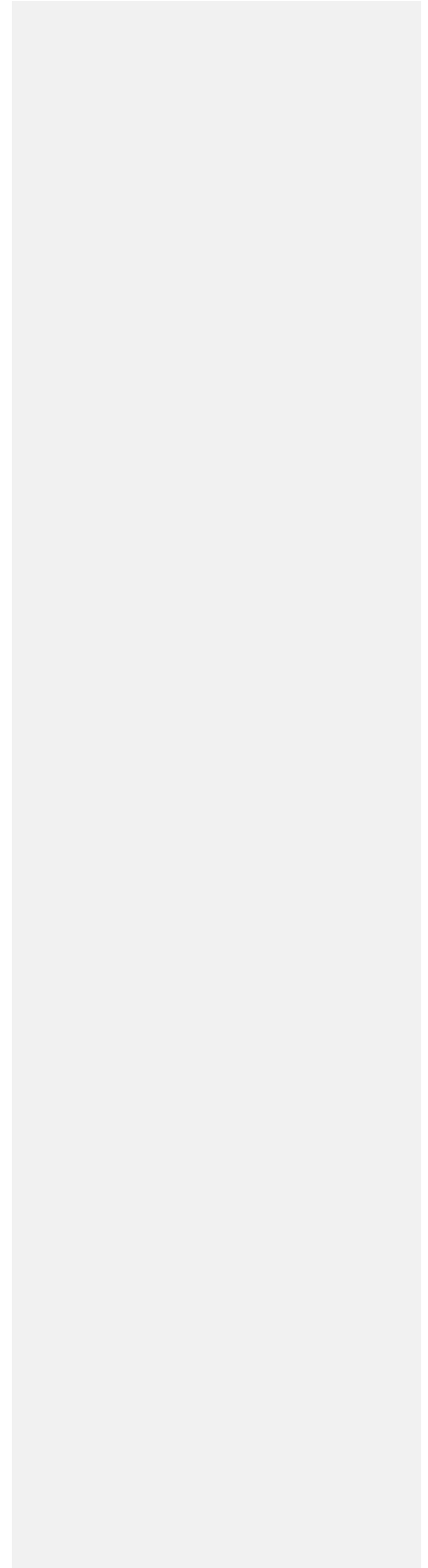


Board Handbook, Title 4, Chapter 8

[Please note that former Section 10 pertaining to discrimination has been eliminated and combined with former Section 14 pertaining to sexual harassment in what is now a combined Section 13 that addresses both policies]

Section 1.



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 ~~It requires the Nevada System of Higher Education to make additional efforts to recruit, employ, retain, and promote~~ 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. ~~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.~~
(B/R 12/08)

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

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.

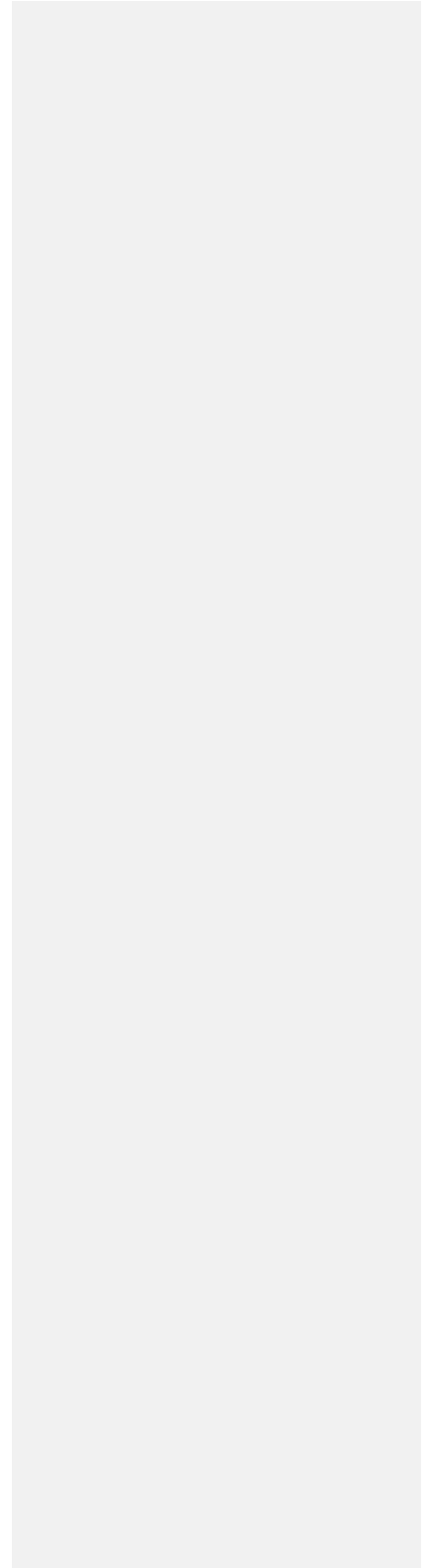
Further, affirmative action requires that the rank and salary of minorities, women, persons with disabilities (including veterans with service-connected disabilities), persons with military obligations or military status, and other protected classes presently employed by the Nevada System of Higher Education be evaluated annually in order to insure that rank and salary determinations are made in an equitable manner. (B/R 12/08)

