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BYLAWS OF THE BOARD OF REGENTS

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TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 6

RULES AND DISCIPLINARY PROCEDURES FOR FACULTY EXCEPT DRI

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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 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)

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 14(C) of the NSHE *Handbook*. The hearing procedures and sanctions established in this Chapter 6, exclusive of Section 6.20, are applicable to the resolution and determination of such complaints.

Procedures required for complaints of sexual harassment under Title IX including, allegations of sexual assault, dating violence, domestic violence, and stalking, are set forth in Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and cross-referenced below at Section 6.20. 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 Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and cross-referenced below at Section 6.20.

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 3/25)

Section 6.2 Cause

6.2.1 **Prohibited Activity**. 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 this Chapter 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) Acts of academic dishonesty, including but not limited to cheating, plagiarism, falsifying research data or results, or assisting others to do the same;

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

(y) Acts of hazing, as defined in section 485(f)(6)(A) of the Higher Education Act of 1965, as amended by the Stop Campus Hazing Act of 2024, 20 U.S.C. §1092, or Nevada Revised Statutes or NSHE and institutional policies and procedures;

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

(aa) 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

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

(cc) 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.

(dd) Any act of unlawful discrimination based on race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), 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;

(ee) Non-Title IX "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. 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;
2. Unwelcome conduct on the basis of sex that is sufficiently severe, persistent or pervasive that it effectively denies a person equal access to the institution's education program or activity; or

3. 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.
    a. 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.
    b. "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.
    c. "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.
    d. "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    e. "Statutory rape" means sexual intercourse with a person who is under the statutory age of consent (16 years old).
    f. "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.
    g. "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.

h. "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.

(ff) Non-Title IX 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) Non-Title IX 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) Non-Title IX 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) Non-Title IX 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.

1. 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.

(jj) Title IX Sexual Harassment. "Sexual harassment" form of sex discrimination and means conduct on the basis of sex, that satisfies one or more of the following:

a. An employee of an NSHE institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

b. 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

c. 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.

i. 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.

ii. "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.

iii. "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.

iv. "Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

v. "Statutory rape" means sexual intercourse with a person who is under the statutory age of consent (16 years old).

vi. "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.

vii. "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.

viii. "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.

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 Title IX sexual harassment and Non-Title IX sexual harassment of students and employees unacceptable and prohibited. The Board of Regents' policy against sexual harassment is set forth in Title 4, Chapter 8, Section 14.

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) For complaints that do not include Title IX Sexual Harassment allegations, an alleged victim of sexual harassment (complainant) and a person against whom a complaint of alleged sexual harassment is filed (respondent) shall be advised at the beginning of the Title 2, Chapter 6 complaint process that they may select an independent advisor for assistance, support, and advice 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 Non-Title IX 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 Non-Title IX 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 Non-Title IX 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 and/or supportive measures, as described in NSHE *Handbook*, Title 4, Chapter 8, Section 14, except administrative leave, may be implemented without a hearing. Such 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 6/25)

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 or 6.20 and other applicable provisions of this chapter shall be required before the employment of an employee may be terminated for cause.

(B/R 6/23)

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**. 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 Section 6.20 below or 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.

(B/R 6/23)

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 Title IX or Non-Title IX 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 6/23)

Section 6.6 Reprimands or Warnings for Conduct Other Than Title IX Sexual Harassment

Section 6.6 does not apply to Section 6.20, Title IX Sexual Harassment.

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:

(a) Include all materials and documentation to support the charges;

(b) 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

(c) 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:

(a) The right to mediation as outlined in 6.6.4, or through 6.6.8.

(b) 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.

(c) 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:

(a) 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;

(b) The right to have a colleague present, and the right to introduce materials in response to the proposed warning or reprimand; and

(c) 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 3/25)

Section 6.7 Administrative Officer

Section 6.7 does not apply to Section 6.20, Title IX Sexual Harassment.

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 3/25)

Section 6.8 Decision to Hold Hearings

Section 6.8 does not apply to Section 6.20, Title IX Sexual Harassment.

6.8.1 **Complaints.** Except as may be provided in Section 6.6 or 6.20 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. If the complaint results from findings of a completed investigation under NSHE *Handbook* Title 4, Chapter 8, Section 14, that investigation shall be used as part of such investigations under this Section. The administrative officer in their discretion, may also supplement the initial investigation with additional investigation. 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 6.2.3 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 institution 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:

(a) By a general hearing officer, in an office hearing as provided in Section 6.10 of the Nevada System of Higher Education Code; or

(b) 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 3/25)

Section 6.9 Provisions Applicable to Hearings

Section 6.9 does not apply to Section 6.20, Title IX Sexual Harassment.

