Temporary Faculty Policies and Benefits

1. Definitions

   a. Letter of Appointment. A temporary part-time faculty member is an employee of an institution or unit within the NSHE who is assigned duties that are considered exempt by the Federal Fair Labor Standards Act (FLSA) regulations and is employed less than half-time. If the appointment is for a period greater than one year, it must be approved by the President or Vice President.

   b. Letter of Appointment with Benefits Faculty. A faculty member of an institution or unit within NSHE who is assigned duties that are considered exempt by the Federal Fair Labor Standards Act (FLSA) regulations and is employed at .5 Full-Time Equivalent (FTE) or more for a period less than twenty-four months. If the appointment is for a period greater than one year, it must be approved by the President or Vice President.

The duration of the appointment may be extended when approved by the President or Vice President.

c. A half time or more assignment for temporary faculty is:

For teaching faculty at a community college, an assignment equivalent to ten (10) credit hours or more for the semester.

For teaching faculty at a state college, an assignment equivalent to nine (9) credit hours or more for the semester.

For teaching faculty at a University, an assignment equivalent to eight (8) credit hours or more for the semester.

For non-teaching faculty and teaching faculty teaching non-credit courses, an assignment equivalent to twenty (20) hours or more per week.

Temporary part-time teaching faculty are limited to 75 percent of full-time equivalent per semester, unless an exception is granted by the vice chancellor for academic affairs. An exception may be granted for good cause, which may include but is not limited to: 1. The implementation of a pilot program requiring a temporary workload above 75 percent of full-time equivalent; 2. An emergency, such as an unanticipated increase in student registration for courses where the institution in unable to hire additional qualified temporary part-time teaching faculty; or 3. Assignments within the STEM and health sciences disciplines for courses with labs. Such exceptions shall not exceed one year in duration except for emergency cases.

d. Hourly Part-Time Faculty. While exempt positions are typically considered salaried by FLSA regulations, there are certain exempt functions that lend themselves to hourly payment for operational reasons. Examples include hourly music instruction, professional services billed on an hourly basis, and research or project based work that varies week to week. Assignments that are more than half-time and thereby eligible for medical benefits will be moved to salaried letter of appointment positions when practical. Hourly assignments that are non-exempt, due to salary level or duties, will be paid in the Temporary Hourly job family group.

e. Temporary Full-Time Faculty. A temporary full-time faculty member is an employee of an institution or unit within the NSHE who is issued a temporary full-time contract for a period of up to a year. Subsequent renewal of temporary full-time contract must be approved in advance by the institutional President or Vice President.

2. Benefits of Letter of Appointment, Letter of Appointment with Benefits, Hourly Letter of Appointment Temporary Faculty Member

a. Letter of Appointment and Hourly Letter of Appointment. A faculty member employed on a “letter of appointment” or as an Hourly Faculty is entitled to the following benefits:

Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3, Section 13), and

NSHE voluntary tax-sheltered annuity plan.

b. Letter of Appointment with Benefits. A faculty member employed on a "letter of appointment with benefits" is entitled to the following benefits:[8]

   Grant-in-aid as outlined in the Board of Regents' *Handbook* (Title 4, Chapter 3);

   NSHE voluntary tax-sheltered annuity plan; and

   State of Nevada health insurance program under *Nevada Revised Statutes* 287.045.

c. Temporary Full-time Faculty. A temporary full-time faculty member shall be issued a temporary contract and is entitled to the following benefits:

   All benefits provided to full-time faculty, except consideration for tenure and notice of non-reappointment.

3. Letter of Appointment, Letter of Appointment with Benefits and Hourly Letter of Appointment Faculty Member Employed by More Than One Institution

   a. A temporary part-time faculty member who is employed concurrently at more than one institution and whose combined assignment is less than half time shall receive letters of appointment from each institution.

   b. If the combined assignment is half time or more, the temporary part-time faculty member shall receive letters of appointment with benefits from each institution.

   c. The institutions employing such temporary part-time faculty members shall share benefit costs in an amount proportionate to the amount of time assigned at the institution as reflected in the percent of salary paid by each institution.

   d. Temporary part-time teaching faculty employed by more than one institution are limited to 75 percent of full-time equivalent per semester, unless an exception is granted by the vice chancellor for academic affairs. An exception may be granted for good cause, which may include but is not limited to: 1. The implementation of a pilot program requiring a temporary workload above 75 percent of full-time equivalent; 2. An emergency, such as an unanticipated increase in student registration for courses where the institution is unable to hire additional qualified temporary part-time teaching faculty; or 3. Assignments within the STEM and health sciences disciplines for courses with labs. Such exceptions shall not exceed one year in duration except for emergency cases.

   e. When the combined assignment is full-time, it shall be the responsibility of the institutions to enter into a temporary contract with the faculty member.

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[8] Except as provided herein a temporary part-time faculty member on a "letter of appointment with benefits" is not entitled to participate in the state or NSHE retirement programs. A temporary part-time faculty member on a "letter of appointment with benefits," who is employed for six consecutive months and who has previously been a Public Employees' Retirement System member, is entitled to Public Employees Retirement System participation, in accordance with *Nevada Revised Statutes* 286.297(9) and 286.802(2). In such circumstances, the part-time faculty member employed on a letter of appointment with benefits must be employed at a minimum .51% FTE.

4. Miscellaneous

   a. Subsection 45(1) is not intended to define or in any way dictate the workload assignment for full-time faculty members employed under contract within the NSHE. The intent is limited to defining workload assignments for temporary faculty members, solely for the specific purpose of determining employment benefits.

   b. Temporary faculty shall not be encouraged to sign written waivers of benefits. A written waiver of benefits will only be allowed if requested by the employee for good cause. Good cause includes, but is not limited to, the loss of other benefits already being received by the employee from another source (e.g., retirement benefits from another employer).

(B/R 12/19)

Section 42. Employment of Temporary, Part-Time Instructors

1. PURPOSE

   This policy is designed to govern practices at institutions of the Nevada System of Higher Education (NSHE) related to selection processes, appointments, contracts, and conditions of employment for temporary, part-time instructors to assure high quality of instruction by individuals with appropriate credentials and experience and to provide a set of baseline policies for these employees at all NSHE institutions.[1]

2. APPLICABILITY

   Application to Part-Time Instructors. This policy applies only to faculty members of the NSHE institutions (a) who are employed on a temporary, less than full-time basis, (b) who are neither tenured nor eligible for tenure, (c) whose responsibilities are primarily or exclusively in instructional programs, and (d) who are compensated on a per-course basis.

3. EMPLOYMENT CATEGORIES

   Institutions may establish employment categories for part-time instructors that recognize long-standing and exceptional service to the institution. Such additional employment categories and the criteria for advancement must be set forth in written institutional procedures approved by the institutional President or designee. The institutions may provide additional compensation based upon advancement categories.

4. POLICY

   a. Hiring.

      1. Credentials. Each institution shall develop written standards for the academic degrees or professional certifications and professional experience required for appointment to part-time instructor positions and procedures for verification of those credentials. The standards may vary depending on the level of courses to be

[1] Nothing in this policy shall be deemed to create any right, claim to or eligibility for full-time or permanent employment and/or any of the rights of full-time or permanent employees.

taught. Any exceptions to the standard must be approved by the institutional President or designee.

2. Selection Procedures. The institutional President or designee shall ensure that each department or unit has in place written procedures for selecting part-time instructors. Selection procedures shall reflect the commitment of the NSHE and the institution to equal employment opportunity.

b. Employment.

1. Contracts/Letters of Appointment. Each part-time instructor shall be provided with a written contract or formal letter of appointment, in accordance with Board of Regents' *Handbook*, Title 4, Chapter 3, Section 45. The contract or letter shall state the employment category, length of appointment, time of service, per cent of full-time or number of credit hours, salary, whether or not the appointment is renewable, nature of the assignment, and benefits (if any).

2. Information for Part-Time Instructors. The part-time instructor shall have access to the NSHE and institutional policies and procedures in a written or electronic version.

3. Term of Employment. Initial contracts or letters of appointment shall be for a period of one semester, but subsequent contracts may be for longer periods not to exceed one year.

c. Working Conditions.

1. Support for Teaching. The appointing institution shall provide each part-time instructor with the support it determines to be necessary for the execution of the appointee's duties and also address the following:

   i. Attendance at departmental and institutional orientation sessions when practical;

   ii. Information on the department's policies, requirements, and goals for each course, along with access to examples of course syllabi (if available);

   iii. Official schedule of classes, including academic calendar and time frames of class meetings;

   iv. Information or assistance regarding the ordering of textbook(s) for the course(s), ancillaries for the text(s), and office supplies;

   v. Access to copying services for course materials;

   vi. A place for meeting with students, as needed, except if instruction is completely technology-mediated; and

   vii. An institutional email account.

2. Professional Development. Professional development opportunities for part-time instructors should be supported by the institutions which may include, to the extent permissible, extending invitations to departmental, college, or institutional faculty development events.

3. Performance Evaluation. The institutional President or designee shall ensure that each department or unit has in place written procedures for evaluating part-time instructor performance periodically, as defined in institutional procedures. Evaluations shall be kept on record in a personnel or department file and shall be consulted when decisions about promotion, salary, and any subsequent contract or letter of appointment are made.

4. Participation in Campus Community. To the greatest extent possible, part-time instructors shall be integrated into the scholarly, intellectual, academic, and social functions of the department or unit, and institution.

5. Shared Governance Participation. Institutions shall provide shared governance opportunities for part-time instructors to communicate their concerns to campus administration and participate in the development and implementation of policies and procedures related to part-time instructors.

(B/R 12/19)

Section 43. Leave Without Pay

1. If an academic or administrative faculty member is absent from work without authorized leave, as defined in this Chapter, the absence must be charged as unauthorized leave without pay.

2. Unauthorized leave may be grounds for disciplinary action; however, placement of a faculty member on leave without pay under this section shall not constitute a disciplinary action, as defined in Title 2, Chapter 6 of the Code. If a disciplinary action is brought under Title 2, Chapter 6 of the Code, any disciplinary measures are in addition to the absences charged as unauthorized leave under section 1 above.

(B/R 12/19)

Section 44. Background Check

1. Required Background Check of Childcare Workers and Volunteers.

   a. Each institution with a childcare facility shall comply with all licensing and background check requirements established in state law. To the extent the Board of Regent's policy conflicts with any state law requirements, or if applicable, any local licensing requirements, the provisions of state law or applicable local licensing requirements control.

   b. An employee who has submitted the necessary application to the state (or where permitted by law, a local licensing authority) may commence work in a childcare facility prior to completion of the background check if the employee is: 1) not left alone with children (meaning another employee is always present); or 2) has successfully completed an initial background check of criminal history by obtaining a current sheriff/police card through the County/City, or by means of an investigation of criminal history by a national criminal background check firm.

c. Any individual, whether volunteer or part-time, not requiring a background check under state law must: 1) not be left alone with children (meaning another employee is always present) or 2) complete a criminal background check by obtaining a sheriff/police work card through the County/City, or by means of an investigation of criminal history by a national criminal background check firm.

2. Application Requirements

a. Any prospective volunteer or employee in a childcare facility must complete an application for the consideration of employment or volunteer activities. The applicant must disclose 1) any prior convictions, whether or not expunged or based on a no contest plea, except for minor traffic/parking offenses; 2) current use of illegal drugs; 3) any arrest involving offenses related to child abuse or exploitation, child pornography, sexual assault or rape, sexual misconduct of any type involving a minor, assault, battery, murder, attempted murder or manslaughter; 4) prior employment history for the last ten years (recognizing that some individuals may not have been working for that time period); and 5) references. References and employment history must be verified prior to commencing employment or beginning volunteer activities.

b. The facility shall evaluate all information received in the application in determining whether employment should be offered or volunteer activities permitted. Incomplete applications for employment or volunteer activities may not be considered. Any employment offer or commencement of volunteer activities is contingent upon successful completion of a criminal background check where required under state law or any applicable local licensing requirements, as well as other restrictions noted in this section.

3. Definition of Volunteer

For the purposes of this section, the term “volunteer” does not include a parent or guardian of a child who is enrolled in the childcare facility, nor does it include students participating in an educational program. Parents, guardians and students should, however, be supervised during visits to the childcare facility.

4. Applicability to Classified Employees

This policy is not generally applicable to the employment of classified employees, as such employment is governed by state personnel rules, except that classified employees may not commence work at a childcare facility prior to completion of any background check required by state law, or any applicable local licensing requirements, unless 1) the employee has submitted an application to the state (or if permitted by law, a local licensing authority) and 2) the employee is not left alone with children (meaning another employee is always present).

5. Subsequent Convictions or Illegal Drug Use.

Employees subject to this background check policy are required to report to his or her supervisor any convictions or illegal drug use as described in Section. 2.a above, which occurs after employment with NSHE.

(B/R 12/19)

Section 45. Background Reviews of NSHE and Non-NSHE Personnel in Programs or Activities Involving Children

1. Institutions to Review Programs/Activities and Adopt Policy. Each institution shall review its programs and activities involving children to determine whether and to what extent background reviews should be conducted on individuals who will supervise or work in the programs or activities. The institutions may, based on the program and activity review, require background reviews and updates of reviews of employees who supervise or work in programs or activities involving children.

2. Applicability. All NSHE employees and volunteers who supervise or work in programs or activities involving children may be required to undergo a background review, which may include criminal history. Outside persons (non-NSHE personnel), who request permission to use NSHE facilities for programs or activities involving children, may also be required to undergo a background review, including criminal history. This policy does not apply to individuals who are present at NSHE facilities solely to attend public events or to use facilities that are open to the public.

3. Payment for Cost. Outside persons (non-NSHE personnel) may be required to pay for the cost of the background review.

(B/R 12/19)

Section 46. Fitness for Service

1. Policy Statement.

   a. NSHE is committed to providing a safe workplace. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for service may present a safety hazard to themselves, to other employees, to students, or to the public. All employees are required to report to work fit for service and able to perform their job duties in a safe, appropriate and effective manner. This policy applies to all full-time and part-time professional employees. This policy will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act, the Rehabilitation Act, HIPAA and the Family and Medical Leave Act.

   b. Definitions.

      i. “Fit for service” means able to perform the duties of the job in a safe, secure, productive, and effective manner, with or without reasonable accommodation.

      ii. “Health service provider” is a doctor of medicine or osteopathy, dentist, podiatrist, psychiatrist, clinical psychologist, optometrist, nurse practitioner, physician assistant, nurse-midwife, or a licensed clinical social worker or other health care practitioner who is authorized to practice in the state of Nevada or licensed in the state in which the health service provider resides or works.

iii. "Essential Functions of the Position" generally includes the required major duties and responsibilities of the position, specific tasks associated with the position, and physical, mental and environmental demands of the position, which may be set forth in writing such as a role statement, position description or similar document.

2. Placing an Employee on Leave and Requiring Medical Examination and Return to Work Certification.

a. Placing an Employee on Leave. An appointing authority or designee, after consultation with the institution's Human Resources department and institution or unit counsel, may require an employee to take paid sick leave, annual leave or unpaid leave and require the employee to undergo a medical examination and return to work certification if, based upon a written recommendation from the employee's supervisor, the employee:

i. Poses a significant risk of substantial harm to the health and safety of the employee or others that cannot be eliminated or reduced with or without reasonable accommodation; and/or

ii. Due to a known or suspected illness or injury is not able to perform the essential functions of his or her position with or without reasonable accommodation.

The employer will consider whether the mandatory leave also qualifies as Family and Medical Leave which may only be granted if the employee is otherwise eligible for such leave.

b. Meeting with Employee and Documentation. The employer shall document the reason for placing an employee on leave and shall provide the employee with a copy of such documentation including a copy of this policy. The employer shall meet with the employee before placing him or her on leave to explain the reasons for the action, unless such a meeting poses a significant threat of substantial harm to the health or safety of the employee, his or her fellow employees, students or the public or unless the employee refuses to attend the meeting. If the meeting is not held as provided under this subsection, the employer shall inform the employee in writing of the reasons the meeting was not held.

c. Access to Premises, Equipment and Resources. Whenever there is reasonable cause to believe that life, limb, property or the maintenance of order are at risk, the appointing authority or designee may withdraw consent for the employee to enter or remain on the institution premises and to use institution equipment or resources until the employee is returned to work following the initial medical examination or following a return to work certification. The reasons for the withdrawal of such consent must be given to the employee in writing at the time of the meeting required in subsection b. above.

3. Initial Medical Examination and Return to Work Certification.

a. Initial Medical Examination. If the appointing authority places the employee on leave pursuant to subsection 2 above, the appointing authority or designee shall require the employee to undergo an initial medical examination performed by a health service provider selected by the employer to determine whether the employee:

i. poses a significant risk of substantial harm to the health and safety of the employee or others that cannot be reduced or eliminated with or without reasonable accommodation; and/or

ii. due to a known or suspected illness or injury is not able to perform the essential functions of his or her position with or without reasonable accommodation.

Employees are required to cooperate fully with the selected health service provider and must sign consent forms for both the medical examination and the communication of the results to the employer. The health service provider shall report the results of the medical examination in writing to the employer and employee on a form provided by the employer. The employer shall provide the health service provider with a written description of the essential functions of the employee's job, as defined in subsection 1(b)(iii) above. The final decision on whether a provider's medical examination determination will be accepted lies with the appointing authority or designee after consultation with Human Resources and institution or unit counsel. A second independent health service provider medical examination may be required by the employer for reasonable cause documented in writing. The employer shall pay the costs of the medical examination(s). The determination of whether an employee is fit for service should be completed within a reasonable time of the employee being placed on leave in consideration of all of the relevant facts and circumstances.

b. Return to Work Certification. If the medical examination(s) determines that the employee: i. poses a significant risk of substantial harm to the health or safety of the employee or others that cannot be reduced or eliminated with or without reasonable accommodation; and/or ii. due to a known or suspected illness or injury is not able to perform the essential functions of his position with or without reasonable accommodation, then the employee shall not return to work, unless and until he or she obtains a written return to work certification from a health service provider on a form provided by the employer. The employee must provide the health service provider the essential functions of his or her position as defined in subsection 1(b)(iii) above and a copy of the written determination(s) from the initial medical examination(s). The final decision on whether a health service provider's return to work certification will be accepted lies with the appointing authority or designee after consultation with Human Resources and institution or unit counsel. The employee is responsible for the cost of the return to work certification.

The employer may, for reasonable cause documented in writing, require a second return to work certification[2] by a health service provider, chosen and paid for by the employer. The employee is required to cooperate fully with the selected health service provider and must sign consent forms for both the return to work medical examination and the communication of the results to the employer. If the second return to work certification concurs with the first certification and has delayed the employee's return, the additional leave taken will be restored and/or the employee will be reimbursed for any unpaid leave.

[2] ***Note: A second return to work certification may not be required if the employee is certified to return to work while in FMLA status.***

4. Fitness for Service Records. Records created pursuant to this policy will be treated as confidential medical records and be kept separate from existing department and personnel files; this information can be disclosed in accordance with the provisions of the Code, Title 2, Ch. 5, Sec. 5.6.

5. Restoration/Payment for Leave. If, as a result of the medical examination(s) provided for in subsection 3.a above, the appointing authority or designee concludes that the employee is fit for service, any paid leave required to be taken by the employee shall be restored, except as provided herein. If unpaid leave was required, the employer shall pay the employee for those days of unpaid leave, unless the employee caused an unreasonable delay in obtaining the medical examination. If the employee caused an unreasonable delay, as determined by the employer and documented in writing, the employee shall not be paid nor have paid leave restored for the period of the delay.

6. Finding that the Employee is not Fit for Service. If the appointing authority or designee determines that the employee is not fit for service in accordance with subsection 3.a above, the employer shall take appropriate action, which may include but is not limited to disciplinary action, in light of the particular circumstances, and consistent with NSHE policy and applicable law.

(B/R 12/19)

Section 47. Patient Protection and Affordable Care Act Compliance

The Patient Protection and Affordable Care Act (the "Affordable Care Act") is federal legislation passed in 2010 that impacts health benefits coverage for employers and employees. NSHE shall comply with the employer shared responsibility requirements included in the Affordable Care Act. The Chancellor shall establish procedures and guidelines to comply with the employer shared responsibility requirements in the Affordable Care Act.
(B/R 12/19)

Section 48. Overtime Eligible Administrative Faculty

Administrative faculty positions which are considered non-exempt under the Fair Labor Standards Act are governed by the provisions contained in the *Procedures and Guidelines Manual*, Chapter 19, Section 5.
(B/R 12/19)

Section 49. Reporting Employee Contract Buyouts

Any employee contract buyout that occurs in whole or part as a result of a notice of non-reappointment or notice of termination pursuant to NSHE Code Title 2, Section 5.8 or 5.9 or in lieu of such notice must be approved in writing by the institution President and reported by the institution's General Counsel to the NSHE Chief General Counsel within five (5) business days of the President's approval. The report shall occur on a form prescribed by the Chief General Counsel that includes the name and title of the employee, the institution, the relevant dates, the amount of the buyout, and a justification for the buyout. The Chancellor shall prepare a public

annual report to the Board regarding the number and amounts of any buyouts by institution, as well as those for the System Office, for the year.
(B/R 12/19)

Section 50. Annual Professional Performance Pay Awards

Effective no later than fiscal year 2023, on an annual basis all institutions and System Administration and its units shall establish a performance pay pool of at least one percent (1.0%) for the purpose of awarding salary adjustments based on meritorious performance in the prior performance evaluation year for professional employees. The Presidents, in consultation with the Chancellor, shall establish institutional procedures for awarding performance pay, includinghow award amounts will be determined and awarded. The provisions of this section may be suspended for an individual institution or the system as a whole. Requests for suspension of the provisions of this section must be presented to the Board with justification and require approval of the Board. Institutions will report annually to the Board on how the provisions of this section have been met.
(B/R 6/21)

Section 51. Limitations on Remote Work or Telecommuting Policies

If a policy is enacted by an institution or system administration that authorizes an employee to work remotely or telecommute for a temporary or extended period of time, it must advance the institution's mission and shall not reduce or impede the quality of instruction or service provided to students, co-workers, and the community.

Working remotely or telecommuting is not a right. It is a discretionary privilege, and if approved by a supervisor, it is subject to conditions on a case-by-case basis that may be amended or revoked. Not all positions will be eligible for working remotely or telecommuting, as some positions by their nature and responsibilities require daily in-person presence and interaction. Denial of an employee's request to work remotely or telecommute shall not be subject to any grievance, reconsideration, or appeal. Any policy developed pursuant to this Section must comply with all applicable policies and procedures set forth in the Board of Regents *Handbook*, the Code, and the *Procedures and Guidelines Manual*.
(B/R 6/21)

Title 4 - Codification of Board Policy Statements

Chapter 4

PROFESSIONAL STAFF COLLECTIVE BARGAINING REGULATIONS

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Section 1. Introduction

1. This chapter shall be known and may be cited as the Nevada System of Higher Education (NSHE) Professional Employee Collective Bargaining Regulations.

2. These regulations have been adopted by the Board of Regents of the NSHE under the Board's authority established by Article 11, Section 4 of the Nevada Constitution to manage and control the government and the essential functions of the University of Nevada.

(B/R 2/90)

Section 2. Definitions

As used in this chapter, unless the context otherwise requires, the words and terms defined in this section shall have the following meanings ascribed to them:

1. "Adjunct faculty member" means any individual holding a professional position with any member institution or unit of the System, except as a clinical faculty member, for which the individual receives no salary.

2. "Administrator" means any Assistant or Associate Dean, Dean, Vice President, President, Deputy Treasurer, Assistant Chief Counsel, Vice Chancellor, Chancellor, professional employee in the Presidents' or the Chancellor's Office(s), Secretary to the Board of Regents, confidential, supervisory or managerial employee or assistant to any of the above named administrators.

3. "Board of Regents" means the board specified in Section 4 of Article 11 of the Nevada Constitution, and constituted pursuant to *Nevada Revised Statutes* 396.040, which controls the NSHE.

4. "Chancellor" means the Chancellor of the NSHE.

5. "Clinical faculty member" means any individual holding a professional position with the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; or the Orvis School of Nursing, University of Nevada, Reno, for which the individual receives no salary.

6. "Community college bargaining unit" means a bargaining unit consisting of the professional employees of one or more community colleges of the System who have elected to belong to the bargaining unit.

7. "Confidential employee" means any employee who works in a Personnel Office or has, as part of his or her regular duties, access to management information, personnel information affecting employee relations or confidential information used by management in collective bargaining, or any employee in the Offices of the Chancellor or the Presidents.

8. "Employee" means any individual employed by a member institution or unit of the System.

9. "Employee organization" means any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of collective bargaining.

10. "Managerial employee" means any individual employed in a position in which the principal functions performed are characterized by the administration of collective bargaining agreements or major personnel decisions, or both, including the staffing, hiring, firing, transferring, laying off, disciplining, evaluating, promoting or training of professional employees.

11. “Member institution “ means the University of Nevada, Reno; the University of Nevada, Las Vegas; the Desert Research Institute; the Nevada State College, Henderson; the College of Southern Nevada; the Great Basin College; the Truckee Meadows Community College; or the Western Nevada College.

12. “President” means the chief administrative officer of the University of Nevada, Reno; the University of Nevada, Las Vegas; the Desert Research Institute; the Nevada State College, Henderson; the College of Southern Nevada; the Great Basin College; the Truckee Meadows Community College; or the Western Nevada College.

13. "Professional employee" means any employee issued a contract or letter of appointment by a member institution or unit of the System for employment in the professional service of the System for a period exceeding six months at .50 FTE or more, but excluding adjunct faculty members, administrators and clinical faculty members.

14. "Strike" means any concerted action of the following types:

    a. Stoppage of work, slowdown or interruption of operations by employees of a member institution or unit of the System;

    b. Absence from work by employees of a member institution or unit of the System upon any pretext or excuse, including but not limited to illness, which is not founded in fact; or

    c. Interruption of the operations of a member institution or unit of the System by an employee organization.

15. "Supervisory employee" means any individual in a position in which the principal functions are characterized by two or more of the following:

    a. Performing such management duties as scheduling, assigning, overseeing or reviewing the work of subordinate employees, or effectively recommending the same; or

    b. Performing such duties as are distinct and dissimilar from those performed by the employees supervised; or

    c. Exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing the provisions of the collective bargaining agreement, or effectively recommending the same; or

d. Establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards, or effectively recommending the same, provided, that in connection with any of the foregoing, the exercise of such functions or authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

16. "System" means the NSHE.

17. “System bargaining unit” means a bargaining unit consisting of the professional employees of the two universities of the System, the Desert Research Institute, the state college, and one or more, if any, of the community colleges of the System whose professional employees have elected not to belong to the community college bargaining unit.

18. "Unit" means any component of the NSHE.
(B/R 9/18)

Section 3. Right to Join Employee Organizations

It is the right of every professional employee of the System who is not specifically excluded by this chapter, to join any employee organization of his or her choice or to refrain from joining any such organization. The System shall not discriminate in any way among its employees on account of advocacy of membership or non-membership in any such organization.
(B/R 2/90)

Section 4. Bargaining Unit

1. For the purposes of this chapter, except as otherwise provided herein, all of the professional employees of the System are deemed by the Board of Regents to have a substantial community of interest and shall constitute one bargaining unit only.

2. If the conditions specified in Sections 5, 6 and 7 of this chapter for establishing two bargaining units are met, then there shall be two bargaining units only as provided herein, one of which shall be the System bargaining unit and one of which shall be the community college bargaining unit.

3. If a majority of the department chairs or those professional employees whose duties are functionally equivalent to department chairs in a unit, not otherwise excluded from a collective bargaining unit as provided in this chapter, specify that they wish to be included in the collective bargaining unit, they shall be included in the collective bargaining unit, but otherwise they shall not be included in the collective bargaining unit. Such employees will notify the President of their preference as to inclusion or exclusion from the collective bargaining unit at least ten calendar days prior to any election held under this chapter.

(B/R 2/90)

Section 5. Representative Application

1. An employee organization seeking to represent System employees in their employment relationship must submit an application in writing to the Chancellor and include the following:

    a. A copy of its articles of incorporation;

    b. A copy of its bylaws;

    c. A roster of its officers and representatives, including name, address, and official function or title;

    d. Identification of the unit sought for representation; and

    e. Signed evidence of interest in being represented by the employee organization from no less than 30 (thirty) percent of all of the eligible professional employees contained in the unit sought.

    f. In order to establish a single, separate community college bargaining unit, an application must also contain signed evidence of interest in being represented by an employee organization in such a community college bargaining unit from no less than 30% (thirty percent) of all of the eligible professional employees of any community college in the System whose faculty may desire to collectively bargain, and this shall authorize the Board of Regents to hold a representation election, as provided in Sections 6 and 7 of this chapter, only among the professional employees of the community college(s) whose faculty have submitted an application required by this section through an employee organization. Any other community college professional employees may participate in the election by submitting an application through an employee organization as required by this section no later than ten calendar days prior to the date of the scheduled election.

2. Any revision or changes as to paragraphs a., b., and c. of subsection 1 shall be furnished to the Chancellor and to each member of the employee organization.

(B/R 2/90)

Section 6. <u>Election</u>

1. Upon verification by the Chancellor that the above requirements have been met, the Chancellor shall place the application for recognition on the agenda as an action item of the next regularly scheduled meeting of the Board of Regents. The Board of Regents shall at that meeting provide for the American Arbitration Association to conduct an election in accordance with its rules. The election by secret ballot among the employees for whom representation is sought shall be held no sooner than 15 calendar days and no longer than 30 calendar days from the date of the Board of Regents meeting at which the request was presented.

2. Ballots for the election shall be mailed to all eligible professional employees for the bargaining unit involved. The professional employees receiving the ballots shall be given the option, to be stated on the ballot, of casting their votes either by return mail or in person at designated voting locations and at designated times and dates.

(B/R 2/90)

Section 7. Balloting Shall Be in Two Parts

1. In an election among the employees for whom representation is sought, two issues may be placed on the same ballot, the first of which in all events must be placed on the ballot and the second of which must be placed on the ballot only if two or more employee organizations have applied for representation of professional employees.

2. In only one employee organization has applied for representation of professional employees, the first part of the ballot shall be worded as follows: (Name of employee organization) has applied to represent all of the eligible professional employees in (identify the bargaining unit) for purposes of collective bargaining with the NSHE. If a majority of all of the eligible professional employees in the bargaining unit for whom representation is sought vote "yes", then (name of employee organization) shall be elected to serve as the professional employees' bargaining agent.

Vote for one alternative:

_____Yes, I want (name of employee organization) designated as my agent for collective bargaining purposes.
(B/R 2/90)

_____No, I do not want collective bargaining.

3. If two or more employee organizations have applied for representation:

   a. The first part of the ballot shall be worded as follows: Several employee organizations have applied to represent all the eligible professional employees in (identify the bargaining unit) for purposes of collective bargaining with the NSHE. If a majority of all of the eligible professional employees in the bargaining unit for whom representation is sought vote "yes", then one of the employee organizations on the second part of the ballot shall be elected to serve as the professional employees' bargaining agent.

Vote for one alternative:

_____Yes, I want (name of employee organization) designated as my agent for collective bargaining purposes.
(B/R 2/90)

_____No, I do not want collective bargaining.

b. If a majority of all of the eligible professional employees in the unit for whom representation is sought fail to vote "yes", the party or organization conducting the election shall not count the votes cast for labor organizations on the second part of the ballot.

c. The second part of the ballot shall be worded as follows: If a majority of all of the eligible professional employees in the bargaining unit for whom representation is sought vote "yes" in favor of designating an agent for collective bargaining purposes, one of the following organizations shall be so designated. Regardless of how you voted on the first part of the ballot, vote for one of the organizations listed below to serve as agent for collective bargaining purposes. The employee organization receiving a majority of the votes cast shall be elected to serve as the professional employees' bargaining agent, provided the requisite minimum number of "yes" votes has been cast in the first part of the ballot.

_____ (organization)

_____ (organization)

_____ (organization)

4. After the Board of Regents has set the date of the election, additional employee organizations seeking to represent the eligible professional employees of the unit in question may file an application with the Chancellor no later than ten calendar days prior to the election. The application shall contain the information specified in Section 5, subsections a. through d. of this chapter. If the application contains signed evidence of interest in being represented by the employee organization from no less than 10 (ten) percent of all the eligible professional employees contained in the unit in question, the organization shall be included on the ballot of the election.

5. The results of the election shall be binding on all parties as of the date certified by the party or organization conducting the election, and no other application or elections involving the same bargaining unit shall be accepted or permitted for a period of one calendar year from the date of the certification, with the exception of a runoff election which might be necessitated where no employee organization received a majority of the votes cast in a two part ballot. Runoff elections shall be held no sooner than five calendar days and no longer than ten calendar days after the election. Only the top two vote-getting employee organizations from the previous election shall be listed on the ballot for the runoff election. The employee organization receiving a majority of the votes cast in a runoff election shall be elected to serve as the professional employees' bargaining agent.

6. When an election is held only among the eligible professional employees of one or more community colleges, as provided in Section 5(1)(f) of this chapter, the following procedures shall be in effect:

a. If a community college bargaining unit is established as provided in Sections 5, 6 and 7 of this chapter and if the professional employees of one or more community colleges have also elected not to belong to the community college bargaining unit as provided in those sections, the professional employees of any such nonparticipating community college may seek to join the community college bargaining unit at a later time by filing an application through an employee organization and by participating in an election under the provisions of Sections 5, 6 and 7 of this chapter. However, such an application may not be filed for a period of more than 180 calendar days nor less than 120 calendar days before the date of expiration of any bargaining agreement then in existence under this chapter. The ballot shall be limited to the single issue of whether the professional employees of the community college(s) involved wish to be represented or not by the employee organization already representing the professional employees who are already in the bargaining unit. For this purpose the ballot established in Section 7(2) of this chapter shall be used.

b. After the professional employees of any community college elect to belong to a single, separate community college bargaining unit, the professional employees of a community college in the unit cannot choose to leave the community college bargaining unit. This paragraph shall not be deemed to prohibit the decertification, under Section 8 of this chapter, of an employee organization representing all of the professional employees of the community college bargaining unit.

(B/R 2/90)

Section 8. Decertification

1. Except during the calendar year specified in Section 7 of this chapter, the System will withdraw recognition of an employee organization if the subject organization has been decertified within the provisions of this section by a majority vote of all eligible professional employees of the bargaining unit represented.

2. Decertification shall be initiated by one of the following methods:

   a. Members of the negotiating unit seeking to decertify a recognized employee organization must submit notice of intent in writing to the Chancellor and the employee organization and include signed evidence of intent to decertify from no less than 30 (thirty) percent of the eligible professional employees in the unit represented by the recognized employee organization; or

   b. The Chancellor notifies the Board of Regents that the Chancellor has a good faith reason to believe that the presently certified employee organization representing the bargaining unit is no longer supported by a majority of the professional employees of the bargaining unit. The American Arbitration Association shall also be notified of this belief by the Chancellor and the Association shall be requested to review the matter upon appropriate hearing and report to the Board of Regents on whether the Chancellor's action is justified. The Board shall take no action on the matter unless the American Arbitration Association indicates that the Chancellor's notification is justified.

3. Upon a finding by the Board of Regents that the above requirements have been met, an election shall be scheduled in a manner consistent with the procedures specified for elections in Section 6 of these regulations.

4. No action to decertify shall be considered during the effective term of a bargaining agreement except for a period of not more than 180 calendar days to not less than 120 calendar days before its date of termination. For the purposes of timeliness of notice, an existing written collective bargaining agreement for a term in excess of two years shall be treated as a two-year agreement.

(B/R 2/90)

Section 9. External Funding

The System is constrained by funding resources external to its control and subject to approval by bodies not participant in negotiations such as are provided by these regulations. No provision of any bargaining agreement negotiated pursuant to this chapter which requires the expenditure of funds for any purpose shall be effective unless and until funds are appropriated and are made available to the System by the Nevada Legislature. It is therefore imperative that the negotiating parties function in a spirit of mutual respect and cooperation toward the achievement of their common, as well as individual, objectives.

(B/R 2/90)

Section 10. Agreements Shall Be in Writing

1. It is the duty of the System and the employee organization designated as the bargaining agent for the unit to negotiate in good faith through their chosen representatives as required by this chapter.

2. All agreements reached shall be reduced to writing and submitted for ratification to the professional employees represented by an employee organization and to the Board of Regents. If the agreement is ratified by both parties, then it shall be signed by legally empowered representatives.

3. Community colleges may negotiate separate bargaining agreements.

(B/R 12/16)

Section 11. Written Notice; Duration of Agreement

Whenever a recognized employee organization or the Board of Regents desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall provide written notice to the other party. The employee organization and the Board of Regents may not provide written notice to the other party for a period of 60 calendar days from the date of certification of the election by the party or organization conducting the election. Collective bargaining agreements resulting from such negotiations shall be for duration of not less than two years, with this agreement duration to be congruent with the fiscal biennium concept used within the System. The minimum duration required by this section does not preclude agreements for more than two fiscal years, nor does the minimum duration apply to the initial agreement negotiated between the System and the employee organization.

(B/R 2/90)

Section 12. Informal Discussions

These regulations neither preclude nor require informal discussion between an employee organization and the System of any matter which is not subject to mandatory collective bargaining negotiations or a collective bargaining agreement under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.
(B/R 2/90)

Section 13. Scope of Collective Bargaining

1. The scope of mandatory collective bargaining negotiations under this chapter shall be limited to the following topics:

    a. Salary or wage rates or other forms of direct monetary compensation.

    b. Sick leave.

    c. Vacation leave.

    d. Holidays.

    e. Other paid or nonpaid leaves of absence.

    f. Insurance benefits.

    g. Total hours of work required of a professional employee on each work day or work week.

    h. Total number of days worked required of a professional employee in a work year.

    i. Discharge and disciplinary procedures.

    j. Recognition clause.

    k. Deduction of dues for the recognized employee organization.

    l. Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

    m. Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

    n. General savings clauses.

    o. Duration of collective bargaining agreements.

    p. Safety of the employee.

q. Procedures for reduction or addition in work force.

2. All provisions of the NSHE Code, institutional bylaws and all other policies, procedures, rules and regulations of whatever nature of the NSHE, its member institutions or any other unit of the System, not specifically modified by the terms of any collective bargaining agreement made pursuant to this chapter, shall remain in force and effect unless and until modified by the appropriate System authority, which it may do at any time.

3. Except as modified in collective bargaining agreement regarding the topics enumerated in paragraph 1 above, the Board of Regents, in accordance with its authority under Article 11, Section 4 of the Nevada Constitution, has retained and will continue to retain, whether exercised or not, the sole right, responsibility, authority or prerogative to make rules for the government of the NSHE and shall determine the mission, means, number and types of personnel, as well as the general policies of the NSHE, its member institutions and any unit of the System including, but not limited to, those concerning academic, curricular, programmatic, financial and personnel matters.

(B/R 2/90)

Section 14. Commencement of Negotiations

The recognized employee organization and the System's negotiating representatives designated by the Board of Regents shall promptly commence negotiation upon receipt of notice as specified in Section 11 of this chapter.
(B/R 2/90)

Section 15. Use of Mediator

During the course of negotiations, the parties may mutually agree to utilize the services of a mediator to assist them in resolving any dispute. If the parties agree to utilize a mediator, but are unable to agree on the identity of a mediator, either party may request from the American Arbitration Association, a list of seven potential mediators who have a background in postsecondary education. The parties shall, within three days after receipt of the list, select their mediator from this list by alternately striking one name until the name of only one mediator remains, who will be the mediator to consider the dispute in question. The employee organization shall strike the first name. The mediator shall have the authority to schedule meetings between the parties. The System and the employee organization each shall pay one half of the cost of mediation; however, each party shall pay its own costs incurred in the preparation and presentation of its case.
(B/R 2/90)

Section 16. Selecting a Factfinder

1. If after 60 calendar days following receipt of notice of desire to negotiate, the parties have not reached agreement, and mediation, if undertaken, has been unproductive, either party may request that the dispute be submitted to an impartial factfinder for findings and recommendations. These findings and recommendations are not binding on the parties.

2. If the parties are unable to agree on an impartial factfinder within five calendar days after a request for submission of the dispute to a factfinder has been made, either party may request from the American Arbitration Association, a list of seven potential factfinders who have a background in postsecondary education factfinding. The parties shall, within three calendar days, select their factfinder from this list by alternately striking one name until the name of only one factfinder remains, who shall be the factfinder to hear the dispute in question. The employee organization shall strike the first name.

3. The System and the employee organization shall each pay one half of the cost of factfinding, but each party shall pay its own costs incurred in the preparation and presentation of its own case in factfinding.

4. The powers of the factfinder selected are limited exclusively to an examination, report, and recommendations pertaining to the disputed subjects jointly submitted by the System and employee organization and the factfinder shall not address any other issue.

5. The factfinder shall report the factfinder's findings and recommendations only to the parties joining in submittal of the dispute. These findings and recommendations shall be in writing and shall be delivered within 30 calendar days after the conclusion of the factfinding hearing. The factfinder is prohibited from disclosing the findings and recommendations, including public media disclosure, without the prior written consent of the parties originally submitting the dispute to the factfinder's jurisdiction.

6. If, during the course of factfinding hearing,

    a. It appears that the financial ability of the System to comply with a request is a substantial issue; and

    b. The Legislature is then in a session at which appropriation of money for the support of the System or authorization of expenditures by the System may be made, the hearing shall be stayed until the expiration of ten days after the adjournment sine die of the Legislature.

(B/R 2/90)

Section 17. Recommendation of Factfinder

1. Any factfinder shall base the factfinder's recommendation on the following criteria:

    a. A preliminary determination shall be made as to the financial ability of the System, based on existing available revenues, to comply with the request of the employees' organization, and the reasonableness of such request, and with due regard for the obligation of the University to provide instruction, research and public services at a System level and instruction at a community college level;

    b. A comparison shall be made of the annual income and benefits of the professional employees in question with the annual income and benefits of professional employees with like or similar qualifications, skills, training and experience performing the same or similar work under the same or similar working conditions in comparable institutions;

c. A consideration shall be made of the impact on and consistency of treatment of such proposals on the other employees of the System; and

d. The interest and welfare of the public.

2. The factfinder's written report shall state the facts upon which the factfinder based the recommendation.

(B/R 2/90)

Section 18. Deadlock

1. If the parties have negotiated in good faith and have been unable to reach an agreement, and have utilized the factfinding procedure and are still unable to resolve their differences and negotiate a settlement within 45 calendar days of receipt of the factfinder's report, a negotiation deadlock shall be considered to exist.

2. When a negotiation deadlock exists, the report of the factfinder may be made public by either party along with any statements issued by the employee organization or the Board of Regents.

3. Within ten calendar days of release of the factfinder's report, the parties shall again meet and attempt to reach an agreement.

4. Nothing in this chapter shall be interpreted as requiring either the employee organization or the Board of Regents to agree to a settlement.

(B/R 2/90)

Section 19. Strikes; Lockouts

1. The Board of Regents finds as facts:

   a. That some of the services provided by the System are of such nature that they are not and cannot be duplicated from other sources and are essential to the health, safety, and welfare of the people of the State of Nevada;

   b. That the continuity of such services is likewise essential, and their disruption incompatible with the responsibility of the state to its people, and;

   c. That every person who enters or remains in the employment of the System accepts the facts stated in paragraphs a. and b. as an essential and non-negotiable condition of his or her employment.

2. The Board of Regents therefore declares it to be the public policy of the NSHE that strikes against the System are contrary to these regulations.

3. The Board of Regents acknowledges that the facts noted above must also lead to the conclusion that it would be contrary to public policy for the Board of Regents to prohibit its employees to work by virtue of a "lockout" and pledges that no "lockout" shall occur. However, if any employee is unable to work because equipment or facilities are not available due to a strike, work stoppage, or slowdown by any other employees, such inability to work shall not be deemed a lockout under the provisions of this section. In the event of a lockout the System shall be liable to the employee organization for reasonable damages. In no event shall these damages exceed the wages which would have been earned had the employees not been locked out.

(B/R 2/90)

Section 20. Injunctions

If a strike occurs or is threatened against the System, the System may apply to a court of competent jurisdiction to enjoin such strike. The application shall set forth the facts constituting the strike or threat to strike.
(B/R 2/90)

Section 21. Violations

If a strike or violation is commenced or continued in violation of a court order issued pursuant to Section 20, the System may, in conformity with due process as specified in a collective bargaining agreement, if such collective bargaining agreement exists, or in conformity with the NSHE Code if a collective bargaining agreement is not in existence:

1. Dismiss all or any of the employees who participate in such strike or violation;

2. Cancel the contracts of employment of all or any of the employees who participate in such strike or violation;

3. Cancel any existing collective bargaining agreement with the employee organization participating, or whose members are participating, in such strike or violation and refuse to bargain or negotiate with such organization until a new election has been held in conformity with this chapter.

4. In the case of any strike, slowdown, or other suspension of work not authorized by the employee organization, its officers or agents, the Board of Regents declares that such violation shall not cause the employee organization, its officers or agents, to be liable for damages; provided the employee organization complies fully with the following:

    a. The employee organization's obligation to take action shall commence immediately upon receipt of notice from the Chancellor that a violation has occurred.

    b. Immediately upon receipt of such notice the responsible employee organization representative shall immediately notify in writing those employees responsible for or participating in such violation, and also talk with those same employees, stating to them that

(1) their action is in violation of these regulations, subjecting them to discharge or discipline;

(2) the employee organization will not oppose their discharge or discipline;

(3) the employee organization has not authorized the strike, slowdown, or suspension of work and does not approve or condone it;

(4) the employee organization instructs the employees to return to work immediately.

5. If the due process hearing procedures of a collective bargaining agreement or the NSHE Code provide for the participation of professional employees of the collective bargaining unit involved and, if, as a result of the strike or violation, such professional employees neglect, refuse or fail to participate in such due process hearing procedures, the System may utilize professional employees from any institution of the System to participate in such due process hearing procedures.

(B/R 2/90)

Section 22. Suspension of Striking Employees

If a strike occurs in violation of this chapter, the System may immediately suspend from its payroll all participating employees. Such suspension shall be in conformity with due process. Such payroll moneys shall not be recoverable by the employees involved but shall revert to the governmental fund or accounts from which they are derived.

(B/R 2/90)

Section 23. System Prohibitions

It is prohibited for the System or its designated representatives to:

1. Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter;

2. Dominate, interfere, or assist in the formation or administration of any employee organization;

3. Discriminate in regard to hiring or any term or condition of employment in order to encourage or discourage membership in any employee organization;

4. Discharge or otherwise discriminate against any employee because the employee signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization;

5. Refuse to bargain collectively in good faith with an employee organization as required by this chapter.

(B/R 2/90)

Section 24. Employee Prohibitions

It is prohibited for an employee of the System, or for an employee organization or its designated agents to:

1. Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter;

2. Cause or attempt to cause the System or any of its representatives to discriminate in regard to hiring or any term or condition of employment in order to encourage or discourage membership in any employee organization,

3. Refuse to bargain collectively in good faith with the System as required by this chapter if the employee organization is designated as the bargaining agent for the unit.

4. Discriminate against any employee because of membership or nonmembership in any employee organization.

(B/R 2/90)

Title 4 - Codification of Board Policy Statements

Chapter 5

GRADUATE ASSISTANTS

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Section 4. Grants-in-Aid for Tuition and Fees 3
Section 5. Special Graduate Assistant Appointments 3

Section 1. Definitions

Graduate Assistant - to include the subcategories of Teaching Assistant and Research Assistant, or any other appropriate title.
(B/R 12/09)

Section 2. Appointment

1. Assistantships are available within the Nevada System of Higher Education (NHSE) to graduate students at the universities or state college.

2. Appointments to such assistantships shall be approved by the president of the institution concerned.

3. Assignment of responsibilities shall be defined by the department concerned and approved by the institutional president.

4. Salary shall be approved by the president, in conformity with the salary schedule established by the Board of Regents. No later than Fall 2004 and unless waived by the graduate assistant, the cost of student health insurance, provided by an insurer approved by the institution, shall be included in the salary amount.

5. Normally, appointments shall be made either for the academic year or for 12 months; however, appointments may be offered for a shorter period to fill vacancies created by resignations or by establishment of temporary positions.

6. A full-time graduate assistantship is based on a 20-hour work week; however, appointments may be offered for less time with salary and grant-in-aid determined proportional to the commitment of time. If the graduate assistantship is for a 12-month period, the additional conditions of work for the summer months and the semester break must be stipulated in the contract. Graduate students who are appointed and paid as full-time graduate assistants are normally not eligible for additional employment in the Nevada System of Higher Education. The appointment as a graduate assistant, coupled with the academic load necessary to hold the assistantship, is considered to be a full-time commitment. Any exceptional circumstances thought to justify limited secondary employment within the NSHE must be submitted with a request in writing for advance approval from the Dean of the Graduate School.

7. The number of graduate assistantships authorized by the Board of Regents may be found in the annual work programs for each institution. Additional temporary graduate assistantships may be authorized by the institutional president.

8. Procedures to be followed in obtaining authorization to offer a contract as a graduate assistant shall be established by the institutional president and published in the institutional administrative manual.

(B/R 6/03)

Section 3. Limit on Teaching

Graduate teaching assistants may teach no more than two courses per semester. Guidelines concerning teaching limitations for graduate assistants shall be established by the Board.
(B/R 10/04)

Section 4. Grants-in-Aid for Tuition and Fees

1. Graduate assistants may receive a grant-in-aid for the payment of tuition and a specified portion of the registration fees proportional to the semester salary.

2. Provision of a grant-in-aid does not automatically entitle the recipient to other institutional privileges, such as faculty status or Nevada resident status.

3. A graduate assistant who is under contract for the academic year and who remains enrolled in a degree program may receive a grant-in-aid for the payment of a specified portion of the registration fees for the summer session immediately prior to or immediately following the effective date of the graduate assistant's contract. In the event a contract has not been signed, a written statement from the department chairman that an appointment has been offered will constitute sufficient evidence to obtain a grant-in-aid for the summer session.

4. A graduate assistant at the universities or state college who, in order to complete degree requirements by September has to register for credits of thesis in the summer session, may receive a grant-in-aid for the payment of a specified portion of the registration fees for that summer session as a condition of employment during the previous academic year.

5. As a condition of employment, graduate assistants may receive a waiver of the Capital Improvement Fee proportional to the semester salary received.

(B/R 12/09)

Section 5. Special Graduate Assistant Appointments

1. Appointments as "Graduate Assistant - Special" are available under extraordinary circumstances where no other category is appropriate, including but not limited to the following:

    a. Former students who have just completed a doctorate and are completing a project started while a student;

    b. A graduate student who does not fit the normal assumptions used for graduate assistants.

2. These positions will not be subject to the adopted salary schedule, or eligible for any fringe benefits of graduate assistants except those itemized on their individual contracts.

3. Such employees will not be included with regular graduate assistants for calculation of average salary or compensation.

4. Such employees will usually be paid from non-appropriated funds, and will usually not be subject to renewal.

5. This category will not be used if a regular graduate assistant appointment would be appropriate.

(B/R 6/85)

Title 4 - Codification of Board Policy Statements

Chapter 6

CLASSIFIED STAFF OF THE UNIVERSITY

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Section 1. Definition

Classified staff are employees of the Nevada System of Higher Education (NSHE) working in positions defined in accordance with the State Classified System.
(B/R 6/09)

Section 2. Personnel Policies

1. The Board of Regents has adopted the personnel policies, procedures, and regulations for the NSHE classified staff as established by the Nevada State Department of Personnel but reserves the right to establish supplemental policies as the Board deems appropriate.

2. Each appointing authority shall be responsible for administering the personnel policies and regulations for the classified staff in accordance with the *Nevada Administrative Code*, the *State Administrative Manual*, Board of Regents *Handbook*, Chancellor's Memoranda, division administrative manuals, and any other applicable laws and policies.

3. Selected divisions of the NSHE may, by action of the Board of Regents, be exempted from the regulations of the state classified system.

(B/R 6/09)

Section 3. Monetary Awards

Monetary awards for classified staff may be awarded at the discretion of each NSHE institution for recognition of exceptional service pursuant to a written policy approved by the President. State-appropriated funds may not be used for this purpose.
(B/R 6/09)

Section 4. Temporary Hourly Employees

Temporary hourly employees of the Nevada System of Higher Education (NSHE) are excluded from classified service and therefore are not subject to the provision of Title 4, Chapter 6, Section 2.1.
(B/R 6/16)

Title 4 - Codification of Board Policy Statements

Chapter 7

RESIDENT PHYSICIANS, RESIDENT DENTISTS, AND POSTDOCTORAL FELLOWS

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Section 1. Definition – Resident Physicians and Resident Dentists

1. Resident physicians and Resident dentists (hereinafter referred to as Residents) are doctors who are continuing their medical or dental education after receipt of the medical or dental degree through continued instruction and the provision of patient care services by means of educational, clinical experience in University of Nevada-affiliated institutions and organizations, and who may also provide instructional services to medical or dental students as the Residents' experience and education allows.

2. Faculty of the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine are responsible for the supervision and instruction of the Residents.

3. The majority of the Residents' time is in hospitals, clinics, physician offices, and other health care facilities throughout the State of Nevada. Therefore, while on University of Nevada contract, Residents may rotate outside the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine with affiliated and non-affiliated institutions as long as these clinical rotations are approved by the department or program to which the Resident is assigned.

(B/R 9/18)

Section 2. Appointment – Resident Physicians and Resident Dentists

1. Annual appointments shall be approved by the President or designee.

2. Responsibilities to be performed shall be defined by the involved department or program of the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; or the University of Nevada, Las Vegas School of Dental Medicine.

3. Salaries to be paid shall be approved by the President or designee.

4. Appointments shall be issued annually for the University fiscal year; however, appointments may be offered for a shorter period to fill vacancies created by terminations or by the establishment of a temporary position. Twelve month appointments may overlap the fiscal year when a program of remediation is necessary or when a Resident starts the year after July 1.

5. Work hours will be determined by the needs of patients cared for by the Residents in addition to specific departmental assignments.

6. Procedures to be followed for the offering of contracts to Residents shall be established by the institutional President and published in the institutional administrative manual.

7. Contracts are subject to modification during the fiscal year for Residents as Residents rotate between hospitals and other institutions. In such cases, the Residents may be paid during the interim period by other institutions or continued on contract at the University of Nevada, depending on the inter-institutional arrangements and the needs of the residency program.

8. Contracts for Residents may be terminated by the University of Nevada, Reno or the University of Nevada, Las Vegas during the contract year for reasons of improper conduct, moral or ethical reasons, for inability to perform to departmental or educational standards and objectives, or because of financial conditions within the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; or the University of Nevada, Las Vegas School of Dental Medicine. Procedures for notice, hearing and appeal of contract terminations or other actions shall be followed as established by the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine. (See due process statement of the Schools of Medicine.)

(B/R 9/18)

Section 3. Salary Schedule - Resident Physicians and Resident Dentists

The salary schedule for Residents shall be recommended by the Dean of the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; or the University of Nevada, Las Vegas School of Dental Medicine and approved by the respective President. A copy of the salary schedule for Resident Physicians and Resident Dentists will be provided to the Chancellor's Office on an annual basis.

(B/R 9/18)

Section 4. Benefits - Resident Physicians and Resident Dentists

1. Annual leave of up to 15 days at full salary per year will be available starting July 1 of each year. There is no carry-over of annual leave from one year to the next year and Residents shall not be paid for any unused annual leave upon termination of employment. Annual leave shall be taken at a time approved or directed by the supervisor.

2. Sick leave will be granted as required, up to 15 days at full salary, available at any time during the initial 12 months of service. Beginning 12 months after the starting date of his or her contract, the Resident will begin to accrue additional sick leave at a rate of 1-1/4 days per full month of service to add to any remaining balance of unused sick leave from the first 12 months of service. Sick leave may be accrued from year to year not to exceed 15 work days at the last day of each month. Residents shall not be paid for any unused sick leave upon termination of employment. Residents may use accumulated sick leave for temporary disabilities, which includes child bearing. Unpaid child rearing leave may be requested by either parent up to a maximum of one year. Request for child rearing leave must be accompanied by a statement from a qualified professional source if

there is a medical or psychological need for the parent to be given leave. Residents are also entitled to the leave benefits provided in federal and state law including the Family and Medical Leave Act of 1993.

3. Funds to pay for group health and life insurance, unemployment compensation coverage, or other group insurance plans will be provided to the Residents by the agency that provides the salary funds for the Resident.

4. Effective January 1, 1993, Residents will participate in a 403(b)-retirement plan, with contributions of 6.2percent of salary, made by both the employer and the Residents.

5. Residents will be covered under the state workers' compensation program and Medicare.

6. Malpractice insurance will be provided by the University and/or Veterans Administration while Residents are on contract with the University of Nevada. After contract termination, the insurance policy will cover the Residents' contracted activities during the contract.

7. Grants-in-aid for tuition and fees will not be provided by the University.

8. Resident Physicians and Dentists with appointments of half time or more, along with the spouse and dependent children, will be considered in-state Residents for tuition purposes.

(B/R 12/03)

Section 5. Definition - Postdoctoral Fellows

A Postdoctoral Fellow appointment is a temporary advanced scholarly appointment of at least 50percent. It is a specialized education and training position in research or scholarship under the direction of a faculty sponsor(s) established for the Postdoctoral Fellows' continuing education and professional growth. (The Postdoctoral Fellow is not precluded from applying for any grant, contract or postdoctoral training grants or nationally competitive postdoctoral fellowships permitted under guidelines of the research office of each institution.)

Those persons excluded from the postdoctoral status are registered full-time students, candidates for a degree, visiting scholars who are not at the University for the purpose of receiving further training, or anyone who does not meet the above definition.

The Postdoctoral Fellow appointment serves to advance the competence of a person who has recently completed higher professional training marked by a doctoral degree.

(B/R 12/03)

Section 6. Appointment - Postdoctoral Fellows

1. Completion of a doctoral degree in the appropriate discipline is required.

2. Employing departments shall ascertain that prospective appointees meet all eligibility requirements prior to the commencement of appointment. It is the department's responsibility to obtain and forward to the Office of Human Resources an official transcript of the highest degree.

3. All decisions of the academic departments will be made without regard to race, color, creed, religion, sex, national origin, age, disability, veteran's status, sexual orientation or other factors, which cannot be a lawful basis for providing an opportunity for additional training.

4. If the appointee is not a U.S. Citizen, it is the department's responsibility to document the appointee's eligibility to work as a Postdoctoral Fellow in the United States in accordance with the U.S. Citizenship and Immigration Service (USCIS) rules, prior to the desired start date of employment.

5. The duration of Postdoctoral Fellow appointment will, in most cases, be one year or two, and may not exceed five years.

6. Salaries will be negotiated between the Postdoctoral Fellow and the faculty sponsor from whom the individual receives advanced training, in accordance with the postdoctoral salary policy developed by the individual institutions of NSHE. Job requirements, annual evaluations, and any salary increases will be in accordance with postdoctoral policies developed by the individual institutions of NSHE.

7. Appointments shall be recommended through appropriate administrative channels. The Office of Human Resources will be responsible for monitoring all appointments in compliance with the policy established for Postdoctoral Fellows. Appointments usually shall be issued annually for the fiscal year; however, appointments may be offered for a shorter period. Contract termination policies for Postdoctoral Fellows will be developed by the individual institutions and may allow for contract termination at any time with thirty days notice.

(B/R 12/03)

Section 7. Benefits - Postdoctoral Fellows

1. Annual leave with pay will be accrued at 1-1/4 working days per full month of continuous service. Part-time Postdoctoral Fellows shall be granted a pro rata amount of annual leave. Annual leave may be accumulated up to a maximum of 15 work days at the last day of each month. Earned annual leave shall be taken at a time approved or directed by the supervisor. Postdoctoral Fellows shall not be paid for any unused annual leave upon termination of employment.

2. Sick leave with pay will be granted as required, up to 15 days at full salary, available at any time during the initial 12 months of service. Beginning 12 months after the starting date of the contract, the Postdoctoral Fellow will begin to accrue additional sick leave at a rate of 1-1/4 working days per full month of service to add to any remaining balance of unused sick leave from the first 12 months of service. Part-time Postdoctoral Fellows shall be granted a prorata amount of sick leave. Sick leave may be accrued from year to year, not to exceed 15 work days at the last day of each month. Postdoctoral Fellows shall not be paid for any unused sick leave upon termination of employment.

3. The NSHE group health insurance plan will be provided to postdoctoral fellows.

4. Effective January 1, 2004, Postdoctoral Fellows will participate in a 403(b) retirement plan with contributions of 6.2percent of salary, made by both the employee and the employer. No contribution is made to Social Security by employee or employer.

5. All Postdoctoral Fellows will receive workers' compensation coverage paid by the employer and Medicare coverage with contributions of 1.45percent of salary made by both the employer and employee.

6. All Postdoctoral Fellows will be issued an identification card denoting their status as a Postdoctoral Fellow, which shall entitle them to privileges as specified by each institution. Fees are assessed in accordance with institutional policy.

7. Grants-in-aid for tuition and fees will not be provided by the NSHE institution.

8. Postdoctoral Fellows with appointments of half time or more, along with the spouse and dependent children, will be considered in-state residents for tuition purposes.

(B/R 10/04)

Title 4 - Codification of Board Policy Statements

Chapter 8

STUDENT RECRUITMENT AND RETENTION POLICY, EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM FOR THE NEVADA SYSTEM OF HIGHER EDUCATION

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Section 1. Introduction

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.

This principle governs the admission and subsequent treatment of students in all institutions, as well as student participation in extracurricular activities. It is a guiding policy in the employment of students, either by the Nevada System of Higher Education or by outsiders through the System. All student services, including financial aid, placement, tutoring, and counseling, are governed by the concept of equal opportunity. NSHE does not, on the basis of sex or any other protected classification, exclude from participation in, deny the benefits of, or subject to discrimination any person under any education program or activity.

The same principle is applicable in NSHE-owned or NSHE-approved housing, in the use of food services, student unions, and all other Nevada System of Higher Education facilities.

In the employment or reemployment of all personnel, the Nevada System of Higher Education recognizes that all persons regardless of race, religion, color, age, sex (including a pregnancy related condition), sexual orientation, military status or military obligations, disability (including veterans with service-connected disabilities), or national origin shall have equal access to positions in the public service, limited only by their ability to do the job.

In addition, it is the policy of the Nevada System of Higher Education to undertake affirmative action, consistent with its obligations as a federal contractor or where otherwise required to remedy the effects of past discrimination. Such efforts may require more than employment neutrality by making a positive and continuous effort in the recruitment, employment, retention and promotion of qualified women, minorities, persons with military status or military obligations, and persons with disabilities, including veterans with service-connected disabilities. The Nevada System of Higher Education commits itself to apply good faith efforts to achieve full utilization of qualified women, minorities, persons with military status or military obligations, and persons with disabilities (including veterans with service-connected disabilities) in all segments of the workforce where deficiencies exist. These efforts will conform to all current legal and regulatory requirements, and are consistent with NSHE standards of quality and excellence.
(B/R 12/09)

Section 2. General Policy of the Board of Regents on the Recruitment, Admission and Retention of Students

Participation by members of minority groups, women, and members of other protected classes in higher education is a priority issue with the Board of Regents. Increasing student participation and the completion of postsecondary educational programs by persons in these groups is important and necessary and will require innovative and diverse approaches for their

recruitment, admission and retention in the Nevada System of Higher Education. Each institution is encouraged to devote significant resources to support the recruitment and retention of students from these groups. Each institution should prepare and implement a plan of action to provide outreach to potential students, or organizations, which can find such potential students, for their admission to the Nevada System of Higher Education. Financial incentives should be developed for the financially disadvantaged to encourage their admission and retention in the System. Additional resources should be devoted to activities designed to encourage students from these groups to continue their education in the System.

In short, it is the responsibility of the Board of Regents and the officers and employees of the Nevada System of Higher Education to help diversify our society and establish social justice by actively taking measures to ensure that the growing population of minority groups, women and other protected classes are prepared to participate fully in the life of our state and our nation. At the very least, this requires that the Board, its officers and employees take active steps to recruit and retain students from these groups in the postsecondary educational programs of the Nevada System of Higher Education.
(B/R 11/88)

Section 3. General Policy of the Board of Regents on Equal Employment Opportunity

It is hereby resolved that the reaffirmed policy of the Nevada System of Higher Education shall be to promote equal opportunity of employment or reemployment for members of minority groups, women (including women with pregnancy related conditions), persons with disabilities (including veterans with service-connected disabilities), persons with military status or military obligations, and members of other protected classes in all positions. Consistent with statutory and legal requirements, any affirmative action necessary to address deficiencies shall include, but not be limited to, active recruitment among minority groups, women, persons with disabilities (including veterans with service connected disabilities), persons with military status or military obligations, and other protected classes and the creation of programs designed to lead to their qualification for both academic and classified positions.

This affirmative action is not discrimination in reverse; rather, it is a program designed to expand the group of qualified people from whose ranks appointments can be made.

Further, affirmative action requires that the rank and salary of minorities, women, persons with disabilities (including veterans with service-connected disabilities), persons with military obligations or military status, and other protected classes presently employed by the Nevada System of Higher Education be evaluated annually in order to insure that rank and salary determinations are made in an equitable manner.
(B/R 12/09)

Section 4. Responsibility for Compliance

1. The Board of Regents and the Chancellor have delegated to each President the responsibility for insuring that each administrative unit complies with the terms of the Equal Opportunity and Affirmative Action policies set forth by the Nevada System of Higher Education, as well as all applicable federal and state statutes, laws, orders, and regulations.

2. Vice presidents, deans, and other administrative officers have the direct responsibility for the compliance of the administrative units under their jurisdiction with the System Equal Opportunity and Affirmative Action policies and with the Federal and State statutes, laws, orders, and regulations.

3. Each Office of Admissions and each department, which admits students, has the specific responsibility for insuring that equal opportunity in education is provided to all.

(B/R 12/09)

Section 5. NSHE Inclusion, Diversity, Equity and Access Council

To support the principle established in Section 1 of this Chapter, an Inclusion, Diversity, Equity and Access Council (IDEA Council) will be established to review, evaluate, and, as needed, formulate additional proposed NSHE inclusion, diversity, equity and access goals, policies, and practices, and provide statewide leadership in best practices. The Inclusion, Diversity, Equity and Access (IDEA) Council shall report to the Chancellor and shall be appointed in conformity with Title 2, Chapter 1, Section 1.4.11 of the Code, to include representatives from each NSHE institution. The charge of the Council shall be set by the Chancellor to include the following tasks:

1 Recommend to the Chancellor and the Board of Regents proposed goals, policies, practices, related strategies, and accountability measures on inclusion, diversity, equity and access;

2. Conduct a continuing review of existing goals, policies, practices, concerns, and information related to inclusion, diversity, equity and access on all NSHE campuses;

3. Provide for opportunities for communication among NSHE institutions to identify and promote best practices for ensuring inclusion, diversity, equity and access among the students, staff and faculty of the System;

4. Support and monitor the Board of Regents' goals and strategies for inclusion, diversity, equity and access;

5. Encourage regular collaboration between and among institutional faculty members and staff on issues related to inclusion, diversity, equity and access; and

6. Support the Board of Regents' Inclusion, Diversity, Equity and Access (IDEA) Committee with regular reports, supported by current research and related data, on the charges outlined in the Committee's mission related to inclusion, diversity, equity and access issues.

7. As used in this Section, the terms "inclusion," "diversity," "equity" and "access" have the meanings ascribed to them in Title 1, Article VI, Section 3.d. of the Board of Regents *Handbook*.

(B/R 12/21)

Section 6. Dissemination of Policies

1. The NSHE Equal Opportunity Policy Statement, NSHE Affirmative Action Program and the respective institution policies and annual affirmative action plan shall be made available to employees.

2. Information relating to the Nevada System of Higher Education Affirmative Action plan will be communicated in an annual report to the Board of Regents. This information will be available upon request to system employees, community organizations, and federal, state and local agencies, as well as other interested persons.

(B/R 12/09)

Section 7. Implementation Policies

1. At the institutional level, responsible administrators must:

   a. Identify a person or persons to be responsible for Affirmative Action and Equal Opportunity programs.

   b. Analyze the composition of the institution's workforce to determine the existence of any under-utilization of women, minorities, persons with disabilities, or other protected classes.

   c. State steps that will be taken to correct any such under-utilization.

   d. Set realistic employment, promotional, and programmatic goals (i.e. the recruitment of minority and female students into fields of study that will prepare them for positions in which such persons are currently under-utilized) that will accomplish the general purpose of this Affirmative Action Program.

   e. Continue the active recruitment of members of minority groups, women, persons with disabilities, and other protected classes. For professional personnel, this effort is not restricted to the demographic areas from which the Nevada System of Higher Education normally draws its personnel but is expanded to include any areas, nationwide, where qualified minorities, women, and persons with disabilities may be located.

   f. Publicize all available open positions internally and/or externally. Internal and external searches are defined and reported as follows:

      (1) Internal within a single institution of the Nevada System of Higher Education.
      (2) Internal among all NSHE institutions.
      (3) External among the region or nation.

2. It is the objective of the NSHE to conduct internal or external searches for all full-time and half-time professional staff positions (defined in Title 4, Chapter 3, Section 2) with the exception of Temporary Part-time Faculty (defined in Title 4, Chapter 3, Section 44. The institutional President or Chancellor may waive the search requirement where he or she determines the waiver to be in the best interest of the institution or System unit. Each institution and System unit must have an internal process for requesting search waivers and for obtaining the approval of the institutional President or Chancellor. Each institution or

System unit will be expected to maintain a list of search waivers and to report to the Chancellor and the Board annually.

3. This shall not be interpreted as requiring a search within the institution in order to fill positions by internal institutional promotion, transfer, positions of academic department chairs or positions of directors in a community college who serve in the same capacity as academic chairs do in the universities or state college. Such internal institutional promotions, transfers, and positions of academic department chair or positions of directors in a community college must be approved by the President or the Chancellor, as the case may be. This also shall not be interpreted as altering the 1971 agreement between the NSHE and the U.S. Department of Agriculture related to the Cooperative Extension Service.

4. The Chancellor's Office shall collect and maintain information on (1) the number of minorities, women, and members of other protected classes employed in professional and classified positions; (2) the number of minorities, women, and members of other protected classes enrolled as students; and (3) any additional information necessary to determine the impact of policy changes on the number of minorities, women, and members of other protected classes enrolled or employed in an NSHE institution. Annually this information shall be reported to the Board of Regents.

5. It is the policy of the System to establish and maintain programs whereby women, minority group members, persons with disabilities (including veterans with service-connected disabilities), persons with military status or military obligations, and members of other protected classes will be trained in internally conducted training programs for the purpose of employee development. The Nevada System of Higher Education encourages the establishment of appropriate plans in all its administrative units so that regular evaluations can be made to determine what, if any, changes are needed in these programs and what has been accomplished.

(B/R 12/09)

Section 8. Academic Reporting and Monitoring

The administrative units must utilize checklists and summaries of the steps of affirmative action taken in the recruitment process and submit them with the employment document to the appointing authorities. These checklists and summaries must identify all final candidates interviewed for the position by sex and race, and also identify the person nominated for the position by name, race, and sex. If minorities, women, persons with disabilities (including veterans with service connected disabilities), persons with military status or military obligations, or members of other protected classes were referred as final candidates for the position and not hired, an explanation must be given as to the reason they were not hired. All unit files must include a list of recruitment sources.