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. (B/R 11/88)
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.

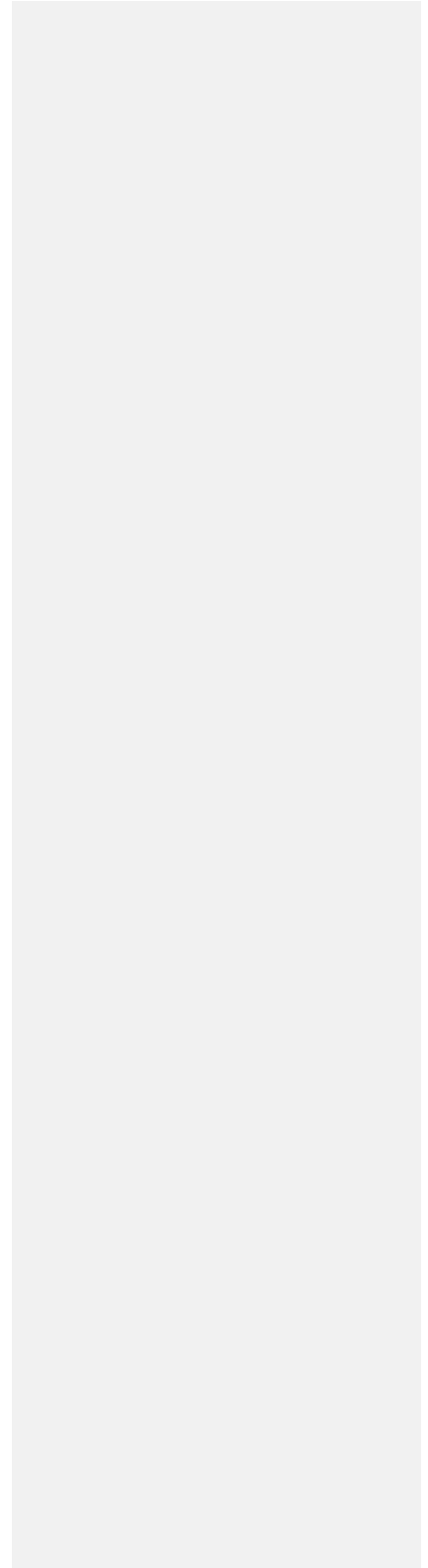
~~3. Each college or equivalent administrative unit, and in some cases, units within colleges,~~

2. Conduct a continuing review of existing goals, policies, practices, concerns, and information related to diversity, equity, and inclusion on all NSHE campuses;
3. Provide for opportunities for communication among NSHE institutions to identify and promote best practices for ensuring equity, diversity and inclusion among the students, staff and faculty of the System;
4. Support and monitor the Board of Regents' Master Plan goals and strategies for equity and diversity;
5. Encourage regular collaboration between and among institutional faculty members and staff on issues related to equity, diversity, and inclusion; and 6. Support the Board of