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 for Non-Title IX Conduct.

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 14 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 (dd) through (ii) of the Nevada System of Higher Education Code, the hearing shall be closed unless the victim requests an open hearing. When a hearing is held on a charge made under Subsection 6.2.1 (dd) through (ii) 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 3/25)

Section 6.10 General Hearing Officer

Section 6.10 does not apply to Section 6.20, Title IX Sexual Harassment.

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. When a hearing is held on a charge made under Subsection 6.2.1 (dd) through (ii) of the Nevada System of Higher Education Code, the time cannot be extended unless the victim consents, or if the victim is not participating in the proceedings, best efforts have been made to obtain the consent of the victim.

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 3/25)

Section 6.11 Special Hearing Officer and Special Hearing Committee

Section 6.11 does not apply to Section 6.20, Title IX Sexual Harassment.

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 (5) 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 6.2.3 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 recording will be made of the hearing and kept in the president's office for at least three (3) years 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 recording of a closed hearing shall be confidential. The person charged, on request of and at the charged person's expense may have a copy of such recording. No recording by the person charged or by other persons at the hearing will be permitted. The institution shall, at its expense, provide for a certified court reporter or certified videographer, who shall provide a transcript. A copy of the transcript and/or video shall also be made available to the person charged upon their written 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 6.2.3 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 or fails to appear, 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. When a hearing is held on a charge made under Subsection 6.2.1 (dd) through (ii) of the Nevada System of Higher Education Code, the time cannot be extended without the consent of the victim.

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. When a hearing is held on a charge made under Subsection 6.2.1 (dd) through (ii) of the Nevada system of Higher Education Code, the time cannot be extended unless the victim consents, or if the victim is not participating in the proceedings, best efforts have been made to obtain the consent of the victim.

(B/R 3/25)

Section 6.12 President's Decision

Section 6.12 does not apply to Section 6.20, Title IX Sexual Harassment.

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 3/25)

Section 6.13 Appeals

Section 6.13 does not apply to Section 6.20, Title IX Sexual Harassment.

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 3/25)

Section 6.14 Records

Section 6.14 does not apply to Section 6.20, Title IX Sexual Harassment.

All reports and decision reached after hearings or appeals, excluding administrative leave hearings, 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 3/25)

Section 6.15 Dismissed Charges

Section 6.15 does not apply to Section 6.20, Title IX Sexual Harassment.

Whenever charges against a person are dismissed, all documents relating to the case will be deposited with the institution's provost or the chief academic officer where they shall be retained for a period of 7 years from the date of the dismissal, at which time they will be handled in accordance with the record retention schedule.

(B/R 3/25)

Section 6.16 Classified Employees and Research Technologists

Section 6.16 does not apply to Section 6.20, Title IX Sexual Harassment.

(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,* Nevada Administrative Code, collective bargaining agreement(s), 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 3/25)

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 12/24)

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 *Nevada Revised Statutes*, or the Nevada Administrative Code, 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 12/24)

Section 6.19 Resignations During Ongoing Investigations, Hearings, and Appeals

Section 6.19 does not apply to Section 6.20, Title IX Sexual Harassment.

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 NSHE Code Subsection 5.15.1 Resignations/Leave 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 under this chapter shall immediately cease.

(c) In cases involving unlawful discrimination or 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 3/25)

Section 6.20 Procedures Required When Title IX Sexual Harassment is Alleged

As stated in Section 6.1.1, 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 6.20. 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 Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and cross-referenced in this Section 6.20.

6.20.1 Complaint Procedures for Title IX Sexual Harassment.

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 Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook*. These procedures are established in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations (20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106.46).

6.20.2 Administrative Leave.

The president of each System institution may order any non-student employee respondent to be placed on administrative leave for the interim period pending a Title IX investigation and live hearing under Title 4, Chapter 8, Section 14(D) of the

NSHE *Handbook* and this Section 6.20 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 Title IX 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 live hearing under this Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and this Section 6.20.

6.20.3 **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 twelve (12) 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, so far as can be made applicable, and by a general hearing officer as established in Section 6.10. The president's decision upon the hearing officer's recommendation shall be final. The issue shall be limited to whether the administrative leave of the individual involved should continue pending the completion of an investigation and/or live hearing under Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and this Section 6.20.

6.20.4 **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.

6.20.5 **Administrative Leave Officer's Duties.** The administrative leave officer, as established in Section 6.20.7, shall be responsible for presenting evidence that the administrative leave, withdrawal of consent to remain on System premises, or both, should continue pending the completion of an investigation and live hearing under Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and this Section 6.20.

