

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOK REVISION: PERSONS WITH DISABILITIES

BACKGROUND & POLICY CONTEXT OF ISSUE:

Title 4, Chapter 8 of the Board of Regent's *Handbook* outlines the Affirmative Action and Equal Employment Opportunity program of the Nevada System of Higher Education. At its September 30, 2008, meeting, the Ethnic, Diversity and Inclusion Council (EDIC) reviewed the program and noted the use of the term "handicapped." The term "handicapped" is no longer used in contemporary policy-making; the preferred term is "persons with disabilities." Based on the suggestion of EDIC, staff recommends updating the *Handbook* to reflect the preferred use of the term – "persons with disabilities."

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend the provisions of Title 4, Chapter 8, changing all uses of the term "handicapped" to "persons with disabilities." (See attached Policy Proposal.)

IMPETUS (WHY NOW?):

This proposal is brought forward at the request of the Equity, Diversity and Inclusion Council based on their review of Affirmative Action and Equal Employment Opportunity provisions of Board policy at its September 30, 2008, meeting.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

Updating the Handbook to reflect "persons with disabilities" rather than "handicapped" aligns Board policy with the contemporary and preferred use of the term.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been brought forward.

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

Leave the Handbook as currently written.

COMPLIANCE WITH BOARD POLICY:

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

POLICY PROPOSAL
TITLE 4, CHAPTER 8, misc SECTIONS
Affirmative Action & Equal Opportunity Employment

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

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, disability, or national origin, and that equal opportunity and access to facilities shall be available to all. 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. (B/R 3/93)

This principle governs the admissions 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. (B/R 11/88)

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. (B/R 11/88)

In the employment of all personnel, the Nevada System of Higher Education recognizes that as a public agency it has a further commitment: It is obligated to support Federal and State policies which seek to achieve equal opportunity in employment for members of minority groups, women, and [~~the handicapped~~] *persons with disabilities*. As used in this document, minority groups will be the groups defined in Health, Education, and Welfare (HEW) guidelines. Two important concepts are embodied in Equal Employment Opportunity: (B/R 11/88)

1. Nondiscrimination
2. Affirmative Action

Affirmative action requires more than employment neutrality. It requires the Nevada System of Higher Education to make additional efforts to recruit, employ, retain, and promote qualified women, minorities, and [~~the handicapped~~] *persons with disabilities*. The affirmative action concept requires positive action to overcome the effects of long-established and pervasive forms of exclusion and discrimination; otherwise, benign neutrality in employment practices will tend to perpetuate the status quo indefinitely.

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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 for members of minority groups, women, [~~the handicapped~~] **persons with disabilities** and members of other protected classes in all positions. The affirmative action necessary to implement this policy shall include, but not be limited to, active recruitment among minority groups, women, [~~the handicapped~~] **persons with disabilities**, and other protected classes and the creation of programs designed to lead to their qualification for both academic and classified positions. (B/R 11/88)

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, [~~the handicapped~~] **persons with disabilities**, 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 11/88)

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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.
 - b. Analyze the present composition of the institution's workforce by years of service, position, salary, race, and sex to determine the existence of any under-utilization of women, minorities, [~~the handicapped~~] **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, [~~the handicapped~~] **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 [~~the handicapped~~] **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 32). 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. (B/R 8/08)
5. It is the policy of the System to establish and maintain programs whereby women, minority group members, persons with disabilities, 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 5/03)

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, ~~[the handicapped]~~ **persons with disabilities** 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 11/88)

Section 9. Classified Personnel Services Reporting

Departments are required to report the reasons that a woman, a minority, a ~~[handicapped candidate]~~ **person with a disability** 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 11/88)

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Section 12. 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, ~~[the handicapped]~~ **persons with disabilities** and other protected classes through education, training, and employment. (B/R 11/88)