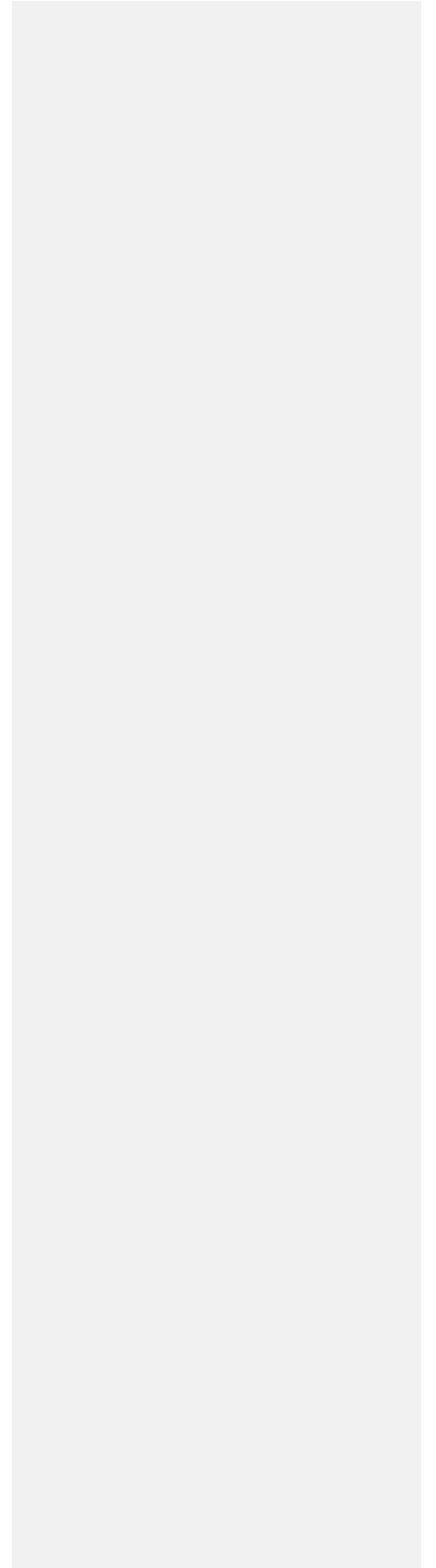


nationwide, where qualified minorities, women, and persons with disabilities may be located.

- f. Publicize all available open positions internally and/or externally. Internal and external searches are defined and reported as follows:



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



discrimination. Section B states the NSHE policy against sexual harassment. Section C contains the complaint and investigation procedure for discrimination and sexual harassment complaints. These procedures are in addition to disciplinary complaints brought against professional employees or students under Title 2, Chapter 6 of the NSHE Code (or if applicable, institution student codes of conduct), or against classified employees under the Nevada Administrative Code. However, information gathered as part of the complaint process under this section may be used in connection with disciplinary proceedings.

A. NSHE Non-Discrimination Policy

1. Policy Applicability and Sanctions.

The Nevada System of Higher Education (NSHE) is committed to providing a place of work and learning free of discrimination on the basis of a person's age, disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, national origin, race, or religion. Where discrimination is found to have occurred, the NSHE will act to stop the discrimination, to prevent its recurrence, and to discipline those responsible.

No employee or student, either in the workplace or in the academic environment, should be subject to discrimination.

It is expected that students, faculty and staff will treat one another and campus visitors with respect.

2. Policy Applicability and Sanctions.

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, the Nevada Administrative Code. Other lesser sanctions may be imposed, depending on the circumstances. Complaints may also be filed against visitors, consultants, independent contractors, 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.

3. Training.

All employees shall be given a copy of this policy and each institution's Human Resources Office shall maintain documentation that each employee received the 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 include this policy and complaint procedure in its general catalog.

Each institution shall have an on-going non-discrimination training program and shall designate a person or office to be responsible for such training.