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

6.20.7 **Administrative Officer.**

6.20.7.1 **Appointment of Administrative Leave Officer.**

(a) 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 leave officer in this section 6.20. 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.

(b) 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. The person appointed to perform the duties of administrative leave 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.

6.20.7.2 **Combined Duties.** The president may combine the duties of the administrative leave officer with those of any other person employed by the System institution, but may not combine such administrative leave officer duties with those performed by Title IX coordinator or Title IX hearing officers, or hearing committee members under the procedures of Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and this Section 6.20.

6.20.8 Independent Advisor, Attorney.

(a) The person who has been placed on administrative leave may be accompanied by one independent advisor of the person's choice, who may represent and advise the person and may present the evidence on the person's behalf at the hearing held pursuant to section 6.20.3. The person who has been placed on administrative leave must give written notice of the name and address of the independent advisor, and whether the independent advisor is an attorney, to the administrative leave officer no later than seven (7) calendar days before the time set for the administrative leave hearing. An independent advisor will not be permitted at the administrative leave hearing without such notice.

(b) Should a person who has been placed on administrative leave advise that the person will be accompanied by an attorney as an independent advisor, the administrative leave officer shall advise the General Counsel for the System institution where the person is employed, or if the person is employed by the System, shall advise the NSHE Chief General Counsel so that an attorney will be present at the hearing to represent and advise the administrative leave officer and to present the evidence on behalf of the administrative leave officer.

(B/R 3/25)

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, as defined in section 485(f)(6)(A) of the Higher Education Act of 1965, as amended by the Stop Campus Hazing Act of 2024, 20 U.S.C. §1092, or Nevada Revised Statutes or NSHE and institutional policies and procedures.

(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 Mental or Physical Incapacity. 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 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 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 6/25)

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 10

RULES OF CONDUCT AND PROCEDURES FOR STUDENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION

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Section 10.1 Cause

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 12/24)

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, sex (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 based on 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 or 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, as defined in section 485(f)(6)(A) of the Higher Education Act of 1965, as amended by the Stop Campus Hazing Act of 2024, 20 U.S.C. §1092, or Nevada Revised Statutes or NSHE and institutional policies and procedures.

(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 6/25)

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 12/24)

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 14(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 Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook* and cross-referenced below at 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 Appeals.

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 Sanctions and Expunging the Record.

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 Sanctions.

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 14(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.

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 Title 4, Chapter 8, Section 14(D) of the NSHE *Handbook*. These procedures are established in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations (20 U.S.C. §1681 et seq.; 34 C.F.R. Part 106.46).

10.4.13 Board of Regents Policy Against Unlawful Discrimination and Unlawful Harassment.

The Board of Regents policy against unlawful discrimination and harassment is set forth in Title 4, Chapter 8, Section 14 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 sex discrimination, including Title IX 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 3/25)

Title 4 - Codification of Board Policy Statements

Chapter 1

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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.
b. In light of the provisions of the Ethical Code of Conduct for Public officers set forth above, and in particular, to enhance public trust in the office of Regents, a Regent may not apply for or accept a new or different position, contract or business relationship with an institution, unit or foundation of the NSHE for a period of 1 year after the termination of the Regent's service on the Board.

(B/R 9/10)

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

1. Unless otherwise prohibited by law, all books, records and documents, except material related to restricted access research, that are in the custody of an NSHE institution or unit must be made available to Regents for inspection or copying upon request. Regents should make such a request only for reasons germane to the performance of their duties as Regents. Requests for inspection or copies of books, records or documents must be directed to the Chancellor, Presidents, vice chancellors, vice presidents, secretary to the Board or the director of internal audit, as the case may be. Such requests shall also be copied to the Chancellor and, if applicable, the President of the relevant institution. The written response from the institution or unit shall be sent to all Regents, with copies to the Chancellor, the applicable President and the Board office. Regents may request the Chancellor or his or her designee to inspect restricted access research materials on their behalf and provide a summary report to the Board. Requests to inspect restricted access research materials will be accompanied by non-disclosure and conflict of interest statements signed by the Chancellor or his or her designee.