(B/R 12/09)

Section 9. Monitoring and Reporting

Departments are required to report the reasons that a woman, a minority, a person with a disability (including a veteran with a service-connected disability), a person with military status or military obligations, or a member of a protected class was not hired or promoted. These reports will be monitored to insure that the hiring or the promoting is made on the basis of job-related criteria and is not discriminatory.
(B/R 12/09)

Section 10. Reviews

Each institution's affirmative action efforts will be reviewed annually by the Board of Regents and are subject to review by federal officials of the U.S. Department of Labor Office of Federal Contract Compliance Programs and the U.S. Department of Health and Human Services Regional Office of the U.S. Commission of Civil Rights, and state agencies as well.
(B/R 11/88)

Section 11. Participation in Community Affairs

The Nevada System of Higher Education pledges its participation in and support of community programs which relate to the advancement of women, minorities, persons with disabilities (including veterans with service-connected disabilities), persons with military status or military obligations, and other protected classes through education, training, and employment.
(B/R 12/09)

Section 12. Contract Compliance for Construction, Skilled Trades and Purchasing

1. The federal and state governments require that all contractors working on Nevada System of Higher Education projects provide effective Equal Employment and Affirmative Action programs. On projects contracted for by the State Public Works Board, the responsibility for monitoring compliance will be with appropriate state agencies. Compliance monitoring and enforcement review for all other projects will be the responsibility of institutional affirmative action officers.

2. Each purchasing department within the Nevada System of Higher Education will require each vendor with a contract or subcontract in excess of $7,500 to certify that it is an Equal Opportunity Employer. Businesses that are women, disadvantaged and minority owned will be identified and will be given an opportunity to bid on Nevada System of Higher Education contracts.

(B/R 11/88)

Section 13. Policy Against Unlawful Discrimination and Harassment; Complaint Procedure

Introduction

This policy is largely based on federal and state anti-discrimination laws and is divided into four subsections. Except as otherwise provided, Subsections A through C do not apply to "sexual harassment" under Title IX of the Education Amendments of 1972 (Title IX), the requirements and procedures of which are stated in Subsection D. Subsection A states the Nevada System of Higher Education (NSHE) policy against unlawful discrimination and unlawful harassment that does not constitute Title IX "sexual harassment" under Subsection D, specifies training requirements, and defines "consent." Subsection B describes the remedies and interim measures that are available in cases of unlawful discrimination and unlawful harassment that does not constitute "sexual harassment" under Title IX. Subsection C contains the complaint and investigation procedures for complaints of unlawful discrimination and harassment that does not constitute Title IX "sexual harassment" under Subsection D and, when appropriate, instances where the institution has notice of possible unlawful discrimination and/or harassment. Subsection D sets forth NSHE's sexual harassment policy under Title IX; defines "sexual harassment"; describes the remedies and supportive measures available in a sexual harassment case; and describes the requirements and procedures for a sexual harassment complaint, investigation, informal resolution, live hearing, and appeal. All of these procedures are in addition to disciplinary complaints brought against professional employees or students under Title 2, Chapter 6, Chapter 8 or Chapter 10 of the NSHE Code (or if applicable, institution student codes of conduct), or against classified employees under the *Nevada Administrative Code* Chapter 284 and/or Chapter 289 or Desert Research Institute Technologists under the Technologists Manual and/or any approved Collective Bargaining Agreement. However, information gathered as part of the complaint and/or investigation processes under this Section may be used in connection with disciplinary proceedings.

A. NSHE Policy Against Unlawful Discrimination and Harassment that Does Not Constitute Title IX Sexual Harassment

1. Policy Applicability and Sanctions

   NSHE is committed to providing a place of work and learning free of discrimination on the basis of a person's age (40 or older), disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion (protected classes). Discrimination on the basis of a protected class, including unlawful harassment, which is a form of discrimination, is illegal under federal and state law. Where unlawful discrimination is found to have occurred, NSHE will act to stop the unlawful discrimination, to prevent its recurrence, to remedy its effects, and to discipline those responsible.

   No employee, student, or other member of the campus community, either in the workplace or in the academic environment, should be subject to unlawful discrimination.

   It is expected that students, faculty and staff will treat one another and campus visitors with respect.

   All students, faculty, staff, and other members of the campus community are subject to this policy. Students, faculty, or staff who violate this policy are subject to discipline up to and including termination and/or expulsion, in accordance with the NSHE Code (or in

the case of students, any applicable student code of conduct) or, in the case of classified employees and law enforcement personnel, the *Nevada Administrative Code* and/or any collective bargaining agreement or, in the case of Desert Research Institute (DRI) technologists, the Technologists Manual. Other lesser sanctions may be imposed, depending on the circumstances. Complaints may also be filed against visitors, consultants, independent contractors, volunteers, service providers and outside vendors whose conduct violates this policy, with a possible sanction of limiting access to institution facilities and other measures to protect the campus community.

Any employee, student, or other member of the campus community may utilize any of the complaint processes set forth in this policy.

2. Distribution of Policy; Training on the Prevention of Unlawful Discrimination and Harassment; and Annual Policy Review

   a. Distribution of Policy

      Annually, all employees shall be given a copy of this anti-discrimination policy, which may be provided electronically, and each institution shall maintain documentation that each employee received the anti-discrimination policy. New employees shall be given a copy of this policy at the time of hire and each institution's Human Resources Office shall maintain documentation that each new employee received the policy.

      Each institution shall provide this policy to its students at least annually and may do so electronically.

      Each institution shall include this policy and complaint procedure on its website and in its general catalog.

   b. Training on the Prevention of Unlawful Discrimination and Harassment

      Each institution shall provide ongoing training on the prevention of unlawful discrimination and harassment and shall designate a person(s) or office to be responsible for such training.

      Institutions must provide new students and new employees primary prevention and awareness training that promotes awareness of rape, domestic violence, dating violence, sexual assault and stalking as defined in this policy. The training must address safe and positive options for bystander intervention to prevent harm, including how to intervene in risky situations; the recognition of abusive behavior; and how to avoid potential attacks.

      Within six (6) months after an employee is initially appointed to NSHE, the employee shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training. At least once every two years after the appointment, an employee shall receive training concerning the prevention of unlawful discrimination and harassment.

      Incoming freshmen and transfer students within their first semester of enrollment shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training.

      See also Special Training with Regard to Sexual Violence in Subsection C below.

   c. Annual Policy Review

      No later than the end of each academic calendar year, each institution's Title IX Coordinator shall review and provide to NSHE suggestions for changes to this policy. NSHE shall review and consider the suggested changes and propose policy revisions to the Board of Regents, as appropriate, at the last regular Board meeting of the fiscal year.

3. Discriminatory Acts

It is illegal to discriminate on the basis of age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion in any aspect of employment or education, such as:

- Application, hiring, background checks, discipline, and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- grading;
- acceptance or participation in an academic program or school activity;
- use of employer's facilities;
- training programs;
- fringe benefits;
- pay, retirement plans, and disability accommodations or leave; or
- other terms and conditions of employment.

Determining what constitutes unlawful discrimination under this policy will be accomplished on a case- by-case basis and depends upon the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but would not fall within the scope of unlawful discrimination. The specific action taken, if any, in a particular instance depends on the nature and gravity of the conduct reported and may include anti-discrimination related disciplinary processes.

Discriminatory acts also include:

- discrimination on the basis of a person's age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion;
- retaliation against an individual for reporting an incident or filing a charge of unlawful discrimination, including unlawful harassment; participating in an investigation, hearing, or other related administrative process; or opposing discriminatory acts;
- employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, color, or religion; and

- "harassment," which refers to unwelcome conduct that is based on a person's age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion. Harassment becomes unlawful where: 1) enduring the offensive conduct becomes a condition of employment or educational pursuits, or 2) the conduct is severe, persistent, or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, offensive, or abusive. Examples of unwelcome conduct that, if severe, persistent, or pervasive could constitute harassment, include but are not limited to: slurs, jokes, graffiti, offensive or derogatory comments, or other verbal or physical conduct that is unwelcome.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute unlawful discrimination. One incident, however, does not necessarily constitute unlawful discrimination.

4. Non-Title IX Sexual Harassment Defined

   Outside of the Title IX context, unwelcome sexual advances, requests for sexual favors, and/or other visual, verbal or physical conduct of a sexual or gender bias nature constitute sexual harassment when:

   a. In the educational environment:
      i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
      ii. Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the institution ("hostile environment").
   b. In the workplace environment:
      i. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity ("quid pro quo"); or
      ii. Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to create an intimidating, hostile or abusive work environment, which may or may not interfere with the employee's job performance ("hostile environment").

5. Non-Title IX Sexual Harassment Examples

   a. Sexual Harassment Examples Outside of the Title IX Context

      Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example:

      - It may occur between individuals of the opposite sex or of the same sex.
      - It may occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship (such as by a supervisor with regard to a supervised employee or an instructor regarding a current student).

- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently severe.
- It may also rise to the level of a criminal offense, such as battery or sexual violence.
- Sexual violence, which is a severe form of sexual harassment and refers to physical, sexual acts or attempted sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or similar acts in violation of state or federal law. A person may be incapable of giving consent due to the use of drugs or alcohol, age, an intellectual or other disability, or other factors, which demonstrate a lack of consent or inability to give consent.

Examples of unwelcome conduct of a sexual or gender related nature that may constitute sexual harassment may, but do not necessarily, include, and are not limited to:

- Rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence, stalking, other sexual violence;
- Stealthing, including the intent to remove or damage a contraceptive device without the knowledge or consent of the other participant while engaging in a sexual act;
- Sexually explicit or gender related statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
- Other than customary handshakes, uninvited touching, patting, hugging, or purposeful brushing against a person's body or other inappropriate touching of an individual's body;
- Remarks of a sexual nature about a person's clothing or body;
- Use of mail, text messages, social media, or other electronic or computer sources for nonconsensual dissemination of sexually oriented, sex-based communications;
- Sexual advances, whether or not they involve physical touching;
- Requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases, promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;
- Displaying sexually suggestive objects, pictures, magazines, cartoons, screen savers or electronic files;
- Inquiries, remarks, or discussions about an individual's sexual experiences or activities and other written or oral references to sexual conduct;
- Indecent exposure.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute sexual harassment. One incident, however, does not necessarily constitute sexual harassment.

6. Sexual Assault, Dating Violence, Domestic Violence, Stalking, Coercion and Consent Defined

a. Sexual Assault

"Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program.

"Rape" means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Fondling" means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

"Statutory rape" means sexual intercourse with a person who is under the statutory age of consent (16 years old).

b. Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purpose of complying with the requirements of this Section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

c. Domestic Violence

"Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

d. Stalking

"Stalking" means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

e. Coercion

"Coercion" means the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing through words, conduct or pressure by:

- the use of violence or threats of violence against a person or the person's family or property;
- depriving or hindering a person in the use of any tool, implement or clothing;
- attempting to intimidate a person by threats or force;

- compelling another individual to initiate or continue sexual activity against an individual's will; or
- threatening to "out" someone based on sexual orientation, gender, identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail.

f. Consent

Conduct is unwelcomed if it is done in the absence of consent.

"Consent" means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.
- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

7. Other Definitions:
   a. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
   b. "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.
   c. "Respondent" means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.

B. Remedies and Interim Measures for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX

It may be necessary or advisable to take actions (as determined by the institution) designed to minimize the chance that either party may either harass or retaliate against the other party and to provide support to the parties, as appropriate. <u>The measures themselves must not amount to retaliation and shall not be deemed to be a sanction.</u> Depending on the specific nature of the problem, interim measures and final remedies may include, but are not limited to:

For Students:

a. Issuing mutual no contact directives;
b. Providing an escort to ensure safe movement between classes and activities;
c. Not sharing classes or extracurricular activities;
d. Moving to a different residence hall;
e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
g. Restricting to online classes;
h. Providing information regarding campus transportation options;
i. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined[1];
j. Requiring the parties to report any violations of these restrictions;
k. Taking a leave of absence;
l. Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and
m. Submitting a request for a waiver of requirements of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23.

For Employees:

l. Provide an escort to ensure safe movement between work area and/or parking lots/other campus locations;
m. Issuing mutual no contact directives;
n. Placement on leave;
o. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
p. Providing information regarding campus transportation options;
q. Instructions to stop the conduct;
r. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
s. Reassignment of duties;
t. Changing the supervisory authority; and
u. Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the interim measures and final remedies.

Interim measures and final remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Interim measures and final remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

[1] For example, if one party was disciplined for skipping a class in which the other party was enrolled, the institution should review the incident to determine if class was skipped to avoid contact with the other party.

Final remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any interim measures or final remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the interim measures or final remedies meet the goals of preventing ongoing unlawful discrimination or harassment, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

Notwithstanding a complainant's request for confidentiality under Subsection 6 of Subsection C, the institution may undertake interim measures.

C. Complaint and Investigation Procedure for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX

Introduction

This Section provides the complaint and investigation procedures for complaints of unlawful discrimination or unlawful harassment that does not constitute "sexual harassment" under Title IX (except that complaints against students may be referred to student disciplinary processes), including instances where the institution has notice of unlawful discrimination or harassment. The Chancellor (for the System Office) and each President shall designate no fewer than two administrators to receive complaints. The administrators designated to receive the complaints may include the following: (1) the Title IX Coordinator; (2) the Human Resources Officer; or (3) any other officer designated by the President. The President may also designate a primary investigating officer (primary officer) to investigate all complaints. The primary officer may be any of the individuals identified in this paragraph. All complaints, whether received by the Human Resources Officer or other designated officer, must immediately be forwarded to the Title IX Coordinator.

An individual filing a complaint of unlawful discrimination or harassment shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual filing the complaint to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the complainant. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

An individual against whom a complaint of unlawful discrimination or harassment is filed shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual against whom the complaint is filed to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the respondent. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

The individual filing a complaint of unlawful discrimination or harassment and the individual against whom a complaint is filed must be provided this policy which addresses interim measures and written notification of services available on campus and in the community.

If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, department chair, or director of a unit, receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the person must immediately contact one of the individuals identified in this Section above to forward the complaint and/or provide information about the conduct, to discuss it and/or to report the action taken.

Complaints of unlawful discrimination or harassment should be filed as soon as possible with the supervisor, department chair, dean, or one of the administrators listed in this Section above and/or designated by the President (or the Chancellor for NSHE System Administration matters) to receive complaints of alleged unlawful discrimination or harassment.

1. Time Frames

   Complaints of unlawful discrimination or harassment that does not constitute sexual harassment under Title IX must be filed within the time frames stated below.

   Holidays and weekends should be included in all calculations. If, however, the deadline falls on a weekend or holiday, the complaint may be filed on the next business day and still considered timely. (Business days are non-weekend and non-holiday days in which NSHE administrative offices are open for business.)

   Resources, to include actions commonly classified as "interim measures," are available to eligible students and employees notwithstanding the issue of timeliness.

   a. Employee Complaints

      All employment complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the appropriate institutional office within 300 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 300 calendar days of the last alleged incident of unlawful harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 300 calendar days earlier.

   b. Student Complaints

      All student complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each event independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

   c. Other/Campus Visitor/Non-employee

      Complaints alleging unlawful discrimination or harassment (to include retaliation) asserted by individuals who are neither NSHE employees nor students alleging unlawful discrimination or harassment by a NSHE employee during the employee's work hours, or by a NSHE student on campus or at a NSHE-sponsored event, must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the

investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

2. Complaint Procedures
   a. Employees
      i. An employee who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required, particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee.
      ii. The employee may file an unlawful discrimination or harassment complaint with their immediate supervisor, who will in turn immediately contact one of the officials listed in the introduction to this Section above.
      iii. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with one of the other listed officials or with any other supervisor.
      iv. After receiving any employee's complaint of an incident of alleged unlawful discrimination or harassment, the supervisor will immediately contact any of the individuals listed in the Introduction to this Section above to forward the complaint, to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report the complaint to that supervisor.
   b. Students
      i. A student who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student.
      ii. The student may file a complaint with their major department chair or director of an administrative unit, who will in turn immediately contact one of the officials listed in the Introduction of this Section above.
      iii. If the student feels uncomfortable about discussing the incident with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with one of the above officials in the Introduction to this Section or to any chair, dean, or director of an administrative unit who will in turn immediately contact one of the officials listed above in the Introduction to this Section to forward the complaint, to discuss it and/or to report the action taken. The chair, dean or director of an administrative unit has a responsibility to act even if the individuals involved do not report to that person.
3. Training, Investigation and Resolution
   a. General Requirements. The Title IX Coordinator, executives, administrators designated to receive complaints, and appropriate management level(s) with decision-making authority shall have training or experience in handling unlawful

discrimination and misconduct complaints, and in the operation of the NSHE and *Nevada Administrative Code* disciplinary procedures.

b. Special Training With Regard to Sexual Violence.

   i. The training for each of the individuals identified in paragraph 3.a above, should include annual training on how to investigate and conduct hearings in a manner that protects the safety of the parties and promotes accountability; information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on risk reduction; information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the respondent, complainant, and institution community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

   ii. The Director or designee for an institution's campus law enforcement shall ensure annual training, reviewed by the Title IX Coordinator, is provided to its officers that includes: working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; information on consent and the role drugs or alcohol can play in the ability to consent; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

   iii. Investigation. After receiving a complaint or information about the incident or behavior, the Title IX Coordinator or the primary officer, or designee, will initiate an investigation to gather information about the incident. If the Title IX Coordinator or primary officer, or designee, is unable to initiate an investigation, due to a conflict or for any other reason, the President shall designate another individual to act as primary officer for the matter. Each institution may set guidelines for the manner in which an investigation shall be conducted. The guidelines shall provide for the prompt, thorough, impartial, and equitable investigation and resolution of complaints, and shall identify the appropriate management level with final decision-making authority. The guidelines shall, at a minimum, provide the person subject to the complaint with information as to the nature of the complaint, and shall further provide that the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses and provide documentation pertaining to the complaint. In most cases, an investigation should be completed within a reasonable time from receipt of the complaint or information about the conduct. At the completion of the investigation, findings and a recommendation will be made to the appropriate management level with final decision-making authority

regarding the resolution of the matter. The recommendation is advisory only.

iv. Standard of Review. The standard for evaluating complaints shall be a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred).

v. Management Determination. After the recommendation has been made, a determination will be made by appropriate management level with final decision-making authority regarding the resolution of the matter. If warranted, disciplinary action up to and including involuntary termination or expulsion may be taken. Any such disciplinary action shall be taken, as applicable, in accordance with NSHE Code Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct), or, in the case of classified employees or law enforcement personnel, *Nevada Administrative Code* (NAC) Chapter 284 or Chapter 289, and/or associated collective bargaining agreement, or in the case of DRI technologists, the Technologists Manual. Other appropriate actions will be taken to correct problems and remedy effects, if any, caused by the conduct, if appropriate. If proceedings are initiated under Title 2, Chapter 6, Chapter 8 or Chapter 10, the applicable Student Code of Conduct, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the investigation conducted pursuant to this policy may be used as part of such investigations. The administrative officer, in their discretion, may also supplement the investigation with additional investigation. In any disciplinary hearings conducted pursuant to a Student Code of Conduct or under Title 2, Chapter 6, Chapter 8, Chapter 10, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the standard of evidence shall be by a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred).

In connection with any such disciplinary hearings, the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses, and provide and receive documentation and witness lists pertaining to the complaint.

vi. Parties to be Informed. Within 14 business days after the appropriate management level with final decision-making authority has made a determination regarding the resolution of the matter, and depending on the circumstances, both parties may be informed concurrently of the resolution (see subparagraph i below). Confidentiality of Actions Taken. In the event actions are taken against an individual under NSHE Code Title 2, Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct) or NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or the Technologists Manual, such matters generally remain confidential under those Sections, except that final decisions following hearings or appeals of professional employees and State of Nevada personnel hearings involving classified employees are public records. Student matters generally remain confidential under the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 34 CFR Part 99 (FERPA).

vii. Crime of Violence Exception to the Family Educational Rights and Privacy Act (FERPA). When discriminatory conduct or sexual harassment

involves a crime of violence or a non-forcible sexual offense, FERPA permits the institution to disclose to the complainant the final results (limited to the name of the respondent, any violation found to have been committed, and any sanction imposed) of a disciplinary proceeding against the respondent, regardless of whether the institution concluded that a violation was committed. With respect to an institutional disciplinary proceeding alleging sexual violence, domestic violence, dating violence or stalking offense, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (f). 34 CFR 668.46 (Clery Act) requires that the accuser and the accused must be simultaneously informed of the outcome.

viii. Disclosure of Sanction Imposed. In the event a student is found to have engaged in sexual harassment of another student, the institution shall disclose to the student who was harassed, information about the sanction imposed on the student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

c. Resignation of Employee or Withdrawal of Student. If a student respondent withdraws from the institution or an employee respondent ends employment (e.g., resigns, retires) while an investigation of a complaint involving unlawful discrimination or harassment is pending under this policy, the Title IX Coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

d. Title IX Coordinator Monitoring. The institution Title IX Coordinator has primary responsibility for coordinating the institution's efforts to comply with and carry out its responsibilities under this Subsection. The Title IX Coordinator is responsible for monitoring all aspects of the investigation and any interim measures or final remedies to help ensure that:

1. the process is fair and equitable to both the complainant and the respondent;
2. the applicable policies and procedures of NSHE and of the institution are followed; and
3. the interim measures and final remedies are followed.

4. Prompt Attention

Complaints of unlawful discrimination or harassment are taken seriously and will be dealt with promptly, thoroughly, impartially, and equitably. Where unlawful discrimination or harassment is found to have occurred, the NSHE institution or unit where it occurred will act to stop the unlawful discrimination or harassment, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

5. Confidentiality

The NSHE recognizes that confidentiality is important. However, in some limited circumstances confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of unlawful discrimination or harassment to the extent reasonably possible and will maintain confidentiality to the extent possible. Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the NSHE is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

a. Confidentiality in Complaints Involving Unlawful Discrimination or Harassment. In complaints involving unlawful discrimination or harassment the following applies:

   i. Varying Confidentiality Obligations. In situations involving unlawful discrimination or harassment, individuals are encouraged to talk to somebody about what happened in order for them to receive the support they need. Different individuals at the institution have different abilities to maintain an individual's confidentiality:

      - Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
      - Other employees may talk to an individual in confidence, and generally only report to the institution that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger investigation into an incident against the individual's wishes, except in certain circumstances discussed below.
      - Some employees are required to report all the details of an incident (including the identities of all involved) to the Title IX Coordinator. A report to these employees (called "officials with authority") constitutes a report to the institution – and generally obligates the institution to investigate the incident and take appropriate steps to address the situation.

        This policy is intended to make employees, students and others aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they want to report an act of sexual violence. The institution encourages individuals to talk to someone identified in one or more of these groups.

   ii. Privileged and Confidential Communications. A complainant or respondent may wish to consult with professional counselors, pastoral counselors or others. Certain professionals are not required to report incidents unless they have been granted permission:

      - Professional Counselors. Professional, licensed counselors who provide mental-health counseling to members of the institution community (and including those who act in that role under the supervision of a licensed counselor) are not required to report <u>any</u> information about an incident to the Title IX Coordinator without a complainant's permission.
      - Pastoral Counselors. A complainant and/or a respondent may choose to consult with a non-institution pastoral counselor and is encouraged to discuss confidentiality with that individual.
      - Under Nevada law other professionals who may maintain confidentiality include lawyers, psychologists, doctors, social workers, and victim's advocates as defined in NRS 49.2545.
      - Off-Campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and will not share information

with the institution unless the individual requests the disclosure and signs a consent or waiver form.

iii. Complainant Options. A complainant who reports an act of unlawful discrimination or harassment only to a professional listed above in Subsection 2 of Subsection a of Subsection 5 must understand that, if they want to maintain confidentiality, the institution will be unable to conduct a full investigation into the incident and will likely be unable to pursue disciplinary action against the respondent.

A complainant who at first requests confidentiality may later decide to file a complaint with the institution or report the incident to local law enforcement, and thus have the incident fully investigated. A complainant shall be assisted in reporting the incident to local law enforcement if the complainant requests such assistance.

Other Reporting Obligations: While professional counselors may maintain a complainant's confidentiality vis-à-vis the institution, they may have reporting or other obligations under state law. For example, there may be an obligation to report child abuse, an immediate threat of harm to self or others, or to report in the case of hospitalization for mental illness.

NSHE Employee Assistance Program providers would follow these guidelines, as would professionals in NSHE institution student counseling and psychological services areas, and professionals in community health clinics that reside on or are associated with NSHE institutions.

b. Reporting to "Officials with Authority[2]"

i. "Officials with Authority" Defined and Duties. An official with authority" is the institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President. When a complainant or other person reports an incident of unlawful discrimination or harassment to an official with authority, they have the right to expect the institution to take prompt and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

An official with authority must report to the Title IX Coordinator all relevant details about the alleged unlawful discrimination or harassment shared by the reporting individual and that the institution will need to determine what happened – including the name(s) of the complainant, respondent(s) and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to an official with authority will be shared only with people responsible for handling the institution's response to the report. An official with authority should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

[2] Note: Campus Security Authorities, who are designated by the institutions in accordance with Clery Act requirements, have an independent responsibility to report sexual and other crimes (which may be reported anonymously) to campus police.

ii. Requesting Confidentiality From the Institution: How the Institution Will Weigh the Request and Respond.

a. Request for Confidentiality. If a complainant discloses an incident to an official with authority but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the institution will weigh that request against the institution's obligation to provide a safe, non-discriminatory environment for everyone, including the complainant, after the official with authority reports the incident to the Title IX Coordinator. If the institution honors the request for confidentiality, a complainant will be informed that the institution's ability to investigate the incident and pursue disciplinary action against the respondent may be limited.

There are times when, in order to provide a safe, non-discriminatory environment for all, the institution may not be able to honor a complainant's request for confidentiality. The institution shall designate an individual to evaluate requests for confidentiality made by a complainant.

b. Factors to Be Considered. When weighing a complainant's request for confidentiality or a complainant's request that no investigation or discipline be pursued, the institution will consider a range of factors, including the following:

i) The increased risk that the identified respondent will commit additional acts of violence, discrimination or harassment, such as:

- whether there have been other misconduct, violence, discrimination or harassment complaints about the same respondent;
- whether the respondent has a history of arrests or other records indicating a history of violence, discrimination or harassment;
- whether the respondent threatened violence, discrimination or harassment against the complainant or others;
- whether the violence, discrimination or harassment was committed by multiple persons;
- whether the circumstances of the incident indicate that the behavior was planned by the respondent or others;
- whether the reported violence, discrimination or harassment was committed with a weapon;
- whether the complainant is a minor;
- whether the institution possesses other means to obtain relevant evidence of the reported violence, discrimination or harassment (e.g., security cameras or personnel, physical evidence);
- whether the complainant's information reveals a pattern of behavior (e.g., illicit use of drugs, alcohol,

coercion, intimidation) at a given location or by a particular group;

- other factors determined by the institution that indicate the respondent may repeat the behavior or that others may be at risk.

Based on one or more of these factors, the institution may decide to investigate and, if appropriate, pursue disciplinary action even though the complainant requested confidentiality or requested that no investigation or disciplinary action be undertaken. If none of these factors is present, or if any or all of these factors are present to an insufficient degree, the institution will work to respect the complainant's request for confidentiality.

c. Actions After Decision to Disclose. If the institution decides that a complainant's confidentiality cannot be maintained, the institution will inform the complainant in writing or via email prior to starting an investigation and the institution will, to the extent possible, only share information with people responsible for handling the institution's response. The institution shall inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

   The institution will inform any individual involved in the matter that retaliation is prohibited and will take steps to protect such individual(s) from retaliation or harm. Retaliation will not be tolerated. The institution will also:

   1. Determine whether interim measures should be implemented in accordance with Subsection B;
   2. Inform any individual involved in the matter of the right to report a crime to the institution and/or local law enforcement and to have a criminal investigation proceed simultaneously; and
   3. Provide any individual involved in the matter with assistance if they wish to report a crime.

   The institution will not require any individual involved in the matter to participate in any investigation or disciplinary proceeding.

   Because the institution is under a continuing obligation to address the issue of sexual violence institution-wide, reports of sexual violence (including non-identifying reports) will also prompt the institution to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ complainant surveys; and/or revisiting its policies and practices.

   Issuance of Timely Warning: If the institution determines that any individual involved in the matter poses a serious and immediate threat to the institution community, police or security services may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the complainant.

d. Reports to Other NSHE Institutions. If an official with authority receives a complaint about unlawful discrimination or harassment that has occurred at another NSHE institution or to a student or employee of another NSHE institution, the official with authority shall report the information to the

institution's Title IX Coordinator, who shall provide the information to the Title IX Coordinator at the other NSHE institution.

e. Public Awareness Events – Not Notice to the Institution. Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which individuals disclose incidents of unlawful discrimination or harassment, are not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s). Such events may, however, inform the need for institution-wide education and prevention efforts, and the Institution will provide information about individuals' rights at these events.

f. Disclosures in written assignments – Not Notice to the Institution. If a student makes a disclosure of an incident of unlawful discrimination or harassment in a written assignment, such disclosure is not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s).

6. Retaliation

Retaliation against an individual who in good faith complains of unlawful discrimination or harassment or provides information in an investigation about behavior that may violate this policy is against the law, will not be tolerated, and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including termination and/or expulsion. Any employee or student bringing an unlawful discrimination or harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint. Intentionally providing false information is also grounds for discipline.

"Retaliation" may include, but is not limited to, such conduct as:

- the denial of adequate personnel to perform duties;
- frequent replacement of members of the staff;
- frequent and undesirable changes in the location of an office;
- the refusal to assign meaningful work;
- unwarranted disciplinary action;
- unfair work performance evaluations;
- a reduction in pay;
- the denial of a promotion;
- a dismissal;
- a transfer;
- frequent changes in working hours or workdays;
- an unfair grade;
- an unfavorable reference or reference letter;
- intentionally providing false information.

a. Employees

1. An employee who believes that they have been subjected to retaliation may file a retaliation complaint with their immediate supervisor, who will in turn immediately contact the Title IX Coordinator.

2. If the employee feels uncomfortable about discussing the alleged retaliation with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with the Title IX Coordinator.
3. After receiving any employee's complaint of an incident of alleged retaliation, the supervisor will immediately contact the Title IX Coordinator to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report to that supervisor.

b. Students

1. A student who believes that they have been subjected to retaliation may file a retaliation complaint with their major department chair or director of an administrative unit, who will in turn immediately contact the Title IX Coordinator.
2. If the student feels uncomfortable about discussing the alleged retaliation with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with the Title IX Coordinator.

7. False Reports

Because unlawful discrimination and harassment frequently involve interactions between persons that are not witnessed by others, reports of unlawful discrimination or harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting unlawful discrimination or harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

8. Supervisor Responsibilities

Every supervisor of employees has responsibility to take reasonable steps intended to prevent acts of unlawful discrimination or harassment, which include, but are not limited to:

a. Monitoring the work and school environment for signs that unlawful discrimination or harassment may be occurring;
b. Refraining from participation in, or encouragement of actions that could be perceived as unlawful discrimination or harassment (verbal or otherwise);
c. Stopping any observed acts that may be considered unlawful discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
d. Taking immediate action to minimize or eliminate the work and/or school contact between the involved individuals where there has been a complaint of unlawful discrimination or harassment, pending investigation.

If a supervisor receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the supervisor must immediately contact the Title IX Coordinator top provide the information about the conduct, to discuss it and/or to report the action taken.

Failure to take action to prevent the occurrence of or stop known unlawful discrimination or harassment may be grounds for disciplinary action.

9. Amnesty for Reports of Non-Title IX Discrimination and/or Harassment Under Certain Circumstances

   NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation.

   An individual may be particularly afraid to report certain conduct when alcohol, drugs, or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking.

   In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational and/or other appropriate sanctions to address such concerns.

   This policy only provides amnesty from violations of NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

10. Relationship to Freedom of Expression

    NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Unlawful discrimination or harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of institutions, the tradition of intellectual freedom and the trust placed in the institutions by their members.

D. Sexual Harassment under Title IX

NSHE and its member institutions do not discriminate on the basis of sex in their education programs and activities. Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1861(a), provides:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities sponsored by the institution, and employment.

IMPACT OF MODIFICATIONS OF THE FINAL RULE UNDER TITLE IX

Should any portion of the Final Rule be stayed or held invalid by a court of law, or should the Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Section process be revoked in this manner, any conduct that would have been covered under the Title IX Section D process shall be investigated and adjudicated under the existing Non-Title IX Sections (A), (B), and (C) process.

1. Designation of Coordinator, dissemination of policy, and adoption of complaint procedures
    a. Each President of NSHE’s eight (8) institutions and the Chancellor for NSHE’s System Administration offices shall designate and authorize an individual to serve as the Title IX Coordinator for the institution who shall be tasked with coordinating the institution’s efforts to comply with its responsibilities under this Section. The institution must notify applicants for admission or employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the individual designated as the Title IX Coordinator.
    b. Each institution must prominently display the contact information for the Title IX Coordinator on its website, if any, and in each handbook, or catalog that it makes available to persons entitled to a notification under paragraph (a) of this Section. Each institution must notify persons entitled to a notification under paragraph (a) of this Section that the institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the institution may be referred to the institution’s Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.
    c. Each institution must adopt and publish complaint procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under this Section and a complaint process that complies with Subsection 5 for formal complaints as defined in Subsection 2. An institution must provide to persons entitled to a notification under paragraph (a) of this Section notice of the institution’s complaint procedures and complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond.

d. Each institution, in addition to other training specifically outlined in this Subsection D, must ensure that all individuals involved in responding to, investigation of, or the adjudication of any complaint based in sexual violence, have the Specialized training in regards to Sexual Violence outlined in Subsection C, 3(b.)

2. Definitions
    a. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
    b. "Respondent" means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.
    c. "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.
    d. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
        i. An employee of a NSHE institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;
        ii. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or
        iii. Sexual assault, as defined by the Clery Act, 34 C.F.R. § 668.46(a), as amended by the Violence Against Women Act of 1994, including but not limited to dating violence, domestic violence, and stalking.

        For the purposes of this definition, "education program or activity" includes locations, events, or circumstances over which an institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an institution, which may include but is not limited to recognized fraternity, sorority, or student organizations. This definition does not apply to persons outside the United States.

        For the purposes of this definition, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program.

        "Rape" means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

        "Fondling" means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

"Statutory rape" means sexual intercourse with a person who is under the statutory age of consent (16 years old).

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

"Stalking" means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

e. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment.

f. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

g. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to an institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President.

   Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution.

h. "Institution" means any and all of NSHE's eight (8) institutions, including the College of Southern Nevada; the Desert Research Institute; Great Basin College; Nevada State College; Truckee Meadows Community College; the University of Nevada, Las Vegas; the University of Nevada, Reno; and Western Nevada College, and NSHE's System Administration offices.

i. “Consent” means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes: impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.
- The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

3. Response to Sexual Harassment

An institution with actual knowledge of sexual harassment allegations in an education program or activity of the institution, as all defined in Subsection 2, against a person in the United States must respond promptly in a manner that is not deliberately indifferent. An institution is “deliberately indifferent” only if its response to sexual harassment allegations is clearly unreasonable in light of the known circumstances.

An institution’s response must treat complainants and respondents equitably by offering supportive measures as defined in Subsection f of Subsection 2 to all parties, and by following a complaint process that complies with Subsection 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent.

An institution shall provide this policy which addresses supportive measures to both complainants and respondents.

The institution’s Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in Subsection f of Subsection 2, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. An institution’s treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Depending on the specific nature of the problem, supportive measures and remedies may include, but are not limited to:

For Students:

a. Issuing a mutual no-contact directive(s);
b. Providing an escort to ensure safe movement between classes and activities;
c. Not sharing classes or extracurricular activities;
d. Moving to a different residence hall;
e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
g. Taking a leave of absence;
h. Restricting to online classes;
i. Providing information regarding campus transportation options;
j. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined[3];
k. Requiring the parties to report any violations of these restrictions;
l. Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and
m. Submitting a request for a waiver of requirements of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23.

For Employees:

n. Providing an escort to ensure safe movement between work area and/or parking lots/other campus locations;
o. Issuing a mutual no-contact directive(s);
p. Placement on leave;
q. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
r. Providing information regarding campus transportation options;
s. Instructions to stop the conduct;
t. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
u. Reassignment of duties;
v. Changing the supervisory authority; and
w. Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the supportive measures and remedies.

Supportive measures and remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Supportive measures and remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

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[3] For example, if one party was disciplined for skipping a class in which the other party was enrolled, the institution should review the incident to determine if class was skipped to avoid contact with the other party.

Remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any supportive measures or remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the supportive measures or remedies meet the goals of preventing harassment or discrimination, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

In responding to allegations of sexual harassment, an institution shall not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

4. Response to a Formal Complaint
    a. In response to a formal complaint, an institution must investigate the allegations contained therein and follow a complaint process that complies with Subsection 5. With or without a formal complaint, an institution must comply with Subsection 3.
    b. Nothing in this Subsection precludes an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
    c. Nothing in this Subsection precludes an institution from placing a non-student employee respondent on administrative leave during the pendency of a complaint process that complies with Subsection 5. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.
    d. An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a complaint process involves more than one complainant or more than one respondent, references in this Section to the singular "party," "complainant," or "respondent" include the plural, as applicable.
5. General complaint process requirements. Institutions shall:
    a. Permit any person to report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator;
    b. Promote impartial investigations and adjudications of formal complaints of sexual harassment;

c. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a complaint process that complies with this Section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent. Remedies must be designed to restore or preserve equal access to the institution's education program or activity. Such remedies may include the same individualized services described in Subsection f of Subsection 2 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;

d. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

e. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

f. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process receive training on the definition of sexual harassment in Subsection 2, the scope of the institution's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

g. Ensure, in coordination with the NSHE Chief General Counsel, that hearing officers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in Subsection d of Subsection 8;

h. Ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Subsection d of Subsection 8;

i. Ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes;

j. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process;

k. Establish a reasonably prompt time frame for conclusion of the complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the institution offers informal resolution processes, and a process that allows for the temporary delay of the complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The institution must establish a reasonably prompt time frame that complies with the procedures outlined in Chapter 284 of the *Nevada*

Administrative Code for classified employees, Chapter 289 of the *Nevada Administrative Code* for law enforcement, Chapter 6 of the NSHE Code for professional employees, Chapter 10 of the NSHE Code or applicable code of conduct for students, or any associated collective bargaining agreement. Institutions may establish different time frames for different types of cases (e.g., sexual assault, domestic violence, dating violence, etc.);

l. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the institution may implement following any determination of responsibility;

m. State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard, and must apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and must apply the same standard of evidence to all formal complaints of sexual harassment. "Preponderance of the evidence" means the evidence establishes that it is more likely than not that the prohibited conduct occurred;

n. Include the procedures and permissible bases for the complainant and respondent to appeal a written determination;

o. Describe the range of supportive measures available to complainants and respondents;

p. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege; and

q. Require any party to assert that the Title IX Coordinator, investigator(s), or hearing officer(s) has a conflict of interest or bias against complainants or respondents generally or the individual complainant or respondent at the time the party knew or should have known of such conflict of interest or bias.

6. Complaint Procedures

a. Upon receipt of a formal complaint, an institution must provide the following written notice to the parties who are known:

i. Notice of the institution's complaint process that complies with this Section, including any informal resolution process; and

ii. Notice of the allegations potentially constituting sexual harassment as defined in Subsection 2, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Subsection 2, and the date and location of the alleged incident, if known. This written notice also must:

a) Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process;

b) Inform the parties that they may have an advisor of their choice under Subsection d of Subsection 7 who may be, but is not required to be, an attorney, and may inspect and review evidence under Subsection 7; and

c) Consistent with Section 13, inform the parties of the prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

b. If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Subsection a of Subsection 6, the institution must provide notice of the additional allegations to the parties whose identities are known.

7. Dismissal of formal complaint

a. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Subsection 2 even if proved, did not occur in the institution's education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Board of Regents' *Handbook*, NSHE Code, or institution's code of conduct.

b. The institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

ii. The respondent is no longer enrolled or employed by the institution; or

iii. Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

c. Upon a dismissal required or permitted pursuant to Subsections i and ii of Subsection c of Subsection 6, the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

8. Investigation of a Formal Complaint. The institution investigating a formal complaint must:

a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties, provided that the institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party's voluntary, written consent to do so for a complaint process under this Section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the institution must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

c. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

d. Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or complaint proceeding. However, an institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties;

e. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

f. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;

g. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

h. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required under this Section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Each party's written response, if any, shall be submitted to the investigator at least three (3) days prior to the live hearing.

9. Live Hearings

a. An institution must hold a live hearing over which a hearing officer presides. The hearing officer cannot be the same person as the Title IX Coordinator or the investigator(s) and must be selected in consultation with the NSHE Chief General Counsel.

b. At the live hearing, the hearing officer must permit each party's advisor during cross-examination to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the institution under Subsection d of Subsection 7 to otherwise restrict the extent to which advisors may participate in the proceedings.

c. The live hearing may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or the witness answering questions.

d. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. For the purposes of this Section, "relevant" means a question or evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the question or evidence. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

e. If a party does not have an advisor present at the live hearing, the institution must provide, without fee or charge to that party, an advisor of the institution's choice, who shall not be an attorney, to conduct cross-examination on behalf of that party. Such advisors need not be provided with specialized training because the essential function of such an advisor provided by the institution is not to "represent" a party but rather to relay the party's cross-examination questions that the party wishes to have asked of other parties or witnesses so that parties never personally question or confront each other during a live hearing.

f. If a party or witness does not submit to cross-examination at the live hearing, to the extent permitted by law and not otherwise subject to exclusion under this policy, the hearing officer may consider those statements of a person who was not present at the hearing, or a person who was present at the hearing but who was not subject to cross examination if the statement is deemed reliable and relevant by the hearing officer. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, emails, social media postings, and the like.

   The hearing officer(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

g. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

h. Nothing in this Subsection shall be construed to impair rights under the U.S. Constitution, including but not limited to the Fifth Amendment, or privileges recognized by statute or common law.

10. Determination Regarding Responsibility.
    a. The decision-maker, or hearing officer(s) as appropriate, must issue a written determination regarding responsibility under the preponderance of the evidence standard within 14 calendar days of the live hearing.
    b. The written determination must include:
        i. Identification of the allegations potentially constituting sexual harassment as defined in Subsection 2;
        ii. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
        iii. Findings of fact supporting the determination;
        iv. Conclusions regarding the application of the institution's code of conduct to the facts;
        v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the institution to the complainant; and
        vi. The institution's procedures and permissible bases for the complainant and respondent to appeal.
    c. The institution must provide the written determination regarding responsibility to the parties simultaneously. The written determination becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
11. Appeals
    a. Within seven (7) calendar days, any party may appeal from a determination regarding responsibility, and from an institution's dismissal of a formal complaint or any allegations therein, on the following bases:
        i. Procedural irregularity that affected the outcome of the matter;
        ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
        iii. The Title IX Coordinator, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and
        iv. Any additional basis offered by an institution.
    b. As to all appeals, the institution must:
        i. Immediately notify the other party in writing when an appeal is filed;
        ii. Ensure that the decision-maker for the appeal is not the same person as the hearing officer(s) or decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in Subsections e-i of Subsection 5;

iv. Give all parties an equal opportunity to submit a written statement in support of, or challenging, the outcome within seven (7) calendar days of the outcome;

v. Issue a written decision within ten (10) calendar days of receiving a written statement in support of, or challenging, the outcome describing the result of the appeal and the rationale for the result; and

vi. Provide the written decision simultaneously to all parties.

c. The review on appeal is limited to the record, except in appeals based on newly discovered evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made. In such appeals, newly discovered evidence may be considered on appeal notwithstanding its absence from the record.

12. Provides Informal Resolution

a. If a formal complaint of sexual harassment is filed, and at any time prior to reaching a determination regarding responsibility, an institution may offer the parties the option of informal resolution and may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:

i. Provides to the parties a written notice disclosing the allegations; setting forth the requirements of the informal resolution process, including the circumstances under which the process's agreed upon resolution precludes the parties from resuming a formal complaint arising from the same allegations; and explaining that any statements made or documentation or information provided by a party during the informal resolution process shall not be used or relied upon in a subsequent complaint process or live hearing without the permission of the party who made the statement or provided the documentation or information;

ii. Obtains the parties' voluntary, informed written consent to the informal resolution process; and

iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

b. Institutions must provide the parties with a written notice explaining that, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the complaint process with respect to the formal complaint, and withdraw from any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

c. An institution shall not require the parties to participate in an informal resolution process for any reason, and shall not require waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this Section as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

d. An individual serving as a facilitator of an informal resolution process shall not be the Title IX Coordinator, Title IX investigator, Title IX hearing officer, witness, or other institutional employee that has a duty to disclose allegations of sexual harassment to the institution.

13. Recordkeeping
    a. An institution must maintain for a period of at least seven (7) years records of:
        i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under Subsection g of Subsection 8, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
        ii. Any appeal and the result therefrom;
        iii. Any informal resolution and the result therefrom; and
        iv. All materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process. An institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public;
        v. For each response required under Subsections 3 and 4, an institution must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education program or activity. If an institution does not provide a party with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken.
14. False Reports. Because discrimination and sexual harassment frequently involve interactions between persons that are not witnessed by others, reports of discrimination or sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or sexual harassment under this policy. However, individuals who knowingly make false reports or submit false information during the complaint process may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.
15. Retaliation
    a. Retaliation Prohibited. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a

report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to have engaged in sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the complaint procedures for sex discrimination under Subsection C.

b. Specific circumstances

i. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Subsection a of this Subsection.

ii. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a complaint proceeding under this part does not constitute retaliation prohibited under Subsection a of this Subsection, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

16. Amnesty for Reports of Title IX Discrimination and/or Harassment Under Certain Circumstances

NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation.

An individual may be particularly afraid to report certain conduct when alcohol, drugs, or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking.

In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational and/or other appropriate sanctions to address such concerns.

This policy only provides amnesty from violations of NSHE *Handbook*, the NSHE institutional policy and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

17. Relationship to Freedom of Expression

    NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Unlawful discrimination or harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of institutions, the tradition of intellectual freedom and the trust placed in the institutions by their members.

(B/R 12/21)

Section 14. General Policy of the Board of Regents on Compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

1. Policy Statement

The Nevada System of Higher Education (NSHE) is committed to compliance with any and all federal and state laws governing individuals with disabilities, their employment and their access to postsecondary institutions. This includes the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, which state in pertinent part:

- "No qualified individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of any public entity, or be subject to discrimination by any such entity." (Section 202 of the 1990 Americans with Disabilities Act).
- "No otherwise qualified, handicapped individual in the United States shall solely, by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (Section 504 of the 1973 Rehabilitation Act).

Pursuant to federal and state laws, no qualified individual with a disability shall unlawfully be denied access to or participation in any services, programs, or activities of NSHE or its institutions on the basis of his or her disability. NSHE and its institutions are committed to providing reasonable accommodations to students, employees and visitors with disabilities to afford an opportunity for full participation in educational programs and activities. Accommodations that are unduly burdensome to NSHE or the institution or that fundamentally alter the nature of the service, program, course, or activity are not required.

2. Definitions

For purposes of this policy and Sections 15 (Information and Communications Technology), 16 (Service Animals) and 17 (Emotional Support Animals) of this Chapter the following definitions apply:

a. Disability: An individual has a qualifying disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment pursuant to Section 4(b)(iii) below.
b. Qualified Individual with a Disability:
    i. With respect to NSHE programs and services, means an individual who meets the academic and technical standards requisite for admission or participation in the NSHE program or activity.
    ii. With respect to employment, means an individual who with or without reasonable accommodation can perform the essential functions of the job.
c. Reasonable Accommodation: An adjustment or modification that allows the qualified individual with a disability access to employment and/or participation in the various programs and services of NSHE and its member institutions. A reasonable accommodation shall not fundamentally alter the curriculum of any program, fundamentally alter the nature of any activity or service provided, or fundamentally alter the essential functions of any job, nor shall it impose an undue burden, on NSHE, any NSHE institution, or any program or activity thereof.
d. Undue Burden: An undue burden results when a proposed course of action would result in significant difficulty, hardship, or financial or administrative burden.
e. Fundamental Alteration: A change to a service, program, or activity that fundamentally alters the nature of the service, program, or activity, which includes academic courses or technology.
f. Timely: Access in a reasonably sufficient time for the individual with the disability to have an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as individuals without disabilities.
g. Accessibility: Individuals with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as their nondisabled peers, with substantially equivalent ease of use.

3. Institutional Requirements

Policies and Procedures – Each institution shall develop policies and procedures to ensure compliance with Board of Regents policy and applicable federal and state laws referenced herein, including access to information and communications technology.

a. Responsibility for Compliance – Each President shall designate a person or persons responsible for ensuring compliance with and implementation of this policy and institutional policies and procedures throughout the institution, its departments and its units. Each President's designee(s) shall have authority to ensure and enforce compliance with Board and institutional policies and procedures. The President or his or her designee(s) may create a committee with broad representation from across the institution to assist the designee with compliance and training.
b. Training – The President's designee(s) shall provide training for all employees on accessibility policies and procedures.

4. Rights and Responsibilities

    1. Every qualified individual with a disability has the right to:
        i. Access to employment, educational programs, services, activities, and facilities available through NSHE institutions.
        ii. Reasonable accommodations and/or auxiliary aids as determined on a case-by-case basis.
        iii. Confidentiality regarding disability information (including the right to choose to whom the disclosure of disability is made) as may be required by law.
        iv. Receive information in accessible formats appropriate to the individual's disability.
    2. Every qualified individual with a disability has the responsibility to:
        i. Meet institutional qualifications with or without accommodation, including essential employment functions, technical, academic, and institutional standards and codes of conduct.
        ii. Self-identify as an individual with a disability and request accommodations through the institutional designee (e.g. disability resource center, human resources, etc.) in a timely manner.
        iii. Provide documentation from a professional with appropriate credentials for diagnosing that disability verifying the nature of the disability, functional limitations, and the rationale for specific accommodations being requested.
        iv. Follow specific institutional policies and procedures for obtaining reasonable accommodations and/or auxiliary aids.
    3. The NSHE and its institutions have the right and responsibility to:
        i. Comply with Board of Regents policy and any other applicable federal and state laws governing individuals with disabilities including, but not limited to, policies regarding equal employment opportunity, Section 504 of the Rehabilitation Act of 1973, and Section 202 of the Americans with Disabilities Act.
        ii. Inform the campus community, including applicants for employment and admission, of services available for disabled individuals.
        iii. Maintain institutional academic standards.
        iv. Require qualifying disability documentation in order to verify eligibility for disability accommodations and/or auxiliary aids.
        v. Select from reasonable accommodations, adjustments, and/or auxiliary aids in consultation with the individual.
        vi. Deny requests for accommodations and/or auxiliary aids when disability documentation does not identify a specific disability or fails to verify the need for the requested services.
        vii. Deny requests for accommodations, adjustment, and/or auxiliary aids that are not reasonable as set forth herein or pose a direct threat to the health and safety of others.

(B/R 6/20)

Section 15. Policy for Information and Communications Technology (ICT) Accessibility (Effective September 1, 2017)

1. Policy Statement

   The Nevada System of Higher Education is committed to providing information and communications technology that has been developed, procured or utilized to be accessible to all, and in particular, to individuals with disabilities, including those who use assistive technologies.

2. Scope of Policy
   a. This policy applies to Information and Communications Technology (ICT) that is developed, procured, or utilized by NSHE and its institutions for NSHE programs, services, instructional materials, or activities. ICT includes, but is not limited to, computer hardware and software, operating systems, computer or web-based information and applications, mobile apps, enterprise applications, learning management systems, telecommunication products, information kiosks and transaction machines, web sites (including web pages, web applications, and web content), multimedia content, office equipment, and electronic documents.
   b. If an ICT cannot be made accessible due to technical infeasibility or undue financial or administrative burden, "equally effective alternate access" must be provided in a timely manner. "Equally effective alternate access" means an alternative format, medium, or other aid that timely and accurately communicates the same content as does the original format or medium, and which is appropriate to an individual's disability. To provide equally effective alternate access, alternatives are not required to produce the identical result or level of achievement for individuals with and without disabilities, but must provide appropriate auxiliary aids and services as necessary to afford individuals with disabilities an equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to their needs.
   c. NSHE and its institutions are not required to take any action that results in a fundamental alteration in the nature of a service, program, or activity or in undue financial or administrative burden pursuant to this policy, but must nevertheless ensure, to the maximum extent possible, that individuals with disabilities receive the benefits or services provided by NSHE and its institutions. Each President or the President's designee who has budgetary authority may approve exceptions to this policy based on a determination that the action would result in a fundamental alteration or undue burden.

3. Institutional Policies and Procedures

   Each institution shall develop policies and procedures to ensure compliance with Board of Regents policy and any and all applicable federal and state laws governing access by an individual with a disability to ICT at postsecondary institutions. Institutional procedures must include, but are not limited to:
   a. Procedures for identifying, reporting and addressing in a timely manner ICT that is not accessible to an individual with a disability These procedures must include the timeline required pursuant to Subsection 5.a. of this Section;

b. A procedure through which individuals with a disability identify themselves, as required under Section 15 (4)(b)(ii);
c. When an accessible ICT is not available, a procedure for equally effective alternative access to be provided so that individuals with disabilities are able to receive equally effective communication of information and data materials (e.g. course materials, textbooks, workbooks, articles, compilations, presentations, collaborative assignments, videos, and images or graphical materials) converted to alternate format or made accessible in a timely manner. The individual with the disability must report and request access to an inaccessible ICT and participate in the process developed by the institution to identify what will be equally effective communication;
d. A procedure under which a President or the President's designee who has budgetary authority may approve an exception to this policy pursuant to 2.c. above based on a determination that the action would result in a fundamental alteration or undue burden. Any exceptions approved by the President or the President's designee must only be made after considering all resources available for use in the funding and operation of the service, program, or activity. If the President or his designee approves such an exception, the President or his designee must provide a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement, the available funding and other resources, and the institution's plan for providing equally effective alternate access.

4. Procurement of ICT from Third-Parties

Each institution shall adopt policies and procedures governing procurement, including acquisition, use or adoption, of ICT from third parties (e.g. vendors). The institutional policies and procedures must require that:

a. The third party commits either to providing a product that meets the requirements set forth in Board policy governing accessibility for individuals with disabilities or details how the third party will support the institution in providing equally effective alternate access for non-conforming products until the product is fully conformant as demonstrated in the third party's accessibility documentation; and
b. The institution requests, obtains, reviews and evaluates each third party's most recent accessibility testing results.

5. Web Content Accessibility and Time Frames

a. Except as otherwise provided in this Section, each institution must establish a reasonable timeline based on the institution's resources for its web pages, web applications, web content and websites to conform at a minimum with NSHE Accessibility Standards. The procedures must require the institution to demonstrate progress in achieving conformance with these Guidelines.
b. Exceptions include but are not limited to:
    i. Archived Web content, unless specifically requested to be made accessible by an individual with a disability. If such a request is made, NSHE or the institution must provide either access that complies at a minimum with NSHE Accessibility Standards or equally effective alternate access for the individual with a disability. "Archived Web content" means Web content that is: 1) maintained exclusively for reference, research, or recordkeeping; 2) not

altered or updated after the date of archiving; and 3) organized and stored in a dedicated area or areas clearly identified as being archived;

ii. Web pages and websites designed solely to conduct research or created for developmental or test-site purposes, unless specifically requested to be made accessible by an individual with a disability who has authorization to access those web pages or websites. If such a request is made, NSHE or the institution must provide either access that complies at a minimum with NSHE Accessibility Standards or equally effective alternate access for the individual with a disability;

iii. Electronic documents posted to institution or NSHE websites and subdomains or within their web applications that meet all of the following requirements:

(a) The documents are of interest to a specific and limited audience (e.g., researchers in a particular academic discipline);

(b) The set of documents requiring remediation to conform at a minimum with NSHE Accessibility Standards is voluminous (i.e., the total page count of the electronic documents that reside on a single web page exceeds 100 pages), or cannot be made accessible due to technical infeasibility; and

(c) The documents are presented in such a way that individuals with disabilities are able to identify documents or Sections of documents of particular interest and request remediation of those documents in accordance with procedures established by the institution.

iv. Web pages, web applications, or web content, or that would result in a fundamental alteration in the nature of a service, program, or activity or in an undue financial or administrative burden to bring into compliance with NSHE Accessibility Standards.

(B/R 6/20)

Section 16. <u>Service Animals</u>

1. Policy Statement

The Nevada System of Higher Education is committed to reasonably accommodating individuals with disabilities who require the assistance of service animals. However, NSHE is also mindful of the health and safety concerns of the campus community. Thus, NSHE and its institutions must balance the need of the individual with the disability with the potential impact of the service animal on others within the campus community.

2. Service Animal

A “service animal” is a dog trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, medical, psychiatric, intellectual, or other mental disability and meets the definition of “service animal” under the Americans with Disabilities Act (“ADA”) regulations at 28 CFR 35.104. Under particular circumstances set forth in the ADA regulations at 28 CFR 35.136(i), a miniature horse may qualify as a service animal. The work or tasks performed must be directly related to the individual’s disability.

3. Institutional Policies and Procedures

   Each institution shall develop policies and procedures governing the presence of service animals in compliance with applicable law, including the Americans with Disabilities Act.

4. Damage

   Owners of service animals are solely responsible for any damage to individuals or property caused by their animal.

(B/R 6/17)

Section 17. Emotional Support Animals

1. Policy Statement

   The Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act protect the right of people with disabilities to keep emotional support animals within housing associated with educational institutions. The Nevada System of Higher Education is committed to reasonably accommodating individuals with disabilities who require the assistance of an emotional support animal in institutional housing.

2. Emotional Support Animal:

   An “emotional support animal” (“ESA”) is an animal that provides comfort to an individual with a disability upon the recommendation of a healthcare or mental health professional. An emotional support animal does not assist an individual with a disability with activities of daily living but rather its role is to live with an individual and alleviate the symptoms of an individual’s disability.

3. Institutional Housing

   Emotional support animals may reside in institutional housing only with express written approval of the institution through the institutional policies and procedures established pursuant to Subsection 4 of this policy.

4. Institutional Policies and Procedures

   Each institution shall develop policies and procedures to implement this policy and govern the presence of emotional support animals in institutional housing, and other approved areas, if any. Such policies and procedures must include, but are not limited to:

   a. The process under which individuals may request approval to have an emotional support animal in institutional housing, or other approved areas, if any. This process must include a means of verifying that a disability exists and that the need for the presence of the emotional support animal is genuine based on the professional opinion of a physical or mental health care licensed provider or therapist.
   b. The responsibility of individuals with emotional support animals, including but not limited to:

i. Care and supervision of the animal;
ii. Health and safety of others, including ensuring that others are not threatened by an emotional support animal and that such animals authorized to live in institutional housing do not interfere with others' enjoyment of the residential space; and
iii. Other reasonable conditions or restrictions, if necessary to ensure the health, safety and reasonable enjoyment of others.

c. The circumstances under which an emotional support animal may be removed.
d. Any restrictions on where the emotional support animal may be present in institutional housing, or other approved areas, if any.

5. Damage

Owners of emotional support animals are solely responsible for any damage to individuals or property caused by their animal.

(B/R 6/17)

Title 4 - Codification of Board Policy Statements

Chapter 9

NEVADA SYSTEM OF HIGHER EDUCATION
INTERNAL AUDIT, FINANCE AND ADMINISTRATION POLICIES

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A. Internal Audit Department Charter

Section 1. Nature

The Internal Audit Department is established as an independent and objective assurance and consulting activity within the Nevada System of Higher Education (NSHE) for the review of operations as a service to management. It assists the NSHE in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the organizations risk management, control and governance processes.
(B/R 3/14)

Section 2. Mission Objective and Scope

The Mission of Internal Audit is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight. The objective of the Internal Audit Department is to assist all levels of the NSHE management in the effective discharge of their responsibilities, by furnishing them with analyses, appraisals, recommendations and pertinent comments concerning the activities reviewed. The Internal Audit Department is concerned with any phase of activity where it can be of service to management. This involves going beyond the accounting and financial records to obtain a full understanding of the operations under review. The attainment of this overall objective involves such activities as:

1. Reviewing and appraising the soundness, adequacy, and efficient application of accounting, financial, and operational controls at executive and staff levels.

2. Ascertaining the extent of compliance with established policies, plans, and procedures.

3. Determining whether significant risks appropriately identified and managed.

4. Ascertaining the reliability of management data developed and reported within the NSHE.

5. Recommending appropriate improvements in internal accounting and operations where controls have been found to be malfunctioning, inefficient, or where controls should be instituted and none exist. Appraising the effectiveness of procedures, as modified, to ensure that deficiencies are satisfactorily resolved.

6. Recommending appropriate improvements to systems, processes and organizational structures to provide accurate, timely and reliable financial and operational information.

7. Fostering quality and continuous improvement in NSHE's risk management and control processes. Reporting the results of examinations in a timely manner and reviewing the timeliness of corrective actions.

8. Confirming information technology and data governance supports NSHE's strategies and objectives.

9. Ascertaining whether information security practices adequately safeguard the NSHE data assets and comply with applicable policies and regulations.

10. Sharing information and coordinating activities with other internal and external assurance and consulting service providers to ensure proper coverage and minimize duplication of efforts.

11. Designing, installing, and operating systems are not audit functions; however, the internal auditor's objectivity is not adversely affected when the auditor recommends standards of control for systems or reviews procedures before they are implemented.

(B/R 12/16)

Section 3. Authority and Responsibility

The internal audit activity is established by the Board of Regents. The internal audit activity's responsibilities are defined by the Board as part of its oversight role. The Internal Audit Department is provided with authority for full access to all of the NSHE records, properties, and personnel relevant to the subject of review. The Department is free to review and appraise policies, plans, procedures, and records.

The responsibilities of the Department are as follows:

1. Develop a sophisticated internal audit program that will include evaluation of the effectiveness of financial and related operational controls and review of compliance by NSHE personnel with NSHE policies and procedures.

2. Maintain the capacity to:
    a. Perform audits to independently assess governance, risk management and control processes throughout the NSHE.
    b. Provide consulting services, with the mutual agreement of the "client", to improve the NSHE governance, risk management and control processes.
    c. Investigate, as necessary, allegations of improper activities including fraud, misuse of university resources, and unethical behavior or actions. The Chief Internal Auditor serves as the clearinghouse for matters requiring his or her investigatory activity and shall establish a mechanism for incident management.

3. Periodically measure and continually improve the efficiency of internal audit activity by means of a quality control program, effective use of technology, and proactive performance management. Institute appropriate budgetary and cost control over the auditing program.

4. Institute controls to ensure that audit findings have been reviewed with the management responsible for operations of the functions examined; see that findings are presented to management at various levels so as to motivate corrective actions; and arrange for the development of appropriate comments and recommendations for inclusion in periodic condensed reports to be presented to the Board of Regents' Audit, Compliance and Title IX Committee.

5. Make available to the independent public accountants working papers, copies of audit reports, and pertinent analyses to aid them in determining the scope of their examination. Inform the independent public accountants and other outside audit agencies of the internal audit schedule to avoid duplication of effort and to maximize the benefits of the total investment in audit activities.

6. Maintain a staff with the skills, experience and professional certifications to meet the Department's scope of responsibilities and aligned with the NSHE's risks.

7. Recommend changes to policy or required practices to sustain an effective balance between the magnitude of risk, the materiality of failed control, and the cost of compliance.

8. The internal audit activity will govern itself by adherence to appropriate internal auditing standards including, but not limited to, The Institute of Internal Auditors' Mission of Internal Audit and the mandatory elements of the International Professional Practices Framework (the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the Standards, and the Definition of Internal Auditing.

9. Coordinate all activities of the Department with others so as to best achieve the audit objectives and the objectives of the NSHE, including spreading adoption of effective practices and consideration of trends and emerging issues that could impact the NSHE.

   In performing its functions, the Internal Audit Department has neither direct responsibility for, nor authority over, any of the activities that are reviewed. Therefore, the review and appraisal activity does not in any way relieve other persons in the organization of the responsibilities assigned to them.

(B/R 12/18)

Section 4. Independence

To maximize public accountability, the Chief Internal Auditor shall maintain complete independence from the System Administration and shall have a dual reporting responsibility directly to the Chair of the Board of Regents and the Chair of the Audit, Compliance and Title IX Committee on all substantive matters. The Chair of the Board of Regents and the Chair of the Audit, Compliance and Title IX Committee shall provide primary oversight and general direction to the Chief Internal Auditor regarding his or her activities and responsibilities.

The Chair of the Board of Regents shall administratively supervise the Chief Internal Auditor, including overseeing all aspects of employment. The Chair of the Board of Regents and the Chair of the Audit, Compliance and Title IX Committee shall jointly evaluate the performance of the Chief Internal Auditor. Any search to fill a vacancy in the Chief Internal Auditor position shall be jointly conducted by the Chair of the Board of Regents and the members of the Audit, Compliance and Title IX Committee.

In order to maintain objectivity, the Internal Audit Department will not undertake to develop and install procedures, prepare records, or engage in any other activity that it would normally review and appraise, and that could reasonably be construed to compromise its independence. Objectivity shall not be adversely affected by the recommendation of the standards of control to be applied in the development of systems and procedures under review.

Where the Internal Audit Department is expected to have roles or responsibilities that fall outside of internal auditing, safeguards will be in place to limit impairments to independence or objectivity. The Internal Audit Department may provide assurance services where it had previously performed consulting services, provided the nature of the consulting did not impair objectivity, and provided individual objectivity is managed when assigning resources to an engagement.
(B/R 12/18)

Section 5. Audit Requests

The Chief Internal Auditor may determine during the year that an unscheduled audit should be performed. The Chief Internal Auditor will inform the Chair of the Audit, Compliance and Title IX Committee of special audits.

The Chair of the Audit, Compliance and Title IX Committee may request an audit be performed based upon specific information provided to the Chief Internal Auditor. If the Chief Internal Auditor is in agreement that the audit should be performed, the audit will be added to the audit schedule. If the Chief Internal Auditor is not in agreement that the audit should be performed, the Chair of the Audit, Compliance and Title IX Committee may place the item on the next Audit, Compliance and Title IX Committee agenda for review and action by the Audit, Compliance and Title IX Committee.

Any member of the Board of Regents may request that the Chair of the Audit, Compliance and Title IX Committee Chair place a request for an audit on the Audit, Compliance and Title IX Committee agenda. The Chief Internal Auditor will make a recommendation to the Audit, Compliance and Title IX Committee regarding the audit request.

The policy of the Audit, Compliance and Title IX Committee is to only perform special audits based on specific factual information and assessment of risk that would justify an audit.
(B/R 12/18)

Section 6. Internal Audit Plan

Annually, the Chief Internal Auditor will submit to the Chair of the Board of Regents and the Audit, Compliance and Title IX Committee an internal audit plan for review and approval. Any significant deviation from the approved plan will be communicated to the Audit, Compliance and Title IX Committee. Progress against the approved plan will be communicated to senior management and the Audit, Compliance and Title IX Committee at least every six months.
(B/R 12/18)

Section 7. Reporting and Monitoring

A written report will be prepared and issued by the Chief Internal Auditor following the conclusion of each internal audit engagement and will be distributed as appropriate. Internal audit results and institution responses will be communicated to the Chair of the Board of Regents and the Audit, Compliance and Title IX Committee.
(B/R 12/18)

Section 8. Periodic Assessment

The Chief Internal Auditor will communicate to the Chair of the Board of Regents and the Audit, Compliance and Title IX Committee on the internal audit activity's quality assurance and improvement program, including results of external assessments conducted at least every five years.
(B/R 12/18)

Section 9. Institution Audit Response Requirements

1. Time Period for Response. In response to audit findings, institutions at times must adopt new institution policies or amend existing institution policies to address the issues identified in the audit. The adoption of new policies or amendment of existing policies in response to an audit finding must be completed within 150 calendar days after the audit and institutional response have been discussed at a Board of Regents Audit, Compliance and Title IX Committee meeting.

2. Expedited Procedure and Consultation with Faculty Senate. Each institution shall develop a procedure for the expedited adoption of new policy and for the amendment of existing policy to comply with the 150 calendar day requirement set forth above. The institution procedure must include an expedited process for consultation with the Faculty Senate.

(B/R 12/18)

B. Finance and Administration Charter

Section 1. Objectives and Scope

1. Finance and Administration is a part of System Administration. The Chancellor, as Chief Executive Officer and Treasurer of the NSHE, has delegated certain of the financial duties of his or her office, as prescribed by the Board of Regents at Article VII, Section 3, of the By-Laws, to the Chief Financial Officer. The Senior Budget Officer and Director for Banking and Investments for the NSHE report to the Chief Financial Officer.

2. While the primary financial accounting and control functions are maintained at the institutional level, the System through the Chief Financial Officer is responsible for the accurate and timely development and reporting of financial information. The System will ensure the adherence of the institutions to the most recent national financial accounting standards and support continuing internal and external audit reviews of programs and funding.

(B/R 10/96)

Section 2. Budget Director: Authority and Responsibility

Reporting to the Chief Financial Officer, the NSHE Senior Budget Officer is provided with the authority and responsibility for establishing policies and procedures under which the budgetary administration will be conducted.

The NSHE Senior Budget Officer's specific duties will include, but not be limited to, the following:

1. PROMOTE AND COORDINATE INTEGRATED NSHE FINANCIAL PLANNING

   Working with institutional officers, coordinates and assists in the development of a system-wide financial planning process.
   - Serves on appropriate committees, coordinates development of the database for planning, and maintains communication with and assures cooperation between all institutional budgetary officials.

2. ASSURES PROPER AND TIMELY BUDGET DEVELOPMENT

   Coordinates and develops system-wide budget development policy, procedure, and budget calendar.
   - Budget Policy and Procedures
     Develops and maintains the system-wide budget policy and procedures section of the *University of Nevada Policy and Procedure Manual* for financial accounting.
   - Budget Calendar
     Develops and communicates the budget calendar and monitors adherence to calendar deadlines.
   - Budget Preparation
     Reviews all budget preparation documents to assure consistency and adherence to State standards. Prepares combined budget request for submittal to State of Nevada officials.

3. PROMOTES COORDINATION AND COMMUNICATION WITH STATE OF NEVADA

   Promotes coordination and communication with Governor's Office and Legislature concerning budgetary matters.
   - Serves as a budget advisor to institutional officials regarding state budget requirements and provides budgetary expertise during budgetary sessions.
   - Establishes with State of Nevada budgetary officials a good working relationship and lines of communication.

4. ASSURES EFFICIENT AND EFFECTIVE BUDGET CONTROL

   Coordinates and develops system-wide budget control policy and procedures.
   - Develops and maintains system-wide budget control policy and procedures.
   - Assures budget revisions and other actions are in accordance with Board of Regents and State policies.
   - Reviews financial accounting information and system to insure system provides adequate budgetary control and timely and relevant information.