4. Discriminatory Practices.

It is illegal to discriminate in any aspect of employment, such as:

- x hiring and firing;
- x compensation, assignment, or classification of employees;
- x transfer, promotion, layoff, or recall;
- x job advertisements;
- x recruitment;
- x testing;
- x use of employer's facilities;
- x training programs;
- x fringe benefits;
- x pay, retirement plans, and disability leave; or
- x other terms and conditions of employment.

Determining what constitutes 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 under the definition of discrimination. The specific action taken, if any, in a particular instance depends on the nature and gravity of the conduct reported, and may include non-discrimination related disciplinary processes as stated above.

Discriminatory practices also include:

- x discrimination on the basis of a person's age, disability (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, national origin, race, or religion.;
- x retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices; and
- x employment decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain age, disability (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, national origin, race, or religion.
- x conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.

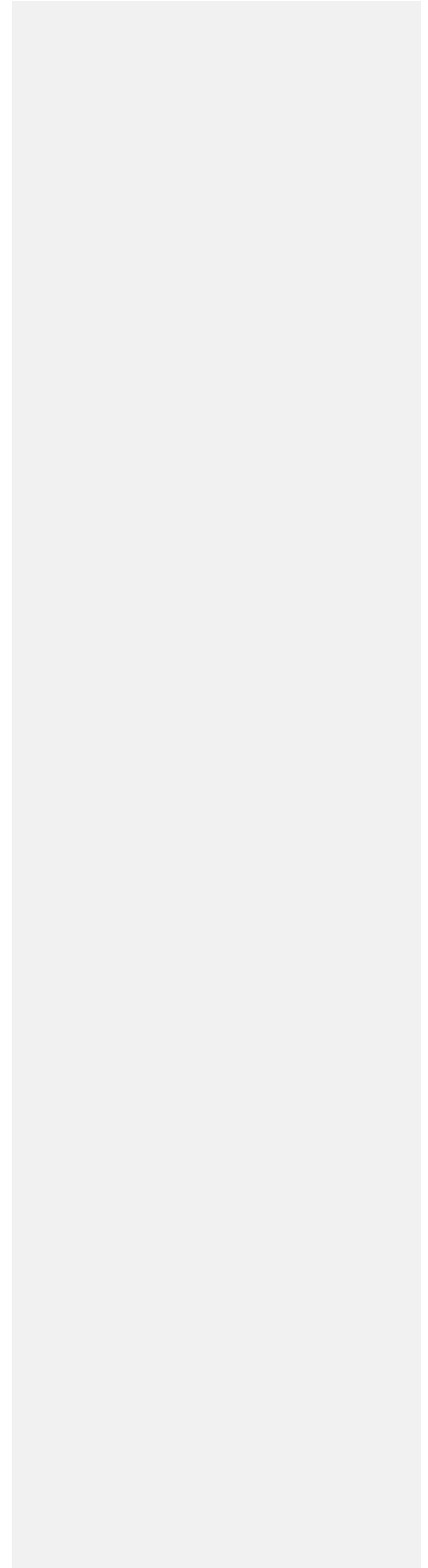
This behavior is unacceptable in the work place and the academic environment. Even one incident, if it is sufficiently serious, may constitute discrimination. One incident, however, does not necessarily constitute discrimination.

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Under this policy, 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. Submission to such conduct is made either explicitly or implicitly a term or condition of an