2. As noted in Board Bylaws and policies, the Board of Regents acts as a unit and no one Regent has the authority to bind the Board. "It shall be the policy of the Board of Regents to act as a unit. The Board of Regents controls the University as a body representing the people; the individual members have no authority singly." Board Policies, Title 4, Chapter 1, Section 7(6). Accordingly, if a request for information by a Regent is anticipated by an institution or unit to require in excess of six hours to prepare a response, the request is subject to the Board's prior approval at a public meeting of the Board. In determining whether to approve the information request, the Board shall take into consideration the cost associated with responding to the request in terms of the use of personnel and other resources. The written response by the institution or unit to approved information requests shall be sent to all Regents, with copies to the Chancellor, the applicable President and the Board office and will identify the Regent making the request when so distributed.

(B/R 6/13)

Section 5. Inspection of Files

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

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

(B/R 12/02)

Section 6. Board Meeting Dates

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

Section 7. Academic and University Year

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

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

Section 8. Policy of the Board of Regents

1. The Constitution of the State of Nevada provides for the control of the University of Nevada to be in a Board of Regents. This Board is a body corporate and is legally responsible for the final control of the University.

2. This Board of Regents adopts the policy that the function of a Board of Regents is advisory and legislative. Thus, the Board of Regents shall delegate whenever possible duties which are initiatory and executive.

3. It shall be the function of the Board of Regents to approve or reject policies proposed by the administration. The administration shall develop educational programs for consideration and the Board shall furnish the necessary legislation and authority for the administration to carry out these policies effectively.

4. In preparing and codifying Board policy, the secretary of the board is authorized to make the following non-substantive changes to all titles of the *Handbook*:
    a. Correcting changes to names of organizations, departments, units, committees, and position titles;
    b. Correcting grammatical errors; and
    c. Correcting obvious typographical errors.

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

5. Only in the most unusual circumstances should the Board of Regents concern itself with the details of administration. Upon the basis of recommendations and data presented by the administration, the Board of Regents shall determine the general method in which various problems and administrative duties are to be solved or handled, and shall permit the administration to apply the policies decided upon to single individual jobs or problems.

6. Whenever a situation arises where no policy has been established in the past, the Chancellor shall analyze the situation and determine the issue upon which the Board needs to act. Thereupon, the Board of Regents shall settle policy with reference to the particular issue. After the Board of Regents has acted, the Chancellor shall apply the new policy to the particular cases. Where appropriate, the council of presidents shall be involved.
    a. During legislative sessions, when it becomes necessary to take a position on behalf of the NSHE on proposed legislation to be heard by a legislative committee and (1) the Board has not yet taken a position on the bill and (2) the Board will not meet before the bill is heard by the legislative committee, the Chancellor, as the chief executive officer of the System, or his/her designee, may take a position on behalf of the System on the bill before the legislative committee. The Chancellor shall notify the members of the Board of the Chancellor's position on the bill before the bill is heard by the legislative committee. The Chancellor shall additionally present to the Board during a legislative session, and at each meeting of the Board immediately following the conclusion of a legislative session, a list of legislative measures with the position taken on behalf of the NSHE noted, for consideration of approval or revision of position by the Board.
    b. In carrying out the provisions of (a) above, the Chancellor shall inform the legislative committee involved that the Board had not yet taken a position on the bill in question.

7. It shall be the policy of the Board of Regents to act as a unit. The Board of Regents controls the NSHE as a body representing the people; the individual members have no authority singly.

8. No member of the Board of Regents can bind the Board by word or action, unless the Board has, in its corporate capacity, designated such member as its agent for some specific purpose and for that purpose only.

9. The use of the terms “Board of Regents of the NSHE” and “The NSHE” may not be used by any person, group or organization for any announcements, invitations and solicitations without the written permission of the Board of Regents of the NSHE or the Board’s authorized designee.

(B/R 6/13)

Section 9. Campus Development

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

1. The park-like quality of each campus shall be maintained and further developed to the effective use of open areas, such as quads and malls. Such areas shall have serviceable walkways and seating areas in order to maintain a proper balance between utility and aesthetics.

2. Landscape architecture shall maintain pace with the aesthetic qualities of each campus in general. Funds for landscaping shall be included in the budget for each new building.

3. A small amount of parking area shall be provided adjacent to, or as near as possible to most buildings, to satisfy parking needs of faculty.

4. Consideration shall be given to the movement of student and faculty traffic between classes, materials and services from building to building, and visitors and groups for special events about each campus, particularly in regard to the location of sidewalks, paths and service routes. Special consideration shall also be given to the size and servicing of walkways in order to provide safety and convenience.