5. PROVIDE TIMELY BUDGET EVALUATION

   Provides budgetary evaluation and assessment to Board of Regents and institutional officers for future NSHE planning.
   - Performs post performance review which involves critical analysis of institutional budgets, both quarterly and annually, focusing on the following elements:
     1. Budget versus actual expenditures and revenues.
     2. Identify variances and reasons for variances.
     3. Recommend corrective actions where potential problems are identified.
     4. Inform the Board of Regents of any exceptions that require discussion and further monitoring.
   - The institutional business officers will comprise a review committee chaired by the Chief Financial Officer and charged to analyze and advise the Chancellor and other institutional officials on fiscal issues highlighted through the quarterly analysis of budgets.

(B/R 1/95)

Section 3. NSHE Director of Banking and Investments

1. The Director of Banking and Investments for the NSHE is charged with the oversight of a system-wide cash management program and the Board of Regents' Permanent Endowment Funds. Included in the responsibilities are consolidation of the NSHE cash resources, bank relationships, and the placement of cash balances with investment managers in accordance with the Board of Regents operating fund investment policy. A primary responsibility of the Director of Banking and Investments is to preserve the liquidity and safeguard the principal of operating cash while enforcing the Board of Regents Operating Fund Investment Policies. The director will establish a process to assess the performance of investments relative to appropriate standards in both the operating and endowment funds.

2. Operating cash fund investment income is distributed to the institutions based on their respective daily cash balances. The Director of Banking and Investments therefore has responsibility for maintaining accountability for all cash balances so that each institution receives its share of the investment income. However, the institutions remain responsible for identifying their respective cash balances with the identifiable fund groups for the purpose of complying with State and federal Law requiring the distribution of investment income to these funds.

3. All investments of the Board of Regents are required to be held by one or more custodial banks. The Director of Banking and Investments reconciles and accounts for investment assets held by the Board of Regents' custodial bank that includes operating and endowment fund investments. Enforcement of donor restrictions is a matter of trust law and therefore permanent records of all Board of Regents Endowment Fund gifts must be preserved for posterity by the Office of the Director of Banking and Investment.

4. The Director of Banking and Investments assumes responsibility for custody of bond files and reporting restrictive covenants. The NSHE debt policy guidelines covering institutional loans, bonds, leases, and other debt will be administered through the Banking and Investment Office.

5. Title 4, Chapter 10, Sections 5 and 6 define the operating and endowment funds policies and procedures that are monitored by the director of Banking and Investments under the direction/oversight of the Investment Committee of the Board of Regents.

(B/R 12/18)

Section 4. Business Officers Council Charter

1. Purpose

   The NSHE Business Officers Council (BOC) provides strategic guidance for finance, human capital (HCM), payroll, system-wide financial and administrative shared services, and their supporting applications across the eight institutions and System Administration comprising the Nevada System of Higher Education. The BOC shall provide strategic guidance by establishing goals, policies, procedures and setting priorities for NSHE finance and administrative functions.

2. Roles and Responsibilities
   a. Recommend to the Chancellor, Presidents, and the Board of Regents proposed guidelines, policies, procedures, and priorities for NSHE finance and administrative functions.
   b. Establish annual goals, provide strategic direction, and set priorities for the finance, HCM, payroll, and shared service advisory committees.
   c. Define the committees and their charters that support NSHE business operations.
   d. Review existing goals, policies, procedures, reports, and priorities for NSHE finance and administrative functions to identify areas for improvement and implementation of best practices.
   e. Provide direction for implementing legislative mandates, reporting protocols, and policy changes from the Board of Regents, state, and other external governing bodies.
   f. Provide strategic guidance and ensure coordination of NSHE system-wide financial and administrative shared services, including NSHE Payroll Services, Business Center North, Business Center South, and System Computing Services.
   g. Encourage collaboration and coordination between and among Chief Business Officers and their respective institutions.
   h. Communicate and reinforce guidelines, policies, procedures, goals and priorities for NSHE finance and administrative functions.
   i. Resolve implementation issues that may escalate from finance, payroll, HCM, and system-wide financial and administrative shared service business functions.
   j. Receive and review progress updates, escalation, and input from NSHE finance and administrative advisory committees.
   k. Periodically review finance and administrative functions across NSHE institutions, including centralized and system-wide shared services, to increase quality, efficiency, and transparency of business operations.
   l. Review requests for information and ad-hoc reports from the Chancellor, Board of Regents, state, and other governing bodies and develop uniform guidance to ensure consistent reporting across NSHE institutions.
   m. Lead through modeling organization effectiveness; Implement and monitor industry best practices related to higher education finance and administrative functions.

(B/R 6/22)

C. Financial Policies: Operating Budgets

Section 1. Authority

1. The Board of Regents shall approve annual and biennial state and self-supporting budgets, including associated registration fees, tuition rates, and student fees. They will review budget recommendations made by the Business, Finance and Facilities Committee. Once the budget is approved, responsibility and authority for all adjustments is delegated as indicated in the following sections.

2. The Board of Regents delegates to its Business, Finance and Facilities Committee responsibility and authority for:
    a. Initial review and endorsement to the Board of proposed annual and biennial state and self-supporting budgets, including assessment of Board priorities, student and state revenue, enrollments, and other key components as defined through Board and gubernatorial guidelines, and
    b. Year-end review of major current year budget revisions and/or transfers, including use of reserves *(unappropriated fund balances)* and excess income over budget.

3. The Board of Regents delegates to the Chancellor responsibility and authority for oversight and management of funds and other resources in accordance with policies stated below – including approval of transfers among funds and budget adjustments within specified parameters. Further, the Chancellor is charged with preparing documents in an appropriate and timely manner that require committee review and/or approval.

4. The Chancellor, in turn, delegates to the President of each System institution responsibility and authority for:
    a. Ensuring that units function with proper internal control procedures such that all budgets remain balanced and within authorized limits;
    b. Ensuring that any and all transactions requiring higher level review and/or approval are identified and forwarded in an appropriate and timely manner; and
    c. Ensuring explanations and documentation of authorized adjustments, transfers, and/or revenue/expense patterns be provided in an appropriate and timely manner to officials for reporting purposes.

(B/R 12/18)

Section 2. Financial Policies

1. Uniform Accounting Policies and Procedures
    a. The NSHE institutions will implement uniform accounting and administrative policies and procedures as defined by the NSHE. Revisions to the policies and procedures will be considered by all institutions through the Business Officers Council to the Presidents' Council for recommendation to the Chancellor.
    b. Definitions for all reporting categories will be in accordance with the nationally accepted National Association of College and University Business Officers *(NACUBO)* classification system. Policies concerning review and approval of annual operating budget adjustments are applicable to and will vary within each of the three primary groupings (1) State Operating Budget; (2) Self-Supporting Budgets, and (3) other funds, consisting primarily of federal grants and contracts.

2. Reporting

   Consistent and uniform quarterly reporting of financial activity is an obligation of the System units to the Chancellor's office. Reporting of exceptions to the Business, Finance and Facilities Committee will be determined by the Chancellor.

3. Self-Supporting Budget Review

   All self-supporting budgets exceeding $250,000 of projected annual expenditure activity will be included in the annual budget process. Fund transfers will not be included in determining whether a self-supporting budget meets the $250,000 threshold for inclusion in the annual budget process. Excluded from this requirement are grants and contracts and plant, loan, endowment and scholarship funds.

4. Budget Revisions
   a. The principle governing the review and approval structure for budget revision shall be that the Chancellor and President of each System institution have authority and responsibility for proper and effective management, thereby enabling and enhancing efficient utilization of institutional resources.
   b. Revisions of self-supporting budgets, excluding revisions between object codes, exceeding twenty-five percent of expenditures for budgets up to $400,000; or revisions of $100,000 or greater for budgets exceeding $400,000 must be approved by the institution President or designee. Institutions must provide plans regarding:
      1. The impacts of the revisions on the affected programs, particularly noting how reductions in personnel and operating expenses will be accommodated for the remainder of the fiscal year; and
      2. What the fiscal and program implications are for subsequent years. The Chancellor will submit to the Board of Regents an annual report detailing the number and type of revisions by institutions that were approved by the President or designee.

5. Transfers
   a. The transfer of expenses from non-state to state budgets after May 1 must be approved by the institution President with appropriate supporting justification and reported in an annual summary to the Board of Regents.
   b. The Presidents have authority to transfer funds into or out of each budget subject to policy guidelines of Title 4, Chapter 9(c), Section 2, Subsections 4 and 10, and state appropriation restrictions.
   c. Budget transfers between functions of more than $500,000 of State Appropriated or Self-Supporting Budget Funds must be reviewed and approved by the institution President or designee and reported to System Administration. A quarterly report will be provided to the Board of Regents.

6. Use of Instructional Funds

   Each NSHE institution that provides student instruction and derives instructional funding through the State-Operating Budget must utilize those resources to the greatest extent possible in support of student credit-based instruction. The use of instruction funds for non-instructional purposes must be certified by the institution's President and approved by the Chancellor and Board of Regents prior to budgetary commitment. Approval should be only under the most unusual conditions.

7. Scholarship Function

   Amounts budgeted by each NSHE institution in the scholarship function shall be approved annually by the Board of Regents as part of the institution's operating budget; provided, however, that in the event that the amount budgeted by the institution is less than the amount funded by the Nevada State Legislature in the scholarship function such amount shall be considered separately by the Board and shall be accompanied by the President's justification for such variance. This provision does not preclude an institution from augmenting the budgeted amounts of the Scholarship function. Any supplemental amounts transferred into the Scholarship function are not subject to the student access guidelines established in Title 4, Chapter 18, and may be reallocated to other functions without restriction.

8. Overrides

   The controller or equivalent official at each NSHE institution is responsible for the control of override activities within their financial organizations. Overrides of financial transactions are restricted to the controller and those who report directly to the controller. Authority for other personnel can be given on a case-by-case basis. All "level five" financial overrides will be monitored through a System override report. Payroll entries will be monitored on an after-the-fact-basis. Exceptions in specific grant and contracts accounts and non-state budgets may be approved by System Administration.

9. Reconciliation of Bank Accounts

   Each NSHE institution must have documented procedures detailing the processes regarding reconciliation of bank accounts. Bank reconciliations must be completed and submitted to the Office of Banking and Investments within sixty days of the close of the month.

10. Account Control

    Each institution should review annually all budget accounts and eliminate those that have been inactive for an extended period of time and where it is unlikely that they will have any future activity. Consolidation of similar accounts should be undertaken to reduce further the number of overlapping and unnecessary accounts. The Board of Regents will review annually a report of the number of accounts that are consolidated or eliminated by institution.

11. Budget to Actual Report

The System Administration will develop annually a report that compares the original budget to actual revenues and expenditures for Self-Supporting Budgets as defined under Policy 3 the review will include all self-supporting budgets that exceed annually $250,000 in projected annual expenditure activity. The report will summarize and highlight those activities that vary from the original budget by $250,000.

12. Capitalization Threshold

Capital equipment is defined as those items exceeding a $5,000 expense threshold and having a useful life of greater than one year.
(B/R 9/21)

D. Fiscal Impact Policy

Before any proposal before the Board of Regents or any of its committees may be acted upon, a fiscal impact statement must be provided if the proposal is likely to increase any fiscal cost or reduce any revenue to the System in excess of $25,000 per fiscal year. The fiscal impact statement must be prepared by the institution making the proposal or by System Administration for its proposals or those of the members of the Board of Regents. The fiscal impact statement must be factual and concise in nature and must provide a reliable estimate of the financial effect of the proposal in the current fiscal period as well as future fiscal years.
(B/R 11/00)

E. Compliance Department Charter

Section 1. Preamble

Higher education is subject to a myriad of compliance obligations. The sources of these obligations include not only federal, state and local laws, rules and regulations, but also industry standards, self-regulating organizations, and internal policies, procedures and control systems. The failure of institutions of higher education to meet this increasingly complex web of compliance obligations can have significant consequences - including administrative fines and penalties, suspension and disbarment from government programs, civil damages, criminal penalties, and general reputational harm. In recognition of these risks, Title 1, Article VI, Section 3 of the *Handbook* provides that the Board of Regents, through the Audit, Compliance and Title IX Committee, shall (i) formulate an effective compliance function, (ii) provide centralized oversight of a program for compliance, (iii) review and evaluate compliance reports, and (iv) make recommendations as necessary for the correction of non-compliance. Therefore, the Board does hereby establish the following Compliance Department Charter setting forth policies and expectations with respect to compliance.
(B/R 12/18)

Section 2. Compliance Defined

Compliance means conforming to applicable federal, state, and local laws, rules, and regulations (sometimes referred to as “regulatory compliance”). Compliance also means and includes conformance with industry standards, self-regulating organizations, and internal policies, procedures and control systems (often referred to as “industry compliance”). Compliance also describes the awareness of, and efforts taken to ensure, regulatory and industry compliance. Compliance is an essential function of every institution, unit, and program of NSHE, and is a communal responsibility shared by all employees and stakeholders. The Board of Regents provides oversight of System and institutional compliance efforts and activities through the Audit, Compliance and Title IX Committee. (B/R 12/18)

Section 3. NSHE Compliance Department

The Compliance Department is hereby established as part of System Administration. The Compliance Department is responsible for the operation of the NSHE Compliance Program. The Compliance Department shall be administered by a Compliance Coordinator, who shall report to the Audit, Compliance and Title IX Committee. The Compliance Coordinator shall be supervised on a day-to-day basis by the Chief Internal Auditor, and shall work on System wide compliance matters as directed by the Chief Internal Auditor and in consultation with the NSHE Chief General Counsel. (B/R 12/19)

Section 4. NSHE Compliance Program

Each institution has primary responsibility for ensuring compliance relative to its activities and for operating an effective compliance program that meets the needs and obligations of the institution. The NSHE Compliance Department through the Compliance Coordinator shall support and supplement institutional compliance efforts and is tasked with the following roles and responsibilities:

1. secondary System level oversight of institutional compliance efforts and programs;
2. development of appropriate System level compliance policies, procedures and controls;
3. provide technical assistance as necessary and facilitate the efficient utilization of compliance resources on a System wide basis;
4. review and periodic audits of compliance controls to determine the effectiveness of System and institutional compliance programs;
5. education and training on compliance issues and obligations;
6. communication on compliance issues and risks including providing an independent reporting line through which System and institutional employees and stakeholders can report compliance concerns.

(B/R 12/19)

Section 5. Annual NSHE Compliance Plan

1. The Compliance Coordinator shall, prior to the beginning of each fiscal year, prepare a plan detailing System and institution activities and areas that will be the focus of the NSHE Compliance Program for the upcoming year (each an "Annual Compliance Plan"). The Annual Compliance Plan will identify areas of potential or emerging compliance risk and identify priorities and goals for the NSHE Compliance Program in the upcoming year. The Annual Compliance Plan will be developed in consultation with the institutions.

2. The Annual Compliance Plan is subject to review and approval by the Audit, Compliance and Title IX Committee. Amendments and significant deviations to the Annual Compliance Plan must be approved by the Audit, Compliance and Title IX Committee. However, the Compliance Coordinator may conduct unscheduled compliance reviews of System and institution activities outside of the Annual Compliance Plan based on specific compliance concerns that he or she learns about or are otherwise brought to his or her attention.

(B/R 12/19)

Section 6. Institutional Compliance Program

Each institution or unit is responsible for compliance relating to its activities and endeavors and for establishing and maintaining an effective compliance program (each an "Institutional Compliance Program"). No particular form or structure is mandated, however, the following elements of an effective Institutional Compliance Program must be included:

1. integration of compliance considerations and controls into operational policies and procedures;
2. periodic audits or reviews of compliance controls, policies and procedures, and development of corrective action plans, where necessary;
3. compliance training and support provided in an manner that is appropriate and accessible;
4. periodic risk assessments aimed at identifying areas of potential or emerging compliance risk;
5. designation of individuals or committees to provide direction and support on compliance issues, where appropriate;
6. processes that encourage institution employees and stakeholders to report compliance issues and that ensure non-retaliation for those who do so in good faith.

(B/R 9/17)

Section 7. Medical and Healthcare Compliance

1. The healthcare industry is highly regulated and is subject to an increasing complex array of regulatory and industrial compliance obligations. Penalties for non-compliance can be severe and include exclusion of reimbursement from Medicare/Medicaid and private insurers. A robust compliance program is critically important in clinical practice activities in order to avoid erroneous billing and conflicts between patient care and business operations. Therefore, NSHE institutions, units and programs (including affiliated entities, programs, and practice plans) engaged in the clinical practice of medicine or allied healthcare must develop and maintain a written compliance plan for such activities (a "Healthcare Activity Compliance Plan").

2. Each Healthcare Activity Compliance Plan shall address each of the elements described in Section 5 above and designate a person responsible for managing and administering the Healthcare Activity Compliance Plan (a "Healthcare Activity Compliance Officer"). In addition to any line of reporting that exists within the institution, the Healthcare Activity Compliance Officer shall also have a direct line of reporting to the institution President and the Compliance Coordinator in order to ensure independence, impartiality, and accountability.

3. Each Healthcare Compliance Plan is subject to review and must receive initial approval by the Audit, Compliance and Title IX Committee. After initial approval by the Audit, Compliance and Title IX Committee, a Healthcare Activity Compliance Plan may be amended or updated as necessary to conform to applicable compliance obligations, subject to review and approval by the Compliance Coordinator.

(B/R 12/19)

Section 8. NSHE Compliance Department Funding

1. The NSHE Compliance Department receives funding from a cost allocation model and is based upon the budget approved by the Chancellor and the Chair of the Audit, Compliance and Title IX Committee. The cost allocation model shall be developed in consultation with the Business Officers Council and should reflect an allocation based on the activities and relative compliance risks of each institution, and the priorities and goals identified in the Annual Compliance Plan.

2. NSHE Compliance Department Funds shall be accounted for separately and are available for expenditure on compliance-related expenditures which include:
    a. salaries, wages and benefits for appropriate staffing of individuals directly employed in or providing services by the department;
    b. operating expenses, including travel, directly related to the Compliance Department. This may include expenses that support the administration of the Compliance function (e.g. expenses related to office supplies, software program, membership dues, training and certifications);
    d. equipment purchases directly related to the Compliance Department;
    e. professional fees and expenses including consulting costs directly related to compliance activities;
    f. transfers between NSHE institutions or budget areas for shared Compliance resources or programs.

(B/R 12/18)

Title 4 - Codification of Board Policy Statements

Chapter 10

GENERAL BUSINESS MANAGEMENT

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Section 1. Purchasing Policy

1. Chapter 333.470 of *Nevada Revised Statutes*, exempts the Nevada System of Higher Education (NSHE) from the general provisions of the State Purchasing Act and provides that the NSHE may use the State Purchasing Division on a voluntary basis for any purpose.

   All contracts shall be executed and administered in accordance with the policies and procedures set forth by the Chancellor.

2. All purchases of supplies, equipment, services, and construction, except items related to capital construction, shall be handled administratively by the respective Business Center Purchasing Department after following established purchasing policies and procedures approved by the Board of Regents and in compliance with State and federal procurement regulations, the respective Business Center Administrative Manual, and procedures established by the Chancellor. Once established, construction and service contracts may be assigned to the Physical Plant Department. Except as may be otherwise provided in this policy, the purchase contract shall be awarded to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder will be judged on the basis of price, quality, availability, conformance to specifications, financial capability, service, and in the best interests of the NSHE, each of such factors being considered. Exceptions to this policy must be presented to the Board of Regents for approval.

   a. Equipment that is installed by a contractor as part of new construction or a building remodeling project is considered to be construction if such equipment is fixed or attached to the structure or is a permanent part of a building system.

3. In awarding contracts for the purchase of supplies, materials, equipment, services and construction whenever two or more lowest bids are identical, the Business Center Purchasing Department shall:

   a. If such lowest bids are by bidders resident in Nevada, accept the proposal which is in the best interests of the NSHE.

   b. If such lowest bids are by bidders resident outside Nevada, with the exception of capital construction projects:
      (1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or
      (2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in Nevada.

4. <u>Vendors List</u>. The Business Center Purchasing Department shall maintain lists of persons and firms who wish to bid on Business Center purchases. The lists shall be classified by type of item or commodity supplied. Invitations to bid shall be sent to pertinent vendors on the active list and to such others as may be determined necessary to stimulate competition. Those bidders who no longer have shown an interest in receiving bid/proposal documents may be removed from the active bid list without further action.

5. The Chancellor shall establish basic purchasing procedures.

6. Scientific Equipment. Faculty may designate the specific manufacturer of scientific equipment; however, the Purchasing Department shall have the responsibility of procuring competition of vendors whenever possible.

7. Conflicts of Interest Prohibited.

    a. In addition to such conflicts of interest prohibited by law, it shall also be prohibited for a member of the Board of Regents or an employee of the NSHE:
        (1) to become a contractor or a vendor for the purchase of supplies, equipment, services and construction under any contract or purchase order of any kind authorized by the NSHE under the provisions of this chapter, or
        (2) to be interested, directly or indirectly, through any member of a Regent's or employee's household, as defined by *Nevada Revised Statutes* 281A.100, or through any business entity in which the Regent or employee has a financial interest, in any kind of contract or purchase order so authorized by the receipt of any commission, profit or compensation of any kind.

    b. Except where prohibited by law, exceptions to this policy may be permitted:
        (1) for contracts or purchase orders for which the proposed contractor or vendor is the sole source for the contract or purchase order and has not participated in or otherwise actively influenced the consideration or acceptance of offers for the contract or purchase order, or
        (2) when, in the judgment of a President of a member institution, the public interest would best be served by making such an exception.

8. Cash Management Services. Cash management services for the NSHE will be awarded for a period of five years, with a two-year option to extend, and with an option to cancel for nonperformance. The selection process shall involve issuance of a technical Request for Proposal *(RFP)* developed by the director of banking and investments, with input from institutional representatives. The RFP shall comply with the Board of Regents and State of Nevada procurement regulations.

    The director of banking and investments shall develop the evaluation criteria and rank the proposals to the RFP. Upon completion of the evaluation process, with input from institutional representatives, the director of banking and investments will submit a recommendation based on his/her evaluation to the Board of Regents prior to requesting the Board's approval of a contract with a specific bank to provide the requested services.

9. Real Property Transactions

    All real property transactions are subject to the requirements of this Section and Table 9.1.
    a. Except as otherwise provided in Table 9.1, the vice chancellor for legal affairs shall review all contracts, deeds, and other documents related to real property transactions and shall approve the same as to form prior to execution.
    b. The Chancellor may authorize the retention of a licensed real estate broker to assist in any real estate transaction upon such terms and conditions as he or she deems appropriate. Such authorization may include the payment of a reasonable and customary real estate commission.

c. Every proposed real estate transaction shall be based on an arm's length transaction. Conflicts of interest or other reasons that could lead a reasonable person to question the independence of the transaction must be disclosed to the approving authority. All real estate transactions are subject to applicable laws and policies relating to conflicts of interest and ethical standards, including those related to affiliated foundations.
d. In July and January of each year, each institution shall submit a report to the Chancellor listing all real property transactions approved by the institution's President pursuant to the authority granted in Table 9.1 in the proceeding semiannual period. Information about the retention of any real estate agent or broker for a transaction shall be included in the report.

Table 9.1 - NSHE Real Property Transactions:

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
Purchase or Sale			
	Approval to negotiate	Chancellor	*Before an institution can commence negotiations for the purchase or sale of real property, the Chancellor's written approval must first be obtained. Once the Chancellor has approved the negotiation for the purchase or sale of real property he or she shall promptly inform the chair of the Board of Regents and the chair of the Business, Finance and Facilities Committee of that fact. *No prior approval is necessary to negotiate the purchase or sale of real property identified for acquisition or sale pursuant to a campus master plan that has been approved by the Board of Regents. *Any contract, memorandum of understanding, letter of intent or similar document related to the proposed sale or acquisition of real property shall contain a provision similar to the following: "This [purchase or sale] offer is contingent upon the approval of the terms of the [purchase or sale] by the Board of Regents of the Nevada System of Higher Education. If the Board of Regents, in its sole and absolute discretion, does not approve the terms of this [purchase or sale] the offer made herein shall be deemed null and void without the necessity of further documentation and shall be deemed to be of no binding effect whatsoever."
	Approval to purchase or sell	Board of Regents	*Any purchase or sale of real property must be approved by the Board of Regents and all property shall be acquired in the name of the Board of Regents of the Nevada System of Higher Education on behalf of the respective institution. *A current appraisal by a licensed real estate appraiser concerning the fair and reasonable market value of the property proposed for acquisition or sale shall be submitted to the Board of Regents at the time of the request for approval of the transactions. "Current appraisal" is defined as an appraisal having an effective date of not more than twelve (12) months prior to the Board of Regents consideration of the purchase or sale. *The Board in its discretion may waive the requirement for an appraisal.

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
Dedication		Chancellor	* “Dedication” means transfer of ownership of land to a governmental entity required by the governmental entity as a condition of approval of a development application. For example, a deed of dedication of property that will be used for a flood control project. * A dedication may be approved by the Chancellor provided that the Chancellor determines that (i) there is an essential nexus between the dedication and a public burden created by the proposed development, (ii) the dedication is roughly proportional to the public burden created by the proposed development, and (iii) notice of intent to dedicate the property to the government entity is given to the members of the Business, Finance and Facilities Committee of the Board of Regents at least fifteen (15) days prior to dedication.
Right of Way Vacation		Institution President	* “Right of Way Vacation” means the removal of public ownership or interest in property and the relinquishment of that interest to NSHE as abutting property owner. For example, a local government may vacate its interest in a bus turn-out located on or adjoining NSHE property. * A right of way vacation may be accepted by the institution President provided he or she determines that (i) doing so is consistent with the applicable campus master plan, and (ii) doing so will not adversely impact the value and use of the abutting NSHE property. * Right of way vacations shall be reviewed by the institution’s general counsel, which shall approve the same as to form prior to execution.
Easement			
	Affirmative Easement	Board of Regents	* “Affirmative Easement” means an easement that allows another to use or access NSHE property for a specific purpose. For example, an easement that allows a company to erect and maintain a cellular phone tower. * The Chancellor may, in his or her discretion, require a current appraisal as part of any request to approve an affirmative easement. “Current appraisal” is defined as an appraisal having an effective date of not more than twelve (12) months prior to the Board of Regents’ consideration of the affirmative easement.

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
	Negative Easement	Chancellor	* “Negative Easement” means an easement that prevents or limits NSHE from using its property in a manner in which it would otherwise be entitled. A negative easement does not grant the holder any right to possession of the property. For example, a conservation easement is a negative easement. * A negative easement may be approved by the Chancellor provided that (i) the Chancellor determines that the easement is consistent with the applicable campus master plan and that the granting of the easement is in the best interest of the System, (ii) the easement will not adversely impact the value and use of the property, and (iii) notice of intent to grant the easement is given to the members of the Business, Finance and Facilities Committee of the Board of Regents at least fifteen (15) days prior to the granting of the easement.
	Utility Easement	Chancellor	* “Utility Easement” means an easement that allows a utility company to use or access NSHE property. Notwithstanding the foregoing, a utility easement that relates to a utility surface structure that occupies more than 10,000 square feet shall constitute an affirmative easement. *A utility easement may be approved by the Chancellor provided that (i) the Chancellor determines that easement is consistent with the applicable campus master plan and that the granting of the easement is in the best interest of the System, (ii) the easement will not adversely impact the value and use of the property, and (iii) notice of intent to grant the easement is given to the members of the Business, Finance and Facilities Committee of the Board of Regents at least fifteen (15) days prior to the granting of the easement.

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
	Public Easement	Chancellor	* “Public Easement” means an easement granted to a governmental entity allowing use or access to NSHE property for a public purpose. For example, an easement that allows the construction and maintenance of a bus stop. Notwithstanding the foregoing, a Public Easement that encompasses more than 10,000 square feet shall constitute an affirmative easement. * A public easement may be approved by the Chancellor provided that (i) the Chancellor determines that the easement is consistent with the applicable campus master plan and that the granting of the easement is in the best interest of the System, and (ii) notice of intent to grant the easement is given to the members of the Business, Finance and Facilities Committee of the Board of Regents at lease fifteen (15) days prior to the granting of the easement.
	Temporary Easement	Institution President	* “Temporary Easement” means an easement that allows another to use or access NSHE property for a period of no longer than twenty four (24) months. For example, a temporary construction easement. *A temporary easement may be approved by an institution President provided that (i) the institution President determines that the temporary easement is consistent with the applicable campus master plan and that the granting of the temporary easement is in the best interest of the institution. *The party requesting the temporary easement must agree to return the property to the condition it was in at the time of entry. *The party requesting the temporary easement must agree to indemnify the Board of Regents, its officers and employees for any and all damages arising from the temporary easement. *Temporary easements shall be reviewed by the institution’s general counsel, which shall approve the same as to form prior to execution.

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
Lease			
	Minor Lease	Institution President	* “Minor Lease” means a lease with a demising period of two (2) years or less and total consideration of $50,000 or less. For purposes of this definition, any renewal or option period(s) shall be added to the fixed term to determine the demising period. The forgoing definition shall apply to all leases, whether NSHE is the landlord or the tenant. * Any amendment or modification to a previously approved minor lease that would extend the demising period or increase the total consideration such that the lease becomes a short term lease or long term lease shall be approved as required by this chart. * Minor leases shall be reviewed by the institution’s general counsel, who shall approve the same as to form prior to execution.
	Short Term Lease	Chancellor	* “Short Term Lease” means a lease with a demising period of greater than two (2) years and up to five (5) years, or alternatively, where the total consideration is greater than $50,000 but not more than $500,000. For purposes of this definition, any renewal or option period(s) shall be added to the fixed term to determine the demising period. The foregoing definition shall apply to all leases, whether NSHE is the landlord or the tenant. * The exercise of any renewal or option period(s) as part of a short term lease may be approved and executed by the institution President. *Any amendment or modification to a previously approved short term lease that would extend the demising period to greater than five (5) years, or increase the total consideration to greater than $500,000 must be approved by the Board of Regents. All other amendments or modification to a previously approved short term lease may be approved by the Chancellor.

Transaction:	Type:	Approving Authority	Conditions and Restrictions:
	Long Term Lease	Board of Regents	* “Long Term Lease” means a lease with a demising period of greater than five (5) years, or alternatively, where the total consideration is greater than $500,000. For purposes of this definition, any renewal or option period(s) shall be added to the fixed term to determine the demising period. The foregoing definition shall apply to all leases, whether NSHE is the landlord or the tenant. *The exercise of any renewal or option period(s) as part of a long term lease may be approved and executed by the institution President. *Except as otherwise provided in the lease itself, any amendment or modification to a previously approved long term lease must be approved by the Board of Regents.
	Student Union Retail Lease	Institution President	*“Student Union Retail Lease” means a lease of 5,000 square feet or less of retail space within a student union or similar facility with a demising period of fifteen (15) years or less. For purposes of this definition any renewal or option period(s) shall be added to the fixed term to determine the demising period. *Student union retail leases may be approved by the institution President provided that the general form of the lease used for the facility has previously been approved by the Board of Regents. * Student union retail leases shall be reviewed by the institution’s general counsel, who shall approve the same as to form prior to execution.
License		Institution President	*“License” means written permission to use NSHE property for a limited purpose for a limited time. A license is revocable at the will of the grantor and the grantee obtains no interest in the property. For example, permission to operate a concession stand at a sporting event may be made via a license. *Licenses shall be reviewed by the institution’s general counsel, who shall approve the same as to form prior to execution.

(B/R 12/20)

Section 2. Supplier Diversity Spending and Inclusion Policy

1. The NSHE supports equal opportunity for minority-owned, women-owned and other small disadvantaged business enterprises (MWDBE) to compete for contracts awarded by NSHE institutions. The NSHE supports efforts to encourage local businesses to compete for NSHE contracts. In addition, the NSHE supports finding opportunities for such MWDBE and local business concerns to participate as subcontractors or tier 2 suppliers in large contracts. A “tier 2 supplier” or subcontractor is a supplier who is contracted for goods or services with the prime contractor, and may include, but is not limited to MWDBE and local business enterprises.

2. NSHE institutions shall report annually to the Inclusion, Diversity, Equity and Access (“IDEA”) Committee on tier 2 supplier expenditures with MWDBE and local business concerns for prime contracts awarded by NSHE institutions that exceed $1,000,000. The vice chancellor for budget and finance shall develop procedures defining the information that must be included in each report.

(B/R 12/21)

Section 3. Payment of Commissions to Third Parties

The Board of Regents is the only entity within the NSHE that can retain the services or approve payment to third parties where the NSHE is involved in real estate purchase, trade or lease. No one else can obligate the Board of Regents in such matters except by prior authorization by the Board of Regents. An independent appraisal shall be obtained when an institution liquidates real property.
(B/R 5/91)

Section 4. Loan Policy

Except as otherwise authorized by law, NSHE policy, or as approved by the Board of Regents, the donation, loan, or advancement of institution funds or its credit is prohibited.
(B/R 12/02)

Section 5. Statement of Investment Objectives and Policies for the Endowment Fund

1. <u>Introduction</u>

    a. This statement of investment objectives and policies *(the "Guidelines")* governs the investment management of the Endowment Fund (the "Fund") of the NSHE *(the "System")*. These Guidelines relate to the Fund as a whole. The purpose of these Guidelines is to establish a clear understanding between all parties as to the objectives, investment policies, and goals of the Fund.

    b. The Regents are responsible for establishing the investment policies for the Fund. Accordingly, the Regents have promulgated these Guidelines pursuant to which they have established permitted asset classes, ranges, and distribution policy. The Regents will review and revise these Guidelines from time to time as appropriate.

c. The Regents have delegated to the Investment Committee (the "Committee") the oversight of the Fund. The Chancellor and the Chief Financial Officer or designee shall serve as ex officio nonvoting members of the Committee. The Chair of each University Foundation Investment Committee or their designee shall serve as an ex officio nonvoting member of the Committee to provide advice for items involving the Endowment Fund. The Board Chair shall appoint a Chair of the Committee and may appoint one or more individuals with investment knowledge or expertise to serve as nonvoting members of the Committee. Minutes of each meeting of the Investment Committee shall be provided to the Regents for acceptance at their next meeting.

d. The Regents have granted investment management authority of the Fund to an Outsourced Chief Investment Officer service providers (the “Fund Manager”). The Fund Manager will manage the Fund on a discretionary basis, in accordance with the guidelines listed below.

e. No member of the Board of Regents and no voting or nonvoting member of the Committee shall accept or approve the acceptance by staff or any other person of any gift, travel expense, or other perquisite proffered by an investment manager, the value of which exceeds $25, without the advance approval of the Committee. Regents and employees of the System are also subject to the Code of Ethical Standards of the State of Nevada codified at NRS 281A.400-480 and promulgated to govern the conduct of public officers and employees, and Regents are also subject to certain additional conflict of interest provisions.

2. <u>Objectives</u>

a. The long-term financial objectives of the Fund are to provide a relatively stable stream of spendable revenue that increases over time at least as fast as the general rate of inflation, as measured by the Consumer Price Index. In order to achieve this objective over the long term, the unit value of the Fund must also increase at least as fast as the rate of inflation.

b. The long-term objectives of the Fund should align with the following overall Nevada System of Higher Education goals.
   i. Increase participation in post-secondary education.
   ii. Increase student success.
   iii. Close the achievement gap among underserved student populations.
   iv. Collaboratively address the challenges of the workforce and industry education needs of Nevada.
   v. Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile.

c. Consistent with the exercise of fiscal prudence and to more fully reflect the highly diverse population of Nevada and the System’s institutional values of inclusion, diversity, equity and access, the System seeks to achieve robust diversity within its investment program and through enhanced inclusive investment practices by its Fund Manager. Accordingly, the Fund Manager will make best efforts to hire diverse investment managers that are women, disadvantaged and minority owned.

d. To meet the long-term financial objectives, the long-term investment objective of the Fund is to achieve an average annual real total return at least equal to the contemplated distribution rate set forth in Section 3 below over ten-year periods, net of fees. It is recognized that the real return objective may be difficult to attain in every ten-year period, but the Fund will seek to achieve the objective over a series of ten-year periods. In order to achieve this objective over extended periods, endowments have had to exceed the objective substantially during some periods, such as the 1980s, in order to compensate for shortfalls during other periods, such as the 1970s. It is also recognized that given the static nature of this objective, it is not directly related to market performance; this reinforces the view that success or failure in achieving this objective should be evaluated in the context of the prevailing market environment and over the long term. The secondary objective of the fund is to outperform the Fund's custom Policy Benchmark (set forth in 5(b)(1) below) over rolling three-year periods.

e. The Fund will be invested in a manner that is expected to maximize the long-term total return with reasonable and acceptable levels of investment risk. Investment risk is defined in two ways: (1) the possibility of investments declining in value, and (2) the expected performance volatility of the investments in the portfolio. The Fund aims to achieve the stated return objective with a targeted annualized standard deviation similar to a simple blend of 70% global stocks (MSCI All Country World Index)/30% Bonds (Barclays Aggregate) portfolio over rolling five- to ten-year periods (or a full equity market cycle). Similar to the return objective, it is recognized that these objectives may be difficult to attain in every five-year period, but the Fund will seek to achieve these objectives over a series of five-year periods.

3. <u>Endowment Distribution Policy</u>

a. The distribution policy represents the guidelines and administration of the annual amount of funds which can be withdrawn from the fund and made available for distribution each year. The Regents are responsible for review of the distribution policy and approval of the distribution rate.

b. Total cumulative distributions from the Endowment Fund in each fiscal year shall not exceed 4.5 percent, subject to the restrictions herein, of the average market value for the 20 quarters ending December 31 immediately preceding such fiscal year. For example, distributions for Fiscal Year 2016-17 will be based on the fund's average ending quarterly market values for the 20 consecutive quarters ended December 31, 2015.

   i. Within the 4.5 percent distribution rate, up to 4.25 percent may be distributed for spending, and institutions with a management fee agreement may distribute a management fee of up to 1.5 percent.

   ii. Subject to Board of Regents' approval of an institution's request, an annual management fee of up to 1.5 percent of the institution's portion of the NSHE endowment pool, subject to the restrictions in Subsection i above, and calculated and distributed in the same manner as the spending, will be transmitted to that institution in consideration of additional foundation management, stewardship and development activities. Any transfer of such funds directly to the foundation for such activities is subject to the institution having an operating agreement in place between the institution and the foundation providing for adequate accounting and oversight of such funds

consistent with Board of Regents' requirements specified in Title 4, Chapter 10, Section 10. After the management fee has been approved by the Board of Regents, the management fee may only be suspended or revoked by the Board of Regents:

1) due to a material breach of the operating agreement,
2) upon the declaration of a financial exigency by the Board of Regents, or
3) without cause and effective June 30 upon written notice to the institution no later than March 1 of the preceding year.

iii. Institutions will report annually the distribution allocation to the Chief Financial Officer.

c. No withdrawals from the Endowment Fund other than to fund distribution to campuses noted above and the System management fee noted in 3(f) below are permitted without the prior approval of the Regents.

d. Any withdrawal will be approved by the Chancellor, Chief Financial Officer or designee who will also specify the operating checking or money market accounts for receipt of such withdrawal. The Fund Manager will determine the source of these funds.

e. The spending policy shall be administered by the Chancellor, Chief Financial Officer or designee in accordance with the Uniform Prudent Management of Institutional Funds Act, adopted by the Regents in accordance with the authority granted to them by *Nevada Revised Statutes (NRS)* 396.380 and NRS 396.420 to control and invest the System's funds.

f. A .125 percent management fee will be imposed on the endowment pool for Board and System Administration expenses beginning July 1, 2001.

4. Fund Composition and Asset Allocation

a. The Fund will be managed according to Long-Term Policy asset allocation targets and ranges outlined as follows:

Allocation	Target	Policy Range
Growth	62%	50%-70%
Diversifiers	18%	5%-25%
Real Assets	10%	5%-20%
Fixed Income & Cash	10%	5%-25%

Due to the nature of the Investment Assets in which the Fund Manager invests the client portfolio, from time to time, it may be necessary for the portfolio to temporarily exceed or fall below the exposures set forth within the Policy Ranges/Investment Guidelines to facilitate efficient movement between paired transactions of Investment Assets. Such temporary deviations shall not constitute a breach of the Policy Ranges/Investment Guidelines provided that the exposure deviations are rectified within one business day.

b. Roles of Investments

i. The purpose of Growth Assets (e.g. domestic stocks, foreign stocks, equity hedge funds, private equity, venture capital and growth-oriented debt) is to provide a stream of current income and appreciation of principal that more than offsets inflation. It is recognized that pursuit of this objective could entail the assumption of significant variability in price and returns. Return premiums may exist for investors who accept the illiquid and inefficient characteristics of the private equity market. For private investments, the performance objective is to achieve an internal rate of return over the life of the investment that is commensurate with public equity benchmarks plus a premium for illiquidity and risk.

ii. The Diversifiers allocation (e.g. absolute return hedge funds, liquid alternatives, emerging markets debt and private diversifiers) is intended to provide equity-like returns with low equity correlation and lower levels of risk than Growth Assets. The investments are intended to help moderate the volatility of the Fund in order to provide additional year-to-year stability in Fund values.

iii. The purpose of the Real Assets allocation (e.g. public and private investments in hard assets such as real estate, oil and gas, natural resources equities, and commodities) is to provide potential portfolio protection against the risk of unanticipated severe inflation, thus preserving the real value of the portfolio over the long term.

iv. The Fixed Income allocation (e.g. domestic and foreign bonds and cash) is intended to: (1) provide some asset appreciation in periods of declining interest rates (especially in periods of significant equity price deflation) and (2) provide ready liquidity.

c. Tactical asset allocation decisions will be made from time to time by the Fund Manager within the parameters of this Investment Policy Statement. In addition, the Fund Manager may invest in opportunistic strategies that are generally shorter-term, tactical investments and can be allocated across the portfolio.

d. Rebalancing decisions will be made by the Fund Manager as part of ongoing monitoring of the Fund's actual asset allocation relative to the targets and ranges described in 4(a) above. For the purpose of gauging compliance with asset allocation policy ranges, Legacy Assets shall be attributed to the Fund Manager's portfolio. Rebalancing the actual allocation of the Fund to policy targets is useful for maintaining the risk profile adopted by the Committee. Contributions to and withdrawals from the Fund shall be allocated and managed in the discretion of the Fund Manager. In managing contributions to and withdrawals from the Fund, the Fund Manager will seek to adhere to the asset allocation policy and guidelines. In the event of cash contributions exceeding 10 percent of the Fund's total asset size, the Fund Manager will have six months to bring the Fund into compliance with asset allocation policy and guideline. In the event that the Fund otherwise falls outside of the ranges described in 4(a) above, the Fund Manager will communicate this breach to the Investment Committee and have a reasonable period of time to bring the Fund back into compliance with the applicable guidelines

5. Benchmarking

a. The results of the Fund will be compared with the following benchmarks, to be evaluated over varying time horizons:
   i. Policy Benchmark – rolling three-year periods
   ii. Simple Benchmark (Risk Equivalent) – rolling five- to ten-year periods (full equity market cycle)
   iii. Long-Term Financial Objective – rolling ten-year periods

b. Benchmark definitions:
   i. The Policy Benchmark represents a passive investment in the Long-Term Policy Target allocation described previously. The table below defines the asset class indices which are weighted by the Long-Term Target allocations at the beginning of each month. The Total Assets Policy Benchmark shall be computed as an asset-weighted blend of the respective Fund Manager Benchmarks listed below:

Allocation	Benchmark
Growth	MSCI All Country World Index (net)
Diversifiers	0.3 beta-adjusted MSCI ACWI (net)
Real Assets	Public Real Assets: One-third mix of: S&P Global Natural Resources Index/FTSE EPRA-NAREIT Developed RE Index/MSCI World Core Infrastructure Index Private Real Estate FTSE EPRA-NAREIT Developed RE Index Private Natural Resources: S&P Global Natural Resources Index
Fixed Income	Bloomberg Aggregate
Cash	90-day T-Bills

   ii. The Simple (Risk Equivalent) Benchmark shall be a weighted blend of 70% MSCI All Country World Index/30% Bloomberg Barclays Aggregate Bond Index

iii. The Long-Term Objective is a static benchmark reflecting the System's long-term performance objective of total portfolio returns exceeding the sum of its distribution policy and inflation, as defined in Section 1 ("Objectives") above. Given that this static benchmark is not directly related to market performance, success or failure in achieving this goal should be evaluated in the context of the prevailing market environment over rolling ten-year periods.

6. Monitoring of Objectives and Results

a. The Fund will be monitored for consistency in each manager's investment philosophy, return relative to objectives, and investment risk. The Fund Manager will provide reports to the System as are necessary including statements detailing all activity in the accounts and quarterly performance reports. Not less than semiannually, the Fund Manager will provide to the System and the Committee Chair a written summary of overall portfolio performance and review of asset allocation in relation to the investment objectives.

b. All objectives and policies are in effect until modified by the Committee, who will review these at least annually.

c. If at any time the Fund Manager believes that any policy guideline inhibits investment performance, it is the Fund Manager's responsibility to clearly communicate this view to the Committee.

d. Effective December 1, 2016, the Fund Manager was granted full discretion to manage the Fund. Subsequent to the approval of these Guidelines of Investment Policies and Objectives, there was an implementation window of approximately four months to allow for the portfolio to transition from the pre-existing legacy investments into the Fund Manager-managed portfolio. For purposes of assessing Fund Manager performance, the System agrees that the official Fund Manager track record will begin April 1, 2017, after which the Fund Manager was responsible for the Fund's performance relative to the previously stated return and risk objectives.

7. Investment Restrictions

a. Liquidity.

i. The Fund Manager will opportunistically commit capital to illiquid private investment ("PI") strategies with the long-term target exposures in the table below, which will be built gradually over time given the nature of private investments. Private Investment structures may include fund interests acquired on a primary or secondary basis.

Long Term Targets:

Private Growth	17%
Private Diversifiers	5%
Private Real Assets	8%
Total Private Investments	30%

Illiquidity Constraints:	
Total PI net asset value	39%
Total PI net asset value + unfunded commitments	54%

ii. The Fund Manager shall refrain from making new Private Investment commitments (1) while the Total Private Investment net asset value is greater than 1.3-times its long-term target or (2) while the Total Private Investment net asset value plus unfunded commitments is greater than 1.8-times its long-term target, both as detailed in the table above. For the purpose of gauging compliance with each of these liquidity constraints, Legacy Assets shall be attributed to the Fund Manager's portfolio.

iii. The illiquidity constraint defined above is meant to reflect the Committee's maximum tolerance for illiquidity but does not imply the intent to reach this limit. The guideline is meant to acknowledge the reality that private investment exposure could increase meaningfully beyond the target exposures in the event of severe market stress.

iv. Given the illiquid, long-term nature of Private Investment funds, the Fund Manager shall preview any planned Private Investment commitments with the System pursuant to a "negative consent" protocol, as follows:

1. The Fund Manager shall send details of and rationale for the planned commitment to the NSHE Finance Department by email;
2. The Finance Department shall have one week to raise questions, request a conference call to discuss the planned commitment, or instruct that a decision shall be deferred until the next regularly scheduled Committee meeting;
3. Absent any questions or concerns raised by the Finance Department within one week of the proposal, the Fund Manager is authorized to move forward with the commitment.

b. Concentration

i. Fund Concentration

1. No single actively managed investment will be larger than 10% of assets.
2. No single passively managed investment will be larger than 20% of assets.

ii. Firm Concentration

1. Exposure to one external investment management firm will be limited to 15% of assets.
2. In circumstances where an external firm manages assets for the Fund on a solely passive basis, exposure to that firm will be limited to 25% of assets.

iii. It is recognized that significant changes in investment market values could cause the portfolio to be positioned outside of these liquidity and concentration parameters. If this occurs, the Fund Manager will communicate this breach to the Investment Committee and will take action to reposition the portfolio consistent with these parameters as soon as reasonably practicable.
iv. For the purpose of gauging compliance with these concentration limits, Legacy Assets shall be attributed to each Fund Manager's portfolio.

c. Derivatives
   i. It is understood that certain investment managers in the Fund, chiefly those generally categorized as "Marketable Alternatives," may use derivatives and leverage as part of their investment strategies. Managers using derivatives and/or leverage should have in place systems to analyze and monitor liquidity and counter party credit risk in order to minimize the risks associated with the use of derivatives.
   ii. The Fund Manager may use derivatives in the Fund to hedge investment risks or to replicate investment positions in a more efficient manner or at a lower cost than would otherwise be possible in the cash markets. Selling of uncovered options is prohibited.

d. UBTI Sensitivity
   i. The System understands that its share of any income from the Fund (and possibly the gain on the sale of all or a portion of its interest in the Fund) may constitute unrelated business taxable income ("UBTI"), as defined in the U.S. Internal Revenue Code. UBTI generally is subject to taxation at rates applicable to taxable investors.
   ii. The Fund Manager will use reasonable efforts to limit the amount of UBTI derived from investments of the Fund. However, the Fund Manager will not be prohibited from causing the Fund to make investments that generate UBTI, and the Fund likely will make such investments if the Fund Manager believes that the overall potential after-tax returns from such investments justify any potential UBTI costs attributable to such investments. The System understands and agrees that the realization of UBTI may result in additional administrative costs, including tax and accounting advice required for making the required state and federal tax filings. The System understands that since the characterization of income of the Fund derived from underlying funds as UBTI depends in part on the nature of the underlying investments made by underlying funds, the Fund will be limited in its ability to avoid UBTI.

8. <u>Roles and Responsibilities</u>

a. The Board of Regents has delegated overall oversight of the Fund to the Committee. In addition, the Board has delegated certain responsibilities for the day-to-day management of the investment program to the Fund Manager and to the Finance Department.

b. Effective and cohesive relationships between the Board of Regents, the Committee, the Finance Department and the Fund Manager are important to fulfilling the purposes of this Policy and the Fund. The major duties and responsibilities of the parties as determined by the Board are summarized as follows:

Fund Manager

- Develop and recommend policies, guidelines and benchmarks to Investment Committee for approval.
- Review at least annually these Guidelines of Investment Policies and Objectives to ensure its appropriateness in the context of macroeconomic and market environments and the System's and the Fund's financial situation.
- Implement the policy asset allocation within specified ranges approved by the Investment Committee.
- Select and terminate investment managers in accordance with these Guidelines.
- Determine the amount of assets delegated to each investment manager.
- Monitor and report to the Committee Chair and System Staff the performance of each manager, each asset class, and the total portfolio on at least a semiannual basis.
- Communicate to the Investment Committee and System Staff any significant portfolio issues that might arise.
- Administer the Fund's day-to-day investment activities including the movement of funds within the Fund as well as inflows and outflows.
- Prepare all manager documentation for execution. Track and monitor the flow of such paperwork.
- Provide documentation to support the System's audit preparation.

NSHE Investment Committee

- Provide initial input and approve investment policies, guidelines asset allocation targets/ranges and benchmarks.
- Adopt and review at least annually these Guidelines of Investment Policies and Objectives, which establishes eligible investments, asset classes, and policy allocation guidelines.
- Monitor effects of the distribution policy on the Fund and make modifications, as necessary.
- Evaluate and approve of deviations from these Guidelines of Investment Policies and Objectives deemed necessary to support the System's financial objectives.
- Evaluate the performance of the Fund Manager on a periodic basis.

NSHE Finance Department

- Manage the System's relationship with the Fund Manager;
- Manage relationships with financial, legal, tax and audit service providers;
- Authorize/sign off on cash withdrawals out of Fund;
- Work with Fund Manager and Investment Committee on investment program as needed;
- Review monthly custodian statements; and
- Maintain paperwork and manager materials to augment C|A's Audit Support Package for audit preparation.

(B/R 6/22)

Section 6. Statement of Investment Objectives and Policies for the Operating Funds

A. Introduction

1. This statement of investment objectives and policies (the "Guidelines") governs the investment management of the Operating Funds (collectively the "Fund") of the NSHE (the "System"). These Guidelines relate to the Fund as a whole. Because the Fund is perpetual, the investment objectives and policies are based on an investment horizon greater than ten years.

2. The Regents are responsible for establishing the investment policies for the Fund. Accordingly, the Regents have promulgated these Guidelines pursuant to which they have established the permitted investment parameters and distribution policy. The Regents will review and revise these Guidelines from time to time as appropriate.

3. The Regents have delegated to the Investment Committee (the "Committee") the management of the Fund within the parameters of these Guidelines. The Committee will be comprised of four Regents appointed by the Chair of the Board of Regents. The Chancellor, the Chief Financial Officer, or designee will serve as ex officio nonvoting members of the Committee. The Chair of the Board of Regents will appoint a Chair of the Committee and may appoint one or more individuals with investment knowledge or expertise to serve as nonvoting members of the Committee. The Committee will meet at the discretion of the Committee Chair, but not less than two times during each calendar year during the first and third quarters. Minutes of each meeting of the Committee will be provided to the Regents for acceptance at their next meeting.

4. The Committee will choose an independent investment advisor to provide services it deems to be necessary or helpful, including without limitation, advice with respect to manager selection, termination, and evaluation.

5. No member of the Board of Regents and no voting or nonvoting member of the Committee will accept or approve the acceptance by staff or any other person of any gift, travel expense, or other perquisite proffered by an investment manager, the value of which exceeds $25, without the advance approval of the Committee. Regents and employees of the System are also subject to the Code of Ethical Standards of the State of Nevada promulgated to govern the conduct of public officers and employees, and Regents are also subject to certain additional conflict of interest provisions.

B. Financial and Investment Objectives of Discrete Pools; Investment Policy

1. The long-term objective of the Fund is to provide a relatively stable stream of revenue that equals or exceeds the general rate of inflation. The measurement of risk that will be used to determine if the long-term objective of the Fund is met with an acceptable level of risk is that the overall return of the Fund, net of fees, should equal or exceed the CPI over rolling periods of ten years.

2. The long-term objectives of the Fund should align with the following overall Nevada System of Higher Education goals.
   a. Increase participation in post-secondary education.
   b. Increase student success.
   c. Close the achievement gap among underserved student populations.
   d. Collaboratively address the challenges of the workforce and industry education needs of Nevada.
   e. Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile.

3. Consistent with the exercise of fiscal prudence and to more fully reflect the highly diverse population of Nevada and the System's institutional values of inclusion, diversity, equity and access, the System seeks to achieve robust diversity within its investment program and through enhanced inclusive investment practices by its Fund Manager. Accordingly, the Fund Manager will make best efforts to hire diverse investment managers that are women, disadvantaged and minority owned.

4. For purposes of investment policy, the Fund will be considered as three discrete pools of funds: a "Short-Term Pool," an "Intermediate-Term Pool," and a "Long-Term Pool."

5. The Short-Term Pool shall be funded in an amount sufficient to meet the expected daily cash requirements of the System, as determined by the NSHE Chief Financial Officer. All cash receipts will be deposited into, and all disbursements will be paid from, this Pool. The Short-Term Pool will be invested in fixed income securities generally having an average maturity of one year or less and thus are highly liquid with little risk of principal loss.

6. The Intermediate-Term Pool is intended to provide a liquid source of funds in the unlikely event the Short-Term Pool is insufficient to meet the System's cash needs and to serve as a reserve for known or contingent obligations with a payout horizon of one to several years, as determined by the NSHE Chief Financial Officer. Since the Short-Term Pool is funded at an amount sufficient to meet expected cash requirements, the Intermediate-Term Pool will be invested in fixed income securities

generally having an average maturity of three years or less in order to take advantage of the higher yields typically paid for longer maturities while still maintaining low risk of principal loss and to diversify the portfolio.

7. The Long-Term Pool includes all available funds not needed to fund the Short-Term or Intermediate-Term Pool. Because the allocation strategy results in a very low likelihood that this pool will be needed to meet cash requirements, the Long-Term Pool will be invested in securities that lower the volatility and/or enhance the investment performance of the portfolio taken as a whole, decrease market risk and to diversify. These investments may include fixed income, Treasury Inflation Protection Securities *(TIPS)*, US and international common stocks, and absolute return strategies. The Committee recognizes that certain non-US securities are not within the jurisdiction of the US courts and may result in the loss of investment monies with no avenue for redress. Strategic asset allocation targets and benchmarks within the Long-Term Pool shall be developed and recommended by the investment advisor with input from and approval by the Investment Committee.

8. The Committee will determine at least annually, with input from the NSHE Chief Financial Officer, the appropriate size of each pool within the parameters of these Guidelines.

9. The weighted-average credit quality rating of the Fund's investments will generally be at least AA or the equivalent and will never be below A as rated by one or more national credit rating agencies such as Standard & Poor's Rating Services or Moody's Investors Service.

C. <u>Manager Selection, Termination, and Guidelines</u>

1. The Committee shall select external investment managers to manage the assets of the Fund. Subject to these Guidelines, the Committee will have discretion to hire and terminate managers for any reason at any time and to allocate funds among managers. The funds may be managed in a commingled fund or in a separately managed account at the discretion of the Committee. Subject to the manager-specific guidelines referenced in Subsection C(4) and the usual standards of fiduciary prudence and responsibility, the managers will then have complete discretion over the investment of the funds in their respective accounts, including the discretion to vote proxies, the use of soft dollars and how to execute trades. Fees will be set at the time of hiring managers. The Committee may invest in indexed funds if deemed appropriate.

2. Subject to the manager-specific guidelines and the usual standards of fiduciary prudence and responsibility, the managers will then have complete discretion over the investment of the funds in their respective accounts, including the discretion to vote proxies.

3. In hiring and evaluating managers, the Committee will consider the diversification, credit quality, and duration of the portfolio and other appropriate factors.

4. System Staff will provide each manager of a separately managed account with a set of mutually agreed-upon guidelines. Such guidelines will provide that, if at any time the manager believes any policy guideline contained therein adversely affects, or has the potential to adversely affect, its investment performance or would prevent the manager from handling the System's portfolio in a manner similar to the firm's other discretionary accounts with a similar investment objective, it is the responsibility of the manager to communicate this view to the System's staff in a timely fashion. Additionally, such guidelines will require the managers to inform the System's staff promptly of any change in firm ownership or fundamental investment philosophy, any significant change in organizational structure or professional personnel, and any change in portfolio manager(s) for the System's account. The Committee acknowledges that managers of commingled funds are unable to respond to specific guidelines. System staff will maintain and review periodically descriptions of the investment policies and practices of managers of commingled funds to ensure understanding of such policies and practices and consistency with the spirit of these Guidelines. The matters reviewed will include without limitation the managers' policies and practices with respect to risk control generally and derivatives, non-dollar denominated securities, and securities lending.

5. The Committee has discretion to terminate any manager at any time if it determines, for whatever reason, that the manager is no longer appropriate for the Fund. Any decision to terminate a manager will normally be based on long-term, i.e., over a full market cycle, investment performance as well as other relevant factors. If a manager experiences an organizational change (including but not limited to loss of a key person, legal/regulatory action, etc.) that prompts the investment advisor to recommend terminating the manager before the next Committee meeting, the Committee delegates authority to the NSHE Chief Financial Officer with approval from the Chair of the Board to approve such termination, with written notice to the Committee.

D. Monitoring of Objectives and Results

1. The Committee will review these investment objectives and policies at least once every two years for their continued appropriateness.

2. The Committee will review the strategic allocations at least annually. At this time a modeling of investment returns will be performed to determine what expected returns the current strategy should produce.

3. At least annually, the Committee will determine if any rebalancing of actual allocations should be made. Between Committee meetings, the Committee delegates authority to the NSHE Chief Financial Officer with approval from the Chair of the Board to approve rebalancing recommendations made by the investment advisor for transactions between existing managers in the Fund, provided that the resulting asset allocation exposures fall within previously established policy ranges. No advance written notice to the Committee shall be required for such rebalancing transactions, but such rebalancing transactions shall be reported to the Committee at the subsequent Committee meeting.

4. The System's staff will obtain monthly investment performance reports from each manager. The Committee shall have prepared and shall review, at least two times per year, an investment performance report setting forth the asset allocation of the total Fund and the investment returns for individual manager accounts and for the Fund. The returns shall be calculated on a time-weighted basis net of manager fees for the most recent quarter for which data are available and any other short-term periods that the Committee may select, including fiscal-year returns when such data are available. The Committee shall select an appropriate benchmark for each manager. The Committee will use the short-term performance data to monitor the fund and the managers for consistency of investment philosophy, returns relative to objectives and investment risk. Risk will be evaluated as a function of asset concentration, exposure to extreme economic conditions and performance volatility. At least one performance report each year shall include data for such longer periods of times as are specified herein. Regular communication by the investment advisor with the managers concerning investment strategy and outlook is expected.

5. The Committee will periodically review the related services provided to the System, including securities custody, performance evaluation, and investment advisory services. Fees for these services will be explicitly stated in the contract.

E. Derivatives Policy; Securities Lending; Non-Dollar Denominated Securities

1. Investment managers may utilize derivative securities only in a manner consistent with the policies described below.

2. The primary intent of derivative security transactions should be to hedge risk in portfolios or to implement investment strategies more efficiently and at a lower cost than would be possible in the cash market. Derivative securities primarily include interest rate futures, options on interest rate futures, currency futures and forwards, international interest rate futures, and collateralized mortgage obligations. Derivatives will generally not be used to leverage portfolios. Derivatives-based investment strategies should not expose the portfolios to greater risk than would be typical under a strategy utilizing only cash securities. For example, derivative strategies should not be used to alter the effective duration of the portfolio beyond the appropriate ranges. The Committee may make exceptions to these general parameters in the case of particular managers or funds, provided that any exceptions pertaining to separately managed accounts will be referenced in the applicable manager specific guidelines.

3. No agreement to engage in a securities lending or directed brokerage program will be entered into without the prior approval of the Committee.

4. The policy with respect to non-dollar denominated securities will be specified in the applicable manager specific guidelines or, in the case of commingled funds, will be reviewed periodically by System staff as provided in Section 6 (c) 4.

5. The Committee expects that its investment managers will have in place processes and procedures to control and measure risk.

F. Distribution Policy

1. It is the policy of the Board of Regents to pool all NSHE cash assets for investment in accordance with guidelines stated in Section 6 of this Chapter.

2. Except as provided herein, effective July 1, 1996, the NSHE Banking and Investment Office will, on a monthly basis, make a distribution to all NSHE institutions an amount equal to a set percentage of the institutions' average daily cash balance.
    a. The allocation by the Board of Regents to the institutions is established with the understanding that each institution will assume responsibility for the cash basis payment of all expenses not provided for by the state appropriated budgets including, but not limited to, employment perquisites, interview and recruiting expenses and litigation expenses.

3. Distributions from the Fund will be made monthly at an appropriate rate as determined by the Committee. If the reserve balance in the operating pool is negative on the last day of the month, the NSHE Banking and Investment Office will not make a distribution for that month. If the reserve balance in the operating pool falls below 3% of the total operating pool on the last day of the month for three consecutive months, the NSHE Banking and Investment Office will withhold distributions until the reserve balance returns to a 3% balance. If the reserve balance in the operating pool is greater than 8% of the total operating pool on the last day of the month for three consecutive months, the NSHE Banking and Investment Office will distribute the amount of the reserve balance above 8% after making the monthly distribution. In order to minimize the potential for a shortfall relative to expectations, the Committee will establish a spending rate on a biennial basis to allow the institutions to develop their biennial budgets with greater certainty. Each semiannual period, the Committee Chair will review the rate relative to the investment outlook and current surplus or deficit to consider its continued appropriateness.

4. The distribution policy is administered by the Banking and Investment Office in accordance with the Uniform Management of Institutional Funds Act, adopted by the Regents on August 30, 1984 in accordance with the authority granted to them by *Nevada Revised Statutes* (NRS) 396.380 and NRS 396.420 to control and invest the System's funds.

5. A market fluctuation account may be established within the Fund. The account may be utilized to finance monthly distributions to NSHE institutions when the operating pool is unable to generate sufficient investment income on a temporary basis due to market downturns or other equivalent events. Funds may be deposited into the account through a transfer from the reserve balance in the operating pool or through a portion of the monthly distribution allocated to the institutions from the operating pool. The account shall not exceed an amount equal to 10 percent of the balance of the operating pool. All funds deposited into or transferred out of the account require the approval of the Board of Regents upon recommendation of the Chancellor and the Investment Committee.

(B/R 6/22)

Section 7. Board and System Administration Accounts

1. The Board Administration account will provide for the necessary expenses of members of the Board of Regents, support for the continuing operations of the Office of the Board of Regents, and occasional funding for limited-term projects necessary to meet key Board objectives. Each year the Chancellor shall submit a proposed Board Administration budget for Board approval.

2. The System Administration account will provide for necessary operating resources to support, at the System level and under the direct supervision of the Chancellor, such administrative functions as academic and student affairs, planning, finance, legal affairs, and external relations. Each year the Chancellor shall submit a proposed System Administration budget for Board approval.

3. A contingency reserve will be maintained, at 30 percent of the prior year's annual income, to offset unanticipated shortfalls in revenue and/or unbudgeted expenditures. Funding for the reserve will be designated at a prescribed level to ensure adequacy of support in cases of emergency.

4. Each year the Chancellor shall assess each NSHE institution its proportionate share of the funding required to support the Board Administration Account, the System Administration Account, and the contingency reserve. Such assessment shall be based on the Board-approved budget for each of these accounts. The proportionate shares shall be determined by the ratio of each respective institution's self-supporting budget revenues plus its investment income from the operating investment pool, excluding gifts and transfers, to the total of such revenue from all institutions for the most recently completed fiscal year. Each institution shall transfer its annual assessment in quarterly installments on the last working day of each quarter.

(B/R 6/03)

Section 8. Personal Checks

1. Personal checks will be accepted from students in payment of fees or other bills due to NSHE institutions.

2. The institutions shall not furnish counter checks and checks altered in any way shall not be accepted.

3. The prevailing bank rate will be assessed for any check returned unpaid by the bank.

4. The registration late fee charge will be assessed where the personal check covering registration is subsequently returned unpaid by the bank.

5. Any returned check shall be made good within ten days after notification to the student or suspension or dis-enrollment procedures may be instituted.

(B/R 11/90)

Section 9. Approval, Acknowledgment, and Administration of Gifts, Contracts, and Sponsored Programs

I. Introduction

In order to establish a basis for approval of any proposed gift, contract, or sponsored program, the institution, System Administration, and special units of the Chancellor's Office will provide assurances to the Board of Regents that:

A. The designation of the purpose of the gift, contract, or sponsored program is in accordance with mission statements, the Board of Regents' policies and procedures including the Academic Master Plan and capital construction priorities, the laws of the State of Nevada and the Internal Revenue Code;
B. The proposal for acceptance of any gift, contract or sponsored program must include a reporting of total direct and indirect costs as compared to anticipated revenue;
C. The gift, contract or sponsored program is free from injurious racial or gender biases or any other illegal restrictions imposed by the parties;
D. Acceptance of the gift, contract or sponsored program does not obligate the institution, System Administration or a special unit of the Chancellor's Office to matching commitments or other costs exceeding the amount of the gift, contract or sponsored program unless funds are identified and encumbered to cover such costs;
E. Funds designated by the gift, contract or sponsored program for employee compensation, which includes cash or in-kind perquisites, comply with Board of Regents' *Handbook* Title 4, Chapter 3;
F. Gifts, contracts or sponsored programs involving related parties or parties that appear to have conflicting roles in the transaction have been publicly noticed and approved by the Board of Regents;
G. The basic elements in a donor or contractor's proposal that will be, or have been used to categorize it as a gift, contract or sponsored program are defined;
H. Gifts intended to fully or partially fund a faculty or administrative position that are made on the condition that a particular person be offered a position within NSHE without going through the regular selection process will not be accepted;
I. During the course of the selection process to fill a faculty or administrative position supported by a donor gift, no undue or inappropriate influence by or on behalf of the donor may be exerted; and
J. While a donor may, if legally permissible, restrict the use of a gift, restricted gifts will not be accepted from a donor if a condition of the gift precludes NSHE or an institution from pursuing other work or scholarly activity.

II. Gifts

A gift to an institution of the NSHE, System Administration, or a special unit of the Chancellor's Office may be accepted only by the Board of Regents, except as provided herein. A gift is defined as a benevolent donation, which does not require any commitment of institutional resources, or services other than the commitment made to carry out the agreed-upon intent of the donor for the use of the gift funds. A gift includes legally enforceable pledges, personal and real property, professional services and forgiveness of indebtedness. A grant will qualify as a gift, contract or sponsored program but not as a separate category for purposes of the Board of Regents' policy. The President of each institution or the Chancellor will accept gifts, or when required, recommend the Board of Regents' acceptance of gifts, regardless of the form of the gift, only after providing assurances:

A. That all gifts to the endowment, loan, plant and current fund groups have been reported for information purposes or submitted to the Board of Regents for acceptance in accordance with guidelines established by the Chancellor's Office which provide that;
    1. Current loan and endowment fund group gifts which are additions to previously approved or existing programs will not require Board of Regents' approval before acceptance but will be summarized, along with all other gifts, and reported to the Board of Regents annually;
    2. Approved or existing programs will be defined by the Chancellor's Office;
    3. Charitable remainder trusts, under which the institution is named as remainder man, must be approved by the Board of Regents before the remainder interest is transferred (acceptance) whether or not the trusts are guaranteed and/or managed by the Board of Regents. The gift is included in information reports to the Board of Regents in the year the remainder interest is received by the institution;
    4. All endowment funds will be administered in accordance with the Board of Regents' policy Title 4, Chapter 10.
    5. Endowment funds held in trust by foundations or others require Board of Regents' approval and are to be recorded on the general ledger of the institution or the System. The Chancellor's Office will monitor the investment performance and management of these funds. The amount of the gift for information reports to the Board of Regents is the endowment income recorded in the institution's annual financial statements;
    6. Endowment funds will not be accepted if they include requirements in perpetuity for delivery of goods or services to the donor or the donor's designee;
    7. Plant fund gifts must be recommended by the institution and accepted by the Board of Regents. The amount of the gift is included in the annual information report to the Board of Regents during the reporting period that the plant fund gift is recorded for annual financial statement purposes;
    8. Contributions, which are gifts only in part, must be accepted by the Board of Regents and also included in tests for acceptance of contracts and sponsored programs;
    9. If the administration or application of any gift does not comply with institutional policies or meet the criteria established in Section 9 (I). *(above)* the non-compliance will be reported to the Board of Regents for a determination as to whether or not the program should be terminated;
    10. Gifts to an institution, gifts to the Board of Regents on behalf of an institution, or gifts that can otherwise be determined to be for the benefit of a particular institution, will be transmitted to the institution for management as part of the institution's foundation endowment accounts, unless such transmittal is contrary to the express wishes of the donor. If the institution's foundation does not maintain endowment accounts, the NSHE shall manage the funds on behalf of the institution as part of the NSHE endowment pool.

        Any transfer of such funds to the foundation for such activities is subject to the institution having an operating agreement in place between the institution and the foundation providing for adequate accounting and oversight of such funds consistent with Board of Regents' requirements specified in Title 4, Chapter 10, and shall further provide that the institution or NSHE may obtain the return of the principal and income of these funds for the purpose of depositing such funds in the NSHE endowment pool, subject to any investment restrictions that limit when such funds may be liquidated, under the following circumstances: 1) a material

breach of the operating agreement, 2) the declaration of a financial exigency by the Board of Regents, or 3) without cause and effective June 30 upon written notice to the institution no later than March 1 of the preceding year.

11. Gifts to System Administration or special units of the Chancellor's Office will be managed on behalf of System Administration or the special unit as part of the NSHE endowment pool.