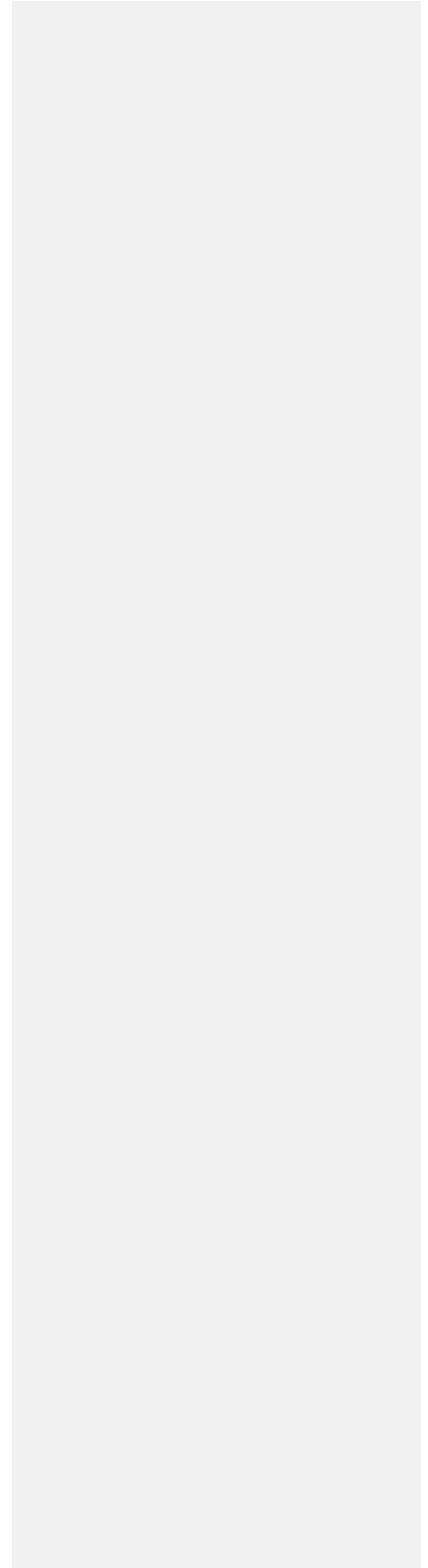
the individuals identified above to forward the complaint, to discuss it and/or to report the action taken.

Complaints of discrimination or sexual harassment should be filed as soon as possible, but no later than three hundred (300) calendar days after the discovery of the alleged act of discrimination or sexual harassment with the supervisor, department chair, dean, or one of the administrators listed above and/or designated by the president to receive complaints of alleged sexual harassment or discrimination. Complaints of prohibited conduct, including discrimination or sexual harassment, filed with an institution's administrative officer pursuant to NSHE Code Chapter 6, Section 6.8.1, are not subject to this 300 day filing requirement.

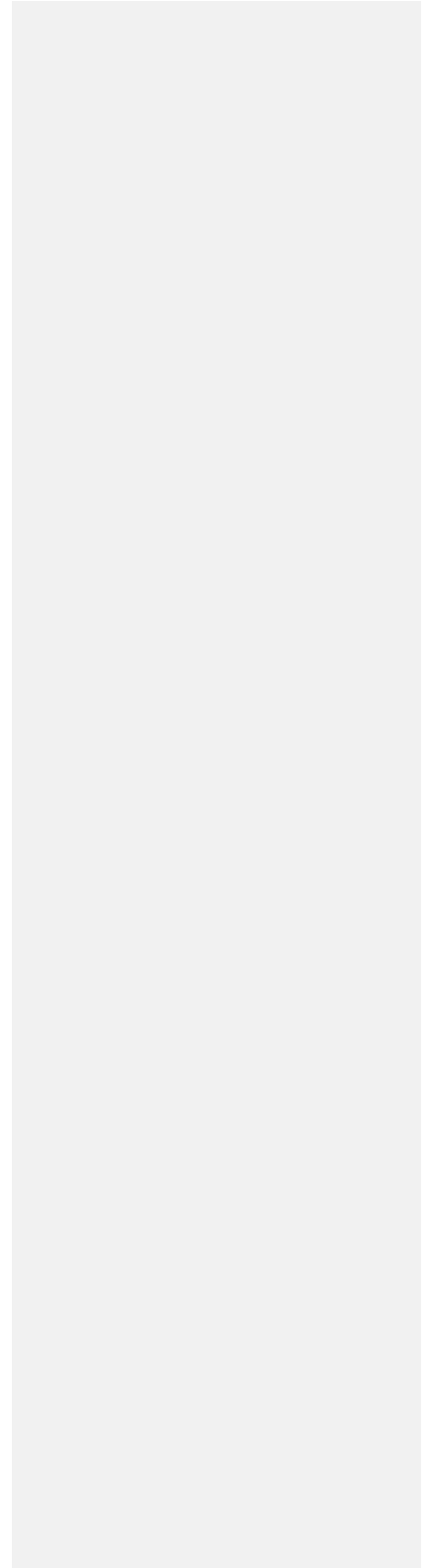
1. Employees.