5. There shall be an annual reappraisal of enrollment projections and building priorities.

6. Standardized plaques shall be placed on NSHE buildings pursuant to procedures established by the Chancellor.

(B/R 10/04)

Section 10. Alcoholic Beverage Policy

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

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

1. Conferences and Institutes where a part of the fee collected is for a cocktail party.

2. Host account expenditures for liquor with dinner and for large receptions.

3. Student associations must have the institutional President's prior approval and the institution President is to be the only person authorized to approve payment of the purchase of alcoholic beverages from student association funds. The institutional President will only grant this authorization upon being satisfied that proper supervision is provided in the dispensing of alcoholic beverages.

(B/R 6/82)

Section 11. Parking and Traffic Regulations

The President of each institution shall have the authority to establish, approve, and enforce parking and traffic regulations that govern the movement, operation, and parking of motor vehicles on property under the jurisdiction of the institution. Such regulations shall be in compliance with the *Nevada Revised Statutes* and applicable county codes.
(B/R 6/04)

Section 12. NSHE Police and Security Forces

1. Mission

   The mission of NSHE police and security forces shall be:

   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. Furthermore, the reports will include information regarding incidents targeting individuals based on their race, religion, age, disability, gender, sexual orientation, gender identity or expression, or national origin. 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 Campus Safety Act

    All NSHE police departments or public safety offices serving the institution must comply with federal requirements of the Jeanne Clery Campus Safety 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 University, 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 6/25)

Section 13. Public Safety Council

The Public Safety Council (PSC) is established to review, evaluate, and, as needed, make recommendations to the Chancellor to address safety and security matters across the System. The PSC will work to enhance the safety and security of all NSHE institutions by making recommendations to ensure consistent safety standards, equitable resource distribution, and effective implementation of safety protocols. The PSC 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 PSC shall be established by the Chancellor and may include, without limitation, the following tasks:

1. Evaluate safety and security issues impacting NSHE institutions regularly, including current practices, emerging concerns, and the effectiveness of implemented measures, and provide comprehensive reports and recommendations to the Chancellor.
2. Actively seek, leverage, or recommend financial funding sources, including federal, state, local, and private grants, to support and implement safety improvements across all NSHE institutions.

3. Encourage all safety enhancements, including infrastructure improvements, training, and protocols, to be distributed equitably across NSHE institutions so that campuses of all sizes and locations have access to necessary resources.
4. Encourage consistent safety training, education programs, and security protocols across all NSHE institutions, ensuring that each campus follows uniform safety standards.
5. Support the Board of Regents' Security Committee with regular reports, supported by current research and related data, on the charges outlined in the Committee's mission.

(B/R 3/25)

Section 14. Regent Travel and Host Spending Policy

1. In-State Travel. Reimbursement of travel expenses incurred by members of the Board of Regents will be made for all trips required in an official capacity within the state. Reimbursement will be made at the rates authorized by the State of Nevada.

2. Out-of-State Travel. Each Regent is authorized to attend one national and one regional meeting annually. Any additional out-of-state travel is to be approved by the Board of Regents or by the Board Chair when in the interest of time it cannot be approved by the full Board.

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

3. Operating Funds. Expenses incurred by a member of the Board of Regents in an official capacity will be reimbursed by the NSHE, including long distance telephone charges, postage, etc.

4. Host Funds. An annual host account of up to $2,500 for members of the Board of Regents will be established to be used for official NSHE hosting. These accounts will be used to reimburse Regents for host expenditure claims submitted to the secretary of the board. Any amount above those stipulated must be approved by the Board.

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

(B/R 3/06)

Section 15. 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 16. 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 17. 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 18. 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 NSU 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 19. Nevada Regents' Researcher Awards

1. Three Nevada Regents' Researcher Awards shall be given annually to NSHE faculty members at UNLV, UNR, NSU or 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. A third award shall be given annually to a faculty member in recognition of achievement in research in humanities and social science fields. Although these awards are 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, NSU and DRI in recognition of early-career accomplishments and potential for future advancement and recognition in research. The Nevada Regents' Rising Researcher awards granted shall be referred to as the "Jason Geddes Rising Researcher Award" in commemoration of his service and dedication to higher education in Nevada.

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 6/24)

Section 20. 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.
   b. Full-time faculty who are tenured or tenure track who provide instruction as their primary assignment at UNLV, UNR, or NSU – and DRI faculty who provide instruction as part of their regular assignment – are eligible for one award.
   c. 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 NSU are eligible for one award.
   d. 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.
   e. 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 21. 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 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 Internal or 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 hire a new employee or assign an existing 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. An 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.