B. That the institution, System Administration, or special unit of the Chancellor's Office has complied with all applicable federal income tax regulations and restrictions by donors;

C. That expenditures for entertaining, hosting, travel expenses, or employee perquisites comply with Board of Regents' policies and procedures and will not be authorized by the institution's administration, System Administration, or special unit of the Chancellor's Office unless the donor has been notified in writing that unrestricted gifts and the investment income from such gifts may be used for these purposes;

D. That the institution System Administration, or special unit of the Chancellor's Office has obtained an independent appraised evaluation of the property received when value is stated for insurance purposes, when the property is sold or recommended for sale by the institution, when the property is recorded officially on the institution's books and records, or when the appraised value is a basis for compliance with tax law. Board of Regents' approval is specifically required for acceptance of all gifts of property except personal property with an estimated fair market value of less than $5,000.00;

E. That costs for insurance, real property clean up or storage have been considered in calculating the obligations to the institution, System Administration, or special unit of the Chancellor's Office in recommending to the Board of Regents the acceptance of gifts of property;

F. That a donor's restriction on the sale or use of property is reported along with reasons why the restriction is not unreasonable and should be accepted by the Board of Regents;

G. That procedures for receipt and acknowledgment of non-cash gifts shall be the same as for cash gifts except that specific value cannot be placed on non-cash or in-kind gifts;

H. That procedures have been established to provide for timely acknowledgments to donors by the President or Chancellor specifically on behalf of the institution, System Administration, or special unit of the Chancellor's Office and the Board of Regents, including a written gift receipt issued in accordance with applicable federal income tax regulations. Gifts to foundations or other legally separate organizations for the benefit of the institution are to be acknowledged by the foundation or other organization rather than the President of the institution or the Board of Regents; and

I. That the President or Chancellor, when required by this policy, recommend the gift for acceptance by the Board of Regents as soon as possible after it has been offered or the offer announced; however, public announcement of gifts received shall not be made until the gift is accepted by the Board of Regents.

III. Contracts and Sponsored Programs

The Board of Regents has adopted the following policies to guide the institutions, System Administration, and special units of the Chancellor's Office in their administration of contracts and sponsored programs. The provisions of this policy are intended to address contracts or sponsored programs under proposed agreements that would commit the institution's resources or commit the institution to a specific course of action for work to be carried out in its academic departments, laboratories, or administrative units whether on or off-campus, and contracts or sponsored programs entered into by System Administration or special units of the Chancellor's Office. Institutional contracts and sponsored programs must be submitted to the institution's President for approval of the conditions and/or contents of the contract or sponsored program and submitted to the Chancellor's Office for approval of format and signature authority. Contract education agreements are not covered by these guidelines. Contracts and sponsored programs of System Administration or special units of the Chancellor's Office must be submitted to the Sponsored Projects Office for approval of the conditions and/or contents of the contract or sponsored program and submitted to the Chancellor's Office for approval of forms and signature authority.

A. The Board of Regents accepts the terms and conditions attached to federal government sponsored programs sought by the institutions. If there is any exception to this policy, the institution will be specifically notified that it should not enter into such programs.
B. Contracts and sponsored program proposals and agreements shall be executed in accordance with criteria and directions described by the Chancellor's Office in published procedures.
C. The institution, System Administration, and special units of the Chancellor's Office will have an established policy for the application of indirect overhead to private and governmental contracts and sponsored programs; the policy will include requirements for justification of all modifications to the established overhead rate; the institution will be able to demonstrate that overhead charges based on the established criteria are applied uniformly and equitably to all contractors or sponsors without favoritism;
D. The institution, System Administration, and special unit of the Chancellor's Office will through appropriate rules and regulations adhere to basic academic values in contracts and sponsored programs by ensuring in the contract agreement the openness of research results and faculty freedom to follow any line of inquiry. Sponsors are to be limited to receiving the research results, publicity for their sponsorship and the goodwill resulting from both.
E. Interlocal cooperative agreements *(Nevada Revised Statutes 277.080)* and interlocal contracts *(Nevada Revised Statutes 277.180)* shall be executed in accordance with the criteria and directions described by the Chancellor's Office in published procedures. The Board of Regents accepts the terms and conditions of any interlocal cooperative agreements and interlocal contracts approved pursuant to these provisions, which are in furtherance of federal government sponsored programs sought by the institutions.
F. Notwithstanding any other provision in this Section 9, institution presidents may accept gifts of art made to the institution with an estimated value of $50,000 or less, and may sell or dispose of gifts of art with an estimated value of $50,000 or less provided any such sale or disposition is made in accordance with the provisions of any applicable gift agreement. The acceptance, sale or disposition of any art under this subsection F shall be reported to risk management for insurance purposes.
G. Notwithstanding any other provision in this Section 9, the Chancellor may accept gifts into the System Administration Endowment Fund, given for the benefit of the System or any institution, provided that the gift is a cash contribution of $100,000 or less.

(B/R 9/17)

Section 10. NSHE and Member Institution Foundations' and Affiliated Groups Administrative and Accounting Policies

Each member institution Foundation has been duly established as a non-profit corporation under the statutes of the State of Nevada exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the *Internal Revenue Code*. The members of the Board of Regents are corporate members of each Foundation with responsibility to ratify the appointment of the members of the Boards of Trustees of the Foundations, within one year after their appointment, assure the people of the State of Nevada that they will avoid any conflicts with their powers as outlined in the Board of Regents *Handbook*, Title 1, Article III Section 3, and manage and control the NSHE. Each corporation must act within the bounds of its purpose and authority as defined by its Articles of Incorporation and Bylaws and in accordance with the policies of the Board of Regents, the laws of the State of Nevada, and the *Internal Revenue Code*.

The following policies also apply to Foundations or other affiliated groups that are not "member institution" foundations as described above, but which have been established to provide funds PRIMARILY for the institutions OR PROGRAMS within the NSHE. Other affiliated groups may request of a "member institution" Foundation to fall under its umbrella to ensure compliance with the foregoing guidelines. Being under the umbrella of a "member institution" Foundation will be defined by that Foundation and at a minimum will include processing all receipts and disbursements through the Foundation in accordance with Foundation and Board of Regents' guidelines. Only those affiliated groups that comply with these guidelines will be approved by the Board of Regents to use the name of the institution or the System in their legal names, their stationery or publications.

To provide the Board of Regents reasonable assurance that its obligations to the people of Nevada are fulfilled, responsibility for the following administrative and accounting guidelines is delegated to the management of each of the Foundations and affiliated groups, the President of each institution, and to the Chancellor. The Board of Regents specifically reserves the right to examine the books and records of the Foundations as part of its responsibility to the State of Nevada and to reject any contract entered into by the Foundation and affiliated groups, which obligates any institution.

The President of each NSHE institution will be responsible for the activities of its "member institution" Foundation and of all other 501(c)(3) organizations affiliated with the institution. Each President will appoint a senior administrator with financial expertise who is independent of the Foundation to attend all meetings of the Board and executive committees of all 501(c)(3) organizations affiliated with the institution.

A. INSTITUTIONAL ADMINISTRATION

1. <u>Compliance with Institutional Goals.</u>
   The President shall have the responsibility to see that the gifts to the institution are in keeping with the goals, objectives and priorities of the institution and of the NSHE.

2. Internal Accounting Control.
   The President of each institution shall be responsible for establishing and maintaining a system of internal accounting controls, which will provide the institution with reasonable assurance that:
   a. There is an objectively measurable separation of the Foundation from the institution and that institutional assets are safeguarded against loss from unauthorized use or disposition;
   b. Transactions with the Foundation are executed in accordance with Board of Regents' and institutional policies;
   c. All transactions with the Foundation are recorded properly to permit the preparation of financial statements in accordance with Generally Accepted Accounting Principles as promulgated by the Governmental Accounting Standards Board.
   d. the institution does not use the Foundation for the purpose of circumventing state policies or rules and regulations by engaging in activities or making expenditures which have been denied the institution for other than purely financial reasons and could not withstand public scrutiny;
   e. The institution does not lend funds to the Foundation;
   f. The institution does not incur deficit cash positions with respect to Foundation grants in excess of 30 days. Reasonable interest charges for such deficits may be negotiated.
   g. The Foundation will dispose of capital assets received as gifts as soon as is practical to do so unless the Foundation makes an affirmative decision to retain the asset.
   h. The Foundation will not invest in land, engage in joint ventures or invest in equity positions in privately held stocks that are not listed on the New York Stock Exchange *(NYSE)*, National Association of Securities Dealers Automated Quotations *(NASDAQ)* or other nationally recognized stock market without full disclosure to the Chief Financial Officer and the approval of the institution President. If such assets outside these categories are received as gifts, they may be retained if the President agrees to their appropriateness as investments. Such transactions must be disclosed to the Board of Regents Audit, Compliance and Title IX Committee at its next regularly scheduled meeting. If the President, on advice of the Chief Financial Officer, does not agree with the appropriateness of an investment or activity of the Foundation, the President must report that activity to the Board of Regents at the next regularly scheduled meeting.
3. Compliance with *Nevada Revised Statutes* (NRS) 281A.400.
   The institution has the responsibility to comply with NRS 281A.400 that states that a public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of duties as a public officer or employee.
4. Compliance with Foundation Gift and Grant Provisions.
   Upon acceptance of funds from the Foundations by the Board of Regents, the institution has the responsibility to manage the funds authorized by the Foundations with the same care and compliance with the gift and grant provisions provided all other funds managed by the institution.

5. Contributions to the Foundation of Services, Assets, and Forgiveness of Indebtedness.
   Particular attention should be given to the recording and presentation of donated and contributed services which must be recognized both as revenue and as properly classified expenditures when they meet the criteria of the American Institute of Certified Public Accountants *(AICPA)* and the Financial Accounting Standards Board (FASB). Contributions are defined to include gifts in numerous forms such as cash, marketable securities, land, buildings, use of facilities, materials and supplies, and services provided by NSHE employees. Unconditional promises to contribute such services or assets, in the future, are also defined as contributions for the purposes of this Section. The Board of Regents' continued financial support of the Foundations is predicated on compliance with these guidelines.

   The President is responsible for submitting to the Board of Regents, for its approval prior to the beginning of the fiscal year, a budget, as defined by the Chancellor's Office, which shows:
   a. The total fiscal year budget of estimated expenses funded from all sources to support institutional development which includes salaries for staff, reporting directly or indirectly to the Foundation on a full or part-time basis, and
   b. All contributions that are proposed to be made to the Foundation from the institution. The contributions proposed to be made to the Foundation represent development expenses and activities, which the institution would otherwise manage within the institution. In accordance with the FASB and the AICPA, all contributions made must be stated at fair market value.
6. Compliance with Board of Regents' Personnel Policies.
   The institution is responsible for compliance with Board of Regents' policy requirements, as periodically amended and outlined in the Board of Regents *Handbook*, including but not limited to the following:
   a. Title 4, Chapter 3 which applies to all professional staff paid for by the Board of Regents regardless of the funding source and whether or not their services have been contributed in total or in part to the Foundation. Estimated amounts of all salaries, consulting fees, or perquisites donated in cash or in-kind by an institution Foundation for institution employees are considered compensation within the meaning of the Board of Regents *Handbook* citation. Perquisites must be submitted in advance in writing to the Board of Regents for approval and include automobiles and related expenditures, automobile allowances, host allowances, housing and related expenditures, memberships, dues, retirement funds, or any other compensation over and above the basic salary. The President will submit to the Board of Regents a schedule of these items, by employee, including the amount proposed to be donated on behalf of the employee prior to the beginning of the NSHE fiscal year. Loans to institution employees are prohibited. All payments must be made to the employee by and through the institution. Perquisites that are submitted in advance to the Board of Regents for payment to an employee throughout the year may be included as a one time grant to the institution even though payments are made in accordance with Board of Regents' approval throughout the fiscal year.

b. Title 4, Chapter 10, Section 23, applies to Host Accounts, which must be officially created by the Board of Regents from funds donated by a Foundation. Unrestricted gifts from a Foundation do not automatically include authority to incur hosting, entertainment or travel expenses, nor can an employee of the institution direct the use of Foundation funds for these purposes.

B. FOUNDATION AND AFFILIATED GROUPS ADMINISTRATION

1. Financial Statements and Reporting. Annual financial statements will be prepared by the Foundation and affiliated groups as defined in this Section. Unless specifically exempted by the Board of Regents, the financial statements must reflect compliance with all applicable state and federal laws and Board of Regents' policy, and they must include an unqualified opinion by an independent Certified Public Accountant. It is the goal of the Board of Regents to receive financial statements as soon as possible after the Foundations' financial year-ends. A copy of the financial statements, management letter and the unaudited schedules referenced below should be forwarded to the Chancellor's Office no later than three and one-half months after the Foundations' financial year-end. The Foundation, in cooperation with the independent audit firm, is to establish a materials deadline and work schedule in order to meet the Board of Regents' goal.

   Each Foundation within the NSHE must be audited annually by a Nevada licensed independent audit firm. The request by the Board of Regents for audits of procedures is interpreted to mean general administrative practices and accounting principles to be used by Foundation management in the preparation of the annual financial reports that the independent auditors will examine. All independent audits must be conducted in accordance with generally accepted auditing standards.

   The Board of Regents specifically requests advance notice if the three and one-half month goal is not to be met along with a schedule stating when financial statements will be published. Management must present a written report responding to any internal accounting control weakness, comments on operations, or other observations of the independent Certified Public Accountant.

   Foundations and affiliated groups with prior year total assets less than $6M may have an audit performed every other year. A review will be performed in the years that an audit is not performed. The vice chancellor for finance will maintain a schedule of reviews to ensure adequate coverage for the financial statements.

   Foundations and affiliated groups with prior year total assets greater than $6M are required to have an annual audit performed. Foundations and affiliated groups receiving federal funds or federal pass-through funds are required to have an annual audit performed.

2. Accrual Basis Accounting. Financial statements will be prepared on the accrual basis of accounting and in accordance with Generally Accepted Accounting Principles of the Governmental Accounting Standards Board.

3. Gift and/or Grant Authorization Expenditures. The Financial statements should adequately categorize expenditures as either:
    a. "Gift and/or grant authorization" also known as program expenditures that relate directly to the primary missions of the member institution, or
    b. "general administration" that include such costs as general administration, membership development, and fund raising for the Foundation.

    Gift and/or grant authorization should include and identify donations from any Foundation to any NSHE institution. In addition, the annual financial statements shall present gifts and grants authorized, gifts and grants donated, and an unaudited summary schedule by Foundation account of all grants authorized and accepted by the Board of Regents. The total of the schedule should agree with the total for program expenditures on the audited financial statements including the fair market prices for any in-kind transactions.

4. Expenditures of General Administration. The Foundation will have expenditures for salaries, travel, fund raising, office supplies, investment management services and other costs necessary for the general administration of the Foundation's affairs.

    The annual financial statements shall present these general administrative expenses in a common format as determined in No. 5 *(below)* in an unaudited schedule. The total of the detail listing should agree with the total for general administrative expenditures on the audited financial statements. An additional unaudited schedule containing a list of the ten top payees of the Foundation shall be included.

5. Common Format Reporting. All reports, statements, expense summaries and the like required to be prepared by the Foundations for submission to the Board of Regents shall, to the extent possible, be in a common format. The Chancellor shall coordinate reporting and the establishment of such common formats.

6. Public Information and Open Meeting Law.

    All reports, statements and expenditure summaries prepared for submission to the Board of Regents pursuant to this Section shall be public records, available as such upon reasonable request.

    All NSHE Foundations shall comply with the Nevada state law requiring a university Foundation to observe the state's Open Meeting Law and the Open Record Law. The Open Record Law permits the protection of the names of contributors or potential contributors, the amount of contributions and any information, which may lead to the discovery of contributors.

7. Required Disclosure to Donors. Foundations shall make clear to prospective donors that the Foundation is a tax-exempt non-profit organization and that all gifts are to be made payable to the Foundations. Each Foundation shall in communicating with the donors or prospective donors use its own stationery clearly displaying its own corporate identity.

    The Foundation shall obtain from each donor a signed form stating that the gift is intended for the Foundation and not the institution. If the donor subsequently misdirects the check to the institution rather than to the Foundation, this documentation from the donor will authorize the institution to issue an exchange check with the foundation. If the

Foundation does not disclose to the donor by printed or written material that a gift or the income from the gift is to be used for entertaining, hosting, travel, or employee perquisites, it must then obtain specific authorization from the donor to use the gift funds for such purposes.

The Foundation shall administer any restricted gift to the Foundation in accordance with the wishes of the donor and shall notify the donor if the Foundation plans to delay, for any reason, the use of the restricted gift for its intended purpose.

8. Compliance with Board of Regents' Gifts and Grants Policy. The Foundations will be required to comply with Board of Regents' policy requirements, as periodically amended and outlined in the Board of Regents *Handbook*, including but not limited to the following:
    a. Title 4, Chapter 10, Section 9 Approval, Acknowledgment, and Administration of Gifts, Contracts, and Sponsored Programs. The Foundation will comply with procedures for award of gifts and grants as defined by the Chancellor's Office. The purpose of the Chancellor's Office procedure is to eliminate timing differences in the amount of gifts and grants awarded by the Foundation as compared to and consistent with the reporting of gifts and grants by the Board of Regents and the institution. The internal controls practiced by the Foundation and the integration of its gift and grant process with the institution's administrative controls and formal books and records are to be considered by the Chancellor's Office in the procedural requirements.

9. Compliance with Reporting Procedures. All gifts and grants donated from any institution Foundation to or on behalf of any NSHE institution or its employees must be reported in accordance with procedures established by the Chancellor. The Foundations are precluded from making direct expenditures to or on behalf of any NSHE institution or its employees. All expenditures to or for the benefit of the NSHE institution or its employees must be in the form of a gift or grant of money, sum certain, to the institution.

    The advantage of this procedure is that Foundations will thereby disburse funds only to institutions for gift and grant authorizations acceptable to the Board of Regents, and individual expenditures will occur within the established internal accounting controls of the NSHE institutions.

C. CHANCELLOR'S OFFICE ADMINISTRATION

1. Receipts-Cash. Fund accounting principles shall apply to all cash receipts from the Foundation with emphasis on documenting any donor's restrictions on use of the gift and the proper categorization of funds into designated and non-designated fund groups. Cash receipts can be commingled in a single bank account for cash management purposes as long as generally accepted fund accounting principles are complied with.

2. Board of Regents' Acceptance and Reporting Policy.
    a. Current fund gifts, which are additions to previously approved or existing programs, may be accepted by the President with spending authority established on the institution's general ledger without seeking additional acceptance from the Board of Regents. The Board of Regents delegates to the Chancellor's Office the responsibility for establishing the definition of previously approved or existing programs. Annual information reports to the

Board of Regents will be prepared by the Chancellor's Office, in cooperation with the institutions, which include the total amount of previously approved or existing program gifts. These annual reports will be prepared according to Generally Accepted Accounting Principles and will place specific emphasis on categorizing gifts by restriction and National Association of College and University Business Officers (NACUBO) defined expenditure category, i.e., instruction, scholarships and fellowships, institutional support, research, public service, and academic support.

b. All other gifts, specifically plant fund and endowment fund gifts, must be presented to the Board of Regents for their approval prior to acceptance by the President of the institution. The Chancellor's Office will make recommendations regarding acceptance of these gifts and define the information, which must be presented to the Board of Regents when seeking approval for the gift.

(B/R 11/18)

Section 11. Salary or Annuity Option Agreements

1. Any employee of the NSHE, whether full- or part-time, may authorize the NSHE to reduce his or her monthly compensation for the purpose of purchasing on his or her behalf a non-forfeitable retirement annuity contract requiring premium payments of a like amount. The salary or annuity contract may be approved for any amount up to the maximum allowable under the *Internal Revenue Code*.

2. The annuity contracts may be purchased by the employee through payroll reduction from companies selected and approved by the NSHE for such purpose. These companies will have met licensing requirements established by the State of Nevada. The NSHE assumes no responsibility for these contracts except to make the payments as designated in an amount equal to the salary reduction.

(B/R 11/98)

Section 12. Use of the Capital Improvement Fee

1. A portion of the registration fee established pursuant to Title 4, Chapter 17, for all credit-bearing courses, shall be allotted for capital projects and will be referred to as the “Capital Improvement Fee.”

2. Funds generated from the Capital Improvement Fee shall be deposited into a Capital Improvement Fee Fund for each institution that is maintained separately.

3. Funds generated by the Capital Improvement Fee may be expended on projects of up to $100,000 that have been approved by the President and if for the purposes listed in paragraphs (a) to (h). Funds generated by the Capital Improvement Fee may be expended on projects of more than $100,000, but not exceeding $1,200,000, or the actual balance in the fund, whichever is less, for the purposes listed in paragraphs (a) to (h).
   a. For the service of revenue bonds when a revenue bond issue is authorized by the Nevada State Legislature and approved by the Board of Regents. Such revenue bonds may be issued for the purpose of construction and furnishing of facilities.
   b. For the necessary supplementation of capital projects that have been approved by the Nevada State Legislature.

c. For loans on residence and dining hall bond indebtedness service when funds are not otherwise available to meet the required annual payments.
d. For remodeling projects and related furniture, fixtures, and equipment as are urgently needed for the accommodation of students in buildings, but which cannot be funded from other institutional funds or State Public Works Board Capital Improvement Funds.
e. For programming, planning, design, and feasibility studies pertaining to capital projects, which require consulting services in order to carry out the institution's basic responsibilities in developing long-range programs and plans.
f. For real property improvements as are necessary.
g. For the purchase of land or buildings adjacent to a campus or branch campus and within the master plan areas as such land or buildings become available and are offered for sale.
h. For other purposes approved by the Board of Regents.

4. If the amount to be expended is $100,000, or less, prior notice to the Board is not required. If the amount to be expended exceeds $100,000 but does not exceed $1,200,000, or the actual balance in the fund, whichever is less, the President shall cause a notice of intent to expend the amount to be sent to members of the Board of Regents at least 30 days prior to making the expenditure. Expending funds generated by the Capital Improvement Fee for projects or expenses in excess of $1,200,000, or if in excess of $100,000 but more than the actual balance in the fund, requires approval by the Board of Regents.

(B/R 12/15)

Section 13. Use of the General Improvement Fee

1. A portion of the registration fee established pursuant to Title 4, Chapter 17 for all credit-bearing courses shall be allotted for general improvements as defined in this Section and will be referred to as the "General Improvement Fee."

2. Funds generated from the General Improvement Fee shall be deposited into a General Improvement Fee Fund for each institution that is maintained separately.

3. Funds generated by the General Improvement Fee shall be expended on goods and services that directly enhance the educational experience of the student body, including, but not limited to student advising, counseling, recruiting, orientation, and other general student support services. This includes expending funds on salaries and wages, operating, equipment, and library materials that benefit the general student population. One dollar of the General Improvement Fee funds generated at each institution may be used for other purposes as designated by the President.

4. Expending funds generated by the General Improvement Fee for other purposes than those described in Section 3 shall require approval by the Board of Regents. This requirement does not apply to the dollar that may be used for purposes designated by the President unless otherwise provided for in Board policy.

(B/R 2/09)

Section 14. Use of the Activities and Programs Fee

1. A portion of the registration fee established pursuant to Title 4, Chapter 17, for all credit-bearing courses, shall be allotted for graduate and undergraduate student activities and programs and will be referred to as the "Activities and Programs Fee."

2. Funds generated from the Activities and Programs Fee shall be deposited into an Activities and Programs Fee Fund for each institution that is maintained separately. The institution may account for such funds in multiple accounts if necessary.

3. Funds generated by the Activities and Programs Fee shall be expended on specific student activities and programs, including salaries and wages, operating, and equipment.

4. Expending funds generated by the Activities and Programs Fee for purposes other than those described in Subsection 3 shall require approval by the Board of Regents.

(B/R 2/09)

Section 15. Use of the Student Association Fee

1. A portion of the registration fee established pursuant to Title 4, Chapter 17, for all credit-bearing courses shall be allotted for student government and will be referred to as the "Student Association Fee," unless a Board-approved student association fee has been established outside of the registration fee distribution.

2. Funds generated from the Student Association Fee shall be deposited into a Student Association Fee Fund with the fees from each institution maintained separately.

3. Funds generated from the Student Association Fee shall be expended for the support of institutional student government associations, including salaries and wages, operating, scholarships, and equipment expenses.

4. Expending funds generated by the Student Association Fee for other purposes than those described in Subsection 3 shall require approval by the Board of Regents.

5. The provisions of this section concerning the authorized use and administration of funds generated from the Student Association fee are also applicable to any Board approved student association fee charged in addition to registration fees.

(B/R 2/09)

Section 16. Use of the Technology Fee – Regular

Funds generated by the Technology Fee – Regular must be used directly for the betterment of the students' educational experience. Funds may be used for any technology-related expenditure, including, but not limited to equipment, associated software and licensing, Internet and Web-related support, user services/help desk support, lab support, lab coordinators and assistants, electronic library media, enhanced instructional technology for classrooms and labs, and distance education/interactive video equipment and facilitators. Each institution shall report annually the use of technology fee-generated funds to the Board of Regents.

(B/R 9/12)

Section 17. Use of the Technology Fee – iNtegrate

Funds generated by the Technology Fee – iNtegrate must be used directly to support the development of a system-wide information system. Funds may be used for the implementation of the iNtegrate Project, including but not limited to support for functional and technical staff, technology costs, and costs for communication devices. Each institution shall report annually the funds generated and expenditures associated with the fee to the Board of Regents. Upon completion of the iNtegrate Project, the Board of Regents shall review the use of the Technology Fee – iNtegrate.
(B/R 9/12)

Section 18. Use of Differential Program Fees

1. Funds generated from a differential program fee shall be deposited into a Differential Program Fee Account that is maintained separately for each program.

2. Funds generated from a differential program fee will not be included in the state supporting operating budget and will be retained by the institution.

3. Funds generated from a differential program fee shall be expended on goods and services directly related to the program with which the fee is associated, including, but not limited to, salaries and wages, operating, equipment and library materials that directly benefit the program. Appropriate levels of state support for the program shall continue.

4. At least 15 percent of the differential program fee at the universities and state college and 10 percent of the differential program fee at the community college must be allocated for need-based financial aid for students enrolled in the program for which there is an approved differential program fee. Institutions may establish policies and procedures consistent with this Subsection to allow graduate assistants in a program with an approved differential fee to register without such a fee and to account for such allowance in reporting the required set aside for need-based financial aid.

5. Expending funds generated by the differential program fee for purposes other than those described in Subsections 3 and 4 shall require approval by the Board of Regents.

6. On or before February 1 of each year, each institution with approved differential fees will submit a detailed written report to the Chancellor's Office regarding the actual expenditure of differential program fees with an explanation of how the fees have been used for the benefit of the academic program for which the differential fee was established. The Chancellor's Office shall transmit these reports to the Board annually.

7. As used in this Section, "differential program fee" refers to a differential program fee established in Title 4, Chapter 17.

(B/R 3/15)

Section 19. Fee Account Balances

1. It is the intention of the Board of Regents that any fees collected from students be utilized for the direct benefit of the students from whom they are collected. Except as otherwise provided in Subsection 2, all fees, including but not limited to student fees, special course fees, differential program fees, health center fees, technology fees, and registration fees (including student access, capital improvement, general improvement, and activities and programs fees) that remain unexpended as of June 30th of the fiscal year in which they are collected may be carried forward for up to one fiscal year.

2. Except as otherwise provided in this subsection, this policy applies to the fees listed in subsection 1 and approved by the Board of Regents under Chapter 7 of the *Procedures and Guidelines Manual*. The policy does not apply to the fee account balances associated with self-supporting programs or student association fees.

3. Exceptions for anticipated capital, residence life operations, and equipment expenditures requiring a multi-year carry-forward may be approved by the president, in consultation with student government. Such exceptions, including a description and the justification for the reserves, must be reported to the Chancellor by September 30th of each year.

(B/R 6/21)

Section 20. Distribution of the Registration Fees

The Registration Fee shall be distributed among the various accounts in conformity with a schedule approved by the Board of Regents. Distribution shall be in accordance with the category in which a student is placed in the student's original registration that semester; i.e., graduate or undergraduate and lower- or upper-division at GBC and CSN.

1. <u>Continuing Education, Community Service, and Off-Campus Programs</u>.
   a. Entire fee to be dedicated to program budget for instruction.
   b. At the universities and state colleges, the per credit fee for credit courses offered by continuing education during the Fall or Spring Term shall be the same as the per credit fee charged for other credit courses offered during the same time period. During the Summer, the fees for continuing education courses shall be the same as the fees charged for Summer Session courses.

2. The refund of fees paid shall be made in conformity with the refund schedule described in Chapter 17 and shall apply to the entire registration fee.

(B/R 9/12)

Section 21. Distribution of Fees and Tuition, Schools of Medicine

The distribution of the Registration Fee per semester for students in the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine shall be established by the Board of Regents:

Tuition paid by or on behalf of a student of the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine shall be revenue of the budget for the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine, respectively.
(B/R 9/18)

Section 22. Distribution of Fees and Tuition, William S. Boyd School of Law

The distribution of the Registration Fee per semester for students in the Williams S. Boyd School of Law shall be established by the Board of Regents:

Tuition paid by or on behalf of a student of the William S. Boyd School of Law shall be revenue of the budget for the William S. Boyd School of Law.
(B/R 12/04)

Section 23. Distribution of Fees and Tuition, School of Dental Medicine

The distribution of the registration fee per semester for students in the University of Nevada, Las Vegas School of Dental Medicine shall be established by the Board of Regents.

Tuition paid by or on behalf of a student of the University of Nevada, Las Vegas School of Dental Medicine shall be revenue of the budget for the University of Nevada, Las Vegas School of Dental Medicine.
(B/R 9/18)

Section 24. Collection of Student Loans

1. When a student has been a recipient of a student loan and repayment of such a loan is overdue, such student shall be notified by the proper officers through the U.S. mail. If there is no response within a period of 10 days, another such notification shall be given. If the recipient has not responded to the second letter by the date specified, the account shall be collected in a manner determined by the proper authority.

2. Annually, at fiscal year end, each institution will report to the Board of Regents the total amount of student loans outstanding at the beginning and end of the year, the loans awarded and collected during the year, the dollar amount of loans written-off during the year, and the percentage of loans written off during the year, as a percent of loans awarded. All institutions will follow standardized collection and write-off procedures. It is understood that a 'hold' shall be retained on the student's records.

(B/R 10/83)

Section 25. Host Expenditures

1. Purpose.

Host expenditures may be incurred for reasonable expenses for meals, beverages, flowers and small gifts such as mementos by or on behalf of employees or guests of the NSHE or one of its institutions in the conduct of necessary business activities. Hosting must provide a benefit to the System or institution through the establishment of good will, promotion of programs, or creation of opportunities for meetings in which the mission of the System or NSHE institution may be advanced.

All expenditures that are essential and part of a program, such as faculty and student recruitment activities, marketing, employee professional development, participant-funded events, and food supplied for culinary programs are normal operating expenses and not a host expense.

2. Restrictions.
    a. Host expenditures may not be charged to state accounts.
    b. Host expenditures may not be used to pay or reimburse expenses otherwise not allowed by state or institutional regulations.
    c. Gratuities shall not exceed 20 percent of the cost of a meal.
    d. Any 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 they are submitted to the state.
    e. Further restrictions and policies related to the management of host accounts may be provided through procedures established by the Chancellor. Each person authorized to use a host account shall be provided with a copy of the Chancellor's procedures and this Section of the Board *Handbook*.

3. Authority.

The Board of Regents delegates to the Chancellor, for the System Administration, and to the Presidents, for each institution, the authority to establish host accounts for the following:
    a. Grant, contract or gift accounts where the donor or sponsor specifically provides for host expenditures.
    b. Student government funds.
    c. Unrestricted institutional funds.

Reimbursement for host expenditures of the Chancellor must be approved by the Chair of the Board of Regents. Reimbursement for host expenditures of an institution President must be approved by the Chancellor. Exceptions to this policy are subject to approval by the Chancellor

4. The NSHE Internal Audit Department will test and sample host accounts annually.

5. Institutions may define further conditions for the use of host accounts.
(B/R 12/05)

Section 26. Property, Capital Improvement Planning, and Facilities Management

1. Vandalism. The Chancellor shall establish procedures concerning the reporting and investigation of damage to NSHE institutional buildings, equipment, or other property.

2. Preliminary Capital Improvement Plans. The Chancellor shall establish procedures concerning the presentation of preliminary capital improvement plans to the Board of Regents.

3. Naming of Buildings. The Chancellor shall establish procedures concerning the naming of campus buildings.

4. Little Valley. The area of land located in the Carson Range in Washoe County, Nevada, known as Little Valley shall be retained in perpetuity as a natural wildlife area and shall be used for no other purpose.

5. Main Station Field Lab Policy Statement

   The Board of Regents of the Nevada System of Higher Education ("Board") for the benefit of the University of Nevada, Reno ("UNR"), owns, in fee simple, certain real property, generally known as Washoe County Assessor Parcel Numbers, 021-010-05, 021-010-08, 021-020-03, 021-020-11, 021-30-04, 021-030-10, and a portion of APN 021-030-14. That real property includes approximately seven hundred sixty two (762) acres, commonly referred to as the Main Station Field Lab ("MSFL").

   Since 1956, UNR's College of Agriculture, Biotechnology and Natural Resources ("CABNR"), has operated the MSFL for grazing cattle and sheep, along with other educational activities of CABNR. CABNR has actively irrigated the MSFL to grow alfalfa, hay and certain other crops for research and educational purposes. One of the structures on the MSFL is "Wolf Pack Meats," a meat processing plant, operated by CABNR and open commercially to the public.

   UNR, through CABNR, will use the MSFL solely for research, teaching and outreach as part of UNR's land-grant mission. To further this policy, the Board hereby establishes the following parameters on the use of the MSFL:

   A. UNR will use the MSFL solely for agriculturally related purpose, or other education or research related activity that does not impact the MSFL objectives, as more fully set forth herein, including, without limitation, teaching, research, and public outreach activities.
   B. Except for Wolf Pack Meats, or other similar activities by UNR, UNR shall not use the MSFL for any commercial activities or commercial development, any residential development, or any industrial purposes or development, provided, however, that the Board may extend temporary easements over the MSLF as allowed by applicable Board policies.
   C. The Board shall not convey any part of the MSFL to any third party.
   D. The Board, UNR, and CABNR shall preserve and protect all water rights associated with the use and operation of MSFL, including, without limitation, those water rights described as follows (the "MSFL Water Rights"):

Claim	AF, Water
MSFL Water Rights	
601 DTR	25.79
602DTR	1,290.17
603DTR & 604DTR	1,202.50
605DTR	262.30
606ADTR & 606DTR	38.93
607ADTR & 607DTR	134.69
Total Equitable Surface Rights	2,954.38
Drain Right Water	
Claim 603/604	408.57
Claim 607	403.21
Total Drain Water Right	811.78
Permitted Rights (Well rights)	
Permit 39044, Certificate 10735	58.92
Permit 28652, certificate 9658	19.35
Total Permitted Rights	78.27
Total Water Rights	3,844.43

E. The Board shall provide for the allocation of all water required for the intended use and operation of the MSFL, as provided herein.

F. The Board shall not convey any part of the MSFL Water Rights, but it may lease such water rights on a short-term basis so long as the lease of the MSFL Water Rights does not materially interfere with the permitted uses of the MSFL.

G. The Board recognizes and acknowledges that there may be changes in general economic conditions, as well as changes in UNR's application and use of agricultural technologies, farm and ranch management practices, educational activities, in research activities, and public outreach efforts. The Board further recognizes and acknowledges that any of those changes may cause UNR to utilize/use the MSFL in a manner that may differ to some degree from the prior and present uses of the MSFL. However, no party shall use or utilize the MSFL in any way that causes a violation of the policies set forth herein.

H. Permitted Uses of Property. The Board acknowledges that the MSFL may be used for the following activities, which list is not meant to be exclusive or exhaustive:

1. Agricultural and Other Activities. The MSFL may be used for agricultural research, agricultural education and outreach purposes (including, without limitation, 4-H activities sponsored by UNR), public education, community gardens, livestock grazing, crop production of traditional and research crops, and other related agricultural uses.

2. Agricultural Structures. Existing structures on the MSFL may be maintained, repaired, remodeled and replaced; new structures may be built/constructed on the MSFL, including, without limitation, barns, loafing sheds, storage/equipment sheds, corrals, wells and associated infrastructure, water lines, sprinklers, security fencing, greenhouses, gardens, netting, water tanks, a classroom, and other similar structures, so long as such new structures, improvements and buildings are directly related to other permitted uses of the MSFL.
3. Agricultural and Research Practices. Pesticides, herbicides and agricultural sprays and fertilizers considered appropriate for raising crops (or as such may be in the process of development for possible agricultural purposes or which may be the subject of research) may be used or tested on the MSFL, provided such use and testing is in accordance with applicable laws and regulations and the manufacturers' specifications and limitations for such use, or as part of a UNR sanctioned research initiative.
4. Grazing. The MSFL may be used for the grazing of livestock, so long as grazing is conducted using grazing industry practices that prevent pasture deterioration and over-grazing or using experimental practices that are the subject of research and that do not result in the permanent unsuitability of pasture for grazing, and which protect the MSFL for its intended uses.
5. Fencing. New fencing, including exterior boundary fencing, may be placed on and around the MSFL, existing MSFL fencing may be maintained and repaired, so long as such fencing is compatible with the movement of wildlife across the MSFL. Notwithstanding the foregoing, that wildlife fencing may be utilized on the MSFL i) in areas where crops are grown, or feed is stored, ii) in order to prevent loss from wildlife damage, iii) where research plots require wildlife exclusion, and iv) in areas where fencing is required to protect livestock from wildlife.
6. Education, Research, and Outreach Equipment. The MSFL may be utilized for the storage, maintenance, repair, remodel and replacement of new and existing research, education and outreach equipment and facilities, including, by way of example only, and not by way of limitation, weather stations, soil moisture probes, irrigation equipment and monitoring devices, surface and groundwater monitoring equipment and other equipment and structures, provided, however, that such equipment and facilities are intended for uses consistent with the polices set forth herein.
7. Roads, Drainage-ways, Ditches and Diversions. Roads, drainage-ways, ditches, and diversions on the MSFL may be constructed, maintained, renovated, paved, repaired, improved, or replaced, as such may be required for the other purposes permitted by this policy.
8. Wolfpack Meats and Feedlot Area. Wolfpack Meats (and associated structures) may be maintained, repaired, remodeled and replaced, along with the feedlots now associated with Wolfpack Meats, so long as Wolfpack Meats, or any successor thereof, remain opens and accessible to the public. This policy does not prohibit UNR from out-sourcing, pursuant to a contract, the management and operations of Wolfpack Meats to a third party with the capacity and experience to operate Wolfpack Meats in a manner satisfactory to UNR.

9. Dairy Hill and Farm Housing. The "Dairy Hill Area," and associated structures, located on the MSFL may be maintained, repaired, remodeled and replaced, along with associated housing, including associated site improvements such as paved parking and walkways.
10. Rainout Shelters. Rainout shelters may be constructed on the MSFL.
11. Pavilion Area. A pavilion for education, research, and public engagement events consistent with permitted purposes, may be constructed and maintained on the MSFL.
12. Agriculture, Biotechnology and Natural Resource Education Facilities. UNR may construct classroom or class lab facilities, as well as minor agriculture and research, education or outreach structures on the MSFL, so long as such structures do not impair the other permitted activities on the MSFL.

I. Prohibited Uses. The MSFL may not be used for any purpose or activity inconsistent with those permitted by this policy. Additionally, the following uses of the MSFL are expressly prohibited or restricted:
   a. Structures, Buildings or Improvements. The construction or placement of any structures, buildings or improvements on the MSFL, including, without limitation, mobile homes or other temporary living quarters, except as otherwise provided by this policy.
   b. Subdivision. The partition, division or subdivision of the MSFL, whether by physical or legal process, including, without limitation, condominium projects, any time-share project, the partition of undivided interests in the MSFL, not specifically allowed by this policy.
   c. Commercial and Industrial Activities. Any industrial activities or development, any commercial activities or development, or any residential development. The MSFL may be used, however, for commercial feedlots and other intensive growth livestock facility, such as swine or poultry facilities, so long as such uses are otherwise consistent with what is allowed by this policy., For purposes of the foregoing sentence, a "commercial feed lot" and "livestock facility" is defined as a permanently constructed confined area or facility within which there is no grazing or crops grown, and which is used and maintained for purposes of engaging in the commercial business of the reception and feeding of livestock.
   d. Boundary Line Adjustments. The boundaries of the MSFL shall not be adjusted in any way that would result in any increased density of development on the MSFL.
   e. Roads. No new roads shall be constructed on the MSFL, and no existing road shall be maintained, repaired or improved, except as specifically permitted by this policy, or as may be required by a governmental entity with authority or jurisdiction over the MSFL or as approved by the Board.
   f. Signs and Billboards. No commercial signs, billboards, awnings, or advertisements shall be displayed or placed on the MSFL, except as may be appropriate and customary for other allowed uses of the MSFL.
   g. Mining; Limited Use. There shall be no mining or extraction of oil, natural gas, fuel, or any other mineral substance, of any kind or description, permitted on or under the MSFL. However, the MSFL may be used for mining or extraction of soil, sand, gravel, rock, stone, or decorative stone provided that such extraction is solely for use on the MSFL, for non-commercial purposes, is in conjunction with activities permitted herein, is accomplished in a manner which is consistent with the purpose of the MSFL,

and so long as such activities do not substantially diminish or impair the value or permitted use of the MSFL. Any such permitted soil, sand, gravel, rock, stone, or decorative stone extraction shall be limited to not more than one (1) acre, in the aggregate, at any given time, and the MSFL shall be remediated following such extraction.

h. Topographical Changes. There shall be no alteration of the topography of the MSFL or other natural features of the MSFL other than for construction of the improvements permitted herein, other than for agricultural, education, research or outreach uses permitted herein, including by digging, excavating, cutting, or filling.

i. Trash. Dumping or uncontained accumulation of trash or refuse on the MSFL is prohibited, except for such trash and refuse that may accumulate in the normal operations on the MSFL. Natural debris may be disposed of in burn pits on the MSFL as permitted by law Composting is not prohibited. Nothing in these restrictions shall prohibit research, educational activities, or outreach activities on the MSFL involving trash, refuse, or compost.

j. Hazardous Materials. No “Hazardous or Toxic Materials” or of non-compostable refuse shall be placed on, in or about the MSFL; provided, however, this prohibition shall not be construed to prohibit the continued agricultural, education, research or outreach use of the MSFL consistent with current practices and/or practices of the time, including but not limited to experimental research purposes. For the purpose of the foregoing sentence, “Hazardous or Toxic Materials” shall include any petroleum products as defined in ASTM Standard E 1527-05 and any hazardous or toxic substance, material or waste that is regulated under any federal, state or local law. This policy shall not be deemed to prohibit the use of chemicals and products in accordance with applicable laws and manufacturer’s instructions or experimental materials and methods for purposes of research and development activities in accordance with federal regulations governing research.

k. Hunting and Trapping. Hunting and trapping are permitted on the MSFL for the sole purpose of management associated with agriculture, education, research and outreach, including general safety of employees and the public, in accordance with applicable laws and regulations. The MSFL shall not be open to the public for fishing, hunting, or other recreational activities,

l. Motorized Vehicles. Motorized vehicles not directly related to the approved operation of the MSFL (specifically including ATVs and motorcycles) may not be used or operated on the MSFL.

m. Tree Removal and Weed Management. Notwithstanding the prohibitions set forth above, as required for the use and operation of the MSFL, trees, shrubs, and weeds may be cut or removed from the MSFL in order to control insects and disease, flooding, or to control noxious or invasive non-native species, or as part of research work, and to prevent personal injury and property damage, including mitigation of fire risks, and may be used for firewood or other uses on the MSFL.

n. Public Access. There shall be no general right of access by the public to any portion of the MSLF, except as specifically allowed by this policy.

6. NSHE Capital Improvement Budget Process
    a. Each institution will update its master plan every two years and provide the Chancellor and the Regents with a standardized statistical profile describing the physical dimensions of each campus operated by the institution. This profile will include the area (gross square feet) by type and age of facility. The Presidents will evaluate the results of this analysis to identify institutional capital construction needs.
    b. The Board of Regents will set priorities for the types of space such as classroom, class laboratory, research laboratory, office, and auxiliary space needed by the NSHE.
    c. The Chancellor will apply appropriate NSHE space formulas, including growth in student FTE, to the institutional data to determine the need for space in the Regents' priority areas. Based on the results of these calculations, the Chancellor will propose to the Council of Presidents a capital improvement project list.
    d. The Business Officers Council will review the list and develop a recommended system-wide capital improvement project request for consideration by the Chancellor and the Council of Presidents.
    e. The Council of Presidents will review the Business Officers Council's recommended list and participate in developing the system wide capital improvement project request in priority order.
    f. The Chancellor will forward a prioritized capital improvement project list to the Board of Regents for approval.

7. Existing Facility and Infrastructure Needs

Effective with the 2011 capital improvement budget cycle described in Subsection 5, every even-numbered year each institution must plan for existing facility and infrastructure needs by requesting funding for capital renewal, plant adaption, and deferred maintenance projects. The budgeted figure for these projects shall be two percent of the insured replacement value for owned facilities five or more years since construction or a major building renovation, excluding storage facilities and auxiliary enterprise buildings (e.g. resident halls and athletic facilities). In calculating the amount budgeted for existing facility and infrastructure, the state revenues request for Higher Education Capital Construction (HECC) and Special Higher Education Capital Construction (SHECC) are in addition to the two percent threshold, and may not be applied to the amount budgeted for this purpose. The Chancellor shall establish procedures to standardize the manner in which projects associated with improving existing facilities and infrastructure are identified and ranked.

8. Agreement Between NSHE and State Public Works Board.

The Chancellor shall establish procedures and divisions of responsibility regarding campus master planning, capital improvement programming, the project design process, construction projects, and for projects financed by non-appropriated funds.

9. Use of NSHE Facilities.
    a. Institutional facilities, including campus grounds, are provided primarily for the support of the regular educational functions of the institution and the activities necessary for the support of these functions. The institution's functions take precedence over any other activities in the use of institutional facilities.

b. Freedom to speak and to hear will be maintained for students, faculty and staff, and University policies and procedures will be used to provide a full and frank exchange of ideas. An effort should be made to allow a balanced program of speakers and ideas.
c. An invitation to speak at a NSHE institution does not imply that the NSHE or institution endorses the philosophy or ideas presented by the speaker.
d. Institutional facilities may not be used for the purpose of raising monies to aid projects not related to some authorized activity of the institution or of institutional groups, and no efforts at conversion and solicitation by uninvited non-campus groups or individuals will be permitted on campus.

10. Policy Statement Regarding Use of System Facilities for Political Events.
    a. The primary mission of NSHE and its institutions is to educate students. In that regard, we share a common interest in making public facilities reasonably available for First Amendment activities, including political candidates and events. In allowing such use, NSHE and its institutions must use care to avoid the appearance of partisanship, i.e. that the institution favors any particular candidate or party.
    b. Single candidate events should generally be expected to pay standard facility use charges, together with any out-of-pocket costs, such as security, that the institution incurs as part of the event. The institution should seek advance payment of these estimated costs.
    c. Recognized student clubs or faculty groups may sponsor candidate appearances/events if permitted by institution policy, which may result in waiver of facility use charges under institution policy. Any out-of-pocket costs incurred by the institution should still be paid. Student governments and institutional business or facilities officers should seek to track such appearances and encourage compliance with Subsection 8(b) above.
    d. The institution may choose to host multi-candidate events as an educational service to the college or university community and the public. At the election of the institution, these events may be without charge to the candidates, whether for use of the facilities or security, as long as the institution makes its facilities available, if requested, on the same basis to all political parties.
    e. Institutions must follow the provisions of *Nevada Revised Statutes* 293.134 concerning the use of a room or space occupied by State or local government by a state or county central committee.

11. System Facilities Use Policy.
    a. System Facilities. NSHE operates the following facilities (the "System Facilities") intended primarily for the use and support of the Board of Regents and the administrative activities of System Administration. The System Facilities are open Monday through Friday, 8:00 am to 5:00 pm (the "operating hours") excluding holidays recognized by NSHE.
        i. System Administration – North: 2601 Enterprise Road, Reno, Nevada 89512.
            - Main Conference Room 100 – seating for up to 60. The most common set up generally seats 11 at a main table and 16 in gallery style seating (with video conference capabilities)
            - Conference Room 134 – seating for up to 7/5 comfortably (with video conference capabilities)

ii. System Administration – South: 4300 S. Maryland Parkway, Las Vegas, Nevada 89119.
    - Boardroom 102 –large dais with seating for 26, gallery seating for approximately 80 (with video conference and web-streaming capabilities)
    - Pre-Function Area – a area outside the Boardroom that can accommodate around 40 people for informal business or social gatherings
    - Conference Room 101 – seating for 8 (with video conference capabilities)
    - Conference Room 105 – seating for 14 (with video conference capabilities)
    - Conference Room 130 – seating for 8 (no video conference capabilities)

b. Use of the System Facilities.

i. When not being used by the Board of Regents or System Administration, the System Facilities may be used by (1) NSHE institutions, (2) committees of the Legislative Branch of the State of Nevada, and (3) agencies of the Executive Branch of the State of Nevada (such groups shall be collectively known as "secondary groups."). The term "NSHE institutions" includes colleges, departments, programs, and administrative units of any member institution of NSHE. The System Facilities may not be used by private groups, community/civic groups, political groups, or religious groups except as part of a meeting or event sponsored in-part by the Board of Regents, System Administration, or an NSHE institution. Except as otherwise approved by the Chancellor, use of the System Facilities by secondary groups is limited to the operating hours.

ii. Use of the System Facilities shall be subject to the following order of precedence: (1) Board of Regent and Regent committee meetings and activities, (2) Chancellor and System Administration uses, and (3) use by secondary groups (with preference given to NSHE institutions). The reservation and use of the System Facilities shall at all times be subject to cancellation in the event a group with higher precedence desires to use the System Facilities. Meetings and activities of the Board of Regents and Regent committees will at all times receive the highest precedence for use of the System Facilities.

c. Reservations and Facility Coordinators

i. Secondary groups can request to reserve any of the System Facilities by filling out a System Facilities Reservation Request Form and submitting the completed form to the appropriate "facility coordinator". The Chancellor shall appoint a facility coordinator for System Administration-North and System Administration-South.

ii. Before accepting a reservation for Boardroom 102 (System Administration South) or Main Conference Room 100 (System Administration North) the facility coordinator to whom the request is submitted will first contact the Chief of Staff for the Board of Regents for approval to make such a reservation and to confirm that the room is not reserved or anticipated to be used by the Board of Regents. In addition, NSHE institutions wishing to reserve Boardroom 102 (System Administration South) or Main Conference Room 100 (System Administration North) must first receive the approval of the

President of the institution or his or her designee and submit a signed copy of the Institutional Approval Form.

iii. A reservation for the System Facilities will not be accepted unless all portions of the System Facilities Reservation Request Form are filled out including a detailed description of (1) the nature and purpose of the meeting or event, (2) the number of people expected, (3) information technology and audio/visual needs, (4) plans for catering or food service, and (5) any other special requirements or accommodations for the meeting or event. NSHE reserves the right to require damage and cleanup deposits at the time a reservation is made in amounts it determines to be reasonable and necessary given the nature of the meeting or event.

d. Group Representative. At the time a secondary group makes a reservation for any of the System Facilities, the group shall appoint an individual as the "group representative." The group representative shall be responsible for (1) coordinating with the facility coordinator, (2) overseeing the meeting or event on behalf of the group, and (3) ensuing that the facility and equipment is not damaged and is returned in clean and good order at the conclusion of the meeting or event.

e. IT Assistance and Technical Support. System Computing Services ("SCS") provides information technology support and assistance for the System Facilities, including audio/visual and video conferencing support. No other personnel will be allowed to provide information technology or technical support for meetings or events at the System Facilities. Any audio/visual, video conference, or other technical needs must be disclosed to the facility coordinator when the System Facilities Reservation Request Form is submitted. The use of audio/visual, video conference, and other information technology is subject to the availability of SCS to provide service and support and to any conditions necessary to maintain system security, including the submission of electronic documents and materials to SCS in advance of the meeting or event for a IT security evaluation and for compliance with technical requirements. Secondary groups will be responsible for compliance with all software and hardware use restrictions including limitations on the use of intellectual property associated with information technology used for any meetings or events and will indemnify and hold harmless NSHE from any claims or liability related thereto. Unless otherwise waived by the Chancellor, NSHE shall charge secondary groups a cost-based fee for any technical service and support provided by SCS.

f. Catering and Food Service. At the time a System Facilities Reservation Request Form is submitted the group shall request permission to allow catering and food service for the meeting or event. The group holding the meeting or event is responsible for all catering and food service, including payment, setup and preparation, and cleanup. Except as otherwise approved by the Chancellor, secondary groups are prohibited from serving or catering alcoholic beverages as part of any meeting or event in the System Facilities. NSHE reserves the right to refuse catering and food service requests as it deems necessary to avoid damage or disruption to the System Facilities. NSHE will not provide water, coffee or any other convenience items to secondary groups using the System Facilities.

g. Parking. Parking for the System Facilities is on a first come first serve basis and NSHE makes no representations as to the adequacy and availability of parking for any particular meeting or event. NSHE reserves the right to reserve parking for its employees and guests and impose parking rules and restrictions; and all guests and secondary groups will observe any such parking rules and restrictions.

h. Security. NSHE will not provide security for meetings and events held in the System Facilities by secondary groups. NSHE reserves the right to require secondary groups to provide their own security for any meetings or events they hold in the System Facilities and such security is subject to the reasonable approval of NSHE.
i. Facility Administrators. The Chancellor shall appoint "facility administrators" for System Administration-North and System Administration-South. The facility administrators are authorized to grant any approvals or impose any conditions on behalf of NSHE on the use of the System Facilities authorized by this policy.
j. Exceptions to this Policy. The Chancellor is authorized to grant exceptions to the strict application of this System Facilities Use Policy when he or she determines that granting an exception is in the best interests of NSHE or that the application of this policy to a particular meeting or event will not serve the purposes behind this policy.

12. Disposal of Surplus Equipment

The Chancellor shall establish procedures concerning the disposal of surplus equipment.

13. Equipment Inventory

The Chancellor shall establish procedures concerning the inventory of equipment.
(B/R 6/22)

Section 27. Establishment of Checking Accounts

The Chancellor is authorized to establish imprest zero balance checking accounts and to designate signature authority for all such NSHE accounts at the same bank as the Board of Regents' general account. In areas where a local branch office of the bank used for the Board of Regents' general account is not available, the Chancellor, on behalf of the institutions and in consultation with the Chair of the Board's Investment Committee, may establish imprest zero balance checking accounts with alternative banks, as necessary, until the time such branch offices are available.
(B/R 11/18)

Section 28. The NSHE Estate Tax Fund

The establishment and functioning of an Advisory Committee on the NSHE Estate Tax Fund shall be as follows:

a. Establishment of the Committee
    (1) Regent members should be chosen from different regions of the state.
    (2) Administrators will be appointed before faculty representatives.
    (3) Faculty representatives will be chosen by the senate chairs, with all faculty eligible for membership.
    (4) No administrator and faculty representative may serve from the same campus.
    (5) Neither the two administrators nor the two faculty representatives may be from the same region of the state.
    (6) Neither the two administrators nor the two faculty representatives may be from the same type of institution.
    (7) The student representative will be chosen by student government presidents, with the proviso that no campus and no region may have consecutive terms. It

is preferred that the student representative come from a campus not already represented by an official member. Thus, the student representative is to be the last member selected.

(8) There will be no overlapping terms.

b. Functioning of Committee

(1) The Committee will select its own chair.

(2) Campuses not represented on the Committee may appoint an official observer to attend committee meetings. These observers will receive all official Committee correspondence and materials.

(3) Members may appoint proxies and administrators may send designees to meetings of the Committee.

(4) All meetings of the Committee shall be open. Minutes will be kept and circulated, and the Chancellor's Office will provide staff to the Committee.

(5) The Committee Chair will present Committee recommendations to the Board of Regents.

(a) The Committee will review priorities set by the Board of Regents through the NSHE biennial budget request.

(b) The Committee will recommend priorities for Board consideration when determining the use of projected estate tax revenues.

(B/R 11/96)

Resolution 00-6

Whereas: In 1987, the Legislature wisely committed one-half of the Federal Estate Tax Credit to Higher Education in the State of Nevada, and,

Whereas: The Legislature required that the Estate Tax Credit revenue be invested with the Endowment Fund and accumulated with only limited expenditures until the Estate Tax Fund grew to an amount which would produce $2.5 million annual income, and,

Whereas: It appears that the Congress may eliminate or phase-out the Estate Tax, and,

Whereas: The Nevada System of Higher Education has only a limited permanent endowment for higher education, and,

Whereas: The expenditures from the Estate Tax Fund have often been used for operating expenses, and,

Whereas: The Estate Tax Credit revenue has been extremely volatile, and,

Whereas: The Nevada System of Higher Education has no stable reserves to draw upon during financial emergencies, and,

Whereas: A permanent endowment for Higher Education is an investment in the future of the State of Nevada.

It is hereby resolved by the Board of Regents of the Nevada System of Higher Education and respectfully requested that the Legislature and Governor respect the following policy with regard to the Estate Tax Fund:

The guiding principle for expenditures from the Estate Tax Fund shall be for special programs and initiatives and not for normal operating expenses with a long-term commitment, which are to be phased out over the next three biennia.

That a permanent endowment of the Estate Tax Fund be established at an initial level of $100 million and that fifty percent (50%) of all estate taxes received by the system be added to the permanent Estate Tax Endowment.

That an amount of the earnings on the Permanent Estate Tax Endowment no less than the prior year's inflation rate *(multiplied by the permanent Endowment Base)* be added to the Permanent Estate Tax Endowment annually.

That there shall be no expenditures that invade the principal of the permanent Estate Tax Endowment except in the case of an emergency as declared by the Board of Regents. (B/R 8/00)

Section 29. NSHE Energy and Sustainability Policy

1. The Board of Regents is committed to protecting the environment, reducing the System's dependence on non-renewable energy sources, and promoting the construction, maintenance, and renovation of buildings that are environmentally responsible, economically feasible, and healthy spaces to work and live. Therefore, the Chancellor shall develop procedures and guidelines applicable to NSHE institutions that will address matters including, but not limited to:
    a.) Leadership in Energy and Environmental Design Green building rating system or an equivalent standard adopted by the Director of the Office of Energy;
    b.) Energy and water conservation including the minimized use of non-renewable energy sources and the use of local renewable energy sources; and
    c.) Alternative methods of transportation.

2. The procedure and guidelines developed under Subsection 1 must be approved by the Board of Regents.

(B/R 8/06)

Section 30. Environmental Health and Safety Statement

The following Environmental Health and Safety (EH&S) Statement is applicable to the entire NSHE.

2. The development, implementation, and compliance monitoring of EH&S programs is integral to the NSHE mission. The programs will be structured in such a way that they will become an essential part of campus life. It is the intention of the NSHE Board of Regents that the entire NSHE is a good neighbor in its respective communities with regard to EH&S issues. Each campus and facility is encouraged to maintain an environmental health and safety professional as a permanent member of its professional administrative staff.

3. The authority for the development, implementation, compliance monitoring, and administration of EH&S programs is delegated to the President of each institution. Each institution shall develop programs that best address the EH&S issues specific to that institution. Each institution shall develop an administrative structure to implement EH&S programs in a manner that educates all employees and students and provides knowledge and understanding of the programs. These programs should also consider the health and safety of visitors and the preservation of environmental quality. The EH&S programs shall include, but are not limited to:

    Biological Safety
    Chemical Safety
    Diving Safety
    Driving/Fleet Safety
    Emergency Preparedness, Emergency Response, and Business Continuity/ Recovery
    Environmental Protection
    Ergonomics
    Fire Protection
    Hazardous Materials Management
    Incident Investigation and Prevention
    Industrial Hygiene/Indoor Environmental Quality

Life Safety
Occupational Safety
Radiation Safety
Sanitation

Each institution shall establish oversight, advisory, and compliance programs for monitoring institutional operations and activities, including establishing relations with governmental regulatory agencies.

5. The Board of Regents recognizes the right of NSHE institutions to enter cooperative agreements with each other in order to address all EH&S issues and encourages these activities.

(B/R 12/02)

Section 31. Employee Charitable Donations through Payroll Deductions

1. The Board of Regents desires to provide employees the opportunity to contribute to worthy charitable organizations through payroll deduction in a manner which minimizes disruptions in the workplace, and which does not overburden campus resources. Charitable solicitation campaigns for payroll deduction may be limited to one or more charitable federations at each institution.

2. Each institution shall adopt a policy governing charitable solicitations by payroll deduction in accordance with the following guidelines:
    a. Only federations with local presence representing ten or more organizations will be allowed to conduct charitable campaigns. No individual organization will be granted access.
    b. The organizations represented by the federation must be health, education, or human services agencies recognized under Section 501(c)(3) of the Internal Revenue Code and be eligible to receive tax-deductible contributions under 26 U.S.C. 170.
    c. The federation must distribute at least 70 percent of its total campaign income and revenue to the agencies it supports, and expend no more than 30 percent of its total income and revenue for management, fund-raising, public relations and related overhead costs.
    d. The organizations represented by the federation must provide services, programs and/or support within the state of Nevada.
    e. The federation must be audited annually by an independent certified public accountant, and must publish and make available to the general public an annual report of its activities, accomplishments and expenditures.
    f. The federation and each of its member organizations must operate without discrimination in regard to race, creed, color, age, sex, religion, national origin, handicap, disability or political affiliation.
    g. The federation must honor designated contributions to any 501(c)(3) organizations and may charge a processing fee not to exceed 5 percent plus an amount reflecting the institution's uncollectible rate from the previous year.
    h. Joint, concurrent or staggered campaigns by federations may be allowed if, in the opinion of the institution administration, they do not disrupt the workplace and do not overly burden the institution.

i. Access to payroll deduction by an approved federation may be allowed if the deductions can be accomplished by the payroll system without cost to the institution.
j. If, in the opinion of the President, a single campaign is in the best interest of the institution and the institution's employees have the opportunity to donate to member agencies of any other federation, then the President may limit the annual employee payroll deduction campaign to a single federated group. The selected federated group must provide for distribution of donations to agencies of other federations and to any 501(c)(3) organizations. The selected federated group must provide reasonable representation in promotional literature and promotional activities for other federated groups that meet the requirements of Subsections 2(a-g).
k. Other requirements not inconsistent with these guidelines.

3. The Chancellor shall prepare and publish one or more RFP's that include all the requirements set forth herein and other requirements not inconsistent herewith. The Chancellor shall recommend a charitable federation or federations to the Board of Regents to act as the campaign manager or managers for the annual payroll deduction campaigns at system institutions.

4. The provisions of this Section are intended to govern charitable donations through payroll deductions only and do not in any way limit or affect the otherwise appropriate and approved access of organizations or groups to institutional facilities.

(B/R 12/08)

Section 32. Electronic Payment of Employee Payroll

1. Routine payroll transactions for all permanent and temporary NSHE employees, and NSHE student employees paid from sources other than federal work study funds, will be made by electronic payment. Upon authorization from the student, payroll transactions for NSHE student employees paid from federal work study funds will be made by electronic payment.

2. Electronic payment may include direct deposit, debit cards, or other electronic means to one or more accounts maintained at a United States financial institution in the name of the employee.

3. Initial paychecks, terminal paychecks, corrections, and other special circumstances may be paid by check.

4. The direct deposit/ electronic payroll deposit transaction will not have an associated fee charged to the employee.

5. It is the employee's responsibility to ensure that their bank or financial institution information is current.

6. The appointing authority, or designee, of an institution may approve an exception to Subsection 1 in the following circumstances:
   a. Participation in the electronic payment system by the employee would cause undue hardship or extreme inconvenience; or
   b. The employee does not have an account at a financial institution that accepts direct deposit.

In the case of an exception to Subsection 1, a paper paycheck will be generated. Distribution and the associated costs with preparing the paper paycheck will be the responsibility of the institution and not the employee.

(B/R 9/13)

Section 33. Use of Electronic Approvals

1. The Board of Regents supports the development and use of electronic approval processes to promote efficiency and cost savings. Institutions shall use electronic approval processes in lieu of handwritten approvals whenever possible so long as their use is consistent with, and not prohibited by, any applicable state or federal law or NSHE policy.

2. Institutions shall expeditiously develop procedures to implement electronic approvals and to identify, evaluate, and document exceptions where handwritten approvals shall be required.

3. Regardless of the method for implementing electronic approvals, each method shall support the following functions:
    a. Confidentiality – protect content from unauthorized access, so that only the intended audience can view it.
    b. Authenticity – Assure that the document truly comes from the signer.
    c. Integrity – detect unintentional or malicious alteration.
    d. Maintenance – maintain confidentiality, authenticity, and integrity of the record from origination through the entire business process.
    e. Accessibility – allow access to the document across all platforms.

4. At a minimum, such procedures shall:
    a. Identify the person by position who is authorized to sign, approve, and/or prevent unauthorized actions from being taken as a result of an electronic approval and to ensure an appropriate audit trail.
    b. Follow NSHE policies and procedures applicable to contracts.
    c. Include an appropriate form of user authentication (e.g., username/password, PIN, email verification, or digital certificate) with audit capability.

5. Any individual or party that makes inappropriate or illegal use of electronic approvals is subject to sanctions up to and including suspension, dismissal and criminal prosecution as specified in Board policies and state laws.

(B/R 12/13)

Section 34. Institutional Trade-Out Policy

1. <u>General Policy.</u>
    a. A trade-out is defined as an agreement between an institution or branch of the NSHE on behalf of itself or one of its colleges, departments, events centers, performing arts centers, units, programs, or other such entity (hereinafter referred to as the "institution") and an individual, partnership, corporation, or other such entity for goods or services in exchange for anything of value from the institution, including, but not limited to, advertising, club memberships, sponsorships, or tickets to any event.

b. Each institution shall adopt more specific trade-out policies in order to implement Board policy tailored to the circumstances of each entity that may make use of trade-outs. Institutional trade-out policies shall be in conformity with the Board of Regents' trade-out policy. The adoption, amendment, or repeal of institutional policy shall be on the recommendation of the President and approved by the Board of Regents. Minimally, the institution's policies must address the following areas: establishing new trade-outs; renewing trade-outs; multi-year trade-outs; non-renewal of trade-outs; audit/review; oversight and authorization; form(s) required; procedures for use of trade-outs.
c. Institutional trade-out policies must be in compliance with all applicable laws, regulations, and Board of Regents' policies and must be in the best interest of the institution.
d. All trade-out agreements must be in writing and approved by the President or his or her designee. The authority of a president's designee to execute trade-out agreements must be in writing and signed by the President.
e. Trade-outs are to be used solely for the benefit of the institution and exclusively for business purposes. Any personal use or benefit from a trade-out is prohibited.

2. <u>CSN Performing Arts Trade-Out Policy</u>
   a. A "trade-out" is defined as an agreement between the Performing Arts Center (PAC) and an individual, business or corporation for goods and/or services in return for something of value from the PAC including, for example, advertising, tickets to performing arts events, sponsorships, etc. This includes trade-out of tickets to performing arts events to volunteers who have donated their personal time without compensation to perform services critical to the event.
   b. Trade-out agreements must demonstrate that the value received is of direct and substantial benefit to the College's performing arts event(s) and is of equal or greater value than the value of the trade from the PAC. Trade-outs are to be used exclusively for the PAC business purposes.
   c. Trade-out agreements may be initiated, renewed, provide for terms including duration and cancellation which are consistent with this policy, which are in the best interest of the PAC, and which maximize the opportunity and value of the trade-out. A simplified trade-out accounting form will be used in the instances of event tickets to volunteers donating hours to that event.

(B/R 6/14)

Section 35. Associated Practice Plans

1. Formation of Associated Practice Plans.

   An NSHE institution, with the approval of the Board of Regents, may form a separate nonprofit corporation to provide health care services and supplies to the public in support of the teaching, research, patient care and/or clinical missions of the NSHE institution. Such entities shall be considered "Associated Practice Plans."

2. Non-Applicability of Affiliated Entity Provisions.

   Associated Practice Plans operating pursuant to this section are not subject to the provisions regarding Affiliated Groups and Foundations set forth in Title 4, Chapter 10, Section 10 of the NSHE *Handbook*.

3. Requirements for Associated Practice Plans.

   Each Associated Practice Plan operating pursuant to this section shall do the following:
   a. Form as Nevada Non-Profit Corporation and obtain 501(c)(3) status under the Internal Revenue Code;
   b. Provide in its bylaws requirements for membership and provide, at a minimum, that two (2) members of the board of directors of the Associated Practice Plan shall be appointed by the President of the NSHE Institution; and one (1) or more members of the board of directors of the Associated Practice Plan be a representative of the faculty that actively practices through the Associated Practice Plan.
   c. Comply with any applicable Medicare and Medicaid requirements for the formation and operation of faculty practice plans;
   d. Support of the teaching, research, patient care and/or clinical missions of the NSHE institution through which it is associated;
   e. Enter into an Organized Health Care Arrangement with the NSHE institution for the purposes of the Health Insurance Portability and Accountability Act;
   f. Abide by financial reporting deadlines established by the Board of Regents either through policies established by the Board of Regents or in a contract between an NSHE institution and the Associated Practice Plan; and
   g. Include in its bylaws that upon dissolution of the Associated Practice Plan the assets of the Associated Practice Plan, after satisfying all debts and liabilities, shall be for the benefit of the NSHE institution.

4. Contract between NSHE Institution and Associated Practice Plan.

   Each Associated Practice Plan shall have a contract with the NSHE institution it is associated with that describes the relationship between the NSHE institution and the Associated Practice Plan. The contract must be approved by the President of the NSHE institution and the Chancellor and, at a minimum, must include the following:
   a. Provisions governing financial transactions, financial reporting, and accounting practices of the Associated Practice Plan, including that an annual independent financial audit of the Associated Practice Plan be conducted and an annual report be publicly presented to the Board of Regents;
   b. Provisions setting forth the use of shared resources between the Associated Practice Plan and the NSHE institution, including facilities and operational support; and
   c. Provisions establishing that any amendment(s) to the bylaws of the Associated Practice Plan must be reviewed by the President of the NSHE institution and the Chancellor prior to the effective date of the amendment(s).

5. Permitted Activities of an Associated Practice Plan.

   Each Associated Practice Plan may engage in business activities permitted by applicable law and regulations, which may include:
   a. Billing, collecting and disbursing all patient revenues and other revenues earned by the operations;
   b. Contracting with an NSHE institution and/or NSHE-employed faculty, resident physicians and/or staff for the provision of services and assignment of clinical revenues;
   c. Entering into contractual arrangements, including partnerships or joint ventures with medical facilities, managed care organizations, networks of health care providers, government agencies or other healthcare organizations or entities;

d. Establishing, managing and operating one or more networks of healthcare providers;
e. Creating non-profit subsidiary corporations or other non-profit entities as may be necessary or desirable;
f Employ and/or contract for clinical and administrative staff members to support the operation; and
g. Establishing rules of practice, quality measures, compliance programs and other standards with which those persons providing services through the Associated Practice Plan, including NSHE-employed faculty, resident physicians and/or staff, must comply.