- a. An employee who believes that he or she has been subjected to discrimination or sexual 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 person who receives such a request must immediately comply with it and must not retaliate against the employee.
- b. The employee may also choose to file a discrimination or sexual harassment complaint with his or her immediate supervisor, who will in turn immediately contact one of the officials listed above.
- c. 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.
- d. After receiving any employee's complaint of an incident of alleged discrimination or sexual harassment, the supervisor will immediately contact

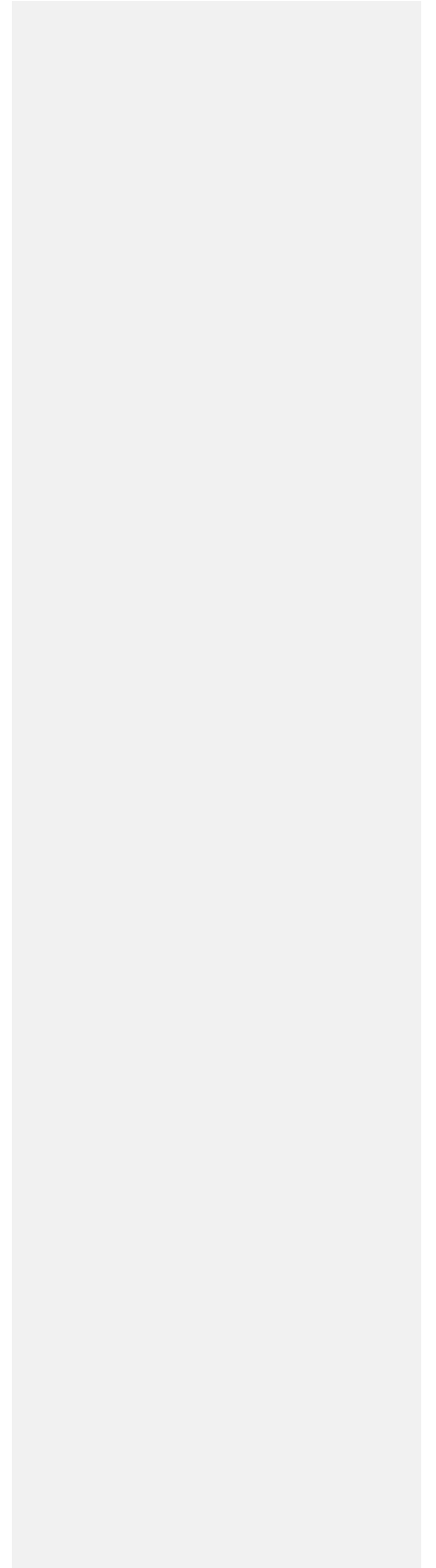
- b. The student may also choose to file a complaint with his or her major department chair or director of an administrative unit, who will in turn immediately contact one of the officials listed above.
- c. If the student feels uncomfortable about discussing the incident with the department chair or director of an administrative unit, the student should feel



be taken. Any such disciplinary action shall be taken, as applicable, in accordance with NSHE Code Chapter 6 (or applicable Student Code of Conduct), or, in the case of classified employees, NAC Chapter 284. Other appropriate actions will be taken to correct problems, if any, caused by the conduct. If proceedings are initiated under Chapter 6, the applicable Student Code of Conduct, or the Nevada Administrative Code, the investigation conducted pursuant to this policy may be used as part of such investigations.



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 a discrimination or sexual harassment



Refraining from participation in, or encouragement of actions that could be perceived as discrimination or harassment (verbal or otherwise);

Stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within his/her line of supervision; and

Taking immediate action to minimize or eliminate the work and/or school contact between the two individuals where there has been a complaint of sexual harassment, pending investigation.