5. Lobbying Duties and Services.

   For purposes of this section, "lobbying duties" and "lobbying services" include, without limitation and regardless of compensation:

   1) registering as a lobbyist with any governmental entity;

   2) appearing before any legislative body, member thereof, or public official on behalf of the Board of Regent or NSHE (including any member institution, department or unit thereof); or

   3) communicating with any legislative body, member thereof, or public official on behalf of the Board of Regents or NSHE (including any member institution, department or unit thereof) to oppose, support, or influence action by any legislative body, member thereof, or public official.

   For purposes of this section, "lobbying duties" and "lobbying services" do not include the provision of pertinent facts or information to a legislative body, member thereof, or public official at the request of the Chancellor, an institution president, or someone who is performing lobbying duties or services pursuant to this section.

(B/R 12/24)

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;
    b. Participation in officially recognized activities and sports;

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[1] The NSHE definition of "school official" is a person employed by an institution or NSHE System Administration Unit in an administrative, supervisory, academic, 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.

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 12/22)

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. INTRODUCTION

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

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

The United States Supreme Court has recognized that schools are sensitive places where prohibitions on the possession of firearms are permitted.[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.

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

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.

[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. Policy Statement

   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)

Section 41. Definitions

As used in Title 4, the terms set forth below have the meanings stated herein:

1. "Community College" means the community colleges known as College of Southern Nevada, Great Basin College, Truckee Meadows Community College and Western Nevada College.

2. "State College" means the state college known as Nevada State University.

3. "University" means the University of Nevada, Las Vegas and the University of Nevada, Reno.
(B/R 07/23)

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. Purpose

The purpose of the Internal Audit Department is to strengthen the Nevada System of Higher Education's (NSHE) ability to create, protect, and sustain value by providing the Board of Regents and management with independent, risk-based, and objective assurance, advice, insight, and foresight.

The Internal Audit Department enhances the NSHE's successful achievement of its objectives, governance risk management, and control processes, decision-making and oversight, reputation and credibility with its stakeholders, and ability to service the public interest.

The NSHE's Internal Audit Department is most effective when internal auditing is performed by competent professionals in conformance with the Institute of Internal Auditors' Global Internal Audit Standards (which are set in the public interest), the internal audit function is independently positioned with direct accountability to the Board of Regents, and internal auditors are free from undue influence and committed to making objective assessments.

Commitment to Adhering to the Global Internal Audit Standards

The NSHE's internal audit function will adhere to the mandatory elements of The Institute of Internal Auditors' International Professional Practices Framework, which are the Global Internal Audit Standards and Topical Requirements. The Chief Internal Auditor will report periodically to the Board of Regents and executive management regarding the internal audit function's conformance with the Standards, which will be assessed through a quality assurance and improvement program.
(B/R 6/24)

Section 2. Scope and Types of Internal Audit Services

The scope of internal audit services covers the entire breadth of the organization, including all of the NSHE's activities, assets, and personnel. The scope of internal audit activities also encompasses but is not limited to objective examinations of evidence to provide independent assurance and advisory services to the Board of Regents and management on the adequacy and effectiveness of governance, risk management, and control processes for the NSHE.

The nature and scope of advisory services may be agreed upon with the party requesting the service, provided the internal audit function does not assume management responsibility. Opportunities for improving the efficiency of governance, risk management, and control processes may be identified during advisory engagements. These opportunities will be communicated to the appropriate level of management.

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. Internal audit engagements may include:

1. Reviewing and appraising the soundness, adequacy, and efficient application of accounting, financial, and operational controls at executive and staff levels. This includes the actions of the NSHE's officers, management, employees, and contractors complying with the NSHE's policies, procedures, and applicable laws, regulations, and governance standards.

2. Determining the extent established processes and systems enable compliance with policies, laws, regulations and procedures that could significantly impact the NSHE.

3. Determining whether significant risks relating to the achievement of the NSHE's strategic objectives are appropriately identified and managed.

4. Ascertaining the integrity and reliability of information and data provided by management and the means used to identify, measure, analyze, classify, and report such information within the NSHE.

5. Evaluating whether operations and programs are being carried out effectively and efficiently by recommending appropriate improvements in internal accounting and operations where controls have been found to be inefficient/ineffective, or where controls should be instituted, and none exist. This includes 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. This includes evaluating whether the results of operations and programs are consistent with established objectives.

7. Fostering quality and continuous improvement in the NSHE's risk management and control processes. Additionally, the results of examinations and corrective actions will be reported in a timely manner to remain relevant.

8. Confirming information technology and data governance supports the 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 6/24)

Section 3. Mandate

Authority

The internal audit activity is established by the Board of Regents. The internal audit activity's responsibilities are defined by the Board of Regents as part of its oversight role. The Board of Regents grants the Internal Audit Department the mandate to provide the Board of Regents and executive management with objective assurance, advice, insight, and foresight.