6. Status of Associated Practice Plan as Separate Legal Entity. Subject to this Section and any contracts between an NSHE Institution and an Associated Practice Plan, each Associated Practice Plan shall be a separate nonprofit corporation under the control of its own board of directors. The Board of Regents, NSHE, and an NSHE institution shall not be liable for any third-party contracts, obligations, debts, and liabilities of an Associated Practice Plan. This notwithstanding, in accordance with the Nevada limited waiver of sovereign immunity provisions set forth in NRS Chapter 41, and when acting in the performance of their duties and within the scope of their employment, NSHE-employed faculty, resident physicians and/or staff shall be considered public employees of NSHE and the cost of defense and payment of claims or judgments shall be made on their behalf through insurance policies or NSHE funds maintained for that purpose, unless the public employee is determined to have acted in a willful or wanton manner.

(B/R 12/19)

Title 4 - Codification of Board Policy Statements

Chapter 11

DESERT RESEARCH INSTITUTE (DRI) BUSINESS MANAGEMENT

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Section 1. General Policy

1. The Desert Research Institute (DRI) is a unique institution among the institutions of the NSHE. It is exclusively designed to foster, encourage and promote pure and applied research for industry, government, educational organizations and the public in general. Given the nature of its operation and non-state sources of funding, its fiscal and personnel policies and procedures must differ significantly from those policies and procedures which are applicable to the other institutions of the NSHE, a fact which is recognized and mandated by the Legislature in *Nevada Revised Statutes (*NRS) 396.7953 through NRS 396.7955.

2. Specifically, the Board of Regents affirms that, consistent with state law, compensation packages for DRI's executive and professional employees may be established, with Board of Regents' approval, with incentive and/or merit components that are separate and distinct from the other institutions of the NSHE.

3. In conformance with NRS 396.7953, the Board of Regents hereby specifically states and declares that DRI is not bound by, among other provisions, NRS 286.3007.

(B/R 10/94)

Section 2. Financial Program Statements

1. The Desert Research Institute shall annually develop detailed program statements by related functional groups.

2. Such statements shall be submitted through the usual budget review channels.

(B/R 6/05)

Section 3. Employment of Aliens

Subject to the concurrence by the Board of Regents in each case, the Desert Research Institute may pay the salaries of resident alien employees from State appropriated funds. (B/R 12/67)

Section 4. Contingency Fund

1. There is hereby created the Desert Research Institute Contingency Fund.

2. The purpose of such fund is to provide for the continuation of programs and staff when funding from other sources is imminent or highly probable, but formal notification of funds has not been received or contracts assigned.

3. Disbursement from such Contingency Fund shall be made upon approval of the President of the Desert Research Institute.

4. All funds drawn from the Desert Research Institute Contingency Fund shall be reimbursed. Such reimbursement shall be made from the grant funds received on the project making the request. Otherwise, such reimbursement shall be made from the Desert Research Institute operating funds.

(B/R 6/05)

Section 5. Accounting and Personnel

1. All Desert Research Institute monies shall be deposited with the Treasurer of the University and he or she shall cause appropriate funds to be established for proper accounting.

2. Monies used for Desert Research Institute administration shall be subject to the estimative budget procedure.

3. Each Desert Research Institute project shall be accounted for in conformity with the regulation of the granting agency.

4. The Board of Regents may deviate from established regulations relating to the appointment of, salaries for, and regulations governing professional members of the Desert Research Institute staff, upon the recommendation of the President thereof.

5. Nonprofessional staff of the Desert Research Institute may be under the technical service, at the discretion of the President.

6. Employees of the Desert Research Institute shall observe all state laws and NSHE regulations concerning travel, except that (a) in-state rental of vehicles from non-state sources is permissible; and (b) travel may be reimbursed per federal government regulations when travel is reimbursed by non-state appropriated funds.

(B/R 6/05)

Section 6. Purchasing

Desert Research Institute purchases may be made:

1. In conformity with general NSHE purchasing procedures, or

2. By use of a special purchase order form, initiated by the principal investigator, which shall:

   (a) Inform vendors that the purchase is made under special NSHE purchasing regulations and not under the State Purchasing Act.

   (b) Not be processed through the NSHE Buyer or the State Purchasing Division.

   (c) Clear the NSHE accounting office for encumbrance purposes.

   (d) Be accompanied by a memorandum of justification when required by the President.

3. When requested, the NSHE Purchasing Office shall furnish such information as may be possible concerning vendors and prices.

(B/R 6/05)

Section 7. Project Files

The Chancellor shall establish procedures concerning the maintenance of the Desert Research Institute's project files.
(B/R 12/04)

Section 8. Inventory of Equipment

All equipment assigned to the Desert Research Institute shall be inventoried and subject to the same controls as all other NSHE equipment.
(B/R 3/65)

Section 9. Indirect Cost Recovery

1. Indirect cost or overhead monies generated by Desert Research Institute research projects shall be distributed as follows:

   (a) Ninety-five percent of all such recovery to be paid into a fund for use by DRI for any purpose justifiably chargeable to such indirect cost funds; and

   (b) The remaining five percent of such indirect cost recovery to be paid into a separate fund for use by principal investigators.

2. Expenditures of monies shall be subject to the same provisions as other Desert Research Institute expenditure of grant funds.

(B/R 6/05)

Section 10. Appropriated Funds

All monies appropriated by the Legislature for purposes of the Desert Research Institute shall be expended in compliance with State law and Board policy.
(B/R 3/65)

Section 11. Confidentiality of Contracts

Nevada Revised Statutes 396.7951authorizing the creation of the Desert Research Institute states that one of the purposes for establishing DRI is conducting of applied research for industry, governmental or private agencies or individuals. The objective is two-fold: first, to be of assistance to private and governmental agencies; and secondly, to produce additional revenue to further the purposes of the Desert Research Institute. The Desert Research Institute

is authorized and encouraged to develop private research contracts. Where the needs of the contract require that the results of the research be held confidential, a clause preserving such confidentiality may form a part of the contract and the preservation of such confidentiality in prior or future contracts is expressly ratified and approved by this Board. All contracts for applied research with private industry shall, at a minimum, provide sufficient revenue to cover the cost to the NSHE.
(B/R 5/75)

Section 12. Compensated Outside Professional Services

(For NSHE General Policy, See Title 4, Chapter 3, Sec. 8)

1. Under conditions set forth below, limited professional services rendered by a Desert Research Institute (DRI) faculty member to organizations or individuals outside of DRI for compensation is recognized as a legitimate, and often desirable, activity for a faculty member.

2. Outside professional or scholarly service as contemplated by this section shall not adversely affect the performance of the faculty member in regard to his or her obligation and duties to DRI. A faculty member is to perform compensated outside professional activities on his or her own time. For the purposes of this section, compensated outside professional or scholarly service does not include work conducted as part of the regular duties of, or the professional responsibilities of, the faculty member, such as serving on a national review board.

3. No faculty member may undertake outside professional or scholarly service that would result in a conflict of interest with his or her assigned duties. Conflict of interest means any outside activity or interest that may adversely affect, compromise, or be incompatible with the obligations of an employee to the institution.

4. DRI faculty members performing compensated outside professional or scholarly service are subject to the code of Ethical Standards of the State of Nevada (*Nevada Revised Statutes (*NRS) 281A.400-281A.480 and 281A.500-281A.660), which governs the conduct of public officers and employees.

5. A faculty member may not perform an official act on behalf of the institution that directly benefits a business or other undertaking in which he or she either has a substantial financial interest or is engaged as counsel, consultant, representative, agent, director, or officer. This prohibition is not intended to limit a faculty member's ability to enter into a contract between a governmental entity, the institution, and a private entity to the extent authorized by, and in conformity, with NRS 281.221(3), NRS 281.230(3), NRS 281A.430(3), the Board of Regents Intellectual Property Policy (Title 4, Chapter 12, Sections 1-8), and the Board of Regents Conflict of Interest Policy (Title 4, Chapter 10, Section 1.7).

6. For the purpose of this section, potential conflicts of interest include a faculty member's involvement in transactions or decisions on behalf of an institution, in which the faculty member knows that benefits accrue to individuals in the faculty member's household, persons to whom the faculty member is related by blood, adoption or marriage within the third degree of consanguinity, or persons with whom the faculty member has substantial and continuing outside business relationships.

Relationships within the third degree of consanguinity or affinity are defined as:

(a) The faculty member's spouse, child, parent, sibling, half-sibling, or step-relatives in the same relationship;
(b) The spouse of the faculty member's child, parent, sibling, half-sibling, or step-relative; or
(c) The faculty member's in-laws, aunt, uncle, niece, nephew, grandparent, grandchild, or first cousin.

7. Except as otherwise provided in this section a full-time faculty member engaged in providing compensated outside professional service shall provide advance notification and request approval in writing to his or her supervisor, i.e., the executive director of the division or the appropriate vice president if not in a division, of the nature of the work to be performed, the company/organization for which the work will be performed, and the amount of his or her time likely to be involved. The request must be approved in advance by the supervisor within 10 working days and shall indicate that the intended compensated outside professional service is not in conflict with any obligations currently incurred or assumed by the Institute. Activity in new areas not presently a regular part of the DRI efforts will not be considered to be in conflict even if DRI subsequently moves into such work. Individual requests to perform outside professional or scholarly service shall be considered confidential personnel documents pursuant to Title 2, Chapter 5, Section 5.6.2. of the Code.

   DRI may establish an expedited pre-approval process for notification of certain compensated outside professional or scholarly activities that are for a short-period, determined to be routine or standard, and compensated at $3,000 or less per activity. Such services must be identified within the written pre-approval process established by DRI and may include activities such as service on a national panel, speaking engagements as allowed by the institution, and reviewing manuscripts.

8. When a supervisor believes that a faculty member's consulting activities conflict with the faculty member's obligations to the institution or other obligations of the institution, the supervisor shall inform the faculty member of these concerns and negotiate a mutually acceptable course of action. If a mutually acceptable course of action cannot be negotiated, the faculty member or the supervisor may request the DRI Senate to appoint a panel of three DRI professional members to hear and evaluate the evidence and make a recommendation to the president. The president will review the recommendation and render a final decision. The president may require the faculty member to cease performance of existing obligations while the faculty member remains a DRI employee.

9. Any faculty member performing outside professional service shall inform those who engage him or her that the faculty member is not acting in the name of the DRI and that the DRI is neither a party to the contract nor liable for any actions of such faculty member.

10. In negotiating for a contract or any contract activities for outside compensated professional service, a faculty member shall not use DRI stationery or forms in any manner.

11. Faculty members performing compensated outside professional or scholarly service are subject to the Board policy on personal use of System property or resources *(Title 4, Chapter 1, Section 25)*. A faculty member working independently on an outside compensated contract shall not use DRI facilities, equipment or personnel not available to members of the general public unless such use is authorized in advance by the supervisor. Reimbursement of any added direct costs to DRI shall be in accordance with Title 4, Chapter 1, Section 25.

12. A faculty member working independently on his or her own time may obtain patents or copyrights on the results of his or her work, providing DRI resources were not used in the preparation of the inventions or copyrighted work.

13. It is the responsibility of each full-time faculty member to report outside compensated services in a timely manner and to certify the accuracy of the disclosures. Failure to disclose outside compensated services in a timely and accurate manner constitutes a basis for disciplinary action under Title 2, Chapter 6 of the Code. Records are to be kept annually by each supervisor of all approved consulting activities.

14. The Desert Research Institute shall publish an annual report regarding compensated outside professional or scholarly service completed by its full-time faculty, as aggregate data, and approved by the institution in accordance with the provisions of this section. This report will verify that all potential conflicts of interest have been reviewed and approved in accordance with the provisions of this section. A summary of these reports will be sent to the Board of Regents annually.

(B/R 6/14)

Section 13. Selection of Peer and Aspirational Institutions for DRI

1. At least every three years, the Desert Research Institute will recommend a list of three comparison peer institutions and no more than three aspirational institutions. Peer institutions will serve as the basis of comparison for outcomes in areas such as grants awarded, research expenditures, and other relevant metrics, particularly those associated with the NSHE strategic plan. Aspirational institutions will represent the general characteristics of the desired future state for DRI's strategic goals.

2. The recommended comparison peer institutions may include public and/or private entities that are similar to DRI in terms of characteristics, including but not limited to research revenue as reported to the National Science Foundation Higher Education Research and Development (HERD) survey, scientific productivity, size in terms of personnel, sponsorship and general research topic areas (e.g. basic and applied environmental research). The recommended aspirational institutions may include public and/or private entities and have characteristics that reflect DRI's strategic direction and reflect the institute's aspirational goals.

3. The recommended list of comparison peer and aspirational institutions will be submitted to the Chancellor's Office for review and feedback. Following review by the Chancellor's Office, peer and aspirational institutions will be submitted to the Board for approval.

(B/R 9/21)

Title 4 - Codification of Board Policy Statements

Chapter 12

INTELLECTUAL PROPERTY, RESEARCH, AND ENTREPRENEURIAL ACTIVITY

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Section 1. Preamble

1. The Nevada System of Higher Education (NSHE) is dedicated to teaching, research, and the extension of knowledge to the public. The Personnel at its institutions recognize as two of their major objectives the production of new knowledge and the dissemination of both old and new knowledge. A byproduct of these objectives is the conception, authorship, development and creation of Intellectual Property and the publication of scholarly works. Such activities seek to a. contribute to the professional development of the individuals involved, b. enhance the reputation of the institutions concerned, c. provide additional educational opportunities for participating students, and d. drive economic development within the State, e. foster entrepreneurial activity, innovation and commercialization, and f. promote the general welfare of the public at large.

2. Intellectual Property often comes about because of activities of NSHE Personnel through association, employment or Significant Use of NSHE Resources. It becomes significant, therefore, to ensure the utilization of such Intellectual Property for the public good and to expedite their development, marketing and commercialization. The rights and privileges of NSHE and its institutions must be preserved, as well as the incentive of the Personnel to further encourage and stimulate teaching, research, creative and scholarly activity, service and the extension of knowledge to the public.

3. The Board of Regents acknowledges that Personnel regularly prepare for publication, usually through individual effort and initiative, articles, pamphlets, books, and other scholarly works that may be subject to copyright and that may generate income. Publications may also result from work supported either partially or completely by the institution. With the advent of innovative techniques and procedures, the variety and number of materials that might be created in a higher education community have increased significantly, causing the ownership of such Works to become increasingly complex.

4. The foregoing considered, the Board of Regents of NSHE does hereby establish the following policy with respect to Intellectual Property and restricted access research for which NSHE Personnel are contributing participants.

(B/R 6/17)

Section 2. Definitions

1. “Commercial Value” means something that may be commercialized or offered for sale as determined by the institution.

2. “Course Materials” includes, but is not limited to:
    a. Materials prepared for use in teaching, in any form, including distance education courses;
    b. Digital, print, audio, and visual materials, or any combination thereof; and
    c. Documents related to course approval by relevant authorities, lectures, lecture notes and materials, syllabi (except for courses designated in accordance with institution policy adopted pursuant to Section 5.2.b), study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, web-ready content, and educational software (without commercial value).

3. "Intellectual Property" is a category of property, which are creations of the mind and their embodiment; the tangible and intangible result of research (including but not limited to data, lab notebooks, charts, biological material, cell lines and samples), compilations and original works of art, literature or music and includes Inventions and Works, Trademarks and Trade Secrets.

4. "Inventions" shall refer to all innovations, discoveries, technological advances, compilations, potentially patentable computer software, tangible research property, trade secrets and proprietary information, mask works, processes, methods, uses, products, or combinations of any of the foregoing, whether or not patented or patentable at any time under the U.S. Patent Act, as now existing or hereafter amended or supplemented.

5. "Net income" is defined as any consideration, including but not limited to cash, equity, royalties received by NSHE from NSHE owned Intellectual Property, less any administrative fees set by the institution, and less all payments or obligations directly attributable to patenting, copyrighting, marketing, licensing, protecting, maintaining, defending, enforcing and administering the Intellectual Property.

6. "Personnel" refers to part-time and full-time members of the faculty, staff, research and graduate assistants, employed students, residents and all other agents and employees, visitors, volunteers, and undergraduate and graduate students and postdoctoral fellows of NSHE.

7. “Significant Use of NSHE Resources” means more than de minimus, unreimbursed use of NSHE resources (including, for example, funding, Personnel time, property, equipment, facilities, supplies, other resources or Intellectual Property owned by or paid for through NSHE). “Significant use of NSHE Resources” includes the efforts and/or time of Personnel to the extent NSHE has compensated or will compensate Personnel for such efforts and/or time.

   Significant Use of NSHE Resources does not include the use of property, equipment, facilities, supplies or other resources that NSHE makes available to the general public (for example, library facilities or resources) or to Personnel (for example, the occasional and infrequent use of office furnishings, office supplies, computers, communications equipment, and administrative support).

   NSHE institutions may adopt stricter or more specific written criteria and guidelines regarding Significant Use of NSHE Resources.

8. “Trademark” is defined under both state and federal law. Under state law, Trademark is defined as “any word, name, symbol or device, or any combination of them” that identifies and distinguishes the source of the goods made or sold by one party from those of others. In addition, “service marks” are used to identify and distinguish the source of a service rather than goods and “trade names” are used to identify a business, occupation or vocation and distinguish it from others. Under the federal Trademark Act of 1946, a Trademark is defined in 15 United States Code Section 1127 as a word, name, symbol, device or any combination thereof that is used by a person in commerce, or which a person intends to use in commerce and which may be registered, to identify and distinguish goods from those manufactured or sold by others, and to indicate the source of the goods.

9. "Traditional Scholarly and Creative Works" are:
    a. Original works of authorship, including by not limited to books, journal articles, texts;
    b. Lectures, musical or dramatic compositions, published or unpublished scripts;
    c. Films, filmstrips, charts, transparencies, and other video or audio broadcasts;
    d. Course Materials, including but not limited to, distance education courses or programmed instructional materials; and
    e. Other materials or works of artistic or creative imagination and works of students created in the course of their education such as exams, theses or dissertations, papers, and articles.

10. "Trade Secrets" are defined in NRS 600A.030(5) as "information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that:
    a. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and
    b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

11. "Work(s)" means any original work of authorship or creation that can be protected under copyright law, the Semiconductor Chip Protection Act or any statute enacted in the future that governs the protection of intellectual property and is based on principles similar to the principles governing copyright.

12. "Work Made for Hire" is defined by the Copyright Act of 1976 (17 USC Section 101 et seq), and is used herein, as a work prepared by Personnel within the normal scope of employment.

(B/R 6/17)

Section 3. Determination of Significant Use of NSHE Resources and Ownership of Intellectual Property

The determination of Significant Use of NSHE Resources and/or ownership of Intellectual Property will be made by the Intellectual Property Administrator in consultation with the Personnel creating the Intellectual Property and the dean, chair or equivalent supervisor of the Personnel creating the Intellectual Property. If the Personnel disagree with the decision of the Intellectual Property Administrator, the opportunity for an appeal must be provided in accordance with the institution's Intellectual Property policy.

Generally, Intellectual Property will not be considered to have been developed using Significant Use of NSHE Resources if:

1. Only a minimal amount of Personnel's work time, unrestricted funds or facilities and equipment have been used;
2. The Intellectual Property has been created outside of the course and scope of the employment of Personnel;

3. The Intellectual Property:
    a. Is developed by a student as part of a course; and
    b. The course description states that Intellectual Property developed by students as part of their course work shall belong to the students, except as provided in Section 4.2.c herein below.

(B/R 6/17)

Section 4. Ownership by NSHE of Intellectual Property Other Than Traditional Scholarly and Creative Works

1. Invention Disclosure. An invention disclosure must be submitted on a form prescribed by the institution, when Intellectual Property (other than Traditional Scholarly and Creative Works):
    a. Has been conceived, created, or developed; or
    b. Upon request from the institution.

    An invention disclosure must be made before Intellectual Property is disclosed or transferred:
    a. To any other party outside of NSHE;
    b. To the public generally;
    c. For commercial purposes; or
    d. Before any presentations or publication regarding the Intellectual Property.

    In the event there is a question as to whether the NSHE has an ownership claim to Intellectual Property, the Intellectual Property must be disclosed by Personnel to the NSHE institution. Such disclosure shall be without prejudice to the Personnel's ownership claim. Ownership of such Intellectual Property shall be determined in accordance with Section 3 hereinabove.

2. Determination of Rights and Equities. Determination of rights and equities in Intellectual Property shall be as follow s:
    a. NSHE Ownership. Except as may otherwise be specified in an agreement between NSHE and Personnel in writing, Intellectual Property shall belong to NSHE if conceived, created, developed or reduced to practice (where necessary to perfect): (1) by Personnel as a result of the Personnel's duties, (2) by agreement with a non-NSHE party, or (3) through Personnel's Significant Use of NSHE Resources.
    b. Personnel Ownership. Personnel acquire ownership in Intellectual Property which: (1) is not conceived, created, developed or reduced to practice in the course and scope of Personnel's employment or subject to the terms of agreements with research sponsors or other third parties, and (2) does not involve the Significant Use of NSHE Resources administered by NSHE.
    c. Student Ownership. Except as otherwise provided herein below, NSHE shall not claim ownership of Intellectual Property created by students using NSHE resources in connection with classwork and available to all students in the course, if the student is not paid by NSHE or any third party, and the class or project is not supported by a corporation, government grant or contract or other third party.

        Intellectual Property first conceived, created, developed, or reduced to practice in sponsored graduate research will be owned by NSHE and shall be subject to NSHE policies and procedures governing Intellectual Property.

d. Sponsor-Supported Efforts. Any agreement with a non-NSHE party that may result in the conception, creation or development of any Intellectual Property must be brought by Personnel to the attention of the appropriate administrators of the constituent institution and either obtain a written waiver of NSHE rights or otherwise modify the agreement to conform with these policies, as is determined by the institution in its discretion. The agreement under which Intellectual Property may be produced may contain specific provisions with respect to disposition of rights to such Intellectual Property in conformance with this policy, and state and federal law. In those cases where income is received by the institution from the disposition of the Intellectual Property conceived, created or developed under the agreement, such income shall be dispersed according to Sections 7.1(c) and 8. The nature and extent of participation in income, however, shall be subject to NSHE institution policies and procedures, as well as the terms of the agreement.

(B/R 6/17)

Section 5. Ownership of Traditional Scholarly and Creative Works

1. Faculty and Student Traditional Scholarly and Creative Works. Except as may be otherwise provided herein, NSHE claims no ownership in any Traditional Scholarly and Creative Works of Personnel or of students.

2. Limited Exceptions. For Traditional Scholarly and Creative Works, an institution policy, set forth in the institution Bylaws may provide for limited exceptions to Personnel ownership of Traditional Scholarly and Creative Works as follows:
   a. The granting of a perpetual, royalty free, non-exclusive license to the institution to use certain Works owned by Personnel for education, research, commemorative or promotional use; and
   b. Ownership by the institution of certain Course Materials made as a work for hire or as designated in accordance with the institution Bylaws.

3. NSHE Sponsored Agreements or NSHE Funds.
   a. NSHE owns all rights, intellectual and financial, in Works authored or created in the course of scholarly projects specifically funded for that purpose by NSHE sponsored agreements or other NSHE funds. Such Works may include the creation of Course Materials that are specifically commissioned for the use of the institution. The creation of such Works and NSHE's ownership rights must be set forth in a written agreement with Personnel.
   b. Prior to signing any agreement with a non-NSHE party that may result in or which deals with Works, where any NSHE time, facilities, materials, Personnel, or resources are involved, NSHE Personnel must bring the proposed agreement to the attention of the Intellectual Property Administrator of the constituent institution for review, negotiation and binding signature in accordance with its copyright procedures and either obtain a written waiver of NSHE rights or otherwise modify the agreement to conform with these policies as is determined by the institution at its direction.

4. Computer Software. Any potentially patentable computer software regardless of the form of expression or object in which it is embodied, together with any user manuals or other relevant documentation, and any computer database that is developed under or subject to any agreement between NSHE and any third party, with the use of direct or indirect financial support from NSHE, or with significant use of NSHE resources shall be owned by NSHE.

Ownership of copyright in any computer software not patentable as defined by 35 USC Section 101 shall be retained by the author subject to provisions regarding ownership of commissioned works and works created in the normal scope of employment described herein.

5. NSHE Commissioned Works. Under the copyright laws of the United States, commissioned works of non-employees are owned by the author/creator and not by the commissioning party. Unless there is a written agreement to the contrary, NSHE Personnel must, require NSHE commissioned contractors to agree in writing that ownership to copyrightable materials is assigned to NSHE. Such Works shall be considered Works Made for Hire and NSHE shall own the copyrights. Examples of Works which NSHE may commission non-employees to prepare are:
    a. Illustrations or designs.
    b. Artistic works.
    c. Architectural or engineering drawings.
    d. Forwards and introductions.
    e. Computer software.
    f. Reports by consultants or subcontractors.

6. Instructional Recordings. Any videotaping, broadcasting, or televising of classroom, laboratory, or other instruction, and any associated use of computers, must be approved or authorized in accordance with an institution policy developed in consultation with the faculty.

7. NSHE Obligations. NSHE in all events shall have the right to perform its obligations with respect to Copyrightable Works, data, prototypes, and other Intellectual Property under any contract, grant, or other arrangements with third parties, including research agreements, license agreements, and the like.

8. NSHE Resources. Except as otherwise provided in Title 4, Chapter 12, NSHE resources are to be used for NSHE purposes and not for personal financial gain or personal commercial advantage.

(B/R 6/17)

Section 6. Equity Interests in Private Companies

Equity ownership in a company or developing business venture may be agreed to as part of an agreement for commercialization of an NSHE-owned Intellectual Property and Works. However, any such agreement must be reviewed and approved by the System General Counsel to ensure that pursuant to the special fund doctrine the equity interest does not violate the provisions of the Nevada Constitution, Article 8, Section 9, and to ensure that the agreement contains appropriate provisions to protect the state, the institution and institution foundation from liability for the debts of the company or developing business venture. Institution foundations, research foundations, other institution affiliated non-profit entities or companies wholly-owned by any of those entities may be entitled to own such equity interests under the special fund doctrine.

(B/R 6/17)

Section 7. Administration

Institutional procedures for the development of Intellectual Property are as follows:

1. Institution Policies and Procedures and Intellectual Property Administrator. Each institution of NSHE is required to develop policies and procedures for handling Intellectual Property. The Intellectual Property policies and procedures must be consistent with the requirements set forth in Title 4, Chapter 12 and must be submitted to the Chancellor for approval. Each President shall appoint one institutional officer, an Intellectual Property Administrator, who is responsible for the administration and disposition of Intellectual Property.

   It will be the duty of the Intellectual Property Administrator, in accordance with the institution policies and procedures, to determine ownership of Intellectual Property and Works, develop terms of agreements with non-NSHE parties, inventors and authors/creators, and to resolve disputes among co-inventors and co-authors/co-creators. Detailed operational guidelines and procedures for the administration of these responsibilities shall be established by each institution.

2. Intellectual Property Committee. Each President may appoint an Intellectual Property Committee. The Committee shall work with the Intellectual Property Administrator in accordance with the institution Intellectual Property policies and procedures.

3. Net Income Sharing. When net income is to be shared, all net income received by the constituent institution on Intellectual Property and Works subject to this policy shall be divided with the Personnel conceiving, authoring, creating or developing such Intellectual Property and/or Works in accordance with Section 8, it being understood that if there should be a plurality of Personnel, the portion accruing to the Personnel will be distributed on an equal share basis unless specifically agreed otherwise in writing by all the Personnel. The Personnel, at or before the time of filing for formal protection of any Intellectual Property or Work, or at the request of the institution, must agree in writing to any other terms and conditions negotiated with the institution. In the case of a plurality of Personnel, all the Personnel must sign the same agreement.

4. Institution Implementation Options. Each institution may elect any of the following options regarding Intellectual Property.
   a. Commercialization Through 501(c)(3) Entity. Each institution may license, assign or convey any right, title, or interest it may have in Intellectual Property to a 501(c)(3) entity, including an affiliated nonprofit corporation as set forth in Title 4, Chapter 10, Section 10 of the Board of Regents Handbook, if the 501(c)(3) entity is:
      i. created for the sole benefit of the institution;
      ii. obligated to act at all times in the best interests of the institution;
      iii. prohibited from pledging funds of the Board of Regents, NSHE, the institution, or the State of Nevada;
      iv. directed to use its best efforts to commercialize Intellectual Property and to conduct any commercialization and related activities in compliance with all applicable state and federal laws, including the “Bayh-Dole Act,” as set forth in 35 U.S.C. §§ 200-212; and

iv. required to fully indemnify and hold harmless the Board of Regents, NSHE, the institution, and State of Nevada, and their officers, employees, and agents from and against any and all liabilities, judgements, and/or expenses, including attorney fees, arising either directly or indirectly, from any act or failure to act regarding the commercialization of Intellectual Property with third parties.

b. Third Party Transfers. To promote commercialization of the Intellectual Property, the 501(c)(3) entity may license, assign or convey any right, title, or interest in its Intellectual Property to a thirty party. Any such transfer must have the consent of the Intellectual Property Administrator and the institution's President and occur pursuant to a written agreement that is both reviewed by the institution's General Counsel and expressly contains the following condition: the third party must diligently pursue and use its best efforts to commercialize the Intellectual Property and the 501(c)(3) entity may revoke the transfer if it determines that the third party is failing to use its best efforts.

c. Conveyance To Faculty. If an institution determines that it has no interest in the commercialization of Intellectual Property, upon the approval of the Intellectual Property Administrator and the institution's President, it may convey the Intellectual Property to one or more faculty members who created the Intellectual Property to manage and develop it as a private venture. Any such conveyance must be pursuant to a written agreement reviewed by the institution's General Counsel and provide for an agreed-upon sharing of value received for the conveyance between the institution and the faculty member(s).

d. Release To Public Domain. If an institution determines that it is in its best interests, upon approval of the Intellectual Property Administrator and the institution's President, it may release or abandon Intellectual Property to the public domain.

5. TEACH Act Compliance. In the implementation of its policies and procedures with regard to distance education courses, each institution shall require compliance with all federal copyright laws, including the provisions of the TEACH Act, 17 U.S.C. Sec. 110(2). In accordance with the TEACH Act, the institution's policies on distance education should include, among other things, provisions regarding: a. limitations on use of copyrighted materials; b. limiting access to materials to enrolled students; c. use of copyrighted materials as part of mediated instructional activities; d. providing informational materials to students, faculty and staff members regarding copyright laws; e. providing notice to students that course materials may be subject to copyright laws; f. limitations on digitizing of analog works; g. limiting retention of copies of materials; h. preventing unauthorized further transmission of digital materials; and i. non-interference with technological measures taken by copyright owners to prevent retention and distribution.

6. Assignment of Ownership. Each Personnel does hereby assign and agree to assign any Intellectual Property to NSHE for which NSHE has an ownership interest pursuant to this policy. All newly hired and current Personnel who participate in the development of Intellectual Property, which is owned by NSHE in accordance with Title 4, Chapter 12, are required to assign, through a written instrument, all ownership and any other interest in the Intellectual Property to NSHE.

(B/R 9/19)

Section 8. Distribution of Income

Except as may be provided in a written agreement to the contrary including agreements entered into pursuant to NRS 231.1593 (Knowledge Fund), the distribution of Net Income from Intellectual Property shall be as follows: The Personnel shall receive not less than 60 percent of the net income from each Intellectual Property. The Personnel' academic unit or department shall receive not less than 25 percent of the net income, and any remaining income shall go to the institution. Unless otherwise agreed to in writing, equity received as consideration (partial or in full) for rights to Intellectual Property shall be held on behalf of the Personnel, and upon a liquidation event for that equity, the Net Income received shall be distributed in accordance with this paragraph.
(B/R 6/17)

Section 9. Periodic Reporting

Periodically or upon request, each NSHE President or his or her designee shall report to the Board of Regents on the status and outcomes of institutional research endeavors.
(B/R 6/17)

Section 10. Restricted Access Research

The Board of Regents through NSHE institutions is committed to the creation and dissemination of knowledge. Further, the Board recognizes the importance of open intellectual communication within a research group, within an NSHE institution, and within the community at large. Recognizing that NSHE institutions are dedicated to academic freedom and to the public documentation and dissemination of the knowledge that they create, a free and open academic environment is an essential element in fulfilling research and educational missions. Policies or practices that inhibit the free exchange of ideas, by limiting scholarly interchange, can markedly restrain both the advancement of knowledge and its productive use.

In meeting this commitment, NSHE faculty may find it important to engage in research in the national interest where restrictions may be imposed on access to, documentation, and dissemination of information. In these cases, the specific research may be characterized as "classified" or "restricted access." Restrictions on these projects create potential conflicts with the academic values of NSHE institutions.

This policy does not attempt to anticipate all possible concerns about restricted access research. In some cases, decisions will need to be made about specific research projects to which the application of particular policy guidelines are not clear. In choosing to accept or decline such projects, an institution must weigh the potential of a project for generating and disseminating new knowledge for the benefit of society, against the project's potential for adversely affecting the climate for research conducted in a free and open environment. While this policy sets no explicit limits on the extent of classified research permitted by an NSHE institution, it is not the intent of the policy to encourage an institution to engage in classified research as a primary ongoing activity.

1. Restricted access research includes proprietary, sensitive but not classified, and classified research, unless otherwise provided.

2. The President shall develop policies and procedures for all restricted access research that include provisions for oversight of research projects by the President or his or her designee, appropriate project controls, and guidelines for the release and dissemination of project results, including preliminary results. These procedures must be reviewed by the chancellor and published by the institution. Copies of the policies and procedures must be lodged with the Secretary of the Board upon adoption by the institution, and whenever modified thereafter.

3. The President or his or her designee may enter into contracts with confidentiality clauses where such clauses protect from public disclosure only that information defined as restricted access by Board policy and in accordance with the guidelines of the Board and institution for accountability and dissemination of research results.

4. NSHE auditors and legal staff shall have access to materials related to restricted access research, excluding classified research, as is appropriate and germane to the performance of their jobs.

5. The President or his or her designee must have the appropriate security clearance for the oversight of classified research.

(B/R 6/07)

Section 11. Institutional Research and Entrepreneurial Activity

The Nevada Board of Regents and the Nevada System of Higher Education support and encourage efforts by faculty and staff to advance research, technology commercialization, industry engagement, and the entrepreneurial goals of the institution, as well as the objectives set forth in the State Economic Development Plan and the Knowledge Fund created pursuant to Nevada Revised Statutes 231.1592, and similar activities. These efforts must include the vigorous pursuit of related federal, state and industry-sponsored research, entrepreneurial and economic development opportunities.

In support of these efforts, Presidents shall ensure institutional procedures, policies and protocols establish and sustain a culture that promotes and incentivizes these research and entrepreneurial goals and activities. On a periodic basis, Presidents shall evaluate existing institutional procedures, policies and protocols and make provisional changes as necessary to comply with this Section. Areas of evaluation should include, but are not limited to, the following:

1. Transparent, expeditious, and informed review of conflict of interest issues, particularly as they affect research and entrepreneurial activity;

2. Methods of increasing faculty awareness and incentivizing faculty to participate in NSHE and institutionally supported research and entrepreneurial activities through performance evaluations, workload adjustments, and leave opportunities;

3. Faculty recruitment plans that include provisions for attracting and retaining faculty active in research and entrepreneurial activity;

4. Consulting policies that allow for and encourage research and entrepreneurial activity;

5. Transparent, expeditious, and informed review and processing of contracts related to research and entrepreneurial activity;

6. Policies and procedures related to intellectual property that are related to or support research and entrepreneurial activity; and

7. Recommendations for policies or changes to policies adopted by the Board of Regents to support research and entrepreneurial activity.

Presidents shall report upon request to the Board the findings and actions taken as a result of this evaluation.
(B/R 6/17)

Tile 4 – Codification of Board Policy Statements

Chapter 13

PARKING AND TRAFFIC REGULATIONS

Deleted in its entirety in 06/04; see General Policy Statement, Title 4, Chapter 1

Title 4 - Codification of Board Policy Statements

Chapter 14

NEVADA SYSTEM OF HIGHER EDUCATION PLANNING, PROGRAM REVIEW, ARTICULATION AND ENROLLMENT POLICIES

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Section 1. General Guidelines for Physical Master Plans to be Incorporated into the NSHE Master Plan

The Chancellor shall establish guidelines for the incorporation of Campus Physical Master Plans into the Nevada System of Higher Education (NSHE) Master Plan.
(B/R 12/04)

Section 2. New Campus and Branch Campus Instructional Sites

1. NSHE institutions may extend their respective services to students and to the general public through multiple sites. If two or more institutions offer services to students at the same site, the institutions shall work together to ensure there is no unnecessary duplication of services and to ensure the needs of students and the general public are met.

2. All new campus and branch campus instructional sites must be approved by the Board of Regents. Requests for approval should include:
    a. Evidence of need and demand for student enrollment,
    b. Special workforce development needs, a plan for resources to support the site,
    c. Evidence that the instructional needs cannot be met by distance education or services of another NSHE institution, and
    d. A rationale for the site within the Institutional Master Plan.

3. The establishment of satellite programs and public school sites do not require the approval of the Board of Regents if they are included in the approved campus Master Plan and if all fiscal arrangements are approved as required.

4. Instructional Sites: The criteria to be used in developing instructional sites shall be established by the Chancellor and approved by the Board of Regents.

(B/R 9/16)

Section 3. Institutional Strategic Plans

1. The NSHE Master Plan establishes goals, targets, and philosophical directions for the future of all higher education institutions within the NSHE. To ensure progress toward System goals, each NSHE institution shall have an institutional strategic plan that clearly reflects the overarching goals of the System plan while also setting forth more specific goals, targets, and directions based on the institution's overall mission.
    a. Community Colleges – Each NSHE community college will emphasize responsiveness to the programmatic needs of its service region while simultaneously striving to fulfill the Board approved community college mission of university transfer, applied science and technology, business and industry partnering, developmental education, community service, and student support service programs within its respective service region.

b. State College – Nevada State College will offer a wide range of baccalaureate programs and selected masters programs designed to meet the general needs of the State of Nevada and the specific needs of the southern region of the state. Special emphasis will be placed on addressing the state's need for highly skilled teachers and nurses as well as to developing partnerships with Nevada's public school system and the state's health care providers. The College will assist in addressing Nevada's need for increased access to higher education for recent high school graduates as well as for transfer and returning students.

c. Universities – The University of Nevada, Las Vegas and the University of Nevada, Reno shall each offer a wide array of academic programs at the undergraduate and graduate levels, as well as research and public service programs to serve their respective regions, the state and the nation. Each institution shall strive to complement the other through its programs and through cooperative inter-institutional activities with one another and when appropriate with the State College and the Desert Research Institute. The universities shall further strive to avoid unnecessary duplication of academic, research, and public service programs.

d. Desert Research Institute – The Desert Research Institute will conduct basic and applied research at the state, national and international levels for effective management of environmental resources, for continued development of Nevada's economy, and for providing increased educational opportunities for Nevadans. The Institute will undertake cooperative academic and research programs with the universities and, when appropriate, with the community colleges and State College.

2. Institutional strategic plans and mission statements for each NSHE institution, including the Desert Research Institute, shall be presented for consideration to the Board of Regents at least every seven years and will cover a planning period of up to seven years. Updates concerning progress toward major goals and the revision of existing goals may come before the Board at any time during the seven year planning period as determined appropriate by the institution.

3. On a biennial basis each institution shall present for consideration to the Academic, Research and Student Affairs Committee its plans for new degree programs, student services and research activities for a planning period of four years in the NSHE Planning Report pursuant to Nevada Revised Statutes 396.505. Planned associate, baccalaureate, master's, and doctoral programs must be included. An institution must disclose to the Chancellor's Office any plans for new degree programs that have not been included in the Planning Report prior to submitting for Board of Regents approval.

4. If an institution desires to develop new academic programs outside of the normal planning schedule, a statement of intent, need, and relationship to the system master plan and current institutional strategic plan must be provided to the Academic, Research and Student Affairs Committee for action prior to presenting the formal request for a new program. The format for this statement shall be established by the Vice Chancellor for Academic and Student Affairs.

(B/R 3/21)

Section 4. Selection of Peer and Aspirational Institutions for Teaching Institutions

1. At least every three years, NSHE teaching institutions will recommend a list of three comparison peer institutions and no more than three comparison aspirational institutions. Peer institutions will serve as the basis of comparison for outcomes in areas such as student retention rates, graduation rates, awards conferred, research productivity, and other relevant metrics, particularly those associated with the NSHE strategic plan. Aspirational institutions will represent the general characteristics of the desired future state, for the institution's strategic goals.

2. The recommended list of comparison peer institutions must include public institutions only and come from the most recent annual IPEDS Data Feedback Report. Comparison peer institutions must be selected due to similarity with the NSHE institution, based on characteristics including but not limited to 12-month full-time equivalent (FTE) enrollment, percent of undergraduate students receiving a Pell Grant, academic program mix, urban/rural location, and/or percent of faculty who are full-time. Aspirational institutions shall be recommended by the institution in consultation with the Chancellor and shall include public institutions only.

3. The recommended list of comparison peer and aspirational institutions will be submitted to the Chancellor's Office for review and feedback. Following review by the Chancellor's Office, peer and aspirational institutions will be submitted to the Board for approval.

4. This Section does not apply to Desert Research Institute.

(B/R 9/21)

Section 5. Institutional Mission Statements

The Board of Regents has adopted the institutional mission statements as follows:

1. <u>UNIVERSITY OF NEVADA, LAS VEGAS (UNLV) MISSION STATEMENT</u>

   As a minority-serving institution rich with diversity and committed to equity, UNLV:

   - provides access to world class educational experiences that are responsive to the needs of our students and stakeholders;
   - engages in groundbreaking research, scholarship, professional, and creative activities that have impact and cross boundaries; and
   - offers high value, cutting-edge interdisciplinary physical and mental health care to support our community.

   We create value for the individuals and communities we serve by fostering a climate of innovation, stimulating economic diversification and workforce development, promoting social justice and inclusion of all voices, and enriching cultural vitality.

2. UNIVERSITY OF NEVADA, RENO (UNR) MISSION STATEMENT

Inspired by its land-grant foundation, the University of Nevada, Reno provides outstanding learning, discovery, and engagement programs that serve the economic, social, environmental, and cultural needs of the citizens of Nevada, the nation, and the world. The University recognizes and embraces the critical importance of diversity in preparing students for global citizenship and is committed to a culture of excellence, inclusion, and accessibility.

3. DESERT RESEARCH INSTITUTE (DRI) MISSION STATEMENT

We are a home for science to create a better future for the people of Nevada and the world. We implement our mission through shared governance and by fostering diverse talent.

4. NEVADA STATE COLLEGE (NSC) MISSION STATEMENT

At Nevada State College, excellence fosters opportunity. Excellence in teaching leads to innovative, technology-rich learning opportunities that promote the acquisition of interdisciplinary knowledge and skills. Quality, affordable degree programs open doors to career success and an enhanced quality of life for a diverse population of students. Our graduates, in turn, foster the greatest opportunity - the promise of a stronger community and a better future for all of Nevada.

5. COLLEGE OF SOUTHERN NEVADA (CSN) MISSION STATEMENT

The College of Southern Nevada empowers our students and communities to achieve, succeed, and prosper.

6. GREAT BASIN COLLEGE (GBC) MISSION STATEMENT

Great Basin College enriches people's lives by providing student-centered, post-secondary education to rural Nevada. Educational, cultural, and related economic needs of GBC students are met through programs of university transfer, applied science and technology, business and industry partnerships, developmental education, community service, and student support services in conjunction with certificates and associate and select baccalaureate degrees.

7. WESTERN NEVADA COLLEGE (WNC) MISSION STATEMENT

Western Nevada College contributes to solutions for the 21st century by providing effective educational pathways for the students and communities of Nevada.

8. TRUCKEE MEADOWS COMMUNITY COLLEGE (TMCC) MISSION STATEMENT

Create a future you will love with accessible, innovative educational opportunities at TMCC. Together we can make it happen.

(B/R 3/22)

Section 6. Review of New and Existing Academic Programs and Established Certificates

1. A review of existing academic programs shall be conducted by the universities, State College, and community colleges on at least a ten-year cycle to ensure academic quality, and to determine if need, student demand, and available resources support their continuation pursuant to the following.
    a. The review of existing programs must include multiple criteria. Although criteria may vary slightly between campuses, as institutions have different missions and responsibilities, there should be comparable data from all programs. The review must include both quantitative and qualitative dimensions of program effectiveness, and peer review.
    b. Criteria to be utilized in the review of existing programs shall include the following: quality, need/demand for the program, relation to the institutional mission, cost, relationship to other programs in the System, student outcomes, and quality and adequacy of resources such as library materials, equipment, space, and nonacademic services.
    c. An annual report will be published by the institution on the results of existing program evaluations and a summary of that report will be forwarded to the Chancellor's Office and presented to the Academic, Research and Student Affairs Committee annually. When the annual report is presented to the Committee, at least two teaching institutions selected by the Chancellor's Office will also present in detail the reviews conducted for at least one program. The presentation by each institution shall include, but is not limited to, the institution's process for evaluating existing programs generally, indications of quality, whether the program is meeting employer expectations, improvements in student learning outcomes, and any action steps identified based on the review of the program and the status of the action steps.

2. New programs at the universities, State College, and community colleges shall be reviewed following the first, third and fifth year of the program's existence. The criteria for review shall be established by the Vice Chancellor for Academic and Student Affairs and must include a report comparing originally projected enrollments and expenses to actual first, third and fifth year figures.

3. On an annual basis, the Academic Affairs Council shall report to the Academic, Research and Student Affairs Committee the following certificates that were established in the year prior to reporting:
    a. Certificates of at least 30 credit hours; and
    b. Certificates of less than 30 credit hours that provide preparation necessary to take state, national and/or industry recognized certification or licensing examinations.

4. Desert Research Institute - A five-year cycle will be used for the review of all DRI research programs. A report will be published on the results of program evaluation and a summary of that report will be forwarded to the Chancellor's Office and presented to the Academic, Research and Student Affairs Committee. Additional reports or status reports on DRI research programs outside of the five-year cycle may be brought forward at any time at the discretion of the Institute.

5. In addition to the review process established in this Section, the Board or a President may initiate additional program reviews as deemed necessary.

(B/R 3/16)

Section 7. Low-Yield Academic Program Review

1. Each President, in consultation with the faculty senate, shall develop procedures for reviewing academic program productivity at least every three years in accordance with the provisions of this Section.

2. Academic programs that are at least 10 years old shall be designated as low-yield if the number of degrees granted is below the following levels:
    a. Associate programs must award at least twenty degrees in the last three consecutive years. Certificate programs in the same field may be considered in the evaluation of the associate program productivity.
    b. Baccalaureate programs must award at least twenty degrees in the last three consecutive years.
    c. Master's and doctoral programs must jointly award at least eight degrees in the last three consecutive years.

3. Academic programs designated as low-yield shall be reviewed in consultation with the Faculty Senate within three years of the program reaching these thresholds to determine whether there are sufficient factors to support the program's continuation or merger with other programs. In accordance with the provisions of this chapter, the institution may recommend to the Board the elimination of the program, in which case every effort shall be made to allow current students to graduate and faculty to be placed in other programs if feasible.

4. A program may be exempted from the low-yield designation if it meets any of the following criteria. The program is:
    a. Is central to the educational or research mission of the institution or partnering institutions vested in the program;
    b. Meets a demonstrated workforce or service need of the state or geographical region served by the institution, including any projected future needs of the state or region;
    c. Demonstrates an increase in student demand through a pattern of increasing enrollment of majors;
    d. Demonstrates productivity in the receipt of external grants and contracts related to the program;
    e. Supports underrepresented student or community groups; or
    f. Meets other criteria as defined by the institution.

5. The President shall report annually to the Chancellor all programs designated low-yield and the results of the institutional review process of such programs.

(B/R 9/17)

Section 8. Addition or Change of New Degrees, Majors, Programs, Departments, Schools or Colleges

1. It is the policy of the Board of Regents that before any new degree, major, program, school, college, center, institute, or other organizational unit may be added, such proposal must be approved by the Board of Regents. Internal administrative changes, including but not limited to the addition or elimination of departments, do not require approval by the Board of Regents.

2. Each President is responsible for completion of institutional review procedures. Following that, proposals will be forwarded to the Office of Academic Affairs in the Chancellor's Office prior to the Board of Regents' meeting to allow for review by the Academic Affairs Council, which will submit recommendations to the Chancellor for action by the Board of Regents.

3. The format for consideration of new programs shall be provided by the Vice Chancellor for Academic and Student Affairs. Program proposals for new degree programs must indicate that the proposing institution consulted NSHE institutions with the same or similar programs.

4. An institution shall not accept or enroll students into an academic program until such program is approved by the Board of Regents pursuant to this Section.

5. Institutional affiliation agreements and other collaborative arrangements with non-NSHE degree-granting higher education institutions shall be submitted to the Chancellor and Board of Regents for review and approval at least three months prior to the date of intended implementation, if the agreements involve any of the following:
    a. Joint offering of academic degree programs;
    b. A commitment of institutional resources such as personnel, physical space, or finances; or
    c. A physical presence of a non-NSHE higher education institution on the campuses or instructional sites of NSHE universities, the State College, community colleges, or the Desert Research Institute.

    Agreements with non-NSHE degree-granting higher education institutions that do not meet the requirements of this Subsection do not require submission to the Chancellor and Board of Regents for review and approval.

6. Articulation or other collaborative academic agreements between two-year and four-year degree granting institutions or between two four-year institutions within the NSHE do not require Board review and approval. Articulation agreements with K-12 that involve dual high school credit do not require Board review and approval.

7. For purposes of this Section:
    a. “Center” or institute” means an organizational unit focusing primarily on research and scholarly activity where services are typically unrelated to internal administrative operations.
    b. “College” means a collection of departments, which can include schools, that grant degrees in particular fields (may also be known as a division).
    c. “Department” means a division of a school or college focused in a particular academic area.

d. “Organizational Unit” means a school, college or division, center, or institute.

e. “School” means a unit that is generally associated with a professional degree.

(B/R 3/21)

Section 9. Condensed Format for Consideration of Existing Program Changes

The Vice Chancellor for Academic and Student Affairs shall establish a format for consideration of 1) changes in existing academic programs such as changes in degree titles, administrative structure, or major objectives; 2) reorganization of existing departments, schools or colleges; or 3) the creation of a new organization from existing units.
(B/R 12/04)

Section 10. Community College Baccalaureate Degree Proposal Development and Review Process

1. The NSHE Master Plan provides for “selected niche baccalaureate degrees” at community colleges in order to satisfy the needs of a wide range of Nevada students while promoting the goals of the Master Plan. However, it is not the intention of the NSHE for community colleges to abandon their community college mission to transform into State Colleges. Each proposal must address this issue in both a cultural and organizational context.

2. At an early stage of development, a community college wishing to offer a baccalaureate degree shall discuss the proposal with the Chancellor, primarily in terms of the program’s relationship to the NSHE Master Plan and other institutional planning that may be occurring. The proposal must be included in the NSHE Planning Report required pursuant to *Nevada Revised Statutes* 396.505 and Title 4, Chapter 14, Section 3 of the *Handbook* before proceeding to the Council of Presidents.

3. The Chancellor shall review the initial proposal with the Council of Presidents and submit any recommendations from the Council of Presidents to the community college wishing to offer the baccalaureate degree.

4. After the review by the Council of Presidents, the sponsoring institution shall prepare a formal written program proposal with supporting data and evidence that responds to criteria established by the Office of the Chancellor. The review of the proposal will follow established NSHE procedures for new program proposals.

5. This Section does not apply to a proposal for a Bachelor of Applied Science (BAS) degree, which is a four-year occupationally specific degree intended to respond to the needs of the workforce.

(B/R 3/19)

Section 11. Review of New Study Abroad Student Programs

Formal Study Abroad programs, International Programs, affiliations or consortiums that involve students or faculty in another country for educational purposes in which academic credit is granted, shall be submitted to the NSHE Academic Affairs Council for a recommendation to the Chancellor for approval. The Chancellor shall establish procedures for such review.
(B/R 12/04)

Section 12. Deletion of Degrees, Majors, Programs, Schools, Colleges, Centers or Institutes

1. It is the policy of the Board of Regents that the deletion of any degree, major, program, school or college, center, institute or other organizational units must be approved by the Board of Regents if the Board's approval was required for its implementation in accordance with Title 4, Chapter 14, Section 7. Internal administrative changes, including but not limited to the elimination of departments, do not require approval by the Board of Regents.
    a. Proposals for deletions, other than those internal administrative changes as specified above, will be forwarded to the Office of Academic and Student Affairs in the Chancellor's Office prior to the Board of Regents' meeting to allow for review by the Academic Affairs Council, which will submit recommendations to the Chancellor for action by the Board of Regents.
    b. The format for proposed deletions shall be provided by the Vice Chancellor for Academic and Student Affairs.

2. The Board of Regents shall have the power to terminate or delete any degree program, major, department, school, or college, and shall consult with the appropriate President before such termination.

(B/R 12/19)

Section 13. NSHE Policy on Student Assessment

The Board of Regents requires that an appropriate plan of regular student educational assessment be developed by each institution. Plans should be based upon institutional mission and should be developed with multiple assessment approaches. Among other activities, regular regional accreditation review will provide an overall assessment of the institution. Plans should reflect the mix of programs and types of students. Assessment approaches may vary at each institution; however, the universities, State College, and community colleges should work together to develop common approaches, where appropriate.

The Chancellor's Office, with the institutions, will develop appropriate measures of student persistence and performance, collect and monitor these data on a statewide basis, and make periodic reports to the Board of Regents.
(B/R 12/02)

Section 14. Distance Education

The term “distance education” means a formal educational process in which the majority of the instruction occurs when the student and instructor are separated by geographic distance or time. Instruction may be synchronous or asynchronous. Distance education may employ correspondence study, audio, video, or other electronically mediated technologies.

NSHE credit and noncredit courses may be offered through the use of distance education technologies. The following guidelines shall be used to assure academic quality for distance education courses offered for academic credit applicable toward a certificate or degree:

1. In accordance with the appropriate standards for institutional accreditation, the quality of distance education courses must be equal to or exceed that of on-campus courses. Distance education courses are subject to all applicable institutional policies and procedures to ensure quality.

2. Faculty members assigned to distance education courses may be provided with incentives, as deemed appropriate by the institution.

3. Each NSHE institution will be expected to provide appropriate instructional support to ensure quality of its distance education course offerings.

4. Each distance education course shall promote and exhibit current best practices and procedures for distance learning. This involves pedagogy, design, and delivery, including but not limited to adequate provisions for instructor training, instructor-student communication, assessment, and equivalent access to all appropriate student services that are available to on-campus students, including such services as academic advising, counseling, library and other learning resources, tutoring services, and financial aid.

5. Each distance education course must provide the opportunity for timely interaction between the student and the instructor**,** or a member of the instructional team responsible for the course**,** regarding the student’s progress. This may include (1) an orientation session or sessions at the beginning of the course; (2) periodically scheduled guidance or tutoring sessions during the semester either on an individual basis or in a group setting; and (3) provision for access by the student for advice or consultation with the faculty member. These interactions may occur either as traditional face-to-face sessions or may be assisted through technology.

6. Distance education materials produced outside or within the institution must be evaluated and selected in accordance with standard instructional procedures for course development and instruction.

7. The institution offering a distance education course will receive the student FTE’s enrolled in the course. If the course incurs costs to partner institutions *(e.g., marketing, registration, technology support)*, a “sharing protocol” should be completed prior to the course being offered to identify costs that must be reimbursed among parties.

8. Each campus will establish a protocol for determining costs or services to be paid by each partner when courses or programs are shared among institutions. The protocol will include, but not be limited to, sharing of special student fees, payment of facilitators and other services, responsibilities for marketing the course and recruiting students, advising, and other support. The protocol will be updated regularly.

9. Distance education courses will be developed in accordance with the following principles:
    a. Address state needs;
    b. Operate programs collaboratively and share resources, if appropriate;
    c. Base program decisions on documented student or citizen need;
    d. Work with constituent groups (e.g., K-12 school districts, employers, industry representatives) to identify and prioritize the most pressing educational needs;
    e. Use a combination of technologies, as appropriate to support curricular needs and student learning styles;
    f. Ensure that academic plans influence the expansion of the technical infrastructure;
    g. Provide essential support services to students;
    h. Build institutional and system capacity to address more needs through distance learning;
    i. Be accountable to the Legislature and the public for their use of state resources and the quality and appropriateness of their services; and
    j. Partner with or broker programs from out-of-state institutions, where appropriate.

10. Each campus may develop policies and procedures for the approval of distance education courses and programs.

11. When institutional funds are used to purchase distance education equipment, that equipment is owned by the institution. Institutions accepting ownership of distance education equipment also accept responsibility for maintenance and service of that equipment.

    When distance education equipment owned by an institution is located at a non-NSHE site or such equipment is shared with non-NSHE institutions, a Memorandum of Understanding *(MOU)* shall be completed. The MOU will clearly specify the responsibilities of each party and what level of funding each party provides to support the equipment and related charges.

12. When distance education equipment is purchased by System Computing Services *(SCS)* for the support of NSHE institutions, the ownership of that equipment shall be retained by SCS, in addition to the responsibility for the maintenance, servicing, and operation of that equipment.

13. Oversight of scheduling and switching of interactive video is the responsibility of SCS. SCS will work with institutional representatives, particularly in regards to installation, connectivity, and transmission.

(B/R 9/16)

Section 15. NSHE Articulation Coordinating Committee and Institutional Articulation Coordinators

1. The Board of Regents is committed to establishing a seamless system for transfer and articulation that promotes student success and helps students move easily from institution to institution as they progress toward their educational goals.

2. A NSHE Articulation Coordinating Committee is hereby established to review and evaluate current transfer and articulation policies and formulate additional policies to help and promote the success of transfer students.
    a. The Articulation Coordinating Committee shall report to the Chancellor.
    b. The Articulation Coordinator for each institution appointed in accordance with this Section shall serve as a member of the NSHE Articulation Coordinating Committee.
    c. The Vice Chancellor for Academic and Student Affairs, or his/her designee, is a member of, and serves as the chair of, the Committee.

3. The charge of the Articulation Coordinating Committee shall be set by the Chancellor and includes but is not limited to the following tasks:
    a. Recommend to the Chancellor and the Board of Regents proposed policies regarding transfer and articulation and conduct a continuing review of transfer and articulation practices.
    b. Provide administrative oversight of the NSHE Common Course Numbering System established in accordance with Section 16 of this Chapter, including but not limited to communicating curricular changes and periodic review of course offerings to ensure that students can readily transfer from one NSHE institution to another.
        i. The Articulation Coordinating Committee may establish System-Wide Discipline Committees that shall include institutional faculty representatives of the disciplines.
        ii. As required, the System-Wide Discipline Committees must review the course offerings within their respective disciplines system-wide periodically or at least once every 10 years to determine common versus unique courses and make the appropriate changes to ensure that students are able to readily transfer courses from one institution to another.
    c. In accordance with this Section, on a case by case basis, review institutional decisions in student appeals regarding the transfer and/or articulation of transfer credit.
    d. Develop a statewide postsecondary articulation and transfer manual that provides an overview of Board policies governing transfer and articulation at NSHE institutions, including the NSHE Common Course Numbering System, and an outline of the transfer process at each institution for NSHE and non-NSHE students.

4. Articulation Coordinators
    a. Each university, State College, and community college President will designate an Articulation Coordinator who will serve on the NSHE Articulation Coordinating Committee. The Articulation Coordinator should have a comprehensive knowledge of the issues and policies, protocols and processes related to articulation and transfer. A list of institutional Articulation Coordinators will be maintained by the Chancellor's Office and made available on the NSHE System website and each institution's website.
    b. The Articulation Coordinator, or his/her designee, will serve as the initial point of contact at each institution for individuals seeking transfer/articulation information or support and will assist students with problems in transfer, and provide current information on the transferability of courses and articulation to degree requirements.
    c. Articulation Coordinators will work with deans and department chairs to ensure a timely articulation decision on any course submitted for transfer.

5. Review of Final Institutional Decisions of Student Appeals
    a. A student may submit a request for review to the Chair of the Committee only after the student exhausts all appeals processes available at the institution and receives written notification of the decision in accordance with Section 17 (Transfer Courses and Student Appeals) of this Chapter. The Committee shall establish a form by which to submit the request for review.
    b. Upon receipt of the request for review from the student, the Chair of the Committee, in a timely manner, shall:
        i. Consult with the Articulation Coordinator for the institution to verify the institutional decision and may request documentation justifying the institutional decision to deny the transfer of credit or articulation of credit to the student's degree, major or college requirements; and
        ii. Forward the request for review to the NSHE Articulation Coordinating Committee for further review if the consultation with the Articulation Coordinator does not resolve the request for review in favor of the student.
    c. Upon receipt of a request for review from the Chair of the Committee, the Articulation Coordinating Committee shall review the institutional decision in a timely manner and report on its review regarding the student's institutional appeal. Before transmitting its findings to the Chancellor, the Articulation Coordinating Committee may establish a discipline committee to review the institutional decision. If a discipline committee is established:
        i. The discipline committee shall include one faculty representative from the discipline from each institution, or if an institution does not have that discipline, a related discipline from the institution.
        ii. The Chair of the Committee shall facilitate review by the discipline committee.
        iii. The representative from the institution that made the final decision on the student's appeal must be allowed to present and explain the rationale for the institutional decision.
        iv. The discipline committee shall evaluate in a timely manner the rationale for institutional decision and notify the Articulation Coordinating Committee whether it agrees or disagrees with the institutional decision.

d. Upon receipt of the review from the Articulation Coordinating Committee, the Chancellor may transmit the review findings to the institution and may request further consideration based on the findings of the Articulation Coordinating Committee.
e. The Chair of the Articulation Coordinating Committee shall notify the student and the Articulation Coordinator for the institution of the findings from the request for a review.

6. The Chancellor may establish procedures governing the Articulation Coordinating Committee in accordance with this Section.

7. The Chancellor's Office will report periodically to the Board of Regents on the status of transfer and articulation of courses at NSHE institutions, including requests received by the institutions for evaluation of courses for transfer and articulation and the outcome of those requests; and the number of requests for review referred to the Articulation Coordinating Committee and the outcome of those requests.

(B/R 3/18)

Section 16. NSHE Transfer and Admissions

Transfer students to the State College and universities may be admitted under the following alternatives:

1. Associate of Arts (AA), Associate of Science (AS), and Associate of Business (AB) Degree Graduates

The primary basis for admission to upper-division study with full junior status of transfer students from an NSHE community college to any other NSHE institution shall be the associate of arts, associate of science, and the associate of business degrees.

a. The completion of the associate of arts, associate of science, and associate of business degree at a community college automatically fulfills the lower-division general education requirements at any other NSHE institution.
b. Associate of arts, associate of science, and associate of business graduates will have completed a minimum of 60 credits of baccalaureate level courses.
c. Baccalaureate students who have completed NSHE associate of arts, associate of science, or associate of business degree shall complete a minimum number of credits at the accepting NSHE institution. This minimum number shall be set by the baccalaureate degree granting institution.
d. Baccalaureate level courses included as part of the associate of arts, associate of science, or associate of business degree will transfer to any other NSHE institution at a minimum as general elective credit.
e. All baccalaureate academic majors at a university or college must have current transfer agreements with NSHE community colleges. These agreements must provide clear information for community college students as to those courses that will transfer efficiently to another NSHE institution within each major. Information on these agreements must be available to all students on each campus.

f. Transfer agreements shall be developed collaboratively by both the baccalaureate degree-granting institution and the associate degree-granting institution for each baccalaureate program where a corresponding associate program exists. Absent a corresponding associate program, the transfer agreement shall be based on the general transfer degree (AA, AS or AB with no emphasis or major). A co-admission agreement, as authorized under Chapter 16, may be established to accommodate course requirements and potential reverse transfer pursuant to this Chapter. Transfer agreements must include a year-by-year outline of course requirements, including general education and degree requirements, in which the course of study leading to the baccalaureate degree includes the first two years coursework that will result in completion of the requirements for an associate degree. The first two years of the year-by-year outline shall not include upper-division coursework (300-400), unless approved by the Vice Chancellor for Academic and Student Affairs.

g. Transfer agreements must disclose when lower-division courses required for the major are not offered at the community college and must indicate the four-year institution where such courses may be taken for the purpose of meeting the associate degree requirements through reverse transfer.

h. Transfer agreements shall be updated to reflect any changes made in baccalaureate majors or associate degree requirements as they occur.

i. The receiving institution will evaluate all university and college parallel courses attempted at the community college *(and any other educational institution attended)* and compute an overall admission grade point average in accordance with the institution's transfer policies.

j. For associate of arts, associate of science, and associate of business graduates, if the overall transfer grade point average computed by the receiving institution is less than a 2.0 grade point average, the student shall be placed on probationary status until such grade point deficiencies are corrected.

2. Other Associate Degrees

Other associate degrees and certificates may be awarded by a community college for programs that have requirements different from the associate of arts, associate of science, associate of business, or a primary objective of transfer. A student with an associate degree other than an associate of arts, associate of science, or associate of business is not guaranteed junior status at a receiving institution.

3. Associate of Applied Science and Bachelor of Applied Science Degrees

a. The Bachelor of Applied Science degree is a four-year occupationally specific degree that is intended to respond to the needs of the workforce. A student with an Associate of Applied Science degree in a program approved by the Board of Regents seeking a Bachelor of Applied Science degree is guaranteed junior status upon transfer to another applicable NSHE institution.

b. Transfer agreements must include a year-by-year outline of course requirements, including transfer general education and degree requirements, in which the course of study leading to the Bachelor of Applied Science degree includes the first two years coursework that will result in completion of the requirements of an associate of applied science degree.

4. Non-Associate Degree Admissions
    a. Approved baccalaureate level courses shall be transferable to another NSHE institution at a minimum as general elective credit.
    b. Community college students should be strongly encouraged to complete their lower-division programs and an associate degree before transfer, but qualified students may apply for transfer at their own discretion.
    c. An applicant who does not satisfy university admission requirements upon graduation from high school must complete the equivalent of 24 semester credits in baccalaureate level courses with an overall grade point average of at least 2.50 at a community college or other accredited institution and must place into college-level English and mathematics courses or have completed college-level English and mathematics prior to transfer to qualify for university admission.
    d. An applicant who does not satisfy State College admission requirements upon graduation from high school must complete the equivalent of 12 semester credits in baccalaureate level courses with an overall grade point average of at least 2.00 at a community college or other accredited institution to qualify for State College admission.
    e. A course with a "D-" grade or better will be accepted for transfer provided the institution specific overall grade point average established in Subsections c. and d. above is maintained. Transfer courses with a "D-" grade or better will count towards a bachelor's degree in the same manner as "D-" grades or better obtained by students enrolled in the lower-division at a State College or university. Credits from courses transferred with a "D-" grade or better count towards credit earned for a baccalaureate; however, it is at the discretion of the department or college offering the major as to whether courses with "D-" grades in the major satisfy requirements in the major field.

(B/R 3/21)

Section 17. Course Numbering

1. All undergraduate courses in the NSHE must be common-course numbered with equivalent courses offered throughout the System. To be assigned a new and unique course number at least 20 percent of the proposed course content must be unique and not found in a current or pending course within the NSHE.

   Any additions or changes to undergraduate course prefixes, numbers, titles, and/or credits must follow the procedures established by the Vice Chancellor of Academic and Student Affairs and may not be included in class schedules or catalogs until written approval is received from the Department of Academic and Student Affairs.

2. The NSHE Articulation Coordinating Committee shall provide administrative oversight of the NSHE Common Course Numbering System.

3. An NSHE common course numbering master file shall be maintained by the Office of the Chancellor and published on the Web.

4. Each NSHE institution shall list and update the requirements for each program leading to the bachelor's degree and publicize these requirements for use by all other institutions in the state.

5. Each NSHE institution shall include in its official catalog of undergraduate courses a Section stating all lower-division prerequisites for each upper-division specialization or major program.

6. A system-wide course numbering rubric for all institutions shall be maintained so that baccalaureate transfer courses are clearly identified for student reference prior to registration under the following general course numbering parameters:

a.	Remedial/developmental courses	001-099
b.	Lower-division courses	100-299
c.	Upper-division courses	300-499
d.	State College graduate courses	500-699
e.	University graduate courses	500-799

7. Community colleges may utilize a B suffix for course numbers to alert students that the course may be non-transferable for a NSHE baccalaureate degree.

8. Within the student information system, non-transferable courses and courses that are transferable for a bachelor's of applied science degree only must be appropriately identified for students and advisors during the registration process.

9. Professional schools may establish their own distinct course numbering rubric that extends beyond the numbering rubric set forth under Subsection 6.

(B/R 3/18)

Section 18. Transfer Courses and Student Appeals

1. A transfer course is one that is acceptable by a receiving NSHE institution to apply toward an approved degree program at that institution.

2. All baccalaureate level courses are transferable. In general, a baccalaureate level course is one that is commonly offered by a regionally accredited four-year educational institution as being applicable toward a bachelor's degree. Some courses within an AAS degree may be applicable only toward a BAS degree if that degree is offered by the receiving institution.

3. Each institution shall determine the acceptability of general elective transfer courses, and departmental, college, or other requirements or equivalents shall be forwarded to the appropriate department or college for course evaluation. If general elective credit from a non-NSHE institution is granted by one NSHE institution, then all NSHE institutions shall accept the credit unless the facts on which the original decision was based have changed. Appropriate consultation with the faculty is required throughout the evaluation process.

4. A receiving institution shall not require a transfer student to take examinations to validate credit in those courses that are approved as transferable.

5. Application of credits toward degree requirements is the responsibility of the college and department in which the student is seeking a degree. Validation of course content may be required when lower-division courses are used to satisfy upper-division curricular requirements.

6. Pursuant to *Nevada Revised Statutes* 396.568, an NSHE institution shall not require a student to repeat a course on transfer to a university or State College if an equivalent course was taken and successfully completed at any other NSHE institution, except for programs that have defined a time limit for completion.
    a. Each NSHE institution shall evaluate military transcripts pursuant to Title 4, Chapter 14, Section 21.
    b. Student Appeals
        a. If the institution denies the transfer of credit or the articulation of the credit to the student's degree requirements, the student may appeal the institutional decision.
            i. Each institution shall establish an appeal process that must be made available to all students and posted on the institution's website.
            ii. Courses identified as non-transferrable in the student information system or the originating institution's catalog are not subject to appeal.
            iii. The institution shall notify the student in writing of the final outcome of the appeal and, if transfer credit or the articulation of credit is denied, the reason for the denial.
        b. After all institutional appeal processes are exhausted, a student may submit a request for review of the final institutional decision to the NSHE Articulation Coordinating Committee in accordance with Section 14 of this Chapter.

(B/R 3/18)

Section 19. Reverse Transfer

1. Reverse transfer is a degree-completion opportunity for students who have started their education at a community college and transferred to a four-year NSHE institution prior to the completion of an associate's degree. Course credits may be transferred from the university or college to the community college for the purpose of meeting the requirements for an associate's degree.

2. In order to ensure that all students who start at the community college have the opportunity to complete the baccalaureate degree in the same number of credits as those who start at a university or college, if lower division courses required in the major are not offered by the community college, the university or college shall either offer the courses at the community college or establish a reverse transfer agreement with the community college. If on a case-by-case basis, specific baccalaureate degrees appear unable to be articulated by either method, the NSHE Department of Academic and Student Affairs shall resolve the impasse.

3. Periodically, the System Office or the four-year institution will provide to the community colleges a list of students previously enrolled who earned at least 15 credits at the respective community college and have recently transferred to a university or State College and have accumulated at least 60 college-level credits. The list will include the student's name and universal identification number *(NSHE ID)* for the purpose of the community college contacting the student regarding the options for reverse transfer of courses to encourage students to earn an associate's degree. In consultation with the respective university or State College, the community college will develop a form to be signed by the student authorizing the release of one transcript to the community college.

(B/R 9/11)

Section 20. System General Education Requirements

1. Associate of arts, associate of science, associate of business, and baccalaureate graduates must complete a minimum program of general education requirements defined as follows:

General Education Courses	Credits	
English	3-6	Freshman level English Composition including English 102
Mathematics	3	Three credits of lower-division coursework
Natural Science	6	Six credits of lower-division coursework to include at least one laboratory experience
Social Sciences or Humanities/Fine Arts	9	Nine credits of lower-division coursework in either the social sciences or humanities/fine arts
TOTAL	21-24	

2. Instruction must be given in the essentials of the Constitution of the United States and the Constitution of the State of Nevada, including the origin and history of the Constitutions and the study of and devotion to American institutions and ideals pursuant to *Nevada Revised Statutes* 396.500 for all associate and baccalaureate degrees. If clearly identified, this content may be included in coursework defined in Subsection 1. Institutional course catalogs must identify courses that meet this requirement.

3. Courses taken toward the System general education requirements shall not be applied to more than one general education requirement defined in Subsection 1. Credits earned by examination may apply toward any of the general education requirements defined in Subsections 1 and 2.

4. Students earning a second associate of arts, associate of science, associate of business, or baccalaureate degree from an NSHE institution are not required to repeat the System requirements for general education.

   Evidence of completion of U.S. and Nevada Constitutions is required of all second-degree students whose first degree is not from an NSHE institution.

5. NSHE institutions are encouraged to exchange ideas in the development and improvement of specific courses to meet NSHE requirements, particularly to increase the likelihood of transfer student success; however, each institution is responsible for determining the character of its own program.

(B/R 12/10)

Section 21. Credit by Examination

1. The following examinations and transcript evaluation are permissible for determining credit for prior learning:
    a. College Board Advanced Placement Examination *(CBAPE)*;
    b. College-Level Examination Program *(CLEP)*;
    c. Excelsior College Exam;
    d. National League for Nursing Placement Examination *(NLN)*, Profile II;
    e. National Occupational Competency Testing Institute *(NOCTI)*;
    f. International Baccalaureate Diploma Program *(IB)*;
    g. Dantes Subject Standardized Tests *(DSST)*;
    h. American Council on Education (ACE) Corporate Credit; and
    i. Special examinations administered by an academic department.

2. Except as otherwise provided in these Subsections for the CBAPE and IB, each institution shall establish procedures for administering and accepting credit by examination that must be outlined in the course catalog.
    a. Beginning with the 2016-2017 academic year, scores of 3, 4, and 5 on the CBAPE shall be accepted for credit to satisfy electives, general education requirements, or major requirements. Each institution shall publish the CBAPE score course granting policy in accordance with the requirements of this Section in its course catalog and on its Internet website before the beginning of the 2016-2017 academic year.
    b. Beginning with the 2020-2021 academic year, scores of 4, 5, 6, and 7 on the IB higher-level examination and scores of 5, 6, or 7 on the IB standard-level examination shall be accepted for credit to satisfy electives, general education requirements, or major requirements. Each institution shall publish the IB score course granting policy in accordance with the requirements of this Section in its course catalog and on its Internet website before the beginning of the 2020-2021 academic year.

3. The maximum number of credits that may be earned by examination to apply toward a degree may not exceed one half of the minimum number of credits required for that degree.

4. Other national testing organizations may be considered for the awarding of credit subject to institutional procedures.

5. Special Department Examinations: An admitted student in good standing may earn credits by a special department examination subject to institutional procedures.

6. The posting of satisfactorily completed credit by examinations to the student's permanent academic record shall clearly identify that the credit was earned by examination, name of the testing program, date of the examination, number of credits, and a grade of S (satisfactory) or P (pass).

7. Credit earned by examination does not apply toward satisfying the minimum on-campus resident credit requirement of the institution from which graduation is sought and does not constitute an interruption of the resident credit requirement.

(B/R 6/19)

Section 22. Military Transcript Evaluation

1. In addition to credit awarded by examination under to Title 4, Chapter 14, Section 20, pursuant to Senate Bill 457 (Chapter 603, Statutes of Nevada 2017), each institution shall evaluate a Joint Services Transcript (JST), a transcript from Air University, and/or a transcript from the Community College of the Air Force (CCAF) submitted by a student for the purpose of identifying any military education, courses, training and/or occupational experience for which credit may be awarded.

2. Based on its evaluation of a JST, a transcript from Air University, and/or a transcript from the CCAF, if the institution determines that any military education, courses, training and/or occupational experience is equivalent to a course that fulfills a general education, certificate, or degree requirement and does not duplicate other credit awarded to the student in fulfillment of those requirements, credit toward the applicable course requirement must be awarded to the student. The institution may award general elective credit for any other credit that does not fulfill a general education, certificate, or degree requirement. Faculty must be consulted in the transcript evaluation process.

3. Beginning with the 2017-2018 academic year, each institution shall maintain an inventory of the military education, courses, training and/or occupational experience evaluated by the institution for which credit was awarded to a student. The inventory must include the corresponding course; academic program; and general education, certificate, or degree requirement for which credit was awarded. By December 31, 2017, each institution shall post the inventory on its website in a location that is easily accessed by members of the military and veterans seeking information on course credit that may be available at that institution based on their military education, courses, training, occupational experience, and chosen program of study. The information on the website must be updated not less than each term.

4. In addition to the JST and the Air University or CCAF transcript, institutions may evaluate other assessments of prior learning pursuant to Title 4, Chapter 14, Section 20 for purposes of this Section.

(B/R 6/21)

Section 23. Academic Advising and Counseling

1. Effective Fall 2020, upon initial enrollment all first-time degree or certificate seeking students shall be required to meet with an academic advisor or counselor prior to the date of matriculation. All continuing, degree or certificate seeking students shall be required to periodically meet with their academic advisor or counselor until degree completion.

2. By academic year 2023-2024 all institutions shall maintain a student-to-advisor ratio of no greater than 350:1.

(B/R 6/19)

Section 24. Student Complaint Process

Institutions must establish a process of addressing student complaints, including complaints involving deceptive trade practices and other acts of fraud as defined under Section 24 of this Chapter.

(B/R 3/14)

Section 25. Deceptive Trade Practices and Acts of Fraud Prohibited

Deceptive trade practices and other acts of fraud are prohibited including, but not limited to the following:

1. To intentionally and materially represent falsely, directly or by implication any statement or representation, oral, written, or visual, in connection with the offering of educational services, including but not limited to statements or representations relating to recruitment and marketing information; tuition, fees and other charges; and admissions information;

2. To adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the institution or its educational services;

3. To represent, directly or by implication, that students who successfully complete a course or program of instruction may transfer the credits earned to any institution of higher education;

4. To intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the institution; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association; or

5. To provide prospective students with testimonials, endorsements, or other information that materially misleads or deceives prospective students or the public regarding current practices of the institution.

(B/R 3/14)

Section 26. State Authorization Reciprocity Agreement – Student Complaints and Appeals

1. For the purpose of establishing eligibility for Nevada to participate in the State Authorization Reciprocity Agreement (SARA), the following procedures governing student complaints and appeals are adopted in addition to any other such processes or procedures adopted by an institution. These procedures:

a. Are written to provide consumer protection for students enrolled in distance education courses or programs; and
b. Apply to NSHE institutions that elect to participate in SARA and to resident and non-resident students who are enrolled in distance education courses at those participating institutions.

2. NSHE institutions that elect to participate in SARA must meet the following requirements:
   a. Agree to abide by the standards and requirements of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org.
   b. If the institution offers a distance education course in a professional or technical course in a field that customarily leads to professional licensure, the institution must inform all enrolled students whether the course meets the standards required for licensure in Nevada and other states where the institution has a physical presence, as defined by Subsection 5 of this Section. If a student enrolled in the course does not live in Nevada or a state in which the institution has a physical presence, the institution must advise the student that he or she must consult the applicable licensure entity in the state where the student lives to determine whether the course meets the required standards.
   c. Each distance education course or program offered by the institution must provide the opportunity for timely interaction between the student and the instructor, or a member of the instructional team responsible for the course, and reasonable ways for a student to contact the instructor and institution regarding the student's progress, questions or concerns.
   d. Refunds of tuition or fees for distance education courses must be administered in accordance with institutional refund policies, except as provided in Subsections 3 and 4 of this Section.

3. Administration Withdrawal of Non-Resident Students Living in Non-SARA States

   If a non-resident student living in a state that is not participating in SARA enrolls in a distance education course offer by an NSHE institution, the institution must administratively withdraw the student from the course or seek authorization from the appropriate entity in the other state to offer distance education courses if such authorization is required by that state. If the institution administratively withdraws the student, the institution must notify the student of the withdrawal as soon as possible but no later than five (5) business days after the start of the term and provide a 100 percent refund.

4. Administrative Withdrawal of Non-Resident Students Living in SARA States
   a. If the activities of an institution in a state participating in SARA exceed the limitations set forth under SARA, including exceeding the maximum number of students who may participate in a supervised field experience, the institution must seek authorization from the appropriate entity in the other state to operate in that state, if required by that state, or administratively withdraw students enrolled in the affected distance education courses.
   b. If an institution elects to administratively withdraw students to ensure compliance under SARA, students must be withdrawn based on their seniority within a program such that students with the least amount of time in the program are withdrawn first. Institutions must notify students of the administrative withdrawal and provide a 100 percent refund.

5. Institutional Procedures for Student Distance Education Complaints and Appeals
    a. In consultation with institution legal counsel and in addition to any other process or procedure adopted by an institution governing student complaints and appeals, each institution that elects to participate in SARA shall specify procedures by which a student or former student may file a complaint concerning deceptive trade practices or other acts of fraud as defined under Section 24 of this Chapter or failure to comply with Subsection 2 of this Section relating to a distance education course or program in which the student is or was enrolled. If a former student files a complaint, he or she must do so within one year after discontinuing enrollment at the institution.
    b. The student complaint procedures adopted by the institution pursuant to this Subsection must be readily available to all students by publication on the institution's website and in its catalog.

6. Appeal For Student Distance Education Complaints

    The Vice Chancellor for Academic and Student Affairs may investigate a student complaint concerning the delivery of a distance education course or program at an NSHE institution that is participating in SARA based on a claim of a deceptive trade practice or other acts of fraud as defined in Section 24 of this Chapter or failure to comply with Subsection 2 of this Section. A complaint will warrant investigation only after the student exhausts all complaint and appeals processes available at the institution.
    a. Upon receipt of a complaint, the Vice Chancellor or his or her designee shall verify within fourteen days that the complaint warrants investigation under this Subsection. The Vice Chancellor shall not take action on a complaint if it does not meet the requirements for an appeal under this Section and if it the process for reviewing complaints at the institutional level has not been exhausted.
    b. If the complaint warrants investigation, the Vice Chancellor shall first forward the complaint to the institution for a written response. The institution shall have thirty days to respond in writing to the Vice Chancellor and to forward a copy of the response to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the Vice Chancellor may assist in the efforts to resolve the complaint. If the Vice Chancellor determines at any time that a complaint no longer warrants investigation, the Vice Chancellor shall notify the institution and the student that the matter is closed.
    c. If a complaint is not resolved during the thirty-day period, the Vice Chancellor may decide not to take further action on the complaint based on the institution's response, investigate the complaint further, or recommend that the Committee created pursuant to this Subsection review the merits of the complaint.
    d. After investigation, the Vice Chancellor may forward a complaint to a standing Appeals Committee appointed by the chair of the Board of Regents. The Committee shall consist of one of Nevada's appointed WICHE commissioners, one representative of the Board of Regents, one representative from each of the universities, one representative from the state college and one representative from each of the community colleges. If the Committee finds the complaint is meritorious, it shall direct the institution to take specific action to remedy the complaint.

7. Definitions. The following definitions apply for purposes of this Section:
    a. Physical Presence. The definition of "physical presence" under Section 5 of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org applies for purposes of this Section.
    b. Distance Education. The term "distance education" means a formal educational process in which the majority of the instruction occurs when the student and instructor are separated by geographic distance or time. Instruction may be synchronous or asynchronous. Distance education may employ correspondence study, audio, video, or other electronically mediated technologies.

(B/R 6/20)

Section 27. State Authorization Reciprocity Agreement – Institutional Appeals and Process

As a designated Portal Entity for the State Authorization Reciprocity Agreement (SARA) NSHE is charged with accepting, reviewing, and approving or denying applications from Nevada post-secondary institutions wishing to participate in SARA.

1. Institutional Appeals
    a. In the event an institution is notified by the State Portal Entity Contact of its intent to remove the institution from participation in SARA, or if the institution is denied initial participation in SARA, the institution may appeal the denial of participation to the State Portal Entity for further review by the NSHE Vice Chancellor for Academic and Student Affairs.
    b. Institutions who choose to appeal must do so on the following grounds:
        i. The State Portal Entity Contact did not follow procedures as outlined in the SARA Manual. The institution must submit supporting documentation.
        ii. The State Portal Entity Contact made a mistake in determining that the institution does not meet the eligibility criteria to participate in SARA, as outlined in the SARA Manual. The institution must submit supporting documentation to prove that the institution meets the eligibility criteria for SARA.

2. Appeals Process
    a. Institutions wishing to appeal their removal or denial of participation from SARA must submit their official appeal to the State Portal Entity Contact, consisting of a letter stating their reason for appealing, along with the required supporting documentation, within thirty (30) days of their removal or denial notification.
    b. Upon receiving the official appeal and supporting documentation, the NSHE Vice Chancellor for Academic and Student Affairs will make a determination on the appeal within fourteen (14) days of the receipt of the official appeal.
    c. Institutions whose appeals are accepted will remain as a SARA participating institution or will be granted initial participation in SARA if not already a participating institution.

i. The institution must pay all fees associated with SARA participation before participation will be granted or before institutional participation can be renewed.

ii. Institutions whose appeals are denied will be notified of the decision of the Vice Chancellor for Student Affairs. For institutions currently participating in SARA, the State Portal Entity Contact will take immediate action to have them removed as a SARA participating institution following the notification of the decision.

d. If an institution's SARA participation expires during the appeals process, they will remain a participating institution until such time as the appeals process can be resolved.

(B/R 6/20)

Section 28. Enrollment Reporting

The Chancellor's Office shall establish procedures concerning the reporting of institutional enrollments.
(B/R 12/04)

Section 29. NSHE Policy on Printed and Electronic Instructional Materials

The selection of textbooks and other instructional materials is the responsibility of faculty. All instructional materials should contain current, relevant information for the course, as well as appropriate assignments and supplementary material when applicable. These materials should help faculty and students accomplish the educational objectives of a course and should only be required when necessary and highly utilized. Cost should be considered when selecting instructional materials. Faculty should exercise their expertise and professional judgment when selecting instructional materials, and carefully consider the academic, professional, and ethical implications of criteria used in selections.

To that end, each NSHE institution shall develop an approved statement of professional and ethical guidelines relative to the selection of textbooks or other instructional materials. Such guidelines shall address relationships with publishers or other providers, selection of instructional materials, and the desirability of minimizing costs to students when this can be accomplished without compromising academic standards and academic freedom. Where appropriate, each institution shall encourage faculty to select or develop electronic and free or low-cost options for instructional materials. Institutions may negotiate and enter into contracts with publishers, bookstores, and/or similar providers and vendors that allow instructional materials to be offered to students at a reduced cost without infringing on the faculty's authority to select textbook and instructional material as set forth herein.
(B/R 9/16)

Section 30. Community College Institutional Advisory Councils

1. Each community college President shall establish an institutional advisory council to provide advice, assist in community relations, assist in institutional development, and provide other assistance as requested by the President to enhance the institution including supporting institutional initiatives, institutional advocacy, promoting college programs, and strategically supporting the implementation of institutional goals and objectives.

2. Each community college President, in consultation with the Chancellor, shall submit to the Board of Regents for approval a proposal for such a council, to include the proposed role of the council and the number and composition of membership, including the individuals that will serve initially on the council.

3. Members shall serve at the pleasure of the President or for a term established in the proposal for the council.

4. Once approved, the proposal may be amended on the recommendation of the President and the approval of the Board of Regents. Proposals to amend may include changes in the number and composition of membership, the role of the institutional council.

5. The President shall call the meetings of the institutional advisory council and shall set the agenda. All meetings shall be conducted in compliance with the Nevada Open Meeting Law.

6. Members shall serve without compensation.

7. Members shall not take any action which conflicts with their roles as a member of the institutional advisory council.

8. At least biennially, the President shall prepare a written report for the Board of Regents on the activities in support of the President and institution that were undertaken by the council and any changes in council membership that occurred since the last report since the last report.

(B/R 6/22)

Section 31. Workforce Advisory Boards

1. Community colleges may establish advisory boards to provide direction and guidance for specific program areas within the college to strengthen and enhance the success of the program by working closely with the business and labor communities to provide high quality workforce training and education.

2. A board may be established for any academic or workforce training program to provide advice and guidance on program requirements necessary to prepare students for the workforce, including but not limited to required competencies for the industry or career field and new and emerging occupations. In addition, the board may provide advice and guidance on curriculum development, student recruitment, staff development, equipment and software recommendations, and other matters that will support and improve program quality.

3. The Board must include at least three members who are representatives of business and industry with recent, firsthand, and practical experience in the program area.

4. Members will serve at the pleasure of the President or their designee and will serve without compensation.

(B/R 6/22)

Title 4 - Codification of Board Policy Statements

Chapter 15

REGULATIONS FOR DETERMINING RESIDENCY AND TUITION CHARGES

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Section 1. Purpose

These regulations have been enacted to provide uniform rules throughout the Nevada System of Higher Education (the "System") and all member institutions thereof, for the purpose of determining whether students shall be classified as resident students or nonresident students for tuition charges.
(B/R 5/95)

Section 2. Definitions

For the purposes of these regulations, the terms stated below shall have the following meanings:

1. "Alien" means a person who is not a citizen of the United States of America.

2. “Armed Forces of the United States” means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard.

3. "Clear and convincing evidence" means evidence that is clear in the sense that it is not ambiguous, equivocal or contradictory and convincing in the sense that it is of such a credible, reliable, authentic and relevant nature as to evoke confidence in the truth of it.

4. "Continuously enrolled" means enrollment within a normal academic year for which continuous enrollment is claimed. A person need not attend summer sessions or other between-semester sessions in order to be continuously enrolled.

5. "Date of matriculation" means the first day of instruction in the semester or term in which enrollment of a student first occurs, except that at the University of Nevada, Reno School of Medicine and the University of Nevada, Las Vegas School of Medicine it means the date that a notice of admittance is sent to a student, and at the community colleges it excludes correspondence courses and community service courses that are not state funded. A person who enrolled in an institution of the NSHE but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to have matriculated and any determination concerning residency status shall be voided until such time as the person again enrolls at a System institution.

6. "Dependent" means a person who is not financially independent and is claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code *(26 U.S.C. § 152)* by another person for the most recent tax year.

7. "Family" means the natural or legally adoptive parent or parents of a dependent person, or if one parent has legal custody of a dependent person, that parent.

8. "Financially independent" means a person who has not been and will not be claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code *(26 U.S.C. § 152)* by another person, except his or her spouse, for the most recent tax year.

9. “Graduate Fellow” means a graduate student receiving a stipend that is treated as a scholarship with no specific duties required for the award.

10. “Most recent tax year” means the income tax return submitted for the prior income year.

11. "Legal guardian" means a court-appointed guardian of a dependent person, who was appointed guardian at least twelve (12) months immediately prior to the dependent person's date of matriculation and for purposes other than establishing the dependent person's residence.

12. "Nonresident" means a person who is not a resident.

13. "Objective evidence" means evidence that is verifiable by means other than a person's own statements.

14. “Relocated,” means evidence of permanent, full-time employment in Nevada or establishment of a business in and living in Nevada prior to the date of matriculation.

15. "Residence" a term which for the purposes of these regulations is synonymous with the legal term "domicile," and means that location in which a person is considered to have the most settled and permanent connection, intends to remain and intends to return after any temporary absences. Residence results from the union of a person's physical presence in the location with objective evidence of an intent to remain at that location for other than a temporary purpose.

16. "Resident" means a person who has established a bona fide residence in the State of Nevada with the intent of making Nevada the person's true, fixed and permanent home and place of habitation, having clearly abandoned any former residence and having no intent to make any other location outside of Nevada the person's home and habitation. The term also includes a member of the Armed Forces of the United States who has previously established a bona fide residence in the State of Nevada, but who has been transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.

17. “Returning student” means a student who re-enrolls after a break in enrollment of one of more semesters.

18. “Spouse” means a person’s partner in legal marriage or a person’s domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.

19. "Student" means a person who is enrolled at an institution of the NSHE.

20. "Tuition" means a monetary charge assessed against nonresident students, which is in addition to registration fees, or other fees assessed against all students.

(B/R 9/18)

Section 3. Tuition

Tuition shall be charged to nonresident students except as otherwise provided in this Section. Tuition shall not be charged:

1. To current enrollees or graduates of a Nevada high school. This Subsection does not apply to enrollees or graduates of an online Nevada high school if the student is not physically present and residing in the State of Nevada while enrolled or prior to graduation.

2. To returning students who had established an exemption from tuition charges at any NSHE institution in their prior enrollment period.

3. To community college students in community service courses that are not state funded.

4. To a professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the NSHE currently employed at least half time, or the spouse or dependent child of such an employee.

5. To a graduate student enrolled in the NSHE and employed by the System in support of its instructional or research programs, only during the period of time of such employment.

6. To graduate fellows.

7. To a member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, parent or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, including a Marine currently stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California. If the member ceases to be stationed in Nevada, reside in Nevada, be stationed in Pickel Meadows, California, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was admitted prior to the reassignment if such student enrolls and remains continuously enrolled at an NSHE institution.

8. To a veteran of the Armed Forces of the United States who was honorably discharged and who on the date of discharge was on active duty stationed in Nevada, including a marine stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California, pursuant to military orders.

9. Except as otherwise provided in Subsection 8 of this Section, to a veteran of the Armed Forces of the United States who was honorably discharged.

10. To a student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 4, Paragraph 2 below, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.

11. To members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the State of Nevada.

12. To a covered individual, as defined by this Subsection, who is living in Nevada.
    a. This Subsection complies with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Approval of Courses of Education provided by Public Institutions of Higher Learning for Purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance Conditional on In-State Tuition Rate for Veterans) and Section 1005 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Requirements for In-State Tuition), as codified under 38 U.S.C. 3679(c), including but not limited to amendments under Public Law 114-315, Public Law 115-251, and Public Law 116-315. The provisions contained herein must be interpreted to comply with the applicable federal provisions and definitions.
    b. To affirm a covered individual is living in Nevada, institutions shall only require the covered individual to:
        i. Provide a physical address in Nevada; and
        ii. Sign a statement affirming the covered individual is living in Nevada and intends to become a bona fide Nevada resident.
    c. An institution shall not require a covered individual to complete a residency form or application.
    d. Except as otherwise provided in this paragraph, a covered individual must provide:
        i. Either a DD-214 (Discharge Orders) or a DD-1300 (Report of Casualty) or similar documentation verifying the date of discharge or casualty; and
        ii. A Certificate of Eligibility issued by the United States Department of Veterans Affairs or similar documentation verifying eligibility.

        A covered individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act when the transferor is a member of the uniformed services who is on active duty pursuant to paragraph e(ii)(b) of this section must provide documentation required by the institution to confirm that the covered individual is eligible to use the transferred benefits.
    e. For purposes of this Subsection, "covered individual" means:
        i. A veteran who:
            a) Enrolls with a discharge or release from a period of not fewer than 90 days of service in the active military, naval, or air service, including the reserve components thereof and the National Guard; and
            b) Is pursuing a course of education with educational assistance under Chapter 30 (All-Volunteer Force Educational Assistance Program) or Chapter 33 (Post-9/11 Veterans Educational Assistance Act) of Title 38, United States Code[1];
        ii. An individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act[2] and:

[1] Includes the Montgomery GI Bill – Active Duty (Chapter 30 of Title 38, United State Code) and the Post-9/11 GI Bill (Chapter 33 of Title 38, United State Code).
[2] Chapter 33 of Title 38 of the United States Code. 38 U.S.C. § 3319 sets forth the authority to transfer unused education benefits to family members.

a) The transferor's discharge or release was from a period of active-duty service of 90 days or more; or

b) The transferor is a member of the uniformed services who is serving on active duty;

iii. An individual using benefits under the Marine Gunnery Sergeant John David Fry Scholarship ("Fry Scholarship")[3];

iv. An individual using benefits under the Survivors' and Dependents' Educational Assistance (DEA) program[4] and the transferor's discharge from or service member's death in the line of duty following a period of active-duty service of 90 days or more; or

v. An individual entitled to rehabilitation under Section 3102(a) of Chapter 31 (Training and Rehabilitation for Veterans with Service-Connected Disabilities) of Title 38, United States Code.

(B/R 6/21)

Section 4. Resident Students

Except as otherwise provided in Section 3 of this chapter, as supported by clear and convincing evidence, any person who meets any one of the following categories shall be deemed a resident student for tuition purposes:

1. Except as provided otherwise in this Section, a dependent person whose spouse, family or legal guardian is a bona fide resident of the State of Nevada for at least 12 months immediately prior to the date of matriculation. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment and must be issued at least 12 months prior to the date of matriculation:

    a. Evidence of Nevada as the spouse's, parents' or legal guardian's permanent, primary residence at the date of matriculation (examples of evidence include home ownership, a lease agreement, rent receipts, utility bills).

    b. The student's birth certificate or proof of legal guardianship.

    c. The spouse's, parents' or legal guardian's tax return for the most recent tax year, which indicates the student claimed as a dependent.

    d. A Nevada driver's license or Nevada identification card for the spouse, parent or legal guardian.

    e. A Nevada vehicle registration for the spouse, parent or legal guardian.

    f. Nevada voter registration for the spouse, parent or legal guardian.

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[3] The Fry Scholarship is educational assistance for an individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces to educational assistance under the Post-9/11 Veterans Educational Assistance Act (See 38 U.S.C. § 3311(b)(9)).

[4] The Survivors' and Dependents' Educational Assistance (DEA) Program under Chapter 35 of Title 38 of the United States Code sets forth education and training opportunities to eligible dependents of veterans who are permanently and totally disabled due to a service-related condition or of veterans who died while on active duty or as a result of a service-related condition.

g. Evidence that the student's spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada (examples of evidence include a letter from the employer or copy of business license).

2. Except as provided otherwise in this Section, a financially independent person whose family resides outside the State of Nevada, if the person himself or herself is a bona fide resident of the State of Nevada for at least 12 months immediately prior to the date of matriculation. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student's application for enrollment and must be issued at least 12 months prior to the date of matriculation:

    a. Evidence of 12 months physical, continuous presence in the State of Nevada prior to the date of matriculation Examples of evidence include a lease agreement, rent receipts, utility bills.

    b. The student's tax return for the most recent tax year, indicating a Nevada address. If no federal tax return has been filed by the student because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year that indicates the student was not claimed as a dependent.

    c. The student's Nevada driver's license or Nevada identification card.

    d. The student's Nevada vehicle registration.

    e. The student's Nevada voter registration.

    f. Evidence that the student, and/or the person's spouse, has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada. Examples of evidence include a letter from the employer or copy of business license.

3 A former member of the Armed Forces of the United States who was relocated from Nevada as a result of a permanent change of duty station pursuant to military orders will be considered a Nevada resident for tuition purposes under the following conditions:

    a. He/She was a resident of Nevada prior to leaving the state as a member of the Armed Forces;

    b. He/She maintained his/her Nevada residency while a member of the Armed Forces; and

    c. He/She returns to the State of Nevada within one year of leaving the Armed Forces.

    It will be necessary for the student to supply documentation in support of each of these conditions, e.g., driver's license, property ownership, evidence of absentee voting, etc.

4. A graduate of a Nevada high school. This Subsection does not apply to graduates of an online Nevada high school if the student is not physically present and residing in the State of Nevada prior to graduation.

5. A financially independent person who has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.

6. A financially dependent person whose spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.

7. Licensed educational personnel employed full-time by a public school district in the State of Nevada, or the spouse or dependent child of such an employee.

8. A teacher who is currently employed full-time by a private elementary, secondary or postsecondary educational institution whose curricula meet the requirements of NRS 394.130, or the spouse or dependent child of such an employee.

9. An alien who has become a Nevada resident by establishing bona fide residence in Nevada and who holds a permanent immigrant visa, has been granted official asylum or refugee status, has been granted temporary protected status, has been issued a temporary resident alien card, holds an approved immigration petition as a result of marriage to a U.S. citizen, or is a nonimmigrant alien admitted to the U.S. with a visa classification under which the holder is eligible to establish domicile in the U.S. An alien holding another type of visa shall not be classified as a resident student pursuant to this Subsection, except as may be required by federal law or court decisions and upon due consideration of evidence of Nevada residence. The vice chancellor for academic affairs shall establish procedures governing visa classifications for the purpose of determining eligibility for classification as a resident student.

(B/R 6/22)

Section 5. Admission to Medical Schools

An applicant for admission to the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School (November 1 of each year) shall be classified as a resident of Nevada for the purposes of being considered for admission to the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine.
(B/R 9/18)

Section 6. Admission to William S. Boyd School of Law

An applicant for admission to the William S. Boyd School of Law at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School shall be classified as a resident of Nevada for the purposes of being considered for admission to the William S. Boyd School of Law at UNLV.
(B/R 9/97)

Section 7. Admission to UNLV School of Dental Medicine

An applicant for admission to the School of Dental Medicine at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day of filing an application for admission to the School (March 1st of each year) shall be classified as a resident of Nevada for the purpose of being considered for admission to the School of Dental Medicine at UNLV. (B/R 8/01)

Section 8. Reclassification of Nonresident Status

There is a rebuttable presumption that a nonresident attending an institution of the NSHE is in the State of Nevada for the primary or sole purpose of obtaining an education. Therefore, a nonresident who enrolls in an institution of the System shall continue to be classified as a nonresident student throughout the student's enrollment, unless and until the student demonstrates that his or her previous residence has been abandoned and that the student is a Nevada resident. Each student seeking reclassification from nonresident to resident student status must satisfy the conditions described in Subsections 1 through 3.

1. Application and Written Declaration

   An application for reclassification may be submitted under the provisions of this Section if the material facts of a student's residency, or the residency of the student's spouse, parent or legal guardian, have substantially changed following matriculation. The student must apply in writing to the appropriate office of the institution for reclassification to resident student status. The application must include a written declaration of intent to relinquish residence in any other state and to certify to the establishment of bona fide residence in Nevada. A declaration form prescribed by the Chancellor and approved by the Board shall be utilized by each institution. The filing of a false declaration will result in the payment of nonresident tuition for the period of time the student was enrolled as a resident student and may also lead to disciplinary sanctions under Title 2, Chapter 10 of the NSHE Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion.

2. Bona Fide Residence and Intent to Remain in Nevada

   The student, or the parents or legal guardian of the student, must document continuous physical presence as a Nevada resident for at least 12 months immediately prior to the date of the application for residency reclassification and must present clear and convincing, objective evidence of intent to remain a Nevada resident. No fewer than four of the following pieces of objective evidence must be submitted with the application for residency reclassification to the satisfaction of the institution. Any evidence or documentation associated with these pieces of evidence must be issued 12 months prior to the first day of the semester for which reclassification is requested.
   a. Ownership of a home in Nevada;
   b. Lease of living quarters in Nevada;
   c. Utility receipts for the home or leased quarters;
   d. Nevada driver's license or Nevada identification card;
   e. Nevada vehicle registration;
   f. Nevada voter registration;

g. Evidence of employment in Nevada such as a letter from employer on employer's letterhead, W-2 income tax form, or pay stubs;
h. A license for conducting a business in Nevada;
i. Admission to a licensed practicing profession in Nevada;
j. Registration or payment of taxes or fees on a home, vehicle, mobile home, travel trailer, boat or any other item of personal property owned or used by the person for which state registration or payment of a state tax or fee is required;
k. A Nevada address listed on Selective Service registration;
l. Evidence of active savings or checking accounts in Nevada financial institutions;
m. Evidence of summer term enrollment at a NSHE institution within the prior academic year; or
n. Any other evidence that objectively documents intent to abandon residence in any other state and to establish Nevada residence.

3. Financial Status

An application for reclassification must include the following objective evidence of financial status:

a. If financially independent, a true and correct copy of the student's federal income tax return for the most recent tax year showing a Nevada address must be submitted with the application for residency reclassification. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year must be submitted that indicates the student was not claimed as a dependent. If no federal tax return has been filed because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income must be submitted.

b. If financially dependent, a true and correct copy of the spouse, parent or legal guardian's federal income tax return for the most recent tax year showing a Nevada address must be submitted and must indicate the student filed jointly with a spouse or was claimed as a dependent. Students may also be required to provide documentation such as a birth certificate, proof of legal guardianship, or a marriage certificate to prove the relationship. A dependent person whose parent or legal guardian is a nonresident is not eligible for reclassification to resident student status.

4. The presentation by a person of one or more items of evidence as indicia of residence is not conclusive on the issue of residency. Determinations of residence shall be made on a case-by-case basis and the evidence presented shall be given the weight and sufficiency it deserves, after taking all available evidence into consideration.

5. Residence in a neighboring state other than Nevada is a continuing qualification for enrollment in the WICHE Western Undergraduate Exchange program at a NSHE institution and in a tuition discount program approved by the Board of Regents pursuant to Title 4, Chapter 17, Section 13. A student who was initially enrolled in a System institution under the WICHE Western Undergraduate Exchange program or a tuition discount program approved by the Board shall not be reclassified as a resident student following matriculation. A nonresident student who subsequently disenrolls from the WICHE Western Undergraduate Exchange program or a tuition discount program approved by the Board and pays full nonresident tuition for at least 12 months may apply for reclassification to resident student status. An application for reclassification may be submitted under the provisions of

this Section if the material facts of a dependent student's residency as it relates the parents' or legal guardian's residency, have substantially changed following matriculation.

6. When a student has been reclassified to resident student status, the reclassification shall become effective at the registration period in the System institution immediately following the date the student receives notice of the reclassification decision.

7. No reclassification under these regulations shall give rise to any claim for refund of tuition already paid to the NSHE.

(B/R 3/17)

Section 9. Administration of the Regulations

Each institution of the NSHE shall designate an appropriate office to implement and administer these regulations.

1. Each designated office shall make the initial decision on the resident or nonresident student status of persons enrolling in the institution. If a verifiable error occurs when the initial decision is made to classify a student as a nonresident for tuition purposes, the designated office shall correct the decision and reclassify the student as a resident for tuition purposes without requiring the student to apply for residency reclassification.

2. Each designated office shall make the initial decision on applications for reclassification from nonresident to resident student status.

3. The president of each System institution shall establish an appellate procedure under which a person may appeal decisions of the designated office concerning tuition or status as a resident or nonresident student to an appellate board.

    a. A person may appeal a decision of the designated office to the appellate board within thirty (30) days from the date of the decision of the office. If an appeal is not taken within that time, the decision of the designated office shall be final.

    b. The appellate board shall consider the evidence in accordance with the standards and criteria of these regulations and shall make a decision that shall be final. No further appeal beyond the appellate board shall be permitted.

4. In exceptional cases, where the application of these regulations works an injustice to an individual who technically does not qualify as a resident student, but whose status, either because of the residence of the student or his family, is such as to fall within the general intent of these regulations, then the appellate board shall have the authority to determine that such a student be classified as a resident student. It is the intent of this provision that it applies only in the infrequent, exceptional cases where a strict application of these regulations results, in the sole judgment of the appellate board, in an obvious injustice.

(B/R 9/13)

Section 10. Uniformity of Decisions

The decision of an institution of the NSHE to grant resident student or nonresident student status to a person shall be honored at other System institutions, unless a person obtained resident student status under false pretenses or the facts existing at the time resident student status was granted have significantly changed. Students granted nonresident student status by an institution retain the right to apply for reclassification under the provisions of the chapter. (B/R 2/05)

Title 4 - Codification of Board Policy Statements

Chapter 16

STUDENT ADMISSION, REGISTRATION, GRADES AND EXAMINATIONS

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Section 1. NSHE Co-Requisite and College-Ready Gateway Policy

The placement policies of the Nevada System of Higher Education (NSHE) are intended to ensure a foundation of knowledge and competencies that will assist students in successfully pursuing and attaining an academic degree. Students are strongly encouraged to prepare for the rigors of higher education prior to entering the NSHE.

1. Pursuant to federal regulations, institutions may make ability-to-benefit determinations using federally approved tests and passing scores to receive federal student aid. The NSHE reserves the right to cancel the admission or registration of any individual whose attendance at a university or college, in the opinion of the appropriate administrative officer and the President, would not be mutually beneficial, as determined by the ability-to-benefit test, to that individual and the university or college.

2. Initial Placement of Students into English and Mathematics Courses.
   a. Exemption from Remedial Instruction. Degree-seeking students who meet or exceed the minimum English or mathematics scores on any one of the college readiness assessments listed below must be placed into a college-level course in that subject and are exempt from being placed into any form of remedial instruction in that subject provided that the student:
      i. Was continuously enrolled in an English course and a mathematics course in his or her senior year of high school unless an exception is approved by an NSHE institution; and
      ii. Enrolls in an NSHE institution after high school in any term (summer/fall/winter/spring) during the academic year following high school graduation.

Institutions may use other factors including high school transcript, grade point average, or additional testing to determine the appropriate first college-level course. Institutions are not required to honor initial placement decisions pursuant to this Subsection for students who fail to remain continuously enrolled in required mathematics and English courses until the core mathematics and English requirements are completed.

College Readiness Assessments – English	
Test Score	Minimum Score
ACT English or ACT English Language Arts (ELA)	18 (English) or 20 (ELA)
SAT Critical Reading – SAT Test Date Prior to March 2016	500
SAT Evidence-Based Reading and Writing – SAT Test Date March 2016 and later	480
Smarter Balanced	2583 (Achievement Level 3)
PARCC	Level 4 Score

College Readiness Assessments – Mathematics	
Test Score	Minimum Score
ACT Mathematics	22
SAT Math – SAT Test Date Prior to March 2016	500
SAT Math – SAT Test Date March 2016 and later	530
Smarter Balanced	2628 (Achievement Level 3)
PARCC	Level 4 Score

b. Placement of Students without an Exemption from Remedial Instruction. For degree-seeking students who have not met the English or mathematics college readiness assessment score on one of the tests in Subsection a or who have not taken any of the tests in Subsection a, institutions must develop an assessment and placement policy that ensures students who place at high school or above levels have an opportunity to enroll in and complete gateway college courses in mathematics and English within one academic year. The assessment and placement policy may use multiple measures, including, but not limited to placement exams; high school GPA; course selection and performance in the senior year of high school; and intended postsecondary program of study to determine appropriate placement into one the following options:
   i. Placement into college-level courses without any additional academic support or remediation;
   ii. Placement into a co-requisite course where academic support is provided to students while enrolled in college-level gateway courses;
   iii. Placement into a single semester of remedial education that is followed by either a gateway college-level course or co-requisite gateway course option; or
   iv. For students who are seeking a STEM (science, technology, engineering or mathematics) degree or program of study that requires college algebra or pre-calculus and who place at the high school Algebra 1 level (e.g. Math095), placement into a three-semester sequence culminating in the gateway college algebra course. The sequence may include co-requisite coursework.

c. Institutions may establish alternative pathways to those described in Subsection b for those degree-seeking students whose mathematics or English skills are below the high school level as established by the institution's assessment and placement policy set forth in Subsection b.

3. To promote completion of gateway courses within the first academic year, all degree-seeking students must be continuously enrolled in appropriate mathematics and English courses until the institutional core curriculum mathematics and English requirements are completed. Institutions may authorize exceptions to this requirement if the exception does not affect the student's ability to complete the gateway course within the first academic year.

4. Requirements for college readiness and college-level course enrollment shall be publicized by each institution to the appropriate Nevada school districts. In addition, the Chancellor will work with the State Superintendent of Public Instruction to publicize these requirements to all Nevada school districts and to establish educational strategies to encourage high school standards, graduation requirements, and assessments that are aligned with college and workforce readiness expectations.

5. For purposes of this Section, “college-level” means courses that are numbered 100-level and above.

(B/R 9/18)

Section 1. NSHE Co-Requisite and College-Ready Gateway Policy (Effective Fall 2021)

1. Pursuant to federal regulations, institutions may make ability-to-benefit determinations using federally approved tests and passing scores to receive federal student aid. The NSHE reserves the right to cancel the admission or registration of any individual whose attendance at a university or college, in the opinion of the appropriate administrative officer and the President, would not be mutually beneficial, as determined by the ability-to-benefit test, to that individual and the university or college.

2. Initial Placement of Students into English and Mathematics Courses.
   a. Continuous Enrollment Requirement. Within the first two regular academic semesters following initial enrollment, all degree-seeking students must be enrolled in a college-level or co-requisite gateway English and mathematics course or the equivalent for a certificate program (e.g. embedded curriculum) until the institutional core curriculum English and mathematics requirements are completed.
   b. Remediation Exceptions. Except as otherwise provided, effective Fall 2021, traditional forms of remediation, including courses numbered below 100, shall not be offered independently at any NSHE institution.
      i. College-preparatory courses (numbered below 100) may be offered to high school students.
      ii. Remedial courses (numbered below 100) may be offered when they serve as a mandatory co-requisite for a gateway course and are described as such in the institutional course catalog and in the NSHE common course numbering system.
   c. College-Ready Placement. Degree-seeking students who meet or exceed the minimum English or mathematics scores on any one of the college readiness assessments provided for herein must be placed into a college-level course in that subject and are exempt from being placed into any form of co-requisite instruction in that subject provided that the student:
      i. Was continuously enrolled in an English course and a mathematics course in his or her senior year of high school unless an exception is approved by an NSHE institution; and
      ii. Enrolls in an NSHE institution after high school in any term (summer/fall/winter/spring) during the academic year following high school graduation.

Institutions may use other factors including high school transcript and grade point average to determine placement. Alternate testing (e.g., ALEKS) to determine the appropriate first college-level course may be utilized for higher placement or if the college readiness assessment provided for herein was not taken by the student within three years prior to the date of matriculation.

College Readiness Assessments – English Benchmarks	
Test Score	Minimum Score
ACT English or ACT English Language Arts (ELA)	18 (English) or 20 (ELA)
SAT Critical Reading – SAT Test Date Prior to March 2016	500
SAT Evidence-Based Reading and Writing – SAT Test Date March 2016 and later	480
Smarter Balanced	2583 (Achievement Level 3)
PARCC	Level 4 Score

College Readiness Assessments – Mathematics Benchmarks	
Test Score	Minimum Score
ACT Mathematics	22
SAT Math – SAT Test Date Prior to March 2016	500
SAT Math – SAT Test Date March 2016 and later	530
Smarter Balanced	2628 (Achievement Level 3)
PARCC	Level 4 Score

d. Placement of Students Who Do Not Meet College-Readiness Benchmarks. Degree-seeking students who have not met the English or mathematics college readiness assessment score on one of the tests in Subsection c shall be placed and enrolled in the college-level course or a co-requisite course, not to exceed six credits. Alternate testing (e.g., ALEKS) to determine the appropriate first college-level course may be utilized for higher placement or if the college readiness assessment provided for herein was not taken by the student within three years prior to the date of matriculation. Credit and non-credit skills development curriculum may be provided as supplemental instruction for those students enrolled in a co-requisite gateway course only. An institution shall not require a student who has completed a co-requisite course to take a placement test for enrollment in a subsequent course.

e. Students enrolled in the summer term prior to matriculation shall not be permitted to enroll in traditional remediation courses over the summer term.

f. Students with documented disabilities may be placed on alternative pathways to those described in Subsection d upon the written recommendation of the disability resource center.

3. Experimental Programs. Institutions may request a temporary exemption from co-requisite enrollment for a defined student population for the purpose of experimental programs that seek to improve gateway course completion and degree completion. Institutions must submit a written proposal for an exception detailing the cohort size, description of experimental program, disparate impact analysis for participants, proposed metrics for program evaluation, and a defined period of time for the experimental program not to exceed two years. The Chancellor shall review the initial proposal and provide feedback to the institution after which the proposal must be submitted to the Board of Regents for review and consideration prior to implementation.

4. Criteria for placement into a college-level course with and without corequisite support shall be publicized by each institution to the appropriate Nevada school districts. In addition, the Chancellor will work with the State Superintendent of Public Instruction and the district superintendents to publicize these requirements to all Nevada school districts and to establish educational strategies to encourage high school standards, graduation requirements, and assessments that are aligned with college and workforce readiness expectations.

5. For purposes of this Section, the terms stated here have the following meanings:
   a. "College-level course" means courses that are numbered 100-level and above and fulfill gateway course requirements;
   b. "Co-requisite course" means a college-level gateway course numbered 100-level and above where academic support is provided simultaneously in the same semester. Co-requisite courses do not include a.) course modules that are scheduled sequentially in the same term, including but not limited to accelerated courses; and b.) courses with curriculum taught over more than one semester, including but not limited to stretch courses.
   c. "Remedial course" means a course that is below college-level and numbered below 100-level.

6. Periodically, the Chancellor's Office will audit institutions for compliance with these provisions and will report such finding to the Board.

(B/R 9/20)

Section 2. Dual/Concurrent and Early Enrollment for High School Students

Nevada's adoption of the Nevada Academic Content Standards will substantially increase the rigor and quality of education in Kindergarten through 12th grade in Nevada – a benefit to the State as a whole, but particularly to Nevada's students, higher education, and the business community. NSHE is committed to working with the secondary education community to help prepare students for post-secondary education and the workforce, including providing opportunities for earning college-level credit while in high school.

1. High school students may enroll in an NSHE college or university, subject to the approval of appropriate institution officials.
2. NSHE institutions shall work collaboratively and may enter into agreements or partnerships with school districts, public and private high schools, and charter schools to provide early and/or dual/concurrent enrollment opportunities, including, but not limited to "jump start" programs. This Subsection does not preclude an NSHE institution from partnering with other NSHE institutions in providing dual/concurrent enrollment opportunities to school districts, local public high schools and private or charter schools. Further, this Subsection does not preclude NSHE institutions from working collaboratively with school districts, local public and private high schools or charter schools to develop high school courses designed to prepare high school students for post-secondary education.
   a. The Chancellor's Office shall maintain a list of Nevada public high schools and charter schools beginning with the 2021-22 academic year documenting which NSHE institutions are offering formal dual/concurrent enrollment programs, including "jump start" programs within each public high school and charter school in this state. This list shall be updated on an annual basis.

b. An NSHE institution that plans to establish a dual/concurrent enrollment program at a public high school or charter school in Nevada where another NSHE institution or institutions is operating based on the list established in subsection a. must notify the President and Academic Officer of the currently engaged institution or institutions prior to developing such plans. The Vice Chancellor for Academic and Student Affairs must also be notified of such plans and receive confirmation that the currently engaged institutions have been notified.

3. NSHE institutions may offer early and/or dual enrollment programs and courses to high school students at a reduced registration fee that appropriately cover the costs of the course or program, subject to the approval of the Board. Institutions may promote access to early and/or dual enrollment programs by establishing scholarship and/or grant programs to reduce the cost to students.
4. High school graduates identified as Career and Technical Education (CTE) Program Completers who have earned a State Certificate of Skill Attainment may be given college credits for high school work based on written, articulated program agreements with the Department of Education. This does not preclude local agreements between a community college with a school or school district for granting college credit for: 1) expanded credit programs; or 2) basic CTE credits if:
   a. The CTE program is approved by the State Board of Education; and
   b. A state end-of-program assessment is not available.

   Except as otherwise provided herein, grades for all CTE articulated credit shall be S/U. Upon the request of a student seeking transfer to another postsecondary institution, an institution may assign a grade point value on a case-by-case basis.
5. High school students who have been officially excused from compulsory school attendance on the condition of equivalent instruction outside the school (e.g., home school) may be admitted and may enroll if, on a case-by-case basis, it is determined that the student is:
   a. Equivalent to a high school junior or senior and receives approval from the appropriate institution official; or
   b. Equivalent to a level below a high school junior and is identified by the institution as academically gifted or talented.
6. Each college or university may establish performance or testing standards to determine readiness for enrollment or admission when other criteria for admission or enrollment are not met.
7. An NSHE institution may, on a limited basis, admit students who have been identified as possessing the abilities and skills necessary for advanced academic work in an alternative program of education for profoundly gifted and talented students that may include degree or non-degree options without reference to the credit limitations established elsewhere in Chapter 16.
8. For purposes of this Section:
   a. The term “high school student(s)” includes students enrolled in a Nevada public or private high school, students enrolled in grades 9, 10, 11, and 12 in a charter school in Nevada, and students formally enrolled in a Nevada school district sponsored program designed to meet the requirements of an adult standard diploma.
   b. Dual/concurrent enrollment refers to courses or programs for which a high school student receives credit from an NSHE institution and credit toward the total number of credits required for graduation from the high school or the charter school.

c. Early enrollment refers to courses or programs for which a high school student receives credit from an NSHE institution, but may not necessarily receive credit towards graduation from the high school or the charter school.

(B/R 12/21)

Section 3. High School Course Requirements for University Admission

The following minimum high school course admission requirements apply to freshman admission at a university, in addition to the specific admission requirements for those institutions that appear elsewhere in this Chapter:

High School Course(s)	Units
English: Emphasis on composition, rhetoric, and American, English and world literatures	4
Mathematics: Algebra I and higher level mathematics – higher level mathematics may include Algebra II, geometry, trigonometry, pre-calculus, calculus, probability and statistics and other advanced mathematics	3
Natural Science: (lab or simulation) including biology, chemistry or physics, with at least two years in a laboratory science	3
Social Science/Studies: Including world history and geography, U.S. history, economics, government, or law	3
Total:	13

The universities may evaluate high school transcripts to determine if the course content or, in lieu of course content, the credit by performance on an examination pursuant to *Nevada Revised Statutes* 389.171 and *Nevada Administrative Code* 389.670 appropriately meets the course requirements under this Section.
(B/R 6/15)

Section 3. High School Course Requirements for University Admission (Effective July 1, 2020)

The following minimum high school course admission requirements apply to freshman admission at a university, in addition to the specific admission requirements for those institutions that appear elsewhere in this Chapter:

High School Course(s)	Units
English: Emphasis on composition, rhetoric, and American, English and world literatures	4
Mathematics: Algebra I and higher level mathematics – higher level mathematics may include Algebra II, geometry, trigonometry, pre-calculus, calculus, probability and statistics and other advanced mathematics	3
Natural Science: (lab or simulation) including biology, chemistry or physics, with at least two years in a laboratory science	3*
Social Science/Studies: Including world history and geography, U.S. history, economics, government, or law	3
Total:	13

*A student who has successfully completed one or more computer science courses described in Section 4 of S.B. 200 [1] (Chapter 597, Statutes of Nevada 2017) can apply not more than one unit of credit received for such a course to the units of natural science required for university admission.

The universities may evaluate high school transcripts to determine if the course content or, in lieu of course content, the credit by performance on an examination pursuant to *Nevada Revised Statutes* 389.171 and *Nevada Administrative Code* 389.670 appropriately meets the course requirements under this Section.
(B/R 9/17)

[1] Section 4 of S.B. 200 describes the following computer science courses: (a) An advanced placement computer science course; (b) A computer science course that is offered through a program of career and technical education; or (c) A computer science course that is offered by a community college or university which has been approved pursuant to NRS 389.160.

Section 4. Requirements for Admission to the Universities

1. Students seeking admission to a university must complete the high school course requirements pursuant to Chapter 16, Section 2.

2. Students seeking admission to the universities must have:
    a. At least a 3.0 *(weighted)* grade point average in the required high school courses for admission; or
    b. An SAT combined score:
        i. From the SAT Critical Reading and SAT Math sections of at least 1040 *(1600 scale)* on SAT tests administered prior to March 2016; or
        ii. From the SAT Evidence-Based Reading and Writing and SAT Math sections of at least 1120 *(1600 scale)* on SAT tests administered in March 2016 or later; or
    c. An ACT composite score of at least 22; or
    d. A Nevada Advanced High School Diploma.

3. A student who does not meet the university admission requirements established in subsections 1 through 3 may, under procedures established by the university, be admitted through other criteria. The requirements for admission under this provision are:
    a. A combination of test scores and grade point average that indicate potential for success;
    b. Special talents and/or abilities such as, but not limited to, the visual or performing arts or athletic abilities;
    c. Other evidence of potential for success;
    d. Improvement in the high school record;
    e. Overcoming adversity or special hardship; or
    f. Other special circumstances.

    The number of students admitted under these criteria may not exceed 15 percent of the previous year's admissions.

4. Students who graduate from a NSHE community college with a transferable associate degree will be admitted into the universities or state college regardless of their grade point average at the community college.

(B/R 6/21)

Section 5. University Admission – General Policy

1. In the admission of students, universities shall not discriminate on the basis of a person's age, disability, ethnicity, gender, national origin, race, color, religion, sexual orientation, or gender identity or expression. As used in this section:
    a. "Race" includes traits associated with race, including without limitation, hair texture and protective hairstyles.
    b. "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

2. All new students are required to furnish satisfactory evidence of good moral character as evidenced by a certificate of graduation or of honorable dismissal from the school last attended.

3. All applicants for admission shall complete such tests and furnish such information as required by the regulations published in the institutional catalog governing the semester of initial enrollment.

4. International applicants must submit a recent medical history and examination signed by a medical doctor within the prior six months if requested by the institution.

5. Programs designated as limited entry require fulfillment of selective admissions criteria as contained in the institutional catalog and other appropriate college documents. Continuation in selective admissions programs is likewise contingent upon fulfillment of conditions specified by the institution and contained in official institutional documents.

(B/R 6/21)

Section 6. Simultaneous Admissions

1. Admission Guarantee. Students seeking admission to a university whose high school grade point average or test scores are insufficient for admission will be offered enrollment at a NSHE community college with a subsequent guarantee of admission to the universities or state college under the transfer criteria established in Title 4, Chapter 14.

2. Co-Admission. A university or state college may establish a program to co-admit a degree-seeking NSHE community college student if the student is in good academic standing and planning to complete a baccalaureate degree.

   Students must apply to the university or college of choice for co-admission and meet the requirements set by that institution. Students accepted into the program will receive academic advising from both institutions, but the community college will be the home campus for purposes of financial aid and data reporting.

(B/R 6/19)

Section 7. Student Military Mobilization/Activation for NSHE Institutions

The Board of Regents recognizes that many of its students serve our country in the reserve forces of the U.S. Armed Services and in the Nevada National Guard. These students are subject to unforeseen mobilization or activation in response to local, regional, national, or international emergency situations. Emergency mobilization and activation will seriously disrupt these students' academic careers. It is the policy of the Board of Regents to minimize the effects of this disruption as much as possible. The Chancellor shall develop procedures concerning the awarding of academic credit and grades, enrollment, scholarships, loans, and other appropriate matters intended to reduce the disruption of studies for a student and a student's spouse and dependents resulting from a call to active duty.

(B/R 10/06)

Section 8. University Admission of Foreign Students

1. Foreign students seeking admission to a university must provide official evidence of the following:
    a. Attainment of educational level equivalent to graduation from an accredited high school in the United States;
    b. Above average ability in an academic curriculum, equivalent to the grade point averages required for domestic students as verified by an official transcript or satisfactory test scores; and
    c. Satisfactory test scores on the Test of English as a Foreign Language (TOEFL) indicating an ability to speak, write, and understand the English language to pursue full-time study.

2. If a foreign student is unable to provide the official evidence required in Subsection 1, the university may determine admissibility on a case-by-case basis.

3. A university may waive the language test requirement when competence in the English language is clearly evident.

4. Each institution may adopt additional policies and procedures concerning the admission of foreign students as necessary and publish such in the course catalog.

(B/R 10/06)

Section 9. University Transfer Students

1. Students transferring to a university must be in good standing and eligible to return to the educational institution last attended.

2. When admitting a student, the institution may consider the student's standing at a previously attended institution, including, but not limited to, records of disciplinary action.

3. Students who have registered at other educational institutions may not disregard such records and make application on the basis of their high school or selected college transcripts only. Any student who does so is subject to cancellation from the university.

4. An ineligible applicant who gains admission to a university on the basis of incomplete or fraudulent credentials or misrepresentations in the written application for admission shall have their:
    a. Admission and registration canceled without refund of any fees;
    b. Total credits rescinded that have been earned following such admission; and
    c. Future registration at an NSHE university prohibited unless authorized on a case-by-case basis by the institution.

5. A student transferring from one campus to another within the NSHE is required to submit an application for admission and supporting credentials directly to the institutionally designated office. Admission of the applicant and acceptance of transfer credits are governed by the advanced standing regulations of the institution to which the application is submitted and the Title 4, Chapter 14 provisions governing transfer and articulation.

(B/R 12/10)

Section 10. University Registration

1. Registration procedures shall be developed and published by each institution.

2. Each student shall be responsible for enrolling and registering in accordance with the deadlines established by the university for each semester.

3. Each student is responsible for the payment of all fees associated with each course in which he or she enrolls within the time period specified by the institution. A student who fails to pay the aforementioned fees in a timely manner must pay the late fees established by the institution and is subject to additional penalties as determined by the institution.

4. A full-time undergraduate student is defined as one who is registered for 12 or more semester credits or equivalent. If a portion of the credits required for full-time status is concurrently taken at another NSHE institution under an approved consortium agreement, the student shall be considered full-time. A full-time graduate student is defined as one who is registered for 9 or more semester credits or equivalent.

5. The registration of a student who is ineligible to attend the University is subject to immediate cancellation.

6. A student may be administratively dropped for nonpayment of fees.

(B/R 9/15)

Section 11. University Core Requirements

In addition to the NSHE Core requirements established pursuant to Title 4, Chapter 14, each university may define additional courses for inclusion in an institutional core curriculum. The establishment of such a core must be clearly defined in the course catalog.
(B/R 10/06)

Section 12. University Drop/Withdrawal Policies

1. A student may drop or withdraw from a course up until 60 percent of the course instruction has occurred. Universities may establish exceptions for unforeseen events including, but not limited to:
    a. Deployment of the student in the United States Armed Forces;
    b. Death or incapacitation resulting from an illness or injury of the student or the student's spouse, child, parent, or legal guardian that prevents the student from returning to the school for the remainder of the semester;
    c. Involuntary job transfer as documented by employer; or
    d. Other exceptional circumstances beyond the control of the institution or the student.

2. In addition to the foregoing, universities shall develop policies and procedures concerning the dropping of courses and the formal withdrawal from the institution, including the appropriate schedule of dates from which these actions may be taken by a student. Institutional drop/withdrawal policies must be published in the course catalog.

(B/R 9/16)

Section 13. University Categories of Students

1. A regular student is one officially admitted to the University by satisfying the admission requirements to an established degree program. A regular student may be either full-time or part-time.

2. A non-degree undergraduate student is one who has not been admitted to regular status and is limited to eight semester credits or equivalent per semester, unless a higher number of credits is otherwise approved by a university official named by the President. The university may establish the maximum number of credits earned as a non-degree student that may be applied toward a bachelor's degree up to a maximum of 32 credits.

3. Additional categories of students may be defined by the university as deemed appropriate by the institution.

(B/R 10/06)

Section 14. University Classification of Students

Undergraduate university students shall be classified based on the number of credits hours earned as follows:

Classification	Credit Hours Earned
Freshman	29 or less
Sophomore	30 to 59
Junior	60 to 89
Senior	90 or more

(B/R 10/06)

Section 15. University Grades and Examinations

1. Each university shall establish grading policies within the general grading parameters established by the NSHE Grading Policy, Title 4, Chapter 16.

2. Grade Point Average - Grade point average calculations shall be institution specific and will not include grade points earned from transferred courses. A student's average shall be determined by multiplying the grade point value (established in the NSHE Grading Policy) for each completed course by the number of credit hours for the course, excluding courses in which the NSHE grading policy does not assign a grade point value, the sum of which for all courses taken will be the total number of points earned, and dividing the total number of points earned by the total number of semester credit hours attempted, excluding credits earned from courses transferred from other institutions or courses in which a grade point value cannot be assigned.

3. Repeat - A university student may repeat any course taken at a university pursuant to the repeat policies established by the institution. Each university shall develop policies and procedures concerning the repeat and retake of courses and must publish such in the course catalog.

4. Academic Progress - Satisfactory academic progress for the purposes of academic standing and progress toward a degree shall be defined by each university. Criteria for defining satisfactory academic progress must include, but are not limited to, grade point average and number of credit hours earned.

(B/R 10/06)

Section 16. University Requirements for Graduation

It is the policy of the Board of Regents to allow students options in selecting the catalog under which to graduate in order to assist students in graduating without excess credits or undue delay. This policy is consistent with *Nevada Revised Statutes* 396.560.

Periodic revisions of degree requirements are made because of advances in knowledge, changes in occupational or professional qualifications, or the expectations of accrediting authorities. Students should consult the appropriate entities (e.g. advisors, licensing boards, etc.) before selecting the catalog under which to graduate to ensure compliance with any occupational or professional requirements or other post-graduation requirements. Such requirements may necessitate adherence to the degree requirements of a recent or current catalog. Institutional catalogs do not constitute contractual agreements or commitments.

1. A student enrolled at a university may elect to graduate under the catalog of the year of enrollment in a baccalaureate-level program or the year of graduation.

2. A university student who changes his or her major must choose the catalog of the year of the latest change of major or the year of graduation.

3. In addition to the catalog options under Subsections 1 and 2 of this Section, an NSHE transfer student may elect to graduate under the catalog of the year in which the transfer student initially enrolled at the two-year institution.

4. The catalog selected for the purpose of university graduation may not be more than 10 years old at the time of graduation.

5. Exceptions to this policy may be made on a case-by-case basis as determined by the appropriately designated university official.

(B/R 12/16)

Section 17. University Admission to Graduate Programs

1. The minimum grade point requirements for university graduate programs shall be established by the institution and published in the course catalog.

2. The universities may establish prescribed program alternatives for students who do not meet entrance requirements, and must establish limits on the number of students enrolled in graduate programs through prescribed program alternatives.

3. A university may define graduate student classifications as necessary, including but not limited to “graduate special” for a student who desires to take graduate level course work without formal admission to a university graduate program. Institutionally determined definitions for graduate student classifications must be published in the course catalog.

4. A university may establish the maximum number of credits earned while a post-baccalaureate non-degree student that may be applied toward a graduate degree.

(B/R 10/16)

Section 18. Community College Admission – General Policy

1. In the admission of students, community colleges shall not discriminate on the basis of a person's age, disability, ethnicity, gender, national origin, race, color, religion, sexual orientation, or gender identity or expression. As used in this section:
    a. "Race" includes traits associated with race, including without limitation, hair texture and protective hairstyles.
    b. "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

1. All applicants seeking a degree or certificate must qualify for admission by satisfying at least one of the following:
    a. a graduate of a high school or its equivalent; or
    b. a qualified international student.

2. An applicant who is seeking to attain a high school diploma or its recognized equivalent and a degree or certificate simultaneously may be admitted. An applicant who is subject to compulsory high school attendance under NRS Chapter 392 is not eligible for admission under this Subsection.

3. A student who does not meet the community college requirements for admission established in Subsection 2 may apply to be admitted under alternate criteria or test scores that demonstrate college readiness. Each college shall establish procedures and requirements for such alternate admission.

4. When admitting a student, the institution may consider the student's standing at a previously attended institution, including, but not limited to, records of disciplinary action.

5. All applicants for admission shall complete such tests, furnish such information, and meet such deadlines as required by the regulations published in the admissions sections of the catalog governing the semester of initial enrollment. The initial semester of enrollment shall be considered the date of matriculation except where otherwise defined by the institution.

6. Admission to an NSHE community college implies general admission to the college only and does not constitute admission to a specific curriculum or courses that may require additional admission criteria, as published in the college catalog governing the semester of initial enrollment.

7. Programs designated as limited entry require fulfillment of selective admissions criteria as contained in the institutional catalog and other appropriate college documents. Continuation in selective admissions programs is likewise contingent upon fulfillment of conditions specified by the institution and contained in official institutional documents.

(B/R 6/21)

Section 19. Community College Admission of International Students

To qualify for admission to a community college, an international student must satisfy the following conditions:

1. Official evidence of an educational level equivalent to graduation from an accredited United States high school;

2. Competency in the English language as defined in the college catalog governing the semester of initial enrollment; and

3. Evidence of sufficient financial support as defined in the college catalog governing the semester of initial enrollment.

Section 20. Community College Admission to Advanced Standing

1. Community colleges shall accept a maximum of 45 semester credits or 75 percent of the total credits required for a degree, whichever is greater, of previous training, education or credit by examination toward an Associate degree, with the following limitations:
    a. not more than of 75 percent of the credits required for a degree may be applied from other colleges and universities.
    b. not more than 30 semester credits from credit by examination.
    c. not more than 16 semester credits from nontraditional sources.

2. Community colleges may accept a maximum of 15 semester credits from credit by examination for a certificate of achievement.

3. Acceptance of various types of credit will be governed by the college's transfer credit policy or by the entity designated to govern and evaluate such matters.

Section 21. Community College Registration

1. Registration procedures shall be developed and published by each community college.

2. Registration is not complete until all fees are paid and all registration materials are filed with the college’s registrar or other appropriately designated office.

3. A student who completes registration after the time period designated by the college may be charged a late registration fee.

4. A student who wishes to enroll for semester credits exceeding what the college defines to be a heavy load must obtain the approval from the appropriate college office designated by the institution.

5. Each community college shall have the right to define prerequisites or concurrent enrollment for registration for specific classes.

6. Definition of student enrollment status:

Full-time student	12 semester credits or more
Three-quarter time student	9 – 11 semester credits
Half-time student	6 – 8 semester credits

7. A student may withdraw from a course up until 60 percent of the course instruction has occurred. For one-day courses, a withdrawal must be completed by the day before the class meeting. Community colleges may establish exceptions for unforeseen events, including, but not limited to:
    a. Deployment of the student in the United States Armed Forces;
    b. Death or incapacitation resulting from an illness or injury of the student or the student's spouse, child, parent, or legal guardian that prevents the student from returning to the school for the remainder of the semester;
    c. Involuntary job transfer as documented by employer; or
    d. Other exceptional circumstances beyond the control of the institution or the student.

8. In addition to the foregoing, community Colleges shall develop policies and procedures concerning the dropping of courses and the formal withdrawal from the institution, including the appropriate schedule of dates from which these actions may be taken by a student. Institutional drop/withdrawal policies must be published in the course catalog.

9. The registration of a student who is ineligible to attend the college is subject to immediate cancellation.

10. A student may be administratively dropped for nonpayment of fees.
(B/R 9/16)

Section 22. Community College Classification of Students

1. Community college students shall be classified based on the number of credit hours earned as follows:

Classification	Credit Hours Earned
Freshman	Less than 30
Sophomore	30 -59

1. Students enrolled at community colleges offering a baccalaureate degree shall be classified junior or senior status based on the number of credit hours earned as follows:

Classification	Credit Hours Earned
Junior	60-89
Senior	90 or more

Section 23. Community College Grades and Examinations

1. The community colleges shall establish grading policies within the general grading parameters established by the NSHE grading policy, Title 4, Chapter 16.

2. Repeat - Students may repeat any course. Only the highest grade is counted as part of their total grade point average. Students may retake certain courses for additional credit as defined by the college.

3. Audit - Students may elect to take any course for an audit grade. No credit and no grade-points are earned if an audit grade is elected.

4. Final Examination - The instructor is responsible for the proper evaluation of each enrolled student throughout the instructional period.

5. Grade Point Average – Grade point average calculations shall be institution specific and will not include grade points earned from transferred courses. A student's average shall be determined by multiplying the grade point value (established in the NSHE policy) for each completed course by the number of credit hours for the course, excluding courses in which the NSHE grading policy does not assign a grade point value, the sum of which for all courses taken will be the total number of points earned, and dividing the total number of points earned by the total number of semester credit hours attempted, excluding credits earned from courses transferred from other institutions or courses in which a grade point value cannot be assigned.
6. Students must maintain a cumulative grade point average of at least 2.0 in order to be considered progressing toward a degree or certificate.

Section 24. Community College Requirements for Graduation

The following requirements must be met by a student seeking to graduate from an NSHE community college:

1. Each associate degree or certificate student is required to satisfy course requirements as defined in the college catalog.

2. It is the policy of the Board of Regents to allow students options in selecting the catalog under which to graduate in order to assist students in graduating without excess credits or undue delay. This policy is consistent with *Nevada Revised Statutes* 396.560.

   Periodic revisions of degree requirements are made because of advances in knowledge, changes in occupational or professional qualifications, or the expectations of accrediting authorities. Students should consult the appropriate entities (e.g. advisors, licensing boards, etc.) before selecting the catalog under which to graduate to ensure compliance with any occupational or professional requirements or other post-graduation requirements. Such requirements may necessitate adherence to the degree requirements of a recent or current catalog. Institutional catalogs do not constitute contractual agreements or commitments.

A student may select the catalog year governing requirements for graduation under the following circumstances:

a. the year in which the student enrolled; or
b. the year the student officially selects a program of study; or
c. the year in which the student will complete the curriculum requirements for an associate degree or certificate of achievement.

Exceptions to this policy may be made on a case-by-case basis as determined by the appropriately designated community college official.

3. If a degree is offered for the first time after a student has enrolled, the student may choose the catalog year in which the degree or major was first offered. Except as otherwise provided in this Section, the selected catalog may not be more than six years old at the time of graduation for students receiving an associate degree or certificate of achievement, and not more than 10 years old at the time of graduation for students receiving a baccalaureate degree.

4. A returning student may elect to graduate under the catalog of the year in which the student enrolled before the student's break in enrollment if approved by the academic officer. The selected catalog may not be more than 10 years old at the time of graduation for students receiving a baccalaureate degree. For purposes of this Subsection, "returning student" means a student who has not graduated from a NSHE or non-NSHE institution and who enrolls after a break in enrollment of one or more semesters from a NSHE institution.

5. A student must maintain a minimum cumulative grade point average of 2.0.

6. A student must complete a minimum of 15 semester credit hours within the college.

7. A student must not have a financial or library obligation to the college.

8. A student may earn multiple degrees and certificates of achievement provided all course and graduation requirements for each degree or certificate are fully satisfied as outlined in the college's course catalog.

(B/R 12/16)

Section 25. Community College Certificate and Degree Requirements

Except as otherwise provided, the standard number of semester hours for an associate of arts, associate of business, and associate of science is 60. Specific requirements for all other certificates and degrees are as follows:

CERTIFICATE

Communications	3
Emphasis	24
Additional Program Requirements	3
TOTAL	**30**

NOTE: Mathematics & Human Relations must be included as courses or be clearly identified as content included in other required courses for a Certificate.