The internal audit function's authority is created by its direct reporting relationship to the Audit, Compliance and Title IX Committee. Such authority allows for unrestricted access to the Board of Regents.

The Board of Regents authorizes the Internal Audit Department to:

- Have full and unrestricted access to all the NSHE functions, data, records, information, properties, and personnel relevant to carrying out internal audit responsibilities. The Department is free to review and appraise policies, plans, procedures, and records. Internal auditors are accountable for confidentiality and safeguarding records and information.
- Allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques, and issue communications to accomplish the function's objectives.
- Obtain assistance from personnel of the NSHE and other specialized services from within or outside the NSHE to complete internal audit services.

Independence, Organizational Position, and Reporting Relationships

The Chief Internal Auditor shall be positioned at a level in the organization that enables internal audit services and responsibilities to be performed without interference from management (See "Mandate – Authority" section above), thereby establishing the independence of the internal audit function. The Chief Internal Auditor shall report functionally to the Chair of the Audit, Compliance and Title IX Committee and administratively (for example, day-to-day operations) to the Chief Financial Officer. This positioning provides the organizational authority and status to bring matters directly to executive management and escalate matters to the Board of Regents, when necessary, without interference, and supports the internal auditors' ability to maintain objectivity. In cases where there could be impairments to objectivity or independence, such as reviewing an area that reports directly to the Chief Financial Officer, administrative reporting for these engagements shall be to the Chancellor.

The Chief Internal Auditor will confirm to the Board of Regents, at least annually, the organizational independence of the internal audit function. If the governance structure does not support organizational independence, the Chief Internal Auditor will document the characteristics of the governance structure limiting independence and any safeguards employed to achieve the principle of independence. The Chief Internal Auditor will disclose to the Board of Regents any interference internal auditors encounter related to the scope, performance, or communication of internal audit work and results. The disclosure will include communicating the implications of such interference on the internal audit function's effectiveness and ability to fulfill its mandate. The Audit, Compliance and Title IX Committee should evaluate whether the Chief Internal Auditor remains impartial and not unduly influenced by the administrative reporting line.

Changes to the Mandate and Charter

Circumstances may justify a follow-up discussion between the Chief Internal Auditor, Board of Regents, and executive management on the internal audit mandate or other aspects of the internal audit charter. Such circumstances may include but are not limited to:

- Significant changes in the Global Internal Audit Standards.
- Significant acquisition or reorganization within the organization.
- Significant changes in the Chief Internal Auditor, Board of Regents, and/or executive management.
- Significant changes to the NSHE's strategies, objectives, risk profile, or the environment in which the organization operates.
- New laws or regulations that may affect the nature and/or scope of internal audit services.

(B/R 6/24)

Section 4. Roles and Responsibilities

Board of Regents Oversight

To establish and protect the NSHE internal audit function's independence and qualifications, the Board of Regents shall:

- Approve the roles and responsibilities of the Chief Internal Auditor and identify the necessary qualifications, experience, and competencies to carry out these roles and responsibilities.
- Authorize the Chair of the Board of Regents and members of the Audit, Compliance and Title IX Committee to jointly conduct any search for Chief Internal Auditor, including approving the job description, reviewing candidates' resumes, and participating in interviews before a candidate is selected.
- Authorize the appointment and removal of the Chief Internal Auditor.
- Establish remuneration for the Chief Internal Auditor.
- Provide input into the performance evaluation of the Chief Internal Auditor.

To establish, maintain, and ensure that the NSHE's internal audit function has sufficient authority to fulfill its duties, the Audit, Compliance and Title IX Committee shall:

- Discuss with the Chief Internal Auditor and executive management the appropriate authority, role, responsibilities, scope, and services (assurance and/or advisory) of the internal audit function.
- Ensure the Chief Internal Auditor has unrestricted access to and communicates and interacts directly with the Audit, Compliance and Title IX Committee.
- Participate in discussions with the Chief Internal Auditor and executive management about the "essential conditions," described in the Global Internal Audit Standards, which establish the foundation that enables an effective internal audit function.
- Identify with the Chief Internal Auditor when changes affecting the organization, such as the employment of a new Chief Internal Auditor or changes in the type, severity, and interdependencies of risks to the organization, would require updates to the Internal Audit Charter.
- Approve the risk-based internal audit plan.
- Approve the Internal Audit Department's human resources and audit budgets.