ASSOCIATE OF APPLIED SCIENCE

Communications/English	6
Constitution	3
Social Science/Humanities/Fine Arts	3
Mathematics*	3
Science*	3
Emphasis/Additional Program Requirements	42
TOTAL	**60**

*Mathematics and Science may be include as courses or clearly identified as content in other required courses.

NOTE: Human Relations must be included as a course or be clearly identified as content included in other required courses for an Associate of Applied Science.

ASSOCIATE OF GENERAL STUDIES

Communications	6
Constitution	3
Science	3
Mathematics	3
Social Science	3
Humanities	3
Additional Program Requirements	39
TOTAL	**60**

(B/R 3/14)

Section 26. State College Admission – General Policy

1. In the admission of students, the state college shall not discriminate on the basis of a person's age, disability, ethnicity, gender, national origin, race, color, religion, sexual orientation, or gender identity or expression. As used in this section:
    a. "Race" includes traits associated with race, including without limitation, hair texture and protective hairstyles.
    b. "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

2. All new students must furnish satisfactory evidence of good moral character as evidenced by a certificate of graduation or of honorable dismissal from the school last attended.

3. All applicants for admission shall complete such tests and furnish such information as required by the regulations published in the institutional catalog governing the semester of initial enrollment.

(B/R 6/21)

Section 27. State College – Admission Requirements

1. The following high school course admission requirements will apply for freshman admission to the state college:

High School Course (s)	Units
English: Emphasis on composition, rhetoric, and American, English and world literatures	4
Mathematics: Three units including at least two units of algebra 1 and higher level mathematics, chosen from second year algebra, geometry, trigonometry, pre-calculus, probability and statistics, and other advanced mathematics	3
Natural Science: (lab or simulation) Including biology, chemistry or physics, with at least one year in a laboratory science	2
Social Science/Studies: Including world history and geography, U.S. history, economics, government, or law	3
TOTAL:	12

2. Admission to freshman standing requires graduation from an accredited or approved high school with a minimum overall grade point average of 2.0 or above on a 4.0 scale.

3. A student who does not meet the state college admission requirements established in subsections 1 through 3 may, under procedures established by the state college, be admitted through other criteria. The requirements for admission under this provision are:
    a.) A combination of test scores and grade point average that indicate potential for success;
    b.) Special talents and/or abilities such as, but not limited to, the visual or performing arts or athletic abilities;

c.) Other evidence of potential for success;
d.) Improvement in the high school record;
e.) Overcoming adversity or special hardship; or
f.) Other special circumstances.

The number of students admitted under these criteria may not exceed 15 percent of the previous year's admissions.

4. Programs designated as limited entry require fulfillment of selective admissions criteria as contained in the college catalog and other appropriate college documents. Continuation in selective admissions programs is likewise contingent upon fulfillment of conditions specified by the institution and contained in official institutional documents.

(B/R 9/16)

Section 27. State College – Admission Requirements (Effective Fall 2020)

1. The following high school course admission requirements must be completed for freshman admission to the state college:

High School Course (s)	Units
English: Emphasis on composition, rhetoric, and American, English and world literatures	4
Mathematics: Three units including at least two units of algebra 1 and higher level mathematics, chosen from second year algebra, geometry, trigonometry, pre-calculus, probability and statistics, and other advanced mathematics	3
Natural Science: (lab or simulation) Including biology, chemistry or physics, with at least one year in a laboratory science	2
Social Science/Studies: Including world history and geography, U.S. history, economics, government, or law	3
TOTAL:	12

2. Students seeking admission to the state college must have:
   a.) At least a 2.5 (unweighted) high school grade point average; or
   b.) An SAT combined score from the SAT Evidence-Based Reading and Writing and SAT Math sections of at least 1020 (1600 scale); or
   c.) An ACT Composite score of at least 20.

3. A student who does not meet the state college admission requirements established in Subsections 1 and 2, under procedures established by the state college, be admitted through other criteria. The requirements for admission under this provision are:
   a.) A combination of test scores and grade point average that indicate potential for success;

b.) Special talents and/or abilities such as, but not limited to, the visual or performing arts or athletic abilities;
c.) Other evidence of potential for success;
d.) Improvement in the high school record;
e.) Overcoming adversity or special hardship; or
f.) Other special circumstances.

The number of students admitted under these criteria may not exceed 15 percent of the number of students admitted in the previous year. The college may require completion of an institutional program designed to improve college preparedness (e.g. summer bridge program) and/or student success (e.g. tutoring) as a condition of admission under this Subsection.

4. Admission may be limited for programs designated as limited entry or due to limited capacity based on the fulfillment of selective admissions criteria as contained in the college catalog and/or other appropriate college documents. Continuation in selective admissions programs is likewise contingent upon fulfillment of conditions specified by the institution and contained in official institutional documents.

(B/R 9/19)

Section 28. State College – Admission to Advanced Standing

Admission with advanced undergraduate standing is granted to a student transferring from another accredited college or university provided that:

1. The applicant is in good standing and eligible to return to the educational institution last attended.

2. An official transcript is presented to the state college showing an overall grade point average of 2.0 or above on all acceptable or transferable credits, provided that if less than 12 acceptable transfer credits are involved, freshman entrance requirements shall also be satisfied.

3. When admitting a student, the institution may consider the student's standing at a previously attended institution, including, but not limited to, records of disciplinary action.

(B/R 12/10)

Section 29. State College Transfer Students

1. Individuals who have registered at other educational institutions may not disregard such records and make application on the basis of their high school or selected college transcripts. Any student who does so is subject to cancellation from the state college.

2. An ineligible applicant who gains admission to the state college on the basis of incomplete or fraudulent credentials or misrepresentations in the written application shall have his or her:
    a. Admission and registration canceled without refund of any fees;
    b. Total credits rescinded that have been earned following such admission; and
    c. Future registration at the college prohibited.

(B/R 1/07)

Section 30. State College Registration

1. Registration or enrollment procedures shall be established by the state college.

2. Each student shall be responsible for enrolling on the dates and times specified in the class schedule for each semester or special session.

3. Students are responsible for the payment of fees for each course in which they enroll.

4. Students paying fees after the date and time set forth in the schedule of classes may be charged a late fee as prescribed by the institution.

5. A full-time student is defined as one who is enrolled in 12 or more semester credits or the equivalent work. If a portion of the credits required for full-time status is concurrently taken at another NSHE institution under an approved consortium agreement, the student shall be considered full-time.

6. The registration or enrollment of a student who is ineligible to attend the state college is subject to immediate cancellation.

7. A student may be administratively dropped for nonpayment of fees.

(B/R 9/15)

Section 31. State College Core Requirements

In addition to the NSHE Core requirements established pursuant to Title 4, Chapter 14, each university may define additional courses for inclusion in an institutional core curriculum. The establishment of such a core must be clearly defined in the course catalog.
(B/R 1/07)

Section 32. State College Drop/Withdrawal Policies

1. A student may drop or withdraw from a course up until 60 percent of the course instruction has occurred. The state college may establish exceptions for unforeseen events including, but not limited to:
    a. Deployment of the student in the United States Armed Forces;
    b. Death or incapacitation resulting from an illness or injury of the student or the student's spouse, child, parent, or legal guardian that prevents the student from returning to the school for the remainder of the semester;
    c. Involuntary job transfer as documented by employer; or
    d. Other exceptional circumstances beyond the control of the institution or the student.

2. In addition to the foregoing, the state college shall develop policies and procedures concerning the dropping of courses and the formal withdrawal from the institution, including the appropriate schedule of dates from which these actions may be taken by a student. Institutional drop/withdrawal policies must be published in the course catalog.

(B/R 9/16)

Section 33. State College Categories of Students

1. A regular student is one officially admitted to the college. A regular student may be either full-time or part-time.

2. A non-degree undergraduate student is one who has not been admitted to regular status and is limited to fifteen (15) semester credits or equivalent per semester, unless otherwise approved by a university official named by the President. The state college may establish the maximum number of credits earned as a non-degree student that may be applied toward a bachelor's degree up to a maximum of 32 credits. A non-degree student is subject to the same academic regulations as a regular student.

3. Auditor: A student who wishes to enroll for no credit may register as an “auditor” with the approval of the department offering the course.

(B/R 1/07)

Section 34. State College Classification of Students

Undergraduate state college students shall be classified by the number of credit hours earned as follows:

Classification	Credit Hours Earned
Freshman or first year	29 or less
Sophomore or second year	30-59
Junior	60-89
Senior	90 or more

Section 35. State College Grades and Examinations

1. The state college shall establish grading policies within the general grading parameters established by the NSHE Grading Policy, Title 4, Chapter 16.

2. Grade Point Average - Grade point average calculations shall be institution specific and will not include grade points earned from transferred courses. A student's average shall be determined by multiplying the grade point value (established in the NSHE Grading Policy) for each completed course by the number of credit hours for the course, excluding courses in which the NSHE grading policy does not assign a grade point value, the sum of which for all courses taken will be the total number of points earned, and dividing the total number of points earned by the total number of semester credit hours attempted, excluding credits earned from courses transferred from other institutions or courses in which a grade point value cannot be assigned.

3. Repeat - A state college student may repeat any course taken at a university pursuant to the repeat policies established by the institution. The state college shall develop policies and procedures concerning the repeat and retake of courses and must publish such in the course catalog.

4. Academic Progress - Satisfactory academic progress for the purposes of academic standing and progress toward a degree shall be defined by the state college. Criteria for defining satisfactory academic progress must include, but are not limited to, grade point average and number of credit hours earned.

(B/R 1/07)

Section 36. State College Requirements for Graduation

It is the policy of the Board of Regents to allow students options in selecting the catalog under which to graduate in order to assist students in graduating without excess credits or undue delay. This policy is consistent with *Nevada Revised Statutes* 396.560.

Periodic revisions of degree requirements are made because of advances in knowledge, changes in occupational or professional qualifications, or the expectations of accrediting authorities. Students should consult the appropriate entities (e.g. advisors, licensing boards, etc.) before selecting the catalog under which to graduate to ensure compliance with any occupational or professional requirements or other post-graduation requirements. Such requirements may necessitate adherence to the degree requirements of a recent or current catalog. Institutional catalogs do not constitute contractual agreements or commitments.

1. A student enrolled at the state college may elect to graduate under the catalog of the year of enrollment in a baccalaureate-level program or the year of graduation. However, college core curriculum requirements for graduation are determined by the year of admission to the college as a regular degree-seeking student.

2. A state college student who changes his or her major must choose the catalog of the year of the latest change of major or the year of graduation.

3. In addition to the catalog options under Subsections 1 and 2 of this Section, an NSHE transfer student may elect to graduate under the catalog of the year in which the transfer student initially enrolled at the two-year institution.

4. The catalog selected for the purpose of state college graduation may not be more than 10 years old at the time of graduation.

5. Exceptions to this policy may be made on a case-by-case basis as determined by the appropriately designated state college official.

6. In order to graduate students are required to have a minimum cumulative grade point average of 2.0, including all postsecondary course work attempted.

7. Candidates for a bachelor's degree at the state college must complete at least 30 upper-division credits in residence.

(B/R 3/21)

Section 37. NSHE Grading Policy

The following grading policies apply to all NSHE campuses, in addition to further specific requirements, which may appear elsewhere in this Chapter.

Campuses will be restricted to the use of the following grades:

GRADES		GRADE POINT VALUE
A	Superior	4.0
A-		3.7
B+		3.3
B	Above Average	3.0
B-		2.7
C+		2.3
C	Average	2.0
C-		1.7
D+		1.3
D	Below Average	1.0
D-		0.7
F	Failure	0.00
H	Honors (for Medical School only)	n/a
HP	High Pass (for Medical School only)	n/a
P	Pass	n/a
S	Satisfactory	n/a
U	Unsatisfactory	n/a
I	Incomplete	n/a
X	Continuing course (research projects or courses extending beyond one semester such as a dissertation)	
AD	Audit	n/a
W	Withdrawal	n/a
NR	Not Reported- Assigned by registrar Pending faculty submission of final grade	n/a
R	Replaced – individual course grade replaced under academic forgiveness (will not calculate into GPA)	n/a
AR	Academic Renewal – all course grades within a term removed according to institutional academic renewal policy (will not calculate into GPA)	n/a

1. The "plus" and "minus" is a part of the grading scale of each institution. It is up to the individual faculty member to exercise this option.

2. An F grade shall be a part of the grading scale for each institution. It is up to the individual faculty member to exercise this option. Institutions may utilize FN grade to denote an F grade for non-attendance. An F grade will appear on the student's transcript.

3. Campuses may retain institutional practices related to forgiveness or academic renewal policies in which, under certain circumstances, students may repeat failed courses or disregard course work.

4. All withdrawals indicate that the student did not complete the course.

5. The course syllabus shall contain a clear explanation of the grading scale to be used by the faculty member. Students may not appeal the format an instructor chooses.

6. Courses that a student is currently enrolled in but have not completed will be denoted "in progress" or IP pending completion of the course or end of the term in the student information system.

(B/R 4/20)

Section 38. NSHE Bachelor's Degree Requirements

1. The standard number of credits required for receipt of a baccalaureate degree from an NSHE institution shall be 120. Credit requirements for each degree, including a four-year plan of study, shall be published in the institution's catalog.

2. Institutions with a compelling reason for exceeding the 120-credit standard in a particular academic major may request an exception to the provisions of this Section from the Chancellor.

3. Exceptions to the 120-credit degree standard may be approved if evidence submitted to the Chancellor supports the necessity of more credits under at least one of the following circumstances:
    a. The program is appropriately defined as a five-year baccalaureate program;
    b. Professional accreditation requirements stipulate a higher number of credits or require course work that cannot be realistically completed within 120 credits; or
    c. A program is governed by certification or licensure requirements that result in the necessity for credits in excess of 120 over four years.

4. Institutions will report periodically to the Board of Regents the number of credits required by their academic programs and the rationale for continuing exceptions to the 120-credit standard.

(B/R 6/11)

Section 39. NSHE Associate's Degree Requirements

1. The standard number of credits required for receipt of an associate degree from an NSHE institution shall be 60. Credit requirements for each degree, including a two-year plan of study, shall be published in the institution's catalog.

2. Institutions with a compelling reason for exceeding the 60-credit standard in a particular field of study may request an exception to the provisions of this Section from the Chancellor.

3. Exceptions to the 60-credit degree standard may be approved if evidence submitted to the Chancellor supports the necessity of more credits under at least one of the following circumstances:
    a. The program is appropriately defined as a three-year program;
    b. Professional accreditation requirements stipulate a higher number of credits or require course work that cannot be realistically completed within 60 credits; or
    c. A program is governed by certification or licensure requirements that result in the necessity for credits in excess of 60 over two years.

4. Institutions will report periodically to the Board of Regents the number of credits required by their academic programs and the rationale for continuing exceptions to the 60-credit standard.

(B/R 6/11)

Title 4 - Codification of Board Policy Statements

Chapter 17

FEES AND EXPENSES

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Section 1. Assessment of Registration Fees and Tuition

1. The Board of Regents shall establish tuition rates for students who are not residents of Nevada, and registration and other fees to be assessed all students. The process for establishing the tuition rates and registration fees is set forth in this Section and the following principles shall guide the process for establishing tuition and fee rates across the System:
    a. Shared Responsibility. Tuition and fee levels shall reflect the shared responsibility, benefits, and needs of the students, the state, and the institution.
    b. Access and Affordability. Maintaining affordability by ensuring that all students can enroll at a NSHE institution by virtue of the cost of attendance and an appropriate financial aid package.
    c. Predictable Pricing. Increases in tuition and fees shall be predictable and managed so that the quality of education is not compromised to the extent this is feasible. Once established pursuant to Subsection 2 or approved by the Board for specific years pursuant to Subsections 5 though 7, the registration fees and non-resident tuition rate shall not be changed for or during the specific years except in emergency situations or extreme circumstances.

2. NSHE Predictable Pricing Program – Except as otherwise provided in Subsections 5 through 7 for certain NSHE professional schools, to provide predictable pricing of tuition and registration fees for students, the tuition and registration fees for resident and nonresident students shall be established pursuant to this Section as of May 1st of each year for a minimum of four future academic years. The tuition and registration fees for the four academic years shall be published no later than June 1st annually in a table in the NSHE *Procedures and Guidelines Manual*.
    a. Registration Fees – On an annual basis on or before May 1st, the Chancellor shall update the table published in the NSHE *Procedures and Guidelines Manual* to add a subsequent academic year in which the registration fees are set so that the increase is equivalent to the most recent Higher Education Price Index (HEPI) available, but this increase shall not exceed six percent. The first update shall occur on May 1, 2019, for academic years 2021-2022 and 2022-23, such that four years of registration fees are established as required by this Section as of May 1, 2019.
    b. Tuition and Other Charges
        i. Tuition – In addition to registration fees, nonresident students also pay a tuition charge. On an annual basis on or before May 1st, the Chancellor shall update the table published in the NSHE *Procedures and Guidelines Manual* to add a subsequent academic year in which the nonresident tuition increases for full-time undergraduate and graduate students (enrolled in 7 or more credits) will equal the most recent HEPI available, but this increase shall not exceed six percent. The Chancellor shall also update the table to add a subsequent academic year in which the nonresident tuition for part-time students (enrolled in 6 or fewer credits) will equal an amount calculated by multiplying the registration fees for the subsequent academic year established pursuant to this Section by 110 percent. The first update for nonresident tuition shall occur on May 1, 2019, for academic years 2021-2022 and 2022-23, such that four years of tuition are established as required by this Section as of May 1, 2019.

ii. Distance Education Tuition Charge – Nonresident students enrolled exclusively in distance education courses will, in addition to registration fees, pay a tuition charge equaling the registration fees times 50 percent. The tuition charge will be assessed only to nonresident students who are residing outside of Nevada during the semester in which enrollment in the distance education course(s) occurs. On an annual basis on or before May 1st, the Chancellor shall update the table published in the NSHE *Procedures and Guidelines Manual* to add a subsequent academic year for the distance education tuition charge in an amount required pursuant to this paragraph based on the registration fee for the subsequent academic year, as established by the Chancellor pursuant to this Section. The first update shall occur on May 1, 2019, for academic years 2021-2022 and 2022-23, such that four years of distance education tuition charges are established as required by this Section as of May 1, 2019.

c. Notification – On an annual basis on or before May 5th, the Chancellor shall notify the Board of Regents of the most recent HEPI adjustment and the registration fees and tuition established for the subsequent academic year that will be published in the table in NSHE *Procedures and Guidelines Manual* pursuant to this Section. At the same time the Chancellor notifies the Board of Regents, the Chancellor shall also notify the institutional Presidents and the student government presidents of the information provided to the Board of Regents pursuant to this paragraph. If the Board of Regents determines that due to emergency situations or extreme circumstances a higher or lower adjustment in the registration fees or tuition for the subsequent academic year may be required, the Chair of the Board shall direct the Chancellor to create a Committee composed of institutional and student representatives to submit recommendations by a specific date regarding the registration fees or tuition for the subsequent academic year for the consideration of the Board.

d. Publication on NSHE Websites – Each institution shall maintain a webpage on their respective websites for the NSHE Predictable Pricing Program. The webpage must set forth the tuition and registration fees for the next four years, as published annually in the table in the NSHE *Procedures and Guidelines Manual*. The webpages must also provide information that assists students in calculating their tuition and registration fees for at least four years.

3. Student Financial Assistance – In order to improve the access of all students and to encourage participation in higher education, an amount equal to at least 10 percent of the total registration fee at the community colleges (lower division only) and at least 15 percent of the total registration fee for all other institutions including upper-division at the community colleges, net the amounts distributed to other fee categories, will be dedicated to student financial assistance. These percentages are target amounts that must be achieved by academic year 2022-23.

4. Institutional Incentives – If desired, NSHE institutions may implement tuition or fee incentives in order to further the goals of the NSHE Master Plan and institutional strategic plans. Among the purposes of such incentives, if implemented, would be to increase student access, improve efficiencies in enrollment management and space utilization, and enhance time-to-degree objectives. The decision for adopting a tuition incentive rests with the Board of Regents upon recommendation of the institution President and the Chancellor. The institution must absorb the costs internally in the event there is no state support for such incentives. Such incentives may include a graduation incentive program under with students are guaranteed one registration fee rate over four years at a university or the state

college in pursuing a bachelor's degree or over two years at a community college in pursuing an associate's degree.

5. Tuition and Fees: Schools of Medicine
    a. The Board of Regents shall establish tuition rates for resident and nonresident students in the University of Nevada, Reno School of Medicine and the UNLV School of Medicine and other fees to be assessed all students in the University of Nevada, Reno School of Medicine and the UNLV School of Medicine. In establishing such rates and fees, the Board recognizes that both the students and the citizens of the State of Nevada share in the benefits of a medical education and, therefore, both students and the state should contribute appropriately to support high quality instructional programs. Further, the Board reaffirms its commitment to equal access to its programs regardless of a student's financial circumstances, and therefore shall establish tuition rates and fees at such level as to encourage participation in a medical education.
    b. On a biennial basis, in the spring of every even numbered year, the Presidents of the University of Nevada, Reno and the University of Nevada, Las Vegas or the Presidents' designees will each chair a university committee composed of the following individuals for their respective university: the dean of the School of Medicine; School of Medicine student government representatives; university administrative officers; and a representative from the Chancellor's Office. Each committee will gather and review data and make recommendations to the Chancellor and the Board on an appropriate level of tuition and fees to be assessed all students in the University of Nevada, Reno School of Medicine and the UNLV School of Medicine, respectively. The recommendations of these committees will be presented to the Board of Regents for its consideration and action.
    c. In establishing such rates and fees for the University of Nevada, Reno School of Medicine and the UNLV School of Medicine, the respective university committees will use the following information in their deliberations: 1) charges at peer institutions as defined in the annual Western Interstate Commission for Higher Education (WICHE) calculation of the median tuition and fees of member states; 2) information pertaining to consumer prices in the WICHE region; 3) the increase in state funding over the biennium; 4) a needs assessment of the University of Nevada, Reno School of Medicine and the UNLV School of Medicine, respectively; and 5) other indices and information needed to determine if tuition rates and fees are appropriate. Resident tuition and fee increases will be determined based on the above factors with no predetermined limit on the amount of the increase. Nonresident tuition may exceed the increase for residents and will be determined by the Board.

6. Tuition and Fees: School of Law at UNLV
    a. The Board of Regents shall establish tuition rates for resident and nonresident students in the William S. Boyd School of Law at UNLV, and other fees to be assessed all students in the William S. Boyd School of Law. In establishing such rates and fees, the Board recognizes that both the students and the citizens of the State of Nevada share in the benefits of a law education and, therefore, both students and the State should contribute appropriately to support high quality instructional programs. Further, the Board reaffirms its commitment to equal access to its programs regardless of a student's financial circumstances, and therefore shall establish tuition rates and fees at such a level as to encourage participation in law education.

b. Every even numbered year, the President of the University of Nevada, Las Vegas or the President's designee will chair a university committee composed of the Dean of the William S. Boyd School of Law, student government representatives from the law school, administrative officers, and a representative from the Chancellor's Office. The committee will gather and review data and make recommendations to the Chancellor and the Board on an appropriate level of tuition and fees to be assessed all students in the William S. Boyd School of Law at UNLV. The recommendation of this committee will be presented to the Board of Regents for its consideration and action.

7. Tuition and Fees: School of Dental Medicine at UNLV
    a. The Board of Regents shall establish tuition rates for resident and nonresident students in the School of Dental Medicine at UNLV, and other fees to be assessed all students in the School of Dental Medicine at UNLV. In establishing such rates and fees, the Board recognized that both the students and the citizens of the State of Nevada share in the benefits of a dental education and, therefore, both students and the State should contribute to support high quality instructional programs.
    b. Every even numbered year, the President of the University of Nevada, Las Vegas or the President's designee will chair a university committee composed of the Dean of the UNLV School of Dental Medicine, student government representatives from the dental school, administrative officers, and a representative from the Chancellor's Office. The committee will gather and review data and make recommendations to the Chancellor and the Board on an appropriate level of tuition and fees to be assessed all students in the School of Dental Medicine at UNLV. The recommendations of this committee will be presented to the Board of Regents for its consideration and action.

(B/R 3/19)

Section 2. Delinquent Accounts

The provisions of this Section are temporarily suspended from April 7, 2020, through September 30, 2020.

1 A student or former student having a delinquent accounts receivable of $100.00 or more, or an overdue loan of any amount with any member institution of the NSHE shall not be permitted to register at any institution. For the purposes of this Section, "delinquent accounts receivable" is defined to include tuition and registration fees, student fees, special courses fees and residence life charges billed to a student's account in the student information system. An NSHE institution may include other fee categories as they deem appropriate in determination of a delinquent account.

2. A student or former student having a delinquent account receivable or an overdue loan of any amount with any member institution of the NSHE shall not be permitted to receive a transcript of academic record, a diploma, a certificate or report of semester grades. The student or former student may; however, inspect the records under the provisions of the federal Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 1232(g), 34 CFR Part 99.

3. In addition, institutions may refer delinquent accounts receivable of $100.00 or more and overdue loans of any amount to a collection agency following written notification to the student or former student.

4. Institutions must publish on their institutional website the NSHE delinquent accounts policy, including a list of the fee categories that are applicable to the designation of a delinquent student account. This student notification must indicate that a student with a delinquent account shall not be permitted to register at any NSHE institution.

(B/R 4/20)

Section 3. Registration Fee

There shall be a per-credit registration fee assessed to all students enrolling in a course. The registration fee is the instruction fee and, when appropriate, may include any associated student union, student activity, student association, capital improvement or other fees approved by the Board of Regents or, in the case of noncredit courses, by the President. This fee shall be assessed on a per-credit basis for all state-supported, continuing education, and community service credit courses. Continuing education and community service noncredit courses shall be assessed on a per-course basis. The distribution of the proceeds of the registration fee shall be determined by the Board of Regents.
(B/R 3/04)

Section 4. Excess Credit Fee

Effective Fall 2021, institutions will no longer charge students an “excess credit fee” for the accumulation of credits in excess of those required for a student’s program of study. Periodically or upon the request of the Board, institutions will report on the accumulation of excess credits by students and steps taken to mitigate such credit accumulation.
(B/R 6/21)

Section 5. Nonresident Tuition

Students classified as Nevada residents for tuition purposes shall pay a per-credit registration fee only for all state-supported, continuing education, and community service credit courses. Students classified as nonresidents for tuition purposes shall pay a nonresident tuition charge plus per-credit registration fees. Except for University of Nevada, Reno School of Medicine students; University of Nevada, Las Vegas School of Medicine students; University of Nevada, Las Vegas School of Dental Medicine students; and William S. Boyd School of Law students, registration fees and nonresident tuition rates shall be assessed in accordance with that approved by the Board of Regents.
(B/R 9/18)

Section 6. Registration Fees and Nonresident Tuition Rates

Registration fees and nonresident tuition rates shall be approved by the Board biennially in even-numbered years in accordance with the provisions established in Section 1 of this Chapter.
(B/R 2/5)

Section 7. Tuition and Fees, University of Nevada School of Medicine

Resident and nonresident tuition and fees for students of the University of Nevada, Reno School of Medicine and the University of Nevada, Las Vegas School of Medicine shall be approved by the Board biennially in accordance with the provisions established in Section 1 of this Chapter.
(B/R 9/18)

Section 8. Tuition and Fees, William S. Boyd School of Law Students

Resident and nonresident tuition and fees for the William S. Boyd School of Law shall be approved by the Board biennially in accordance with the provisions established in Section 1 of this Chapter.
(B/R 2/05)

Section 9. Tuition and Fees, School of Dental Medicine

Resident and nonresident tuition and fees for students of the University of Nevada, Las Vegas School of Dental Medicine shall be approved by the Board in accordance with the provisions of Section 1 of this Chapter.
(B/R 9/18)

Section 10. Tuition Charges, University Studies Abroad Consortium

Out-of-state students participating in the University Studies Abroad Consortium are exempt from nonresident tuition charges when enrolling in USAC courses at the University of Nevada, Las Vegas or the University of Nevada, Reno.
(B/R 3/04)

Section 11. Tuition Charges, Fort Valley State College Courses

Out-of-state minority students enrolled at Fort Valley State College in the State of Georgia who participate in a 3+2 math and engineering program at the University of Nevada, Las Vegas are exempt from nonresident tuition charges.
(B/R 3/04)

Section 12. Special Reduced Tuition and Fees

[Note: Subsections 1 and 2 of this Section were indefinitely suspended effective June 17, 2011.]

1. In-state residents 62 years of age or older shall be permitted to register for credit or as auditors in any course without registration or application or admission fees except as otherwise provided in this Section. A person must reach 62 years of age on the first day of the first scheduled class meeting to be eligible. If the individual registers for more than one class within a semester or term, the earliest scheduled class meeting will determine eligibility. The consent of the course instructor may be required for all such registration.
    a. This policy is effective during the fall and spring terms only and is applicable to those courses where space is available.
    b. Such registration shall not entitle a person to any privileges usually associated with registration; e.g., student association membership, health service, intercollegiate athletic tickets.
    c. Registration fees associated with the William S. Boyd School of Law; the University of Nevada, Reno School of Medicine; University of Nevada, Las Vegas School of Medicine and the University of Nevada, Las Vegas School of Dental Medicine are not eligible under this policy.
    d. Academic credit courses that lead to a degree or certificate, including state-supported distance education course, independent learning, and continuing education courses, are eligible for the fee waiver. Non-state-supported courses are not eligible for waiver under this policy.

[The provisions of this Subsection are indefinitely suspended effective June 17, 2011.]

2. Non-matriculated native speakers of any foreign language may be permitted to register without fee for credit or as auditors in literature courses in that language. The consent of the course instructor may be required for all such registration.

[The provisions of this Subsection are indefinitely suspended effective June 17, 2011.]

3. Any member of the active Nevada National Guard, including a Nevada National Guard recruit, or the child or spouse of a person who was killed while performing duties as a member of the Nevada National Guard, may be permitted to register for credit without a registration fee or, except as otherwise provided, laboratory fee(s).
    a. This policy is applicable during Fall and Spring terms only.
    b. State-supported academic credit-bearing courses that lead to an undergraduate or graduate degree or certificate, including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.

c. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements; 3) fees for actual class cost in excess of $100; and 4) technology fees.
d. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
e. To be eligible for the fee waiver, the member must be in good standing or a recruit of the active Nevada National Guard at the beginning of and throughout the entire semester for which the waiver is granted. The member who fails to remain in good standing shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
f. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
g. The institution shall request the Adjutant General to verify the membership in the active Nevada National Guard of a person who is seeking or has been granted the fee waiver. The institution shall request the Adjutant General to verify that a person is the child or spouse of a member who was killed while performing duties as a member of the Nevada National Guard.
h. If a fee waiver is granted to a Nevada National Guard recruit and the recruit does not enter full-time National Guard duty within one (1) year after enlisting, the student shall reimburse the Board of Regents for all previously waived registration fees and laboratory fees if the failure to enter full-time National Guard duty is attributable to the recruit's own conduct.
i. A child of a person who was killed while performing duties as a member of the Nevada National Guard may use the waiver for 10 years after he attains 18 years of age or, if he enrolls in an NSHE institution before age 18, for ten years after the date of enrollment. The spouse of a person who was killed while performing the duties as a member of the Nevada National Guard may use the waiver for ten years after the date of death of the member.
j. Registration fees associated with the William S. Boyd School of Law; the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for waiver under this policy.
k. For the purpose of this Subsection, "spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.

4. A member of the active Nevada National Guard who reenlisted may, in lieu of using the waiver himself or herself and regardless of whether the member utilized a waiver pursuant to Subsection 3 before reenlistment, and for only one eligible person per reenlistment: 1) assign such a waiver to his or her spouse or child for credits applicable toward the course work required for the award to the spouse or child of an associate degree, baccalaureate degree or certificate at any school within the System, or; 2) reassign such a waiver to his or her spouse or child, as applicable, if the person to whom the waiver was assigned originally does not use the waiver to attend a school within the System as a full-time or part-time student.
    a. This policy is applicable during Fall and Spring terms only.
    b. State-supported academic credit-bearing courses that lead to an undergraduate degree or certificate, including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.
    c. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements; 3) fees for actual class costs in excess of $100; and 4) technology fees.
    d. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
    e. To be eligible to assign or reassign a fee waiver, the member must be in good standing in the active Nevada National Guard at the beginning of and throughout the entire semester for which the waiver is granted. The member who fails to remain in good standing shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and the assignee will not be allowed to register for additional courses until the debt is paid in full.
    f. A person to whom the fee waiver is assigned or reassigned must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
    g. The institution shall request the Adjutant General to verify the membership and reenlistment in the active Nevada National Guard of a person who is seeking or has been granted the fee waiver. The institution shall request the Adjutant General to verify the person who has been assigned or reassigned the fee waiver.
    h. For the purpose of this subsection, "spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.

5. Federally funded teacher training programs will carry an exception to in-state and out-of-state fee and tuition rates for contiguous and WICHE states, and may be offered at a reduced per-credit fee. Additionally, all NSHE institutions may offer professional development teacher training programs at a reduced per-credit fee when funded by Nevada school districts and/or the State of Nevada through non-NSHE funds, if collaborative agreements are in place. All course offerings will be approved and delivery overseen through the usual academic processes.

6. The child or spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or declared missing in action while performing duties as a member of the Armed Forces may be permitted to register for credit without a registration fee or, except as otherwise provided, laboratory fee(s).
    a. This policy is applicable during Fall and Spring terms only.
    b. Academic credit courses that will lead to the degree or certificate, including state-supported distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Non-state-supported independent study and correspondence courses are not eligible for waiver under this policy.
    c. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include: 1) per semester fees, such as the Health Service fee; 2) Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements; 3) fees for actual class cost in excess of $100; and 4) technology fees.
    d. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
    e. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver. The student who fails to maintain a 2.00 semester grade point average shall reimburse the Board of Regents for the semester's waived registration fees and laboratory fees and will not be allowed to register for additional courses until the debt is paid in full.
    f. The institution may request such documentation as it deems necessary to verify that a person is the child or spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces.
    g. A child of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces may use the waiver for 10 years after he attains 18 years of age or, if he enrolls in an NSHE institution before age 18, for ten years after the date of enrollment. The spouse of a person who as a member of the Armed Forces of the United States permanently stationed in Nevada is identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces may use the waiver for ten years after the date on which the member of the Armed Forces was identified as a prisoner of war or missing in action.
    h. Registration fees associated with the William S. Boyd School of Law, the University of Nevada, Reno School of Medicine, the University of Nevada, Las Vegas School of Medicine and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for waiver under this policy.

(B/R 6/21)

Section 13. Fee Waiver for Nevada Foster Youth

1. A student who was in the custody of an agency which provides child welfare services in Nevada after the student reached the age of 13 years may be permitted to register for credit without a registration fee or, except as otherwise provided, laboratory fee(s) if the student:
    a. Has graduated from high school or obtained a general equivalency diploma or equivalent document;
    b. Completes the Free Application for Federal Student Aid (FAFSA); and
    c. Is under the age of 26 years.

    A student placed out of state by a Nevada child welfare agency for the purpose of treatment or who was placed out of state through an Interstate Compact for the Placement of Children (ICPC) is eligible for the waiver.

2. This policy is applicable during Fall and Spring terms only.

3. State-supported academic credit-bearing courses that lead to a degree or certificate, including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.

4. Laboratory fees associated with all courses numbered below the 300 level are eligible for waiver under this policy. Exceptions to the waiver of laboratory fees include:
    a. Per semester fees, such as the Health Service fee;
    b. Special course fees for purposes other than class supplies – including individual instruction, third-party charges, and special transportation requirements;
    c. Fees for actual class cost in excess of $100; and
    d. Technology fees.

5. A person to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.

6. To remain eligible for the fee waiver, the student must meet institutional Title IV financial aid satisfactory academic progress requirements.

7. Registration fees associated with graduate level courses and with the William S. Boyd School of Law; the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for waiver under this policy.

8. Each institution shall designate a primary point of contact for questions concerning and administration of the fee waiver.

9. For purposes of this Section, “an agency which provides child welfare services” means such an agency as defined under NRS 432B.030.

(B/R 6/22)

Section 14. Fee Waivers for Veteran Recipients of the Purple Heart

1. A veteran of the Armed Forces of the United States who has been awarded the Purple Heart shall be permitted to register for credit without registration fees, laboratory fees, or other mandatory fees provided that the student:
    a. Completes the Free Application for Federal Student Aid (FAFSA); and
    b. Provides a Certificate of Eligibility for Veterans Administration educational benefits and/or the Veterans Administration Vocational Rehabilitation & Employment benefit.

2. The waiver shall be granted to a student who enrolls in a program leading to a certificate, associate, bachelor's, master's, or professional degree.

3. A student to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.

4. The institution may request such documentation as it deems necessary to verify the student is a veteran of the Armed Forces of the United States and a recipient of a Purple Heart award.

5. The amount of the waiver must be equal to:
    a. If a student is entitled to receive any federal educational benefit for a semester, the balance of registration fees, laboratory fees, and other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal education benefits to with the student is entitled for that semester; or
    b. If a student is not entitled to receive any federal education benefits for a semester, the full amount of the registration fees, laboratory fees, and any other mandatory fees assessed against the student for that semester.

6. Definitions.
    a. For purposes of this Section, other mandatory fees include student fees, special course fees, and differential program fees, as defined in this chapter.
    b. Federal education benefits include federal grants awarded to the student based on completion of the FAFSA, Veterans Administration education benefits and/or the Veterans Administration Vocational Rehabilitation and Employment benefit.

(B/R 9/19)

Section 15. Fee Waivers for Native Americans

1. A Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of membership status, shall be permitted to register for credit without registration fees, laboratory fees, and any other mandatory fees provided that the individual:
    a. Is admitted pursuant to Title 4, Chapter 16;
    b. Has been a resident of this State for not less than one year; and

c. Completes the Free Application for Federal Student Aid (FAFSA).

2. This policy is applicable during Fall and Spring terms only.

3. State-supported academic credit-bearing courses that lead to a certificate, associate, baccalaureate, master's, or professional degree including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.

4. All mandatory student fees and special course fees are eligible for waiver under this policy.

5. A person to whom a fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.

6. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver.

7. The institution may request documentation confirming that the student is a member or descendant of a member of a federally recognized tribe or nation, all or part of which is located within the boundaries of Nevada.

8. The amount of the wavier must be equal to the amount of the registration fee and all other mandatory fees charged to the student, less any federal educational benefits received by the student, including but not limited to Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, and veterans educational benefits.

9. On or before September 1 of each year, the Chancellor's Office shall prepare a report that includes the number of students that received the waiver pursuant to this section and the aggregate dollar amount waived by institution. The report will include any funding received to off-set the waiver from gifts, grants, donations, and federal sources. Issuing of the wavier is not contingent on the receipt of funds to support the waiver. The report will be transmitted to the Board of Regents and director of the Legislative Counsel Bureau.

(B/R 6/21)

Section 16. Fee Waivers for Active Duty Military

1. If approved by the President, institutions may waive special course fees, student fees, and other mandatory fees except the per credit registration fee for members of the Armed Forces of the United States who are stationed in Nevada or at the Marine Corps Mountain Training Center at Pickle Meadows, California.

2. For purposes of this Section, "Armed Forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard.

(B/R 12/14)

Section 17. Tuition or Registration Fee Discounts

NSHE institutions may bring forward for Board approval tuition and/or registration fee discounts. Proposals for such discounts must be accompanied by documentation justifying the discount based on the goals of the institution and any related market considerations, including the ability to compete with other non-NSHE institutions. Institutions may be required to report periodically on approved tuition or registration fee discounts upon request of the Chancellor or the Board. (B/R 3/14)

Section 18. Fees for Community Service, Continuing Education Programs and other Self-Supporting Programs

1. All community service, continuing education and other self-supporting programs shall be budgeted separately from the regular state appropriated budget in each institution.

2. Credit given for community service courses shall be applicable only to an Associate in General Studies degree.

3. Fees for each community service, continuing education or other self-supporting course shall be variable and flexible to cover the costs of the instructor's salary, supplies and equipment needed, and appropriate overhead costs. Except as otherwise provided, authority to set fees for community service, continuing education or other self-supporting courses is delegated to the President. Institutions m ay establish deferred payment plans pursuant to Section 16 of this Chapter.

4. No capital improvement fees or student activity fees shall be assessed for community service or continuing education courses.

5. The courses shall be wholly supported from registration and other fees and not from state appropriated funds.

6. Self-Supporting Pricing Model for Credit Courses. For credit courses offered to select professional audiences as part of a customized graduate, certificate or specially designed undergraduate program, and where an outside organization (such as a private firm, company or governmental agency) is fully funding the costs of the program, the President or his/her designee may approve an exception to in-state and out-of-state fees and tuition. For these programs, NSHE institutions may implement a market-competitive, self-supporting pricing model designed to account for all fixed- and variable-costs associated with the development, implementation and evaluation of the customized program. All courses offered through these special programs must be reviewed and approved by the same academic processes used for traditional courses and would not be submitted for State General Fund support. Self-Supporting Pricing Programs must be designed primarily for working adults, and must meet one or more of the following criteria:
    a. Offers flexible scheduling options;
    b. Offers flexible course delivery options;
    c. Offers ancillary services such as evening or weekend services such as academic advising, registration, financial aid; program-specific career advising; book delivery services, etc.;

d. Assists in the implementation of degree-completion programs for non-traditional students
e. Promotes greater geographic dispersion of institution programs;
f. Results from an outgrowth of planning with area employers to develop programs to meet their workforce training needs; or
g. Provides customized Certificate, Master's degree or undergraduate adult education programs.

(B/R 3/17)

Section 19. Deferred Payment Policy

Contracts for deferred payment of registration, tuition and other fees may be approved as follows:

1. Deferred payment contracts are applicable for registration fees, tuition and discounted fees. Each institution shall determine the student requirements and the minimum balance threshold for deferred payment and whether other fees may be deferred. Institutions may charge fees to students for participation in a payment plan and may set a rate of interest for past due amounts on these plans.

2. Each institution shall determine the payment schedule and number of deferred fee payments allowed but all payments are due no later than the end of the semester or course.

3. Any unpaid balance on a deferred fee payment schedule becomes a student accounts receivable on the due date and is treated as an official fee hold for future registration, transcript privileges and final grade reports. Disenrollment/eviction procedures may be instituted, if necessary.

4. A penalty fee of 10 percent with a minimum of $10 shall be charged on the deferred payment not paid by the due date.

5. Contracts for a veteran's deferment of fees are available for those students receiving educational benefits from the Department of Veterans Affairs. Eligibility is determined by the veteran's coordinator or designee on campus.

6. The Controller or designee may allow a payment plan on an individual basis.

7. Upon the recommendation of the Financial Aid Office, the Controller or designee may allow student fees to be deferred pending the receipt of financial aid. The Controller or designee may waive the imposition of any penalty due to the unavailability of financial aid.

(B/R 3/17)

Section 20. Refund Policy

1. Each institution shall establish procedures governing the refund of registration fees, nonresident tuition, and other student fees, including special course fees that shall be approved by the Board and published in the institution's course catalog or on its website. These provisions must include a schedule of dates for refunds and the corresponding percentages that may be refunded.

2. Upon presentation of documentation and approval of the institution, a refund of registration fees and nonresident tuition may be given upon official withdrawal from a course(s) at any time during the semester in the following circumstances:
    a. Deployment of a student in the United States Armed Forces;
    b. Death or incapacitation resulting from an illness or injury of the student or spouse, child, parent, or legal guardian of the student that prevents the student from returning to school for the remainder of the semester;
    c. Verifiable error on the part of the institution;
    d. Involuntary job transfer as documented by employer; or
    e. Other exceptional circumstances beyond the control of the institution or the student.

3. Each institution may establish procedures for students making even exchanges of credits and dollars in their registrations that do not affect the net credit load.

4. Each institution shall comply with the refund policies required under Title IV of the Higher education Act of 1965 as amended in 1998 federal financial aid requirements and guidelines.

5. For the purpose of providing educational benefits for veterans, NSHE institutions shall comply with the refund and other applicable policies as required under Title 38 of the Code of Federal Regulations, Part 21.

(B/R 9/16)

Section 21. Student Association and Health Service Participation

1. All community college students are members of their respective student government associations except those in programs for which no student activity fee is assessed (e.g., community service courses and school district cooperative agreements).

2. All students enrolled at the state college and universities are members of their respective student government associations or graduate student associations, if organized.

3. Students registering for seven (7) credits or more, undergraduate or graduate, at UNLV, are eligible for treatment at their respective health services during the academic year. A reduced health service shall be available to all UNLV students in summer programs.

(B/R 6/22)

Section 22. Late Registration Fee

A late registration fee of up to $50 per course may be assessed to students who don't meet the course registration deadline. Late registration fee exceptions may be granted by the institution when registration was delayed due to circumstances beyond the student's control.
(B/R 12/13)

Section 23. Late Payment Fee

A late payment fee of up to $25 may be assessed for payments received after the payment deadline. An additional fee of up to $25 may be assessed daily after the payment deadline up to $250 for past due balance greater than $100.
(B/R 12/13)

Section 24. Student Fees (Effective Date: February 1, 2017)

1. It is the policy of the Board of Regents that Student Fees exist only in cases of additional administrative or other service costs incurred by the institution for a necessary student activity or requirement that are not specific to one course or type of course. Student Fees may be assessed to provide services to the students for:
    a. special events or activities such as graduation,
    b. special services provided by the institution such as personal/group counseling including psychological and testing, substance abuse counseling, health services, international student services,
    c. third party pass-through charges such as test administration, certifications or contracted health services. An additional administrative charge of up to $25 may be added to the pass-through cost.
    d. special general instructional requirements such as a thesis fee.

2. Funds generated from Student Fees pursuant to this Section may be spent on the intended purpose only. Mandatory fees required of all students or all students in a particular group, regardless of dollar amount, shall be reviewed and approved by the Board of Regents.

(B/R 9/16)

Section 25. Transcript Requests, Exchange and Fees (Effective Date: February 1, 2017)

1. Institutions shall not charge students a fee for electronic transfers of transcript data between NSHE institutions. Such internal transcript data exchanges are subject to the restrictions governing delinquent accounts pursuant to Section 2 of this Chapter.

2. NSHE institutions may establish protocols for the exchange of electronic transcript data for the purpose of facilitating transfer admission, reverse transfer, supplemental enrollment evaluation, graduation, and similar activities provided student consent is obtained in compliance with the federal Family Educational Rights and Privacy Act (FERPA) and NRS 396.535.

3. Institutions may impose a transcript fee without Board approval for requests by students to send printed transcripts from one NSHE institution to another and to send transcripts to non-NSHE institutions or to any other outside entity, including current or prospective employers. Such a fee shall be in an amount that does not exceed the cost of producing the transcript plus postage, including costs for expedited delivery. The cost of production may include salary and other employee costs associated with production.

(B/R 9/16)

Section 26. Special Course Fees

It is the policy of the Board of Regents that the registration fee be the only fee assessed for taking a course except as otherwise outlined in this Section. The reasons for these exceptions are extraordinary instruction costs due to:

a. individual instruction such as private music lessons,
b. class supplies, course-specific software, and specialized equipment such as welding equipment and materials
c. third party charges for use of a facility such as golf,
d. special transportation requirements,
e. extraordinary instructional costs such as intensive supervision, support or additional technical expertise required for the delivery of the course, or
f. some combination of these reasons.

Responsibility for implementing this policy is delegated to the Presidents up to a maximum of $50.00 per course. Courses requiring fees higher than $50.00 require Board of Regents approval.

(B/R 2/09)

Section 27. Student Health Insurance Program

Institutions may adopt a mandatory health insurance program in which specific student groups (as defined by the institution and approved by the Board) must provide evidence of health insurance coverage or purchase health insurance through a System program.

(B/R 6/13)

Section 28. Residence Hall and Food Service Rates

The Board of Regents shall approve residence hall and food service rates for all NSHE institutions, excluding rates for conferences or other activities that are not exclusively for enrolled students.

(B/R 12/08)

Section 29. Differential Program Fees

1. NSHE institutions may bring forward annually for Board approval differential program fees to be retained by the institution that would be assessed in addition to registration fees. Each institution must establish procedures to ensure that student input is appropriately sought that must include a review of existing special course fees in the process of developing a differential program fee.

2. Upon the establishment of a differential program fee, all existing special course fees associated with the same program shall be eliminated, except those that are designated to cover the cost of consumables associated with a specific course.

3. Differential program fees shall be limited to high cost and/or high demand programs only, and such requests must be accompanied by documentation justifying the higher cost for students.

4. Except for clinical and applied health programs, differential program fees shall be limited to upper-division (300-400 level) and graduate level (500 level and above) courses.

5. Differential program fees shall be brought forward to the Board for consideration upon consultation with all institutions offering the program.

6. The Chancellor shall establish procedures for the administration of differential program fees, including but not limited to guidelines for the expenditure of revenue generated from such fees consistent with the use of differential program fees set forth in Title 4, Chapter 10.

(B/R 3/15)

Section 30. Refund of Residence Hall and Food Services Charges, UNLV

1. Refunds of residence hall and food service charges are permitted only for those students withdrawing totally from the University or who have been released from contract obligations.

2. Refunds will be determined by the per diem cost of room and board for unused services.

3. Changes to be effective Summer 2003.

4. For special refunds required by the Higher Education Act of 1992 for first-time students receiving financial aid under Title IV, see Section 14 of this Chapter.

(B/R 12/08)

Section 31. Refund of Residence Hall and Food Service Charges, UNR

1. Room and board charges are refunded upon withdrawal from school according to the following schedule:

1 - 2 weeks	75%
3 - 6 weeks	50%
7 - 8 weeks	25%
9 - 16 weeks	No refunds

2. For special refunds required by the Higher Education Act of 1992 for first time students receiving financial aid under Title IV, see Section 16 of this Chapter.
(B/R 12/08)

Section 32. Apartment Rentals, UNR

The Board of Regents shall approve rates charged for the University Village apartment rentals at the University of Nevada, Reno.
(B/R 12/08)

Title 4 - Codification of Board Policy Statements

Chapter 18

FINANCIAL AID

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Section 1. Grants-In-Aid – General Administration

Unless otherwise provided, the following provisions governing the administration of Nevada System of Higher Education (NSHE) student grants-in-aid are applicable to all grant-in-aid categories defined by this Chapter.

1. The registration fees associated with the William S. Boyd School of Law; the University of Nevada, Reno School of Medicine; the University of Nevada, Las Vegas School of Medicine; and the University of Nevada, Las Vegas School of Dental Medicine are not eligible for a student grant-in-aid.

2. Laboratory and other special course fees will not be included in a student grant-in-aid award.

3. Except as otherwise provided, persons who receive a student grant-in-aid pursuant to this Chapter and enroll in a state-supported course shall receive a grant-in-aid not to exceed in value that portion of the per credit registration fee allocated to the State Supported Operating Budget (or General Fund).
    a. Student grants-in-aid for state-supported courses may be awarded for Fall, Spring and Summer semesters only.
    b. Summer session grants-in-aid for state-supported courses shall be equivalent in value to the per credit grant-in-aid allowed in the prior Spring semester.
    c. Self-supporting courses, including community service and continuing education courses, may be eligible for a grant-in-aid equivalent in value to the total registration fee charged or the amount of the per credit registration fee that would be allocated to the state-supported operating budget (for state-supported courses), whichever is less.
    d. Grants-in-aid provided to student athletes and student body officers designated by the President enrolled in state-support courses shall include a waiver of the Capital Improvement Fee and General Improvement Fee at the state college and community colleges; and the Capital Improvement Fee only at the universities.
    e. Student grant-in-aid recipients must maintain a cumulative grade point average of 2.0.

(B/R 9/18)

Section 2. Grants-In-Aid, Resident and Nonresident Awards

1. Annually, the Board of Regents shall allocate the permissible number of grants-in-aid that may be awarded by each NSHE institution for resident and nonresident undergraduate and graduate students, excluding those for professional staff and their dependents, to the extent that funding is available.

2. <u>In-State Awards</u>. Student grants-in-aid may be provided to undergraduate and graduate students who are residents of Nevada not to exceed a number equal to three percent of the total matriculated enrollment of students for the preceding Fall semester. The allocation of awards for resident students includes, but is not limited to, the following specific categories:

a. Members of federally recognized Native American tribes residing on tribal lands located wholly or partially within the boundaries of Nevada;
b. The financially dependent child or spouse of an active duty member of the Armed Forces of the United States killed in the line of duty while permanently stationed in Nevada, excluding the child or spouse of a member of the Nevada National Guard killed while performing duties pursuant to the fee waiver established for such in Title 4, Chapter 17.
c. Military personnel assigned to ROTC detachments within the NSHE and their spouses and financially dependent children are eligible for the duration of such assignment.

3. Out-of-State Awards. Student grants-in-aid may be provided to nonresident undergraduate and graduate students, including foreign students, not to exceed a number equal to three percent of the total matriculated enrollment of students for the preceding Fall semester for the payment of nonresident tuition as authorized by *Nevada Revised Statutes* 396.540.

(B/R 12/09)

Section 3. Scholarship and Grant Waiver Related to Sexual Harassment

1. A party to a matter falling within Title 4, Chapter 8, Section 13 (Unlawful Discrimination and Harassment Complaint Procedure), may request a waiver from any requirement to maintain a grade point average, credit enrollment or other requirement for the purpose of maintaining eligibility for a state or institutional scholarship or grant.

2. Except as otherwise provided in Chapter 18, Section 9, each institution shall establish a process whereby a party to a matter pursuant to Title 4, Chapter 8, Section 13, may request a scholarship or grant waiver, including but not limited to an established institutional financial aid appeals process.

3. The waiver may be granted by an institutionally designated individual or through an appeals process.

(B/R 12/21)

Section 4. Student Loans – Types

1. Emergency loans involving small amounts of money for short periods of time may be made to qualified students for bona fide emergencies.

2. University educational loans normally payable within a year may be made to qualified students for educationally connected expenses while they are enrolled on at least a half-time basis (six credits or more for undergraduates, five credits or more for graduate students).

3. Long-term educational loans on a low interest basis, repayable after graduation, are available through the University for qualified students under various federal or federal/state loan programs.

(B/R 3/88)

Section 5. Student Loans – Cancellation

1. In the event of the death of a student financially indebted to the University, the dean of student personnel services may authorize the cancellation of such indebtedness.

2. SubSection 1 shall not supersede any federal or federal/state regulation governing National Direct Student Loans (NDSLs), nursing or other loan assistance cancellation provisions.

(B/R 3/68)

Section 6. Student Employment

1. The NSHE policy in regard to student employment on campus is that all part-time hourly-rate positions on campus paid from the Wages Account will be listed with and filled as vacancies occur through the Student Employment Service, with the ultimate goal of employing a qualified student in each such position. It has been found that students enrolled at NSHE institutions represent a comprehensive range of special skills and training. If a specific student is desired to fill a listed position, the employing official need only request that the student be referred after proper clearance. Otherwise, qualified students will be referred to the employing office until the position has been filled.

2. Minimum qualifications vary from one institution to another. Students should contact the student employment office at the appropriate institution for the rules governing student employment.

(B/R 3/88)

Section 7. Regents' Service Program

1. The Regents' Service Program is established by the Board of Regents so that NSHE students can make a contribution to the critical needs of the community. Work opportunities for currently enrolled students shall be service-oriented and reflect a high level of skill or knowledge. Priority will be given to literacy and P-16 programs.

2. Each institution shall have the flexibility to design work, stipend, scholarship, or graduate support programs that meet the needs of students in accordance with the guidelines established for student access.

3. Annually, the System Office will prepare a report for presentation to the Board concerning program outcomes, number of students served, dollars expended, and other information as deemed appropriate.

4. Eligibility criteria and guidelines for the administration of the program shall be developed by the Chancellor.

(B/R 8/06)

Section 8. Use of Student Access Funds

A. The provisions of Subsections 2 and 4 of this section are temporarily suspended from January 15, 2021, through May 31, 2021, for the limited and specific purpose of allowing institutions to cover a shortfall in state funds available to cover Nevada Promise Scholarship awards for Spring 2021.

B. In order to improve the access of all students and to encourage participation in higher education, an amount equal to at least 10 percent of the total registration fee at the community colleges (lower-division only) and at least 15 percent of the total registration fee for all other institutions including upper-division at the community colleges, net the amounts distributed to other fee categories, will be dedicated to student financial aid. These percentages are target amounts that must be achieved by academic year 2022-23. For the purposes of this Section, "Student Access Funds" means budgeted dollars intended for student financial aid, including allocations for such funds from state appropriations and funds generated from registration fees. The guidelines for the use of Student Access Funds are as follows:

   1. One-hundred percent (100%) of Student Access Funds will be used for financial assistance for students. Except for the Regents' Service Program, funds will not be used for administrative or any other purposes, unless specifically authorized by Board policy. The portion derived from undergraduate student enrollments will be dedicated to undergraduate financial assistance. The portion derived from graduate student enrollments will be dedicated to graduate financial assistance; however this shall not include the funding of base salaries for graduate assistantships.
   2. At least 80% of state-funded Student Access Funds for each institution each academic year will go to need-based programs, for both undergraduate and graduate students. Student eligibility for state-funded Student Access funds is limited to 150 percent of the published credits required for a program in accordance with Title IV Federal Student Aid guidelines governing satisfactory academic progress. Institutions shall establish an appeals process pursuant to Title IV Federal Student Aid guidelines.
   3. The remainder of the state-funded Student Access Funds (not to exceed 20%) for each institution each academic year will go to other "access-oriented" financial assistance, including but not limited to scholarships, non-need based grants and work study programs, for both undergraduate and graduate students.
   4. For fee-generated Student Access Funds, at least 80% of undergraduate funds and at least 50% of graduate funds for each institution each academic year will go to need-based programs. Student eligibility for fee-generated Student Access funds is limited to 150 percent of the published credits required for a program in accordance with Title IV Federal Student Aid guidelines governing satisfactory academic progress. Institutions shall establish an appeals process pursuant to Title IV Federal Student Aid guidelines.
   5. The remainder of the fee-generated Student Access Funds (not to exceed 20% for undergraduate and 50% for graduate students) for each institution each academic year will go to other "access-oriented" financial assistance, including but not limited to scholarships, non-need based grants and work study programs.

6. The institution shall report each year, information on how fee-generated and state-supported Student Access Funds were utilized, including such information as defined by the Vice Chancellor for Academic and Student Affairs that may be utilized to evaluate student success. This information will be included in the annual NSHE Financial Aid Report.
7. Nothing in this Section precludes an institution from allocating additional funds for general scholarship purposes. Any such additional allocations are not subject to the student access distribution established in this Section.
8. Awards granted to students using Student Access Funds shall be named the "Regents' Higher Education Opportunity Award."

THE PROVISIONS OF SUBSECTION A. WILL EXPIRE BY LIMITATION ON MAY 31, 2021. (B/R 1/21)

Section 9. Governor Guinn Millennium Scholarship: Policy and Procedures (Effective July 1, 2020)

9.0	Overview and Eligible Institutions	9.12	Cost of Attendance
9.1	Eligibility Requirements for Nevada High School Graduates	9.13	Eligibility Appeals
9.2	Eligibility Requirements for Students who are not High School Graduates	9.14	Maintaining Scholarship Eligibility
9.3	Eligibility Requirements for an Out-of-State High School Graduate Whose Family or Legal Guardian is a Resident of Nevada	9.15	Core Curriculum
9.4	Eligibility Requirements for Students Who Do Not Satisfy the Minimum Grade Point Average Requirements	9.16	Regaining Scholarship Eligibility
9.5	List of Eligible High School Graduates	9.17	Transferring within Eligible Institutions
9.6	Enrollment Requirements for Receipt of a Scholarship	9.18	Eligibility Affidavit
9.7	Lifetime Limits	9.19	Refunds
9.8	Students with Disabilities	9.20	Office of the State Treasurer
9.9	Summer School	9.21	Institutional Certification of Enrollment
9.10	Enrollment at Multiple Institutions	9.22	Limitations
9.11	Amount of the Scholarship	9.23	Waiver Related to Sexual Harassment

9.0 The State of Nevada established the Governor Guinn Millennium Scholarship in order to increase the number of Nevada students who perform well in high school and then enroll in, and graduate from an *eligible institution* of higher education in Nevada.

An eligible institution is an institution at which a qualified student may receive a Millennium Scholarship. Eligible institutions are:

a. A university, state college or community college of the NSHE (NSHE); or
b. Any other nonsectarian institution of higher education in Nevada that,
    1. Was originally established in, and is organized under the laws of the state,
    2. Is exempt from taxation pursuant to 26 U.S.C. §501(c)(3), and
    3. Is accredited by a regional accrediting agency recognized by the United States Department of Education.

To receive a Millennium Scholarship, a student must meet the requirements of this Millennium Scholarship policy and enroll in an eligible institution. The admission requirements of eligible institutions may be different from the requirements for the Millennium Scholarship. The receipt of a Millennium Scholarship does not guarantee admission to all eligible institutions, nor does it guarantee admission to all programs at eligible institutions. The NSHE recommends that students who plan to attend the University of Nevada, Las Vegas, or the University of Nevada, Reno, seek an advanced high school diploma and check with the institution for information on admission requirements.

9.1 Eligibility requirements for Nevada high school graduates.

9.1.1 To be eligible for a Millennium Scholarship, a student must meet all of the following requirements:

a. Graduate[1] with a diploma from a public or private high school in Nevada after May 1, 2000[2];
b. Except as otherwise provided in Section 9.4, complete high school, with at least a:
    1. 3.00 weighted or unweighted grade-point average on a 4.0 grading scale, if the student graduated prior to the graduating class of 2005;
    2. 3.10 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or
    3. 3.25 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class.
c. Pass all areas of the Nevada High School Proficiency Examination, if the student graduated prior to the graduating class of 2017; and
d. Have been a resident of Nevada for at least two years of high school.

9.1.2 All high school credit-bearing courses accepted toward fulfilling the high school's graduation requirements will be used in calculating the final grade point average.

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[1] Students who graduate with a diploma from a program for adult learners are eligible for the Millennium Scholarship if they (1) received their high school diploma within four years of the regularly scheduled graduation date of their class, and (2) meet the remaining conditions of 9.1.1.

[2] Students who graduate with the class of 2000 are eligible for a Millennium Scholarship regardless of when they completed their high school course work. (B/R 6/05)

9.1.3 A student who graduated from high school after May 1, 2003, must apply for the Millennium Scholarship within 6 years of high school graduation in order to be eligible for receipt of scholarship funds. Time served on active duty as a member of the United State Armed Forces, or for participation in a charitable, religious or public service assignment or mission will not apply to the limitations of this Section, not to exceed six years.

9.1.4 A student who graduated from high school in Spring 2009 and thereafter must successfully complete the core curriculum defined in Section 9.15 to gain eligibility.

9.2 Eligibility requirements for students who are not high school graduates.

9.2.1 To be eligible for a Millennium Scholarship, a student who is not a high school graduate must meet all of the following requirements:

a. Would have graduated from high school after May 1, 2000 had the student been enrolled in high school;

b. Receive an enhanced ACT composite score of 21 or higher; a combined (critical reading and math) SAT score of 990 or higher (1600 scale) on tests administered prior to March 2016; or a combined (Evidence-Based Reading and Writing+Math) SAT score of 1070 or higher (1600 scale) on tests administered in March 2016 or later;

c. Except as otherwise provided in Section 9.4, achieve at least the following grade point average in all courses completed in a Nevada high school as defined in Section 9.1.2:

1. 3.00 weighted or unweighted grade-point average on a 4.0 grading scale, if the student graduated prior to the graduating class of 2005;

2. 3.10 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

3. 3.25 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class.

d. Pass all areas of the Nevada High School Proficiency Examination, if the student would have graduated from high school prior to the graduating class of 2017 had the student been enrolled in high school; and

e. Have been a resident of Nevada for at least two years of the normal years of high school attendance.

9.2.2 A student who is not a high school graduate must apply for the Millennium Scholarship within the limitations established in Section 9.1.3 for the student's normal year of high school graduation.

9.3 Eligibility requirements for students whose family or legal guardian is a resident of the State of Nevada and who graduate from high school out-of-state.

9.3.1 To be eligible for a Millennium Scholarship, a student who is not a Nevada high school graduate, but whose family or legal guardian is a resident of the State of Nevada, must meet all of the following requirements:

a. Graduate with a diploma from a public or private high school after May 1, 2000;

b. If the student was a member of the graduating class of 2017 or a later graduating class, receive an enhanced ACT composite score of 21 or higher; a combined (critical reading and math) SAT score of 990 or higher (1600 scale) on tests administered prior to March 2016; or a combined (Evidence-Based Reading and Writing+Math) SAT score of 1070 or higher (1600 scale) on tests administered in March 2016 or later;

c. Except as otherwise provided in Section 9.4, complete high school, with at least a:

1. 3.00 weighted or unweighted grade-point average on a 4.0 grading scale, if the student graduated prior to the graduating class of 2005;
2. 3.10 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or
3. 3.25 weighted or unweighted grade-point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class, and;

d. Pass all areas of the Nevada High School Proficiency Examination if the student graduated from high school prior to the graduating class of 2017, and

e. Establish residency by:

1. Providing evidence that a parent has been a resident of the State of Nevada for the last two years of the student's high school attendance and verifying financial dependence on the parent; or
2. Providing evidence that a parent who is a member of the Armed Forces of the United States, on active duty, and stationed outside Nevada as a result of a permanent change of duty station pursuant to military orders, was a resident of the State of Nevada for the last two years of the student's high school attendance and verifying financial dependence on the parent.

9.3.2 A student who is not a Nevada high school graduate must apply for the Millennium Scholarship within the limitations established in Section 9.1.3.

9.4 Eligibility requirements for students who do not satisfy the minimum grade point average requirements under Sections 9.1, 9.2, or 9.3.

A student who does not satisfy the minimum grade point average requirements under Sections 9.1, 9.2, or 9.3 is eligible for the Millennium Scholarship if the student:

a. Was a member of the graduating class of 2016 or a later graduating class;

b. On ACT or SAT rests:
    1. Receives an enhanced ACT composite score of 21 or higher; a combined (critical reading and math) SAT score of 990 or higher (1600 scale) on tests administered prior to March 2016; or a combined (Evidence-Based Reading and Writing+Math) SAT score of 1070 or higher (1600 scale) on tests administered in March 2016 or later; and
    2. The examination was administered while the student:
        i. Was enrolled in a public or private high school if the student is applying for the Millennium Scholarship under Sections 9.1 or 9.3; or
        ii. Would have been enrolled in high school if the student is applying for the Millennium Scholarship under Section 9.2; and

c. Meets all other eligibility requirements applicable to the student under Section 9.1, 9.2, or 9.3.

9.5 Nevada school districts and private and charter high schools not associated with a school district shall provide to the State Treasurer a list of eligible high school graduates. In other circumstances, evidence may be submitted by applicants to the Millennium Scholarship Office.

9.6 Except as otherwise provided in 9.23, a Nevada resident who meets the requirements set forth in Section 9.1, 9.2 or 9.3 shall receive a Millennium Scholarship if the student:

a. Enrolls in at least 9 semester credits that apply to a student's program of study at an eligible community college or 12 semester credits that apply to a student's program of study at another eligible institution; and
b. Enrolls in a program of study leading to a recognized associate degree, baccalaureate degree, or pre-baccalaureate certificate.

Credits taken at another eligible institution to meet degree requirements at the student's home institution shall count towards the requirement of 9.6(a) provided the student enrolls in at least 12 credits.

"Home institution" means the institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

9.7 Millennium Scholarship lifetime limits

9.7.1 The maximum total Millennium Scholarship award is $10,000.

9.7.2 All qualified students who graduated from high school on or before May 1, 2003, may receive a Millennium Scholarship during the eight academic years following (a) their high school graduation date[3], or (b) the date when they satisfied the requirements of Section 9.2.

[3] In the case of a student graduating from a program for adult learners (see Section 9.1.1), on or before May 1, 2003, the eight-year period is the period following the regularly scheduled graduation date of the student's original high school class.

9.7.3 All qualified students, who graduated from high school after May 1, 2003, may receive a Millennium Scholarship during the six academic years following (a) their high school graduation date[4], or (b) the date when they satisfied the requirements of Section 9.2.

9.7.4 An exception to the limitations of 9.7.2 and 9.7.3 shall be made for time served on active duty as a member of the United States Armed Forces, or for participation in a charitable, religious or public service assignment or mission, will not apply to the limitations of this Section, not to exceed six years.

9.8 Students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. are to be determined by the institution to be exempt from the following Millennium Scholarship eligibility criteria:

a. 6 year application limitation following high school graduation set forth in Section 9.1.3;

b. Minimum semester credit hour enrollment levels set forth in Sections 9.6 and 9.13(c); and

c. Time limits for expending funds set forth in Sections 9.7.2 and 9.7.3.

9.9 Millennium Scholarship recipients may enroll in and receive the scholarship for credits that apply to a student's program of study for Summer term as long as they meet all eligibility requirements and all continuation requirements, excluding the minimum credit requirements of 9.6(a).

9.10 A student may receive simultaneously Millennium Scholarship funding at more than one eligible institution if the student meets the eligibility requirements established in 9.6.

9.11 The maximum amount of a Millennium Scholarship award each semester or Summer term is determined on a dollars-per-credit enrolled basis as set by the State of Nevada[5].

a. Total semester disbursements shall not exceed the cost of 15 credits per semester across all eligible institutions based on dollar-per-credit rates set by the State of Nevada for the Millennium Scholarship.

b. Millennium funds cannot be used to pay for remedial/developmental courses defined as any course with a course number less than 100.

c. Millennium funds cannot be used to pay for credits that do not apply to a student's program of study.

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[4] In the case of a student graduating from a program for adult learners (see Section 9.1.1), after May 1, 2003, the six-year period is the period following the regularly scheduled graduation date of the student's original high school class.

[5] The dollars per credit hour as set by the State of Nevada are: (a) $40 per enrolled credit in each lower-division course and $60 per enrolled credit in each upper division course for students attending a NSHE community college, (b) $60 per enrolled credit for students attending a NSHE state college, and (c) $80 per enrolled credit for students attending another eligible institution.

9.12 The Millennium Scholarship may only be used for costs related to attendance that are not covered by other grants or scholarships. The Financial Aid Office in each eligible institution shall administer the Millennium Scholarship and calculate the amount of the scholarship for each student. Costs of attendance shall be defined by the institution and shall include, but not be limited to, all costs defined under federal financial aid guidelines.

9.13 Appeals related to initial eligibility may be submitted by the student to the Chancellor's Office for review and determination of eligibility.

The Chancellor's Office will review the appeal and place the student on the list of eligible students if, based upon all information provided, the student meets all eligibility criteria. If the student does not meet all eligibility criteria, the Chancellor's Office will deny the appeal.

9.14 Except as otherwise provided in Subsections 9.8, 9.9 and 9.23, to remain eligible[6] for a Millennium Scholarship, a student must meet all of the following conditions at each institution where the student is a Millennium Scholarship recipient:

a. The student must make satisfactory academic progress, as defined by the home institution, toward a recognized associate degree, baccalaureate degree, or pre-baccalaureate certificate;
b. The student must maintain for each fall and spring semester that Millennium Scholarship funding is received at least a 2.75 semester grade point average.
c. The student must satisfactorily complete the minimum credit requirements in each Fall and Spring semester in which enrolled pursuant to Section 9.6.

9.15 Core Curriculum Requirements

9.15.1 The Board recognizes the importance of a rigorous high school curriculum in adequately preparing students to succeed in college-level courses. Therefore, except as otherwise provided in this Section for recipients of an advanced diploma, a student who graduates from a Nevada high school in Spring 2009 and thereafter must successfully complete the following curriculum in high school to be eligible for the Millennium Scholarship:

High School Course	**Units**
English	4
Math (including Algebra II or higher)	4
Science	3
Social Studies and History	3
TOTAL	**14**

[6] After *initial* eligibility is established (as specified in Sections 9.1, 9.2 and 9.3), determinations of continuing eligibility are made only after the student's *first* enrollment at an eligible institution with Millennium Scholarship support.

a. Nevada high school students who receive an advanced diploma (as defined under Nevada Administrative Code 389.663) in Spring 2017 and thereafter shall be deemed to have met the core curriculum requirements and deemed eligible for the scholarship if all other eligibility requirements established in this Chapter are met.

b. Pursuant to NRS 396.930, a student who has successfully completed one or more computer science courses described in Section 4 of Senate Bill 200[7] (Chapter 597, Statutes of Nevada 2017) can apply not more than one unit of credit received for the completion of such courses toward either the math or science high school course requirements.

9.15.2 As part of their role to establish the list of eligible high school graduates under Section 9.5 of this Chapter, Nevada school districts and private and charter high schools not associated with a school district shall determine whether the courses taken by a student while in high school, including dual enrollment and dual credit courses, and included on their transcript meet the core curriculum requirements.

9.16 A Millennium Scholarship recipient who fails to maintain the conditions of continuing eligibility as required in Section 9.14 is no longer eligible for the Millennium Scholarship.

a. Eligibility will be reinstated if the student subsequently enrolls without Millennium Scholarship support at an eligible institution and meets all the conditions of Section 9.14 for the semester enrolled.

b. Beginning in Fall 2005, all entering and continuing students who lose eligibility more than once (from Fall 2005 forward) will no longer be eligible for a Millennium Scholarship.

9.17 A student receiving a Millennium Scholarship who transfers to another eligible institution shall continue the Millennium Scholarship provided that the student has maintained eligibility as defined in Section 9.14. After transferring, a student must meet all the conditions of Section 9.14 at the new institution in order to remain eligible for the Millennium Scholarship.

9.18 Eligibility Affidavit
All students eligible to receive the Millennium Scholarship are required to execute an affidavit declaring the student's eligibility for a Millennium Scholarship pursuant to the requirements of *Nevada Revised Statutes* 396.930. The affidavit shall appear on both the printed and on-line acknowledgment of the award form that a student is required to complete prior to receiving the Millennium Scholarship. This affidavit shall not require a notarized signature.

9.19 Any refund that would normally be given to a student who has withdrawn from courses for which Millennium Scholarship support has been given shall be transferred to the State Treasurer's Office.

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[7] *Section 4 of S.B. 200 describes the following computer science courses: (a) An advanced placement computer science course; (b) A computer science course that is offered through a program of career and technical education; or(c) A computer science course that is offered by a community college or university which has been approved pursuant to NRS 389.160.*

9.20 The Millennium Scholarship Office established by the State Treasurer is responsible for transferring funds in a timely fashion to eligible institutions for all Millennium Scholars, maintaining data on all Millennium Scholarship candidates and recipients, and verifying that students have not exceeded the $10,000 lifetime maximum.

9.21 The State Treasurer shall prepare a list of all eligible Millennium Scholars for each graduation year. This list shall be conveyed to the Chancellor for transmittal to the Board of Regents. The Chancellor may act on behalf of the Board of Regents to certify the list of eligible students to be transmitted to the State Treasurer.

9.22 The standards set forth in this Section are subject to amendment, and are not intended to and do not create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

9.23 A party to a matter falling within Title 4, Chapter 8, Section 13 (Unlawful Discrimination and Harassment Complaint Procedure), may request a waiver from the continuing eligibility requirements established in Subsection 9.6 and 9.14. Waiver requests shall be considered pursuant to the provisions established in Title 4, Chapter 18, Section 3. The Chancellor's Office, Department of Academic and Student Affairs, shall establish a process for reporting waivers granted pursuant to this Subsection to the Treasurer's Office for the purpose of updating the student's official Millennium Scholarship record.

(B/R 12/21)

Section 10. Silver State Opportunity Grant Program

The 2015 Nevada Legislature created the Silver State Opportunity Grant Program under Senate Bill 227 (Chapter 387, *Statutes of Nevada 2015*) for the purpose of awarding need-based grants to eligible low-income students who are college-ready in order to pay for a portion of the cost of education at a community college or state college within the Nevada System of Higher Education. The Chancellor is directed to establish procedures and guidelines to comply with the requirements of the Silver State Opportunity Grant Program pursuant to Nevada Revised Statutes 396.950-396.960. The Chancellor will report to the Board such steps that have been taken to implement the program.
(B/R 3/17)

Section 11. Nevada Promise Scholarship: Policy and Procedures

1. Eligible Institutions. An eligible institution is an NSHE community college, specifically: The College of Southern Nevada (CSN); Great Basin College (GBC); Truckee Meadows Community College (TMCC); and Western Nevada College (WNC).

2. Eligibility Requirements for Students. To be eligible to receive a Nevada Promise Scholarship (scholarship), a student must:
    a. Be a Nevada resident in accordance with the provisions of Title 4, Chapter 15;
    b. Have not previously been awarded an associate degree or bachelor's degree;

c. Have:
    i. Obtained a high school diploma from a public or private high school located in Nevada;
    ii. Obtained a high school diploma from a public high school that is located in a county that borders Nevada and accepts students who are residents of Nevada; or
    iii. Successfully completed the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055 before 20 years of age;
d. Complete the Nevada Promise Scholarship Program (the Program) application;
e. Complete the Free Application for Federal Student Aid (FAFSA), or if the student is prohibited by law from completing the FAFSA, complete an alternative form acknowledging said prohibition, for each academic year of participation in the Program;
f. Before enrolling in a community college, participate in one training meeting related to financial aid, the FAFSA, and college orientation;
g. Have met at least once with a mentor assigned to the student through the mentoring program before the first semester of enrollment at a community college, and at least twice during each academic year while in the Program;
h. Complete at least eight hours of community service during the last year of high school and before the first semester of enrollment at a community college;
i. Beginning with the first semester of enrollment at a community college and each semester thereafter, not including summer academic terms, complete at least eight hours of community service while participating in the Program;
j. Submit all information deemed necessary by the community college to determine the student's eligibility for gift aid;
k. Except as otherwise provided, be enrolled in at least 12 credits in a program of study leading to a recognized degree or certificate at a community college for the fall semester of the academic year immediately following the school year in which the student either was awarded a high school diploma or successfully completed the high school assessment selected by the State Board of Education pursuant to NRS 390.055;
l. Except as otherwise provided, be enrolled in at least 12 credits in a program of study leading to a recognized degree or certificate at a community college for each fall semester and spring semester beginning with the first semester for which the student is eligible pursuant to this Subsection, not including summer academic terms. A student who is on schedule to graduate at:
    i. The end of a semester may enroll in the number of credits required to graduate;
    ii. The end of a fall semester is not required to enroll in credits for the following spring semester.
m. Meet "satisfactory academic progress," as defined in Title IV of the Higher Education Act of 1965, 20 U.S.C. Section(s) 1001 et seq.; and
n. Except as otherwise provided, have not already received the scholarship for three (3) academic years.

3. Students with Disabilities. Students who have a documented physical or mental disability or students who were previously subject to an individualized education program under either the Individuals with Disabilities Education Act, 20 U.S.C. Section(s) 1400 et seq. or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. Section(s) 791 et seq., are exempt from the following eligibility requirements:
    a. The minimum number of credits prescribed in Subsections k. and l. of Subsection 2; and
    b. The limitation on the number of academic years a student may receive the scholarship as set forth in Subsection n. of Subsection 2.

4. Appeals
    a. Grounds for Appeal: Each community college shall allow an applicant or a scholarship recipient to appeal any adverse decision concerning his or her eligibility to receive a scholarship.
    b. Process for Appeal: Each community college shall develop a process for appeals that, at a minimum, meets the requirements of the federal Title IV satisfactory academic progress appeals process.
    c. Documentation from the Student: Each community college may request any additional information reasonably necessary to properly and thoroughly review the appeal.
    d. Review of the Appeal: Except as otherwise provided, the final determination on any appeal pursued under this Subsection shall be reached on a case-by-case basis and shall be based on the facts of each case as presented by the appellant and the community college.
    e. Notification to Student of Action: Each community college shall notify the student in writing of the final determination on the appeal.

5. Leaves of Absence. A student may request a leave of absence from the Program for:
    a. An illness or serious medical problem of the student or a member of the student's immediate family;
    b. Extreme financial hardship for the student or a member of the student's immediate family;
    c. Engaging in any activity required or encouraged for members of the student's religious faith;
    d. Mobilization of the student's unit of the Armed Forces of the United States or National Guard; or
    e. Any other extraordinary circumstances beyond the control of the student that would create a substantial hardship for the student, as determined by the community college.

    A leave of absence may be granted only for one or more of the reasons stated above. If approved by the community college, the student may be temporarily exempted from any of the requirements set forth in Subsections d. through l. of Subsection 2, inclusive, while leave of absence is in effect.

    A leave of absence may not exceed four (4) years in length.

6. Transferability. A student receiving the scholarship who transfers to another eligible institution shall continue to receive the scholarship so long as the student has maintained eligibility as defined in Subsection 2. After transferring, a student must meet all the conditions of Subsection 2 at the new institution in order to remain eligible for the scholarship.

7. Community Service.
    a. Each community college shall:
        i. Maintain a list of community service opportunities available to scholarship applicants and recipients to allow them to satisfy the eligibility requirements for participation in the Program concerning the completion of community service; and
        ii. Post the list of community service opportunities on a publicly available website maintained by the community college or local partnering organization.
    b. The list of community service opportunities maintained by each community college is not exclusive, and students may perform other community service that meets the requirements of this Section in order to satisfy the eligibility requirements for participation in the Program.
    c. Community service performed to satisfy the eligibility requirements must benefit or support the community and shall not:
        i. Result in compensation, payment or remuneration of any kind for the student;
        ii. Directly benefit a member of the family of the applicant or student, as applicable;
        iii. Include paid or unpaid internships;
        iv. Include donation of money or items as community service; or
        v. Include participation in fund-raising events but may include volunteering to assist in the administration of the event. For example, as a “walker” in a “cancer walk” to raise money for cancer research does not qualify as community service, but volunteering to assist with registration, set-up or similar activities at the event may qualify as community service.
    d. Community service may be performed with or under the direction of a faith-based organization but must not include religious proselytizing or persuasion.

8. Awarding of Scholarships.
    a. Community colleges shall notify students that scholarship awards are contingent on available funding.
    b. In the event that sufficient funds are not available to award scholarships to all eligible students, community colleges shall award based on the following priorities:
        i. First, to students who have received the award in previous academic years, on a first-come, first-served basis, based on the FAFSA completion date; and
        ii. Second, to students who would be receiving the award for the first time on a first-come, first-served basis based on the FAFSA completion date.

9. Definitions
    a. "Academic year" means two (2) consecutive semesters, beginning with a fall semester, and one (1) summer academic term at a community college.
    b. "FAFSA" is the Free Application for Federal Student Aid provided for by 20 U.S.C. Section 1090.
    c. "Gift aid" means a Federal Pell grant, a Federal Supplemental Educational Opportunity Grant, a Governor Guinn Millennium Scholarship awarded pursuant to NRS 396.911 to 396.945, inclusive, or a grant awarded under the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive, received by a student.
    d. "Nevada Promise Scholarship" means a scholarship awarded in accordance with this policy and pursuant to NRS 396.965.
    e. "Nevada Promise Scholarship Account" is the account created in the Nevada State General Fund and administered by the Nevada State Treasurer pursuant to NRS 396.9645.
    f. "Registration fee and other mandatory fees" means a registration fee assessed per credit and mandatory fees assessed per credit pursuant to Title 4, Chapter 17 of the Handbook, and charged to all students by a community college. This term does not include special course fees, differential program fees, or fees charged for specific programs of study, books or supplies even if such fees are considered necessary for enrollment.
    g. "Scholarship retention rate" means the percentage of students who received a scholarship for the academic year immediately preceding the academic year to which a report compiled pursuant to Subsection 10 pertains who did not graduate by the end of that academic year and who also received a scholarship for the academic year to which the report pertains.

10. Reporting. On an annual basis, the community colleges shall submit to the Vice Chancellor for Community Colleges data to include the number of students who applied for a scholarship, the number of students who received a scholarship, the total cost associated with the award of scholarships, the total number of hours of community service performed pursuant to Subsection 7, the graduation rate of students who received a scholarship and the scholarship retention rate, as well as any other information deemed necessary to evaluate the Program.

11. Procedures and Guidelines.
    a. The Chancellor shall establish in Procedures & Guidelines the following:
        i. Any deadlines necessary for the implementation of the program;
        ii. A common application for the program;
        iii. An acknowledgment form pursuant to Subsection 2 for students who are prohibited by law from completing the FAFSA;
        iv. Reporting requirements related to the number of appeals received, the reason for appeals, and the final determinations on appeals pursuant to Subsection 4;
        v. Requirements for mentoring programs administered by the community colleges; and
        vi. Any other provisions necessary to guide the community colleges in fulfilling the statutory requirements of the program.

b. The Chancellor may establish procedures authorizing a community college to enter into an agreement with one or more nonprofit organizations or governmental entities to conduct any activities required by this Section for a training program that allows a student to satisfy the requirements of Subsection f. of Subsection 2 and/or a mentoring program that allows a student to satisfy the requirements of Subsection g. of Subsection 2.

12. Disclaimer. The standards set forth in this Section are subject to amendment and are not intended to and do not create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

(B/R 6/21)

Title 4 - Codification of Board Policy Statements

Chapter 19

STATEMENTS OF POLICY FOR STUDENT PUBLICATIONS

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Section 1. Institutional Policy on Student Publications

1. The Board of Regents recognizes the importance of student publications for a campus community and supports freedom of speech and the press, as protected by the United States Constitution, the Nevada Constitution, federal law, and state law. Pursuant to Senate Bill 420 (Chapter 321, Statutes of Nevada 2017), the President of each university, state college and community college that has a student publication shall establish a written policy which:
    a. Establishes reasonable provisions governing the time, place and manner for the distribution of student publications;
    b. Protects the right of expression in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution for students working on student publications as journalists in their determination of the news, opinions, feature content, advertising content and other content of the student publications;
    c. Prohibits, without limitation, the following:
        i. Restricting the publication of any content in student publications unless the content would substantially disrupt the ability of the institution to perform its educational mission;
        ii. Dismissing, suspending, disciplining or retaliating against a faculty member, employee or other person acting as an adviser for a student publication or as an adviser to students working as journalists on a student publication for acting within the scope of that position, including, without limitation, taking responsible and appropriate action to protect a student engaged in conduct protected pursuant to the written polity or refusing to perform an action which violates the written policy; and
        iii. Expelling, suspending or otherwise disciplining a student for engaging in conduct in accordance with the policy, even if such conduct unintentionally leads to a substantial disruption of the ability of the institution to perform its educational mission; and
    d. Includes a disclaimer indicating that any content published in a student publication is not endorsed by the Board of Regents, the System or a university, state college or community college within the System.

2. Each institution with a student publication shall post a copy of its policy adopted pursuant to this section on its website on or before December 31, 2017.

(B/R 9/17)

Section 2. University of Nevada, Las Vegas – Statement of Policy for Student Publications

The goal of the University of Nevada, Las Vegas student newspaper is to keep the UNLV community informed, involved, and included in the university's history. The focus is to supply university news to the student body. Local and national news will be covered as well. UNLV's student newspaper will aim to uphold the highest standards of journalistic excellence, in accordance with the Society of Professional Journalist's Code of Ethics.

This publication is non-profit. Advertisements, internal support, and partnerships with the community will be the primary source of revenue for printing and production costs.
(B/R 11/18)

Section 3. Great Basin College – Statement of Policy for Student Publications

Recognizing the fact that the Great Basin College is an institution of higher learning designed to serve an entire community, this newspaper will endeavor to meet the needs of the student and non-student population. While the facility itself is located in the City of Elko, "community" will be used in its broadest sense. Thus, all the northeastern Nevada cities and towns will be within the spectrum of the college newspaper. It is not the intent of this publication to supply the latest local and national news. Coverage of college and community related subjects are the main goal. Newsworthy events from other colleges and universities will be presented. Frequently, special feature articles will be offered to the reader.

A truly educational atmosphere is created when one can study the various sides of a controversial issue or point. In keeping with this obligation to inform, and thus allowing the individual an opportunity for making his own decisions, it will be the policy of this paper to follow an objective style of news writing. Editorial opinion will be appropriately labeled. A "by-line" will be used when a story carries the reporter's personal opinion.
(B/R 11/70)

Section 4. University of Nevada, Reno – Statement of Policy for Student Publications

A good newspaper may judge its own performance -- and be judged -- by the criteria that follows:

<u>Accuracy</u> - The newspaper shall:

1. Exert maximum effort to print the truth in all news situations;
2. Strive for completeness and honesty in reporting and writing;
3. Guard against carelessness, bias, or distortion by either emphasis or omission; and
4. Correct promptly errors of fact.

<u>Responsibility</u> - The newspaper shall:

1. Select, edit and display news on the basis of its significance, interest and its genuine usefulness to the public;
2. Edit news affecting public morals with candor and good taste and avoid an imbalance of sensational, preponderantly negative or merely trivial news;
3. Accent when possible a reasonable amount of news which illustrates the values of compassion, self-sacrifice, heroism, good citizenship and patriotism;
4. Clearly define sources of news, tell the reader when competent sources cannot be identified and background with the facts public statements that the newspaper knows to be inaccurate;

5. Uphold the constitutional right of free speech, respect rights of privacy and serve the public by helping to protect all rights and privileges guaranteed by law; and
6. Instruct its staff members to conduct themselves with dignity and decorum while in service to the newspaper.

Integrity - The newspaper shall:
1. Honestly and fairly select and edit its NEWS content to provide impartial treatment of disputed issues and thorough and dispassionate handling of controversial subjects;
2. Practice humility and tolerance in all relations with news sources and the public and respect honest conflicting opinions or disagreement; and
3. Label as EDITORIAL its own views or expressions of opinion and provide in the EDITORIAL page a forum for the exchange of pertinent comment and criticism, especially if it is in conflict with the newspaper's point of view.

Leadership - The newspaper shall:
1. Stimulate and vigorously support public officials, private groups and individuals to increase the good works and eliminate the bad in the community;
2. Serve as a constructive critic of government at all levels, providing leadership for necessary reforms or innovations, and exposing any wrongdoing in office or any misuse of public power; and
3. Oppose selfish and unwholesome interests regardless of their size or influence.

Section 5. Western Nevada College

Recognizing the fact that Western Nevada College is an institution of higher learning designed to serve the communities of Western Nevada served by the College, this newspaper will endeavor to inform, enlighten and entertain the needs of the student and the non-student population. While the faculty is located mostly in the cities of Reno and Carson, the concept of community will be used in its broadest sense. All the communities within Western Nevada served by the College will be within the spectrum of the college newspaper. It is not the intent of this publication to supply the latest local and national news; coverage of college and community related subjects are the main goal. Newsworthy events from other colleges and universities will be presented. Frequently, special feature articles will be offered to the reader.

A truly educational atmosphere is created when one can see the various sides of a controversial issue or point. In keeping with this obligation to inform, enlighten and entertain we will uphold the traditions of a free and unbiased press. Editorial opinion will be appropriately labeled, and a "by-line" will be used when a story carries the reporter's personal opinion.

This publication will be a non-profit self-sufficient paper. It will then be necessary to include advertisement as a source of revenue for printing.
(B/R 10/72)

Section 6. Truckee Meadows Community College

The Truckee Meadows Community College student newspaper will endeavor to inform, enlighten and entertain in response to the needs and interests of students. It is not the sole intent of the publication to supply the latest local and national news; the main goal is to communicate newsworthy events of college and community related subjects. Frequently, special feature articles will be offered to the reader.

A truly educational atmosphere is created when one can see the various sides of a controversial issue or point. In keeping with this obligation to inform, enlighten and entertain, the student newspaper will uphold the traditions of a free and unbiased press and editorial opinion will be appropriately labeled, and a "by-line" will be used when a story carries the reporter's personal opinion.

This publication will be a non-profit self-sufficient paper. Advertisement, as well as student fees, will be the primary source of revenue for printing.

The Truckee Meadows Community College student publications are guided by the College Publications Board, a representative campus body of students, faculty and administration which determines written procedures relating to publication policies, standards, advertising, staffing, funding, and editorial issues. The College Publication Board policies and procedures require the approval of the college President.
(B/R 4/82)

Section 7. College of Southern Nevada – Statement of Policy for Student Publications

In both spirit and letter the intention and practices of all individuals associated with the publication of The Coyote Press is to inform, empower and edify our readership.

The Coyote Press is a Designated Public Forum.

An informed student body is an engaged student body and one that can translate their knowledge into dynamic citizenship, the only protection for the democracy to which we aspire and within which CSN is proud to serve.

As The Coyote Press is not a daily newspaper, we are proud to offer writers greater space and higher expectations for thoughtful submissions than other school papers. The Coyote Press does not guarantee publication of any submission, and reserves the right to edit all submissions for space, grammar and content. All material becomes the property of The Coyote Press, and may be reproduced only with the written consent of the editor and originator of the material prior to secondary/subsequent publication.

Accuracy, integrity, reliability and leadership are the hallmarks of sound journalism.

ACCURACY: Obtaining the best facts is not only the responsibility of the individual reporter but of the editorial staff as well. Fact checking is just as important as fact gathering. If mistakes are made, corrections will be posted as soon as possible.

INTEGRITY: Every staff member, be it a reporter, an editor, an advertising representative, or any other position with Coyote Press is expected to uphold journalistic ethics and codes of conduct. From interviews and research to contacting potential advertisers, ethical standards will be maintained at all times.

RELIABILITY: Every staff member is a reflection on Coyote Press and CSN at large. All staff must be accountable for meetings deadlines whether those deadlines are for advertising, article and photo submissions, or printing and distribution. It is in overcoming potential setbacks that Coyote Press becomes a better publication. Reliability is not limited to meeting deadlines. Knowing that the staff can be counted on to have the best facts and that the information was obtained in an ethical manner also strengthens Coyote Press.

LEADERSHIP: Coyote Press staff, reporters, photographers and editors alike, represent the voice of student journalism CSN. By informing students, staff and faculty of noteworthy happenings, The Coyote Press is a foundation of public opinion. It is not a responsibility that is taken lightly. The Coyote Press is designed not only to be a leader at CSN, but as a platform to propel the leaders of tomorrow.
(B/R 6/07)

Title 4 - Codification of Board Policy Statement

Chapter 20

GENERAL POLICIES REGULATING STUDENTS AND STUDENT GOVERNMENT

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A. STUDENTS

Section 1. General Policy

In the governance of a Nevada System of Higher Education (NSHE) institution, the president and the faculty rely chiefly upon the individual and collective self-control, a sense of honor and duty of the students. Students are expected to register promptly, to pursue their studies with diligence, to attend classes regularly and to show, both within and outside of the System, such respect for order, morality, personal honor, and the rights, both of person and property, of others as is reasonably expected of good citizens.

Section 2. Student Conduct

1. The basic policies of the institution governing student conduct are contained in the Rules and Disciplinary Procedures for students on each campus.

2. As responsible members of the community, students will be given opportunities to provide appropriate feedback to the institution, the staff, and the faculty on the quality of their experiences in every course and other services on campus.

Section 3. Absence from Class

1. Institutions may adopt policies allowing student absences for institutionally approved activities or other reasons allowed by the institutions.

2. It is the policy of the NSHE to be sensitive to the religious obligations of its students. Any student missing class, quizzes, examinations or any other class or lab work because of observance of religious holidays shall, whenever possible, be given an opportunity during that semester to make up the missed work. The make-up will apply to the religious holiday absence only. It shall be the responsibility of the student to notify the instructor in advance in writing, according to the policy of the institution offering the class, if the student intends to participate in a religious holiday that does not fall on state holidays or periods of class recess. This policy shall not apply in the event that administering the assignment at an alternate time would impose an undue hardship on the instructor or the institution that could not reasonably have been avoided.

   Any student, who is denied a make-up option after appropriately noticing the instructor shall have the right to appeal that decision through the normal appeal mechanism in place at that institution.

3. This policy statement, along with additional relevant institutional policies, should be included in catalogues or handbooks distributed to students and faculty.

(B/R 3/17)

Section 4. Alcoholic Beverage Policy

1. The storage and use of alcoholic beverages shall be permitted to students 21 years of age or older living in approved NSHE housing, subject to the following conditions:
    a. Students over 21 years of age may elect in each living unit to be clustered so as to facilitate enforcement of all state and local laws relative to the consumption of alcoholic beverages. Their being permitted to do so would result from a majority decision in which all members of that living unit participate.
    b. Students who elect to cluster so as to enjoy the privilege of drinking will have the responsibility of obeying the law (as will minor students).
    c. The privilege of clustered students to consume alcoholic beverages may be revoked by the majority vote of others residing in the living unit.
    d. 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, programs, institutes, and similar functions where a part of the fee collected is for a cocktail party.
        (2) Host account expenditures for alcoholic beverages with dinner and for large receptions.
        (3) Student associations must have the institutional president's prior approval and the institutional president is to be the <u>only</u> person authorized to approve payment for 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.

2. Except as provided above, the storage, possession or use of alcoholic beverages shall not be permitted on University owned or supervised property, including University supervised housing, apartments, residence halls, or on sorority or fraternity property.

3. Any student who exhibits offensive behavior on the University owned or supervised property while under the influence of alcoholic beverages shall be subject to disciplinary action.

4. The president has the authority to designate the time and place for special events where alcoholic beverages may be served on the University campus.

Section 5. <u>Fraternities</u>

1. Any fraternity, in order to be approved by the University of Nevada as a University residence, shall provide adult supervision within its premises mutually acceptable to the Office of Student Affairs and the fraternity consisting of:
    a. A qualified adult residing in the fraternity house; or
    b. A group of alumni, not less than three, appointed by the Fraternity Alumni Association.

2. Such supervision shall be conducted pursuant to rules and regulations prescribed by the appropriate student affairs office.

Section 6. Hazing

Hazing has no place within a community of scholars. The Board of Regents of the NSHE affirms its opposition to any form of hazing. NSHE institutions advocate civility in society and an adherence to the fundamental principles of honesty, integrity, respect, fairness, development of individual character, and sensitivity to the dignity of all persons. These principles should be fostered and nurtured in a broad spectrum of activities that yield social, intellectual and physical benefits. Therefore, hazing of any nature is unacceptable at any public institution of higher education in the State of Nevada.

1. No member or alumnus of the NSHE community acting as an individual or part of a group shall conduct or condone hazing activities.

2. Hazing is defined as any method of initiation into or prerequisite to becoming a member of the NSHE community, or any group associated therewith, engaged in by an individual that intentionally or recklessly endangers another individual. Any activity upon which the initiation into or affiliation with an organization or group is directly or indirectly conditioned shall be presumed to be forced activity, the willingness of an individual to participate in such activity notwithstanding. Hazing may occur on or off the premises of the organization and/or educational institution. Hazing is most often seen as an initiation rite into a student organization or group, but may occur in other situations.

3. Hazing activities may include, but are not limited to:
    a. Any physical activity, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drugs or other substance or any other brutal treatment or other forced physical activity that is likely to adversely affect the physical health of the person;
    b. Any situation which subjects the individual to extreme stress, such as sleep deprivations, forced exclusion from social contact, required participation in public stunts, or forced conduct which produces pain, physical discomfort, or adversely affects the mental health or dignity of an individual; and
    c. Any expectations or commands that force individuals to engage in an illegal act and/or willful destruction or removal of public or private property.

4. Each institution within NSHE shall develop clear procedures for dealing with hazing, requirements for reporting hazing, clear reporting lines for infractions, investigation procedures, and potential discipline. Each institution shall apply a reasonable person standard, and the discipline shall be proportionate to the infractions. All disciplinary actions or sanctions shall be congruent with Title 2, Chapter 6 or Chapter 10 of the NSHE Code and appropriate institutional bylaws. Both individuals and organizations committing an offense under the anti-hazing policy may be found in violation and be subject to appropriate disciplinary sanctions.

5. An allegation of hazing, reporting of a suspicion that hazing may have occurred, or a request for an investigation of hazing may be initiated by anyone. Campus policies shall designate the appropriate place and method of reporting. Each campus is encouraged to develop an educational program about the serious danger and risk involved in any hazing activity and the subsequent harm that can occur to both the individual subjected to hazing and those engaged in hazing.

6. Each campus shall develop procedures and policies to report cases of hazing that fall under *Nevada Revised Statutes*.

(B/R 6/13)

B. STUDENT GOVERNMENT

Section 1. Student Body Organizations

1. The Student Body Organization, in exercising authority granted by its constitution, shall conform to rules, regulations and policies as established by the Board of Regents, and to all applicable statutes of the State of Nevada. If any of the provisions of a Student Body Constitution are deemed to be in conflict with any of the rules, regulations and policies of the Board of Regents, or applicable statutes of the State of Nevada, the Board of Regents and the State of Nevada rules, regulations, policies, and statutes shall control.

2. All actions taken by a Student Body Organization shall be congruent with the goals and objectives stated in each constitution and other governing documents and shall be designed to serve the best needs of all constituents.

Section 2. Student Association Finances

1. Student association funds shall be placed in the current funds-unrestricted group and administered as are other funds included in this group, with the following points observed:
    a. The constitution of each student association will guide budget development and execution and no constitutional provision shall conflict with Board of Regents policy and generally accepted accounting principles for colleges and universities. The objective of these principles is to meet the public trust obligations for stewardship and accountability, necessitating a system of accounting and reporting that will insure full disclosure of the results of operations and financial position of the funds.
    b. Established procedures for all purchasing encumbrances of funds, payroll, cash receipts and gifts, as stated in the division's administrative manual, shall be followed, except as noted below.
    c. An institutional president may delegate to a full-time professional business manager, employed by the institution and funded by a student association, all or part of the responsibilities and authority delegated to a business center controller or purchasing director for other institution funds. In the absence of such delegation, the president or the institutional business center controller retains this responsibility and authority. If such delegation is made, (1) the associated students' business manager will be guided by the same generally accepted

accounting principles for colleges and universities as are division controllers; and (2) the association's books shall be audited at least once in every three-year period and a report on the audit shall be presented to the Board of Regents.

d. Gifts shall not be accepted by a student association until approved by the Board of Regents.

e. The institutional president shall ensure the legality of student body transactions and has the authority to stop the execution of a contract or transaction for legal reasons. A system of review must be in place whereby the president or the president's designee reviews transactions and contracts. This authority shall not be used as a devise for censorship nor to control development of student body policy; rather, the intent is to assure the legality of student body transactions. If the execution of a student body contract or transaction is stopped by the institutional president for legal reasons, he/she shall state his/her reasons in writing within five working days and return the contract to the president of the student body organization. The president of the student body organization may appeal this decision to the Board of Regents at its next regular meeting. The institutional president shall cause the appeal to be placed on the Board of Regents agenda pursuant to Article V, Section 11 of the Board of Regents Bylaws.

2. a. Student associations shall follow all of the policies and fiscal management procedures expected of other units within the institution. In order to guarantee fiscal accountability, expenditures must be approved by both the business manager funded by the student association and the student association in accordance with its constitution. In the absence of a business manager, the president or his or her designee must approve the expenditure.

   b. Those campus organizations and programs, which receive funds from the activities and programs portions of student fees, shall submit a budget request to the student government for funding.

3. The public trust obligations for stewardship and accountability necessitate a system of accountability and reports, which will ensure disclosure to students of the results of operations and financial position of the funds. A full report to the student body of the detailed expenditure of funds should be publicized at least once during the Fall or Spring semester.

4. Each student association shall provide annually to the Board of Regents a report depicting revenues available, detailed expenditures and beginning and ending account balances of the association for the immediately preceding fiscal year. Each report must be presented no later then December following the fiscal year.

Section 3. Regulations for Meetings of Student Governments

1. Pursuant to *Nevada Revised Statutes* 241.017, the Board of Regents establishes these regulations for the meetings of the student governments of the NSHE.

2. "Student government" means each association of students within the NSHE whose constitution has been approved by the Board of Regents of the NSHE.

3. The meetings of any multi-member executive or legislative body, committee, subcommittee, commission or subsidiary thereof of a student government shall be held in accordance with the provisions of the Nevada Open Meeting Law, Chapter 241 of the *Nevada Revised Statutes*, as amended

4. This section shall not apply to judicial proceedings of any student government, except for proceedings or meetings to consider the adoption of rules.

5. Violations of this section shall be treated as follows:
    a. Any action taken in violation of the provisions of this section is void.
    b. Each official of a student government who attends a student government meeting covered by the provisions of this section where action is taken in violation of any provision of this section with knowledge of the fact that the meeting is in violation thereof has engaged in conduct which violates an applicable stated policy of the Board of Regents of the NSHE, and such conduct constitutes a violation of Section 6.2.2(t) of the NSHE Code.
    c. The wrongful exclusion of any person or persons from a student government meeting covered by this section is conduct in violation of Section 6.2.2(t) of the NSHE Code.
    d. An official of a student government who attends a student government meeting covered by this section at which action is taken in violation of this section is not the accomplice of any other member so attending insofar as violation of the NSHE Code is concerned.
    e. Any violation of this section constitutes a violation of Section 10.2.1(u) of the NSHE Code and shall be processed procedurally in accordance with Chapter 10 of the NSHE Code.
    f. The office of every student government official found to have engaged in conduct in violation of this section shall become vacant upon a final determination being made under Chapter 10 of the NSHE Code that such violation has occurred.

(B/R 6/13)

Title 4 – Codification of Board Policy Statements

Chapter 21

NSHE DATA ADMINISTRATION

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Section 1. NSHE Data Warehouse

1. The Chancellor's Office will establish and maintain a list of all data elements and data definitions that are required to populate a statewide NSHE data warehouse. These common data elements and definitions will provide the basis for scheduled and ad hoc reporting to the Board of Regents, the state Legislature, the federal government, and other parties to whom the System or NSHE institutions are accountable and to whom reliable and comparable data is needed.

2. Data maintained in the data warehouse shall be used for purposes including, but not limited to, developing higher education policies and institutional budgets, measuring institutional and System performance for accountability purposes, tracking students and employees across the System, and longitudinal studies of students to enhance academic performance.

3. The Chancellor's office shall develop procedures concerning the use and maintenance of defined data elements that include, but are not limited to, the following provisions:
    a. The daily population of transaction data from each NSHE institution through appropriately selected enterprise resource planning software;
    b. The strict prohibition of institutional modifications to software or business processes that may jeopardize the integrity of common data elements established and maintained by the Chancellor's Office;
    c. The tracking over time of changes to data elements; and
    d. The appointment by each NSHE institution of a data steward responsible for the administration and maintenance of the institution's common data elements.

(B/R 10/06)

Section 2. Student and Employee Race and Ethnicity Identification

Effective Fall 2009, each NSHE institution must collect student and employee race and ethnicity information as required by federal regulations established by the U.S. Department of Education. The Chancellor's Office shall develop procedures for the uniform collection of student and employee race and ethnicity data. This information will be reported to the National Center for Education Statistics as required by the U.S. Department of Education.
(B/R 12/08)

Section 3. Confidentiality of Student and Employee Data

Limited access to student and employee specific data by staff of NSHE institutions solely for the purpose of conducting official NSHE business is permitted. The confidentiality of non-directory information included in the data regarding students and employees must be maintained.
(B/R 12/09)

Section 4. Universal Identification (UID)/NSHE ID

1. Each NSHE student and employee will be assigned a single universal identification number (UID) that will be used at all NSHE institutions and will be referred to as the NSHE ID. UID-specific bio-demographic data will be synchronized across all institutions and changes to such data within a student or employee record will be made in accordance with procedures developed by the Chancellor.

2. The UID will include data as defined by the Chancellor's Office in consultation with NSHE institutions.

3. Application Statement. Each institution must include on its student application form and employee personal data form a question regarding whether the student and/or employee attended (currently or previously) or is employed at another NSHE institution and, if so, request their NSHE issued UID. The Chancellor shall develop a common NSHE statement that will appear on all institutional student application and employee personal data forms.

(B/R 6/10)

Section 5. Course Taxonomy Data and Date of Last Attendance

Each NSHE institution shall submit a course taxonomy file that will be used in determining the student credit hours that will receive state funding. The file will be formatted in accordance with procedures established by the Chancellor's Office. For the purpose of those files, NSHE institutions must designate the last date of attendance based on the last academically related activity for each student record where an "F" grade was earned. The last date of attendance will be used to identify "F" grades for non-attendance. A last date of attendance that falls on or before 60 percent of the course instruction has occurred will be excluded from the student credit hours used in the funding formula.
(B/R 11/12)

Section 6. Administrative Data

All administrative information maintained in the operation of the Nevada System of Higher Education is the property of the Board of Regents. This information is a vital asset. While the Regents are the owners of the administrative data, campuses have stewardship responsibilities for large portions of the data. NSHE intends that the data be available for decision-making, reporting, and accountability, while recognizing the System's responsibility for the security of data.

The Nevada System of Higher Education shall maintain one physical or logical database of information for its human resources, financial, and related transactions (NSHE Unified Information System or NUIS). Only data contained within NUIS (or records retrieved from an authoritative backup of NUIS) shall be considered official.

NUIS shall be constructed in a database schema that requires when a discrete data element in the database is changed, that change is reflected in every incidence of the appearance of the data throughout the database.

The chancellor shall maintain and enforce compliance of data standards as well as the data dictionary, which defines every data element within NUIS. No System Office or campus employee may enter data into NUIS that does not conform to the definitions found in the NUIS data dictionary. Any changes to the NUIS data dictionary shall be made only after consultation with affected campuses as well as System staff, subject to approval of the chancellor.
(B/R 12/14)

Title 4 – Codification of Board Policy Statements

Chapter 22

CHILD PROTECTION POLICIES

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Section 1. Introduction

The Nevada System of Higher Education (NSHE) is committed to maintaining a supportive and safe educational environment, one which seeks to enhance the well-being of all members of the NSHE community, which includes creating a secure environment for children who may participate in NSHE programs or activities, or be present at NSHE facilities or events. The NSHE policies for the protection of children are intended for the protection all children who participate in NSHE events or activities for children or who are NSHE students.
(B/R 3/13)

Section 2. Public Events and Venues

Children are permitted at events and venues open to the public on NSHE property. However, NSHE reserves the right to determine whether selected events or venues are appropriate for unescorted or unsupervised children.
(B/R 3/13)

Section 3. Definitions

1. Child. A "child" is anyone under 18 years of age or, if in school, until graduation from high school, and includes children under the age of 18 years who are registered as NSHE students. The terms "child", "minor" and "children" are used synonymously in this policy.

2. Volunteer. The term "volunteer" means individuals who are working at an institution pursuant to a volunteer agreement approved by the institution's general counsel. For the purposes of this policy, the term "volunteer" does not include a parent or guardian of a child. Parents and guardians, however, should be supervised by appropriate NSHE or non-NSHE personnel during their participation in NSHE sponsored or approved programs and activities.

3. Child Abuse or Neglect. Child abuse or neglect is defined in accordance with the provisions of NRS 432B.020-NRS 432B.150.

4. Program or Activity Involving Children. "Program or activity involving children" applies to programs or activities for children that are established by NSHE institutions; and programs or activities for children sponsored by outside persons or entities which are permitted to take place at NSHE facilities. "Program or activity involving children" does not include events (such as concerts, plays, sporting events) or facilities (such as restaurants or stores) that are open to the public.

(B/R 3/13)

Section 4. Policies for the Protection of Children

1. Reports of Child Abuse or Neglect by All NSHE Personnel. All NSHE employees and volunteers, who have reasonable cause to believe that child abuse or neglect has occurred at an NSHE facility or during NSHE programs or activities, must report the suspected abuse or neglect to law enforcement or a child welfare agency, as soon as possible and within 24 hours. Retaliation against any individual who makes a report of child abuse or neglect is prohibited.

2. Supervision and Protection of Children. All children who participate in NSHE programs and activities must be appropriately supervised at all times. A child must be immediately removed from a dangerous situation involving suspected child abuse or neglect or other inappropriate conduct, or which presents a threat to the child's health and safety.

3. Policy and Procedure. In order to implement these child protection policies, NSHE institutions and System Administration must:
    a) Periodically (at least annually) inventory all programs or activities that involve children under the age of 18 years, such as, daycare facilities, summer camps and programs, sport camps, research studies and other activities or programs that are specifically intended to involve children under the age of 18 years;
    b) Periodically review (at least annually) the security of programs and activities involving children, including considering measures that may be appropriate for the protection of students from sex offenders who are registered with the institution's police departments;
    c) Provide for a uniform procedure for the approval of the use of facilities by outside persons or entities for programs or activities involving children, and requiring written acknowledgment of NSHE and institution policy and procedure for the protection of children;
    d) Identify all mandatory reporters of child abuse, pursuant to the provisions of NRS 432B.220-NRS 432B.250 and provide training materials regarding the mandatory reporting requirements;
    e) Provide a copy of this policy, and any supplemental institution policy and procedure, for the protection of children to all employees and volunteers who supervise or work in programs or activities involving children;
    f) Publicize this policy, and any supplemental institution policy and procedure for the protection of children on the institution or System website, including the Division of Child and Family Services toll-free telephone number and/or other law enforcement telephone numbers to receive reports of child abuse or neglect;
    g) Conduct appropriate investigations of all incidents of alleged child abuse or neglect, and provide confidential notice of such incidents to the Chancellor and Chair of the Board of Regents.

(B/R 3/13)

Title 4 – Codification of Board Policy Statements

Chapter 23

INTERNATIONAL TRAVEL

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Section 1. International Travel Policy

NSHE and it institutions are engaged around the world through the educational activities, research, and service of its faculty, staff, students, and volunteers, and NSHE encourages and supports international travel by faculty, staff, students, volunteers and other participants. This policy is intended to promote the health, safety and security of all members of the NSHE community, including but not limited to faculty, staff, students, volunteers and other participants, herein referred to as travelers, when traveling abroad in conjunction with any NSHE or institution affiliated activity.
(B/R 9/17)

Section 2. Institutional Policies

Each institution shall establish an international travel policy that includes, but is not limited to, the following provisions:

1. Institutional Review
   All international travel in conjunction with any NSHE or institution affiliated activity must be reviewed through an institutional process set forth in the institutional policy or by the institution's risk manager to ensure that appropriate insurance has been obtained and assumption of risk and waiver of liability documents are executed. The institution shall be responsible for routine monitoring of worldwide travel alerts and warnings issued by the United States Government.

2. Travel Registry and Communications
   A record of key travel information on the travelers to help facilitate response to an emergency or critical incident abroad shall be maintained by the institution. Key travel information includes, but is not limited to, the names of the travelers, locations to which they are traveling, method of travel, duration of travel, names of hotels or other accommodations, contact information for the traveler, and names and phone numbers of the traveler's emergency contact(s). The institution must establish a communication protocol for communication with travelers in emergency situations.

3. Insurance Requirements
   At a minimum, the institution must ensure the following insurance coverage is in place for those who are traveling internationally in conjunction with any NSHE or institution affiliated activity:
   a. Accident and health insurance;
   b. Emergency evacuation insurance (coverage for emergency evacuation due to medical emergencies, political unrest or natural disaster); and
   c. Rental vehicle insurance: Those travelers who will be renting automobiles overseas must purchase full auto insurance, including liability and physical damage coverage.

4. Travel Warnings and Restrictions
   In light of travel alerts and warnings issued by the United States Government, the institution may impose additional requirements on those travelers seeking to travel to destinations where health, safety, or security risks are determined to be of sufficient significance as to require unusual caution. Travel may be prohibited or suspended to any destination if significant health, safety, or security concerns pose risks that warrant such a decision. For example, travel to destinations experiencing serious outbreaks of infectious disease, war or violent civil unrest may be temporarily prohibited by the institution.

   The institution policy must include but is not limited to the following:
   a. Students cannot be required to participate in any education abroad experience in destinations subject to a travel warning in order to satisfy a degree requirement;
   b. Regular recurring undergraduate study abroad programs may be suspended in destinations subject to a travel warning as a result of travel restrictions imposed by the institution. Regular recurring undergraduate study abroad programs are defined as those programs that take place annually; and
   c. Exceptions to paragraphs a and b above may be granted based upon institutionally-approved safety plans.

5. Export Control
   International travel on behalf of an institution may be subject to export control regulations due to the technology, software, and/or technical data being taken out of the country, and/or due to the travel destination. When traveling with export-controlled items or information and/or to an embargoed country, the traveler must consult the institution Export Control Officer for assistance in evaluating export control concerns to reduce the likelihood of an export control or sanction violation.

6. Code of Conduct
   The travelers are subject to the laws of the locations they visit. The institution is not responsible for the violation of any local laws by travelers. The applicable Student Code of Conduct, the NSHE Code and Handbook, institution administrative manual and other academic/institution/unit policies or rules apply to all travel in conjunction with NSHE or institutional affiliated activity abroad.

7. Post Trip Review
   The institution may establish a post trip review process.

(B/R 9/17)

Section 3. Exclusions

This policy does not govern individual travel or travel programs that have no formal affiliation with NSHE or its institutions and/or are not approved by the institution and/or any University Studies Abroad Consortium (USAC) affiliated travel program.
(B/R 9/17)

Title 4 – Codification of Board Policy Statements

Chapter 24

NSHE INTERCOLLEGIATE ATHLETICS

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Section 1. Policies Concerning NSHE Intercollegiate Athletics

The Board of Regents encourages the development of intercollegiate athletic programs at the NSHE institutions consistent with their institutional mission and goals. The goal of the NSHE shall be to provide for student competition in intercollegiate sports appropriate to the universities, colleges and their conferences, to fiscal resources available, and to sound standards of student academic performance. Every intercollegiate athletic program shall comply with all applicable rules and regulations of the National Collegiate Athletic Association (NCAA), the National Junior College Athletic Association (NJCAA) and other organizations and conferences in which each is member.

Intercollegiate Athletics programs are intended to protect and enhance both the educational and physical welfare of student-athletes. Intercollegiate athletic programs shall seek to support and develop each participating student's academic and athletic talents, and shall seek to assure that the student athlete, as a student in an academic setting, achieves scholastically to the best of his or her capabilities. During recruitment activities, this policy shall be made known to potential men and women student athletes. Intercollegiate sports shall be viewed as an important component of the university, state college, college community, and of individual development.

The goals identified in support of the institutions' athletic mission statements include:

A. In recognition of the importance of academics in maintaining the integrity of athletic programs, the universities and colleges will emphasize and ensure progress towards graduation by establishing and enforcing academic standards and developing a support system to increase the academic success of student-athletics;
B. An Intercollegiate Athletic Council (IAC), organized in conformity with NCAA or NJCAA rules and regulations, as applicable, shall be established and maintained by each university and every college engaged in Intercollegiate Athletics. The IAC will serve as an advisory committee reporting to the institution President;
C. Each director of athletics and all coaches recognize the necessity for funding for athletic programs and the necessity to assist in this process. Funding for athletics may be provided by both public and private sources. Each institution shall be responsible for the proper disclosure, accounting, control and administration of all funds; and
D. Each institution is accountable to the Board of Regents, as it is the Board of Regents which maintains the ultimate responsibility for all contractual obligations and implementation of the goals contained in the Intercollegiate Athletics Policies and Mission Statement.

1. <u>Board of Regents Oversight</u>
    a. The Board of Regents carries out its responsibility for oversight of all NSHE Intercollegiate Athletics through the institutional Presidents and through periodic reports set forth in this Chapter 24 or as otherwise specified by the Board.
    b. Any change by an NSHE institution in its athletic conference membership requiring an NSHE institution to vote on approval shall be approved by the Board on recommendation of the President and Chancellor with full consideration of all factors to include student competition in intercollegiate sports appropriate to the institution, fiscal resources available, and sound standards of student academic performance.

c. The Board and each President shall ensure that standards of accountability and benchmarks against which to measure the success of each institution's Intercollegiate Athletics programs are established and reported annually to the Board.

2. Institutional Control.
   a. The Board of Regents charges the institution and the President of each institution with the responsibility for the conduct and control of intercollegiate programs and activities. The President is accountable for exercising ultimate responsibility for the conduct and control of the Athletics Department, including all personnel decisions (hiring, firing and compensation), corporate partnerships, television contracts, booster clubs, and affiliated organizations, including its private fundraising efforts.
   b. Each institution and its employees shall comply with all applicable rules and regulations of the NCAA, the NJCAA and other organizations and athletics conferences in which each is a member. Each institution shall regularly engage in self-study, which monitors Intercollegiate Athletics programs to assure compliance with such rules. Each institution shall identify, and report to the appropriate organization, instances in which compliance has not been achieved. Each institution will cooperate fully with the NCAA, the NJCAA and athletic conferences, as applicable, in investigating instances of noncompliance and will promptly take appropriate disciplinary and remedial action.
   c. Compliance programs will be enforced by a compliance officer who shall report to, and serve within the office of the President of each institution. Institutions are encouraged to impose more stringent policies and rules when, in the judgment of the institution, such policies and rules are necessary.

3. Academic and Athletic Standards.
   a. Intercollegiate Athletics programs shall be an integral part of the educational program of each institution and student-athletes shall be an integral part of each student body. Policies and standards concerning the admission, academic standing and academic progress of student-athletes shall be consistent with policies and standards adopted for each student body generally. Each institution must establish policies concerning class time, assignments, tests and final examinations that are missed by student-athletes due to participation in officially sponsored intercollegiate athletic events.
   b. Student-athletes are representatives of the institution. Student-athletes shall comport themselves with honesty and good sportsmanship, in compliance with all applicable NCAA, NJCAA, conference, and university rules and regulations, as applicable, and in accordance with all such rules and laws regulating gaming. Their behavior shall reflect the high standards of honor and dignity that characterize participation in intercollegiate activities.
   c. Minimum Academic Requirements for Continuing Eligibility of Student Athletes. Students enrolled in any NSHE institution must meet all applicable NCAA or NJCAA academic requirements, as applicable, to be eligible for intercollegiate competition, as well as any additional academic requirements established by the institution.

4. Review of Intercollegiate Programs. The institution shall be responsible for reviewing and evaluating, on a regular basis, financial, academic, and managerial aspects of the athletics program. All expenditures for or on behalf of an institution that is a Division I member of the NCAA, including expenditures made by any outside organization, agency, or group, shall be subject to an annual evaluation, in a form approved by the NCAA, conducted for the institution by an independent accountant who is not a staff member of the institution and who is selected either by the institution's President or by an institutional administrator from outside the Department of Intercollegiate Athletics designated by the President. Corresponding provisions shall apply to an NJCAA institution member.

5. Fiscal and Budgetary Control. The President shall be responsible for the proper accounting and administration of all funds, services, and gifts in-kind received and expended on Intercollegiate Athletics.
    a. Gifts
    All gifts must be accepted and approved by the Board of Regents in compliance with the provisions of Title 4, Chapter 10, Section 9 of the Board of Regents *Handbook*. The use of gift monies accepted and approved by the Board on behalf of the Athletic Department will be determined by the institutional President and athletic director, with the exception of gifts specifically restricted by the donor.
    b. Interest Income
    The use of interest income generated from surplus operating capital of the Athletic Department will be determined by the institutional President and athletic director.
    c. Compensation
    Compensation to athletic department personnel shall be approved by the President and awarded through proper institutional channels. Employees receiving compensation for outside professional services will comply with provisions of Title 4, Chapter 3 of the Board of Regents' *Handbook*. The contracts of coaches in Departments of Intercollegiate Athletics shall provide that coaches found by the institution to have committed violations of NCAA or NJCAA rules, as applicable, will be subject to actions as provided by NCAA or NJCAA enforcement provisions. Contracts shall also provide that all coaches, full-time and part-time, must report annually to the institution all athletically related income.
    d. Revenue
    Revenues received in the current fiscal year for services or goods to be provided in a future fiscal year may not be used in the current year except with Board approval.
    e. Boosters
        (1) Each institution shall be responsible for identifying, and monitoring the activities of, individuals and groups representing the institution's athletics interests, i.e., boosters to assure compliance with applicable NCAA, NJCAA, conference, and institutional rules, regulations and guidelines, as applicable. Each institution shall provide comprehensive orientation and educational programs concerning NCAA, NJCAA, conference, and institutional rules and regulations, as applicable, to persons or groups identified with the institution's athletics interests. The Board shall approve the defined operating relationship between individuals and groups representing the institution's athletics interests and each institution. All changes in the duties and responsibilities of each party must be approved by the Board.

(2) As a condition of the purchase of season tickets or other admissions to the institution's Intercollegiate Athletics events, or as a condition of membership in booster clubs, all individuals or groups representing each institution's athletics interests, i.e., boosters, are expected and required to cooperate fully in the institution's efforts to comply with NCAA, NJCAA and conference bylaws, rules and regulations, as applicable, including without limitation cooperating fully in all investigations of possible violations of such rules. Any individual or group found to have committed violations of NCAA, NJCAA or conference rules and regulations, as applicable, or failing to cooperate fully in the institution's compliance efforts shall be subject to disassociation from the institution's athletics interests and immediate termination of all further participation in the institution's athletics programs, including without limitation the purchase of season tickets or other admissions to the institution's athletics events or the revocation or cancellation of the purchase of season tickets or other admissions to the institution's athletics events. If the purchase of season tickets or other admissions to the institution's athletics events is revoked or canceled, the purchase price paid for any unused tickets or admissions shall be repaid to the purchaser.

6. Student Participation.
    a. Participation in all men's and women's sports shall be encouraged for all students with the interest and ability. Each institution shall make a commitment to provide equitable financial and managerial support for programs of quality in sports for both men and women and in both revenue and non-revenue producing categories.
    b. The institutions are encouraged to recruit student athletes within the state of Nevada and seek their participation in intercollegiate sports.

7. Planning. Five-year plans for each institution shall be developed and implemented for Intercollegiate Athletics.

8. Policy and Procedures Manual. Each institution shall develop and utilize a policy and procedures manual concerning intercollegiate athletic operations.

9. Board of Regents Reports
    a. At a meeting of the Board during the third quarter of each fiscal year, the Board shall conduct a complete review of the athletic department budget, mission statement, and five-year strategic plan (the "Annual Report"). Budget information must include detailed reporting on actuals for the prior five years, and revenue and expense projections for the current year and upcoming four years.
    b. The Annual Report shall also include the following:
        i. A summary of the athletic, community, and academic success of the athletic department, including, the current and rolling four-year NCAA Academic Progress Rate (APR) for each team (or any equivalent NJCAA measurement);
        ii. Information on the number of special admissions for student-athletes compared with the rest of the student body, declared majors of student-athletes and graduation rates of athletes, including, the current NCAA Graduation Success Rate (GSR) for each team (or any equivalent NJCAA measurement);

iii. A statement demonstrating a balanced budget for the institution's athletic department (the "Balanced Budget Statement"). The Balanced Budget Statement shall include itemized sources and uses of funds, including direct and indirect institutional support and other fiscal information requested by the Chancellor, in a format agreed to and approved by the NSHE Finance Department in consultation with the institution Chief Financial Officers. The Board will review the Balanced Budget Statement to determine whether the athletic department is based on a sustainable financial model. If the athletic department budget is not based on a sustainable financial model, the Balanced Budget Statement shall include a detailed plan to achieve a sustainable financial model in future years. The Board shall hold the President responsible for the Balanced Budget Statement and plans to achieve a sustainable athletic budget.

iv. A copy of the Statement of Revenues and Expenditures that will be filed with the NCAA in January for the prior fiscal year (or any equivalent report filed with the NJCAA);

v. A copy of the most recent Equity in Athletics Disclosure Act report filed with the United States Department of Education;

vi. A description of the internal controls of the respective athletics department and whether an audit or periodic risk assessment was conducted by institution or NSHE internal audit staff during the previous year;

vii. A summary of athletic related capital expenditures from all sources, including but not limited to, gifts, state Capital Improvement Projects and bonds, and athletic department reserves.

viii. Information on diversity and equal opportunity in the hiring of athletic department coaches and compliance with applicable institution and Board policies related thereto, including, the methods used to obtain diverse applicant pools;

ix. A summary of the fundraising activities of the department for the previous year;

x. An accounting of any donor or third-party funds included in any Funds Disclosure issued pursuant to Section 1.10.d of this Chapter but not received by the institution; and

xi. A summary of self-reported and other Level 3 and 4 violations for the previous year as reported to the NCAA, along with any NCAA or conference responses (or any equivalent report or summary filed with the NJCAA).

c. Institutions shall immediately report to the Board any notice of allegation(s) received from the NCAA relating to Level 1 and 2 violations, or any equivalent NJCAA violations (a "Major Violation Report"). Major Violation Reports shall be addressed to the Chancellor and Chief of Staff of the Board of Regents and include (a) a summary of the alleged violation(s), (b) the institution's plan for addressing the alleges violation(s), and (c) whether the institution intends to request a hearing or other administrative review of the alleged violation(s), and the grounds for any such hearing or review.

10. Athletic Directors and Coaches

a. Athletic Directors. Institution Presidents may appoint an athletic director and, subject to the requirements of this subsection 10, are authorized to execute an employment contract related to such appointment. Institution Presidents shall not make joint appointments to the position of athletic director and the athletic director shall at all times report directly to the institution President. The institution President shall negotiate the employment contract for the appointed athletic director with the assistance of institution counsel. The institution President may authorize the athletic director to appoint certain assistant athletic directors or other personnel necessary to the operation of the athletic department, upon such conditions that may be established for the hiring of such personnel and subject to any and all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.

b. Athletic Coaches. If authorized by the institution President, athletic directors may appoint and execute employment contracts for head athletic coaches and assistant athletic coaches provided the contract: (a) does not exceed twenty-four (24) months in length (including any option periods); and (b) does not exceed $200,000.00 in total compensation per year (collectively the "AD Threshold"). Institution Presidents shall appoint and are exclusively authorized to execute employment contracts for all head athletic coaches and assistant coaches that exceed the AD Threshold. For purposes of the AD Threshold, "total compensation" does not include standard fringe benefits available to all NSHE employees, including but not limited to retirement contributions, insurance, travel, out-of-pocket expense reimbursement, annual and sick leave, and outside income from sources including but not limited to commercial endorsements of products and services, income from written and video materials, summer camps or apparel and equipment endorsements. The hiring of all athletic personnel shall be subject to all applicable requirements and policies established by the institution and the Board, including without limitation, those related to equal opportunity and diversity.

c. Contract Certification. At the time an employment contract for: (i) an athletic director; or (ii) any athletic coach that exceeds the AD Threshold is executed, the institution President shall certify that:

(1) the financial terms of the employment contract are reasonable in the context of the market for the position and the appointee's professional reputation and expertise;

(2) the institution has, or reasonably expects to have, the funds necessary to pay all sums that may be owed to the athletic director or coach under the employment contract; and

(3) the institution President has conducted a reasonable and thorough background investigation on the athletic director or coach, including verification of any degrees or academic credentials claimed by such athletic director or coach (the "Contract Certification").

d. Funds Disclosure. At the time an employment contract for: (i) an athletic director; or (ii) any athletic coach that exceeds the AD Threshold, is executed, the institution shall provide a description of the source of all funds anticipated to be used to pay all sums that may be owed under the contract (the "Funds Disclosure"). As part of the Funds Disclosure, the institution President shall certify that all donor or third-party funds described in the Funds Disclosure are: (i) in possession of the institution; or (ii) backed by legally enforceable pledge or gift agreements. The Funds Disclosure must also include a detailed analysis of the impact the employment contract will have on the budget and financial condition of the athletic department.
e. Diversity Report. At the time an employment contract for: (i) an athletic director; or (ii) any athletic coach that exceeds the AD Threshold, is executed, the institution shall provide a report outlining the methods used to obtain a diverse pool of candidates for the position and compliance with applicable institution and Board policies related to diversity and equal opportunity (the "Diversity Report").
f. Submission of Certifications and Disclosures. The institution President shall provide the Contract Certification, the Funds Disclosure, and the Diversity Report to the Chancellor and the Chief of Staff of the Board of Regents: (i) within thirty (30) days after the execution of any initial employment contract for an athletic director or any athletic coach that exceeds the AD Threshold; and (ii) within twenty-four (24) hours after the execution of any amendment or renewal of an employment contract with an athletic director or athletic coach who is a current employee that exceeds the AD Threshold. The President shall be held personally responsible by the Board of Regents for the accuracy of the Contract Certification, Funds Disclosure, and the Diversity Report, and any failure to comply with requirements related to those documents shall be cause for disciplinary action against the President.
g. Form of Employment Contract. In negotiating any employment contract for an athletic director or athletic coach that exceeds the AD Threshold, the institution President and institution counsel shall utilize the contract template, checklist, and guidelines, if any, approved by the Board as set forth in the procedures established by the Chancellor's Office. Any and all variations from the applicable contract template must be noted in the checklist and shall include a detailed explanation of the reasons and bases for the variation. The institution President shall, within twenty-four (24) hours after the execution of any employment contract that exceeds the AD Threshold, provide a copy of the signed employment contract and checklist to the Chancellor and Chief of Staff of the Board of Regents. No public announcement or confirmation of hiring may be made by the institution for any hire that exceeds the AD Threshold until the signed employment contract and contract checklist is provided to the Chancellor and Chief of Staff. In addition, the prospective athletic director or coach shall not undertake or assume any activities or duties of the position until he or she has executed the employment contract.
h. No Involvement in Search Process. The Board and individual Regents shall not be involved in the search process related to the positions of athletic director, athletic coach, or any other athletic department personnel. Members of the Board may refer the name of a potential candidate in writing to the Chancellor who in turn shall provide the referral in writing to the institution President without attribution of the source of the referral. Members of the Board shall not formally nominate a candidate, and shall not serve formally or informally on any search committee or in any way attempt to influence the search process for athletic directors, athletic coaches or other athletic personnel.

i. Compliance with other policies. The search process and appointment of all athletic directors, athletic coaches, and other athletic personnel shall comply with all other applicable requirements and policies of the institution and Board, including those related to equal opportunity and diversity.

(B/R 03/20)

Section 2. Intercollegiate Athletics Trade-Out Policy

1. UNLV
   a. A trade-out is defined as an agreement between the Department of Intercollegiate Athletics and an individual, business or corporation for goods and/or services in return for something of value from the department, including for example advertising, club memberships, sponsorships, tickets to athletic events, etc.
   b. The director of the Department of Intercollegiate Athletics must approve all trade-outs.
   c. Finalized trade-out records will be maintained in the Athletic Business Office under the supervision of the senior assistant athletic director for finance/athletic business manager.
   d. Official receipts must be provided for all trade-outs and must be submitted to the senior assistant athletic director for finance/athletic business manager within 24 hours of business.
   e. No trade-out will be initiated without prior knowledge and approval of the director of the Department of Intercollegiate Athletics.
   f. To initiate a trade, staff members will consult with the assistant athletic director/director of Athletic Development who will in turn seek approval from the director.
   g. Trade-outs, which involve tickets, are subject to ticket availability; approval must be obtained from the assistant athletic director/athletic ticket manager prior to finalization of contract.
   h. Trade-outs, which involve print advertising, are subject to availability of space; approval must be obtained from the assistant athletic director/communications prior to finalization of contract.
   i. Trade-outs, which involve promotions or game sponsorships, are also subject to availability of each; approval must be obtained from the director of marketing and promotions prior to finalization of contract.
   j. Prior to signature by the director, trade-outs will be reviewed by the assistant athletic director/director of Athletic Development and the senior assistant athletic director for finance/athletic business manager.
   k. Trade-outs will be approved only if they are in the best interest of the Department of Intercollegiate Athletics.
   l. Trade-outs are to be utilized exclusively for business purposes. Personal use of trade-outs is prohibited.
   m. Trade-outs are subject to annual audit. Auditors will require verification of relevant details.
   n. Trade-outs are subject to annual review.
   o. Meal trade-outs are to be utilized for business purposes only; business purposes are defined as meals with persons outside of the Department of Intercollegiate Athletics with whom the department has, or intends to have, official business. Meal trade-outs are not to be utilized solely by departmental staff.

p. The assistant athletic director/director of athletic development and the senior assistant athletic director for finance must have knowledge of all trade-outs for accurate record keeping in the Athletic Business Office.
q. Employees determined to be in violation of the departmental trade-out policy will lose trade-out privileges and may be subject to termination of employment by the institution.

2. UNR
   a. A "trade-out" is defined as an agreement by and between the Department of Intercollegiate Athletics (ICA) and an individual, business or corporation for goods and/or services in return for something of value from ICA including, but not limited to, advertising, club memberships, sponsorships, tickets to athletic events, etc.
   b. All trade-out agreements must be approved by the director of athletics or his designee in his absence.
   c. All trade-out agreements must be in accordance with NCAA, University and ICA policies, rules, and regulations.
   d. Documentation for trade-out agreements will be consistent with acceptable accounting procedures and guidelines established by the University as approved by the Board of Regents.
   e. A listing of all trade-out agreements will be maintained by the assistant athletic director for promotions for review upon reasonable request by authorized personnel.
   f. Trade-out agreements will be approved where the value received by ICA is of equal or greater value.
   g. Where trade-out agreements involve property subject to inventory, such property shall be received in accordance with University property control procedures and reported in accordance with Board of Regents' policy.
   h. All trade-out agreements are to be in compliance with the Internal Revenue Code, Section 132, and therefore construed to be tax exempt.
   i. This policy may not be amended without written approval of the director of athletics.

3. CSN
   a. A 'trade-out' is defined as an agreement between the Office of Intercollegiate Athletics ('OIA') and an individual, business or corporation for goods and/or services in return for something of value from the OIA including, for example, advertising, tickets to athletic events, club memberships, sponsorships, etc.
   b. Trade-out agreements must demonstrate that the value received is of direct and substantial benefit to the College's intercollegiate athletic programs and is of equal or greater value than the value of the trade from the OIA. Trade-outs are to be used exclusively for the OIA business purposes.
   c. Trade-out agreements may be initiated, renewed, and provide for terms including duration and cancellation which are consistent with this policy, which are in the best interest of the OIA, and which maximize the opportunity and value of the trade-out.
   d. Trade-out agreements must be in writing and be approved by the director of intercollegiate athletics (director) or by the President when product donations will be used primarily by the director in the conduct of OIA business.

e. Trade-out agreements must be in accordance with NJCAA, NSHE, College and OIA policies, rules and regulations, and any applicable laws. The director is responsible to manage, administer, maintain full documentation, and ensure compliance with the terms of the trade-out agreements. Documentation must be consistent with generally accepted accounting procedures and guidelines established by NSHE and the College. In addition to the OIA, other College departments will also be involved as necessary and appropriate to review, manage, account for, audit or inventory trade-out property.

(B/R 6/14)

Section 3. Intercollegiate Athletics Complimentary Ticket Policy

1. UNLV

This policy governs the issuance of complimentary tickets for the UNLV Department of Intercollegiate Athletics (ICA) events. The policy shall be administered by the director of the Department of ICA who is responsible for compliance with the policy hereunder.

a. Complimentary tickets for Department of ICA events are University property and shall not be directly or indirectly sold or exchanged by any employee for money, anything of value, or for the benefit of the employee or any other person.
b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the NSHE; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNLV is affiliated and those of the University and the Department of ICA.
c. The Department of ICA shall follow specific detailed procedures as established in the Department's ticket policy.
d. The Intercollegiate Athletic Council will review proposed changes to the ICA departmental ticket policy.
e. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.
f. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted in writing with a description of the business purpose therefore and approved in advance by the director of the Department of ICA or the director's designee.

2. UNR

This policy governs the issuance of complimentary tickets for the UNR Department of Intercollegiate Athletics (ICA) events. The policy shall be administered by the director of the Department of ICA who is responsible for compliance with the policy hereunder.

a. Complimentary tickets for Department of ICA events are University property and shall not be directly or indirectly sold or exchanged by any employee for money, anything of value, or for the benefit of the employee or any other person.
b. Any distribution of complimentary tickets shall be in compliance with federal and state statutes and regulations; the Code, policies and procedures of the NSHE; the policies, rules and regulations of the NCAA; and those of any athletic conference with which UNR is affiliated and those of the University and the Department of ICA.

c. The Department of ICA shall follow specific detailed procedures as established in the department's ticket policy.
d. Distribution of complimentary tickets pursuant to this policy shall be reported to the Internal Revenue Service in accordance with federal revenue regulations.
e. Authorization to distribute complimentary season and/or game-by-game tickets not specifically provided for in the departmental ticket policy shall be submitted, in writing, with a description of the business purpose therefore and approved in advance by the director of the Department of ICA or the director's designee.

(B/R 6/13)

Section 4. Student Athlete Responsibilities

Students of an institution of the NSHE who choose to participate in the institution's intercollegiate athletic program are considered to be representatives of the institution, and are in a position of high visibility to the community and therefore are often held to a higher standard of responsibility than nonathletes. Such students must accept the following responsibilities:

1. In addition to meeting academic standards required of their peers, student athletes must make normal progress toward degrees as a prerequisite to athletic participation.
2. Student athletes of the NSHE are expected to demonstrate honesty and sportsmanship at all times.
3. Student athletes are required to avoid involvement in receiving, arranging for or participating in the receipt of fraudulent academic credit.
4. Student athletes cannot accept, use their positions in the athletic program to obtain, or be a party to the offer or receipt of compensation, exemptions, favors, gifts, inducements, privileges, preferences, services, allowances or advantages in violation of athletic department, institutional, NSHE, regional athletic conference, NCAA or NJCAA rules and regulations, as applicable, or federal or state law.
5. Student athletes must cooperate at all times with, and may not provide false or misleading information to university, regional athletic conference, NCAA or NJCAA officials.
6. Student athletes are forbidden to use any substance listed by an institution of the NSHE, and/or the NCAA or NJCAA, as applicable, as a banned drug or performance altering substance and are expected to adhere to the drug testing and educational programs of the institution and/or the NCAA or NJCAA, as applicable.
7. Student athletes must comply with Nevada state law that prohibits persons under 21 years of age from gambling or loitering in any premises where gambling takes place. Student athletes may not:
    a. Participate in any gambling activity that involves intercollegiate sports;
    b. Provide information concerning athletic competition to individuals involved in organized gambling activity; or
    c. Wager on, solicit or accept a bet on any intercollegiate team.
8. Student athletes must comply with Nevada state law that prohibits any person who has not reached the age of 21 years from buying alcoholic beverages or consuming alcoholic beverages in premises where such beverages are sold.
9. Student athletes must comply with the rules, regulations, and guidelines established by the athletic department, the institution, the NSHE, the regional athletic conference, and the NCAA or NJCAA, as applicable.

10. Any violation of the above standards of conduct may result in suspension or dismissal from the athletic program or other disciplinary action as set forth by the Athletic Department, the institution, the NSHE, the regional athletic conference of the NCAA or NJCAA, as applicable.

(B/R 6/13)