- Receive communications from the Chief Internal Auditor about the internal audit function, including its performance relative to its plan.
- Ensure a quality assurance and improvement program has been established and review the results of the quality assurance and improvement program annually.
- Make appropriate inquiries of management and the Chief Internal Auditor to determine whether scope or resource limitations are appropriate.

Note: Additional standing committee duties of the Audit, Compliance and Title IX Committee are stated in Title 1, Article VI, Section 3.a.

Chief Internal Auditor

Ethics and Professionalism

The Chief Internal Auditor will ensure that internal auditors:

- Conform with the Global Internal Audit Standards, including the principles of Ethics and Professionalism: integrity, objectivity, competency, due professional care, and confidentiality.
- Understand, respect, meet, and contribute to the legitimate and ethical expectations of the organization and be able to recognize conduct that is contrary to those expectations.
- Encourage and promote an ethics-based culture in the organization.
- Report organizational behavior that is inconsistent with the organization's ethical expectations, as described in applicable policies and procedures.

Objectivity

The Chief Internal Auditor will ensure that the internal audit function remains free from all conditions that threaten the ability of internal auditors to carry out their responsibilities in an unbiased manner, including matters of engagement selection, scope, procedures, frequency, timing, and communication. If the Chief Internal Auditor determines that objectivity may be impaired in fact or appearance, the details of the impairment will be disclosed to appropriate parties.

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 has previously performed advisory services, provided the nature of the services does not impair objectivity, and provided individual objectivity is managed when assigning resources to an engagement.

Internal auditors will maintain an unbiased mental attitude that allows them to perform engagements objectively such that they believe in their work product, do not compromise quality, and do not subordinate their judgment on audit matters to others, either in fact or appearance. Internal auditors will have no direct operational responsibility or authority over any of the activities they review. Accordingly, internal auditors will not implement internal controls, develop procedures, install systems, or engage in other activities that may impair their judgment, including:

- Assessing specific operations for which they had responsibility within the previous year.
- Performing operational duties for the NSHE or its affiliates.
- Initiating or approving transactions external to the internal audit function.

- Directing the activities of any NSHE employee that is not employed by the internal audit function, except to the extent that such employees have been appropriately assigned to internal audit teams or to assist internal auditors.

Internal auditors will:

- Disclose impairments of independence or objectivity, in fact or appearance, to appropriate parties and at least annually, such as the Chief Internal Auditor, Audit, Compliance, and Title IX Chair, management, or others.
- Exhibit professional objectivity in gathering, evaluating, and communicating information.
- Make balanced assessments of all available and relevant facts and circumstances.
- 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.
- 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.
- Maintain the capacity to:
    - Perform audits to independently assess governance, risk management and control processes throughout the NSHE.
    - Provide advisory services, with the mutual agreement of the "client," to improve the NSHE governance, risk management, and control processes.
    - Investigate, as necessary, allegations of improper activities, including fraud, misuse of 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.
- Take necessary precautions to avoid conflicts of interest, bias, and undue influence.

In performing these functions, the internal auditors neither have 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.

Managing the Internal Audit Function

The Chief Internal Auditor has the responsibility to:

- At least annually, develop a risk-based internal audit plan that will include evaluation of the effectiveness of financial and related operational controls and review of compliance by the NSHE personnel with the NSHE policies and procedures. This plan will be discussed with the Audit, Compliance, and Title IX Committee and executive management and submitted to the Audit, Compliance, and Title IX Committee for review and approval.
- Communicate the impact of resource limitations on the internal audit plan to the Audit, Compliance, and Title IX Committee and executive management.
- Review and adjust the internal audit plan, as necessary, in response to changes in the NSHE's business, risks, operations, programs, systems, and controls.
- Communicate with the Audit, Compliance, and Title IX Committee and executive management if there are significant interim changes to the internal audit plan.
- Ensure internal audit engagements are performed, documented, and communicated in accordance with the Global Internal Audit Standards.

- 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. Appropriate budgetary and cost control over the auditing program should be considered.
- 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 Audit, Compliance and Title IX Committee.
- 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, if possible.
- Follow up on engagement findings and confirm the implementation of recommendations or action plans and communicate the results of internal audit services to the Audit, Compliance and Title IX Committee and executive management during quarterly meetings and for each engagement as appropriate.
- Maintain a staff that collectively possesses or obtains the skills, experience and professional certifications to meet the Department's scope of responsibilities and ensure alignment with the NSHE's risks.
- Identify and consider trends and emerging issues that could impact the NSHE and communicate to the Audit, Compliance and Title IX Committee and executive management as appropriate.
- Consider emerging trends and successful practices in internal auditing.
- Establish and ensure adherence to methodologies designed to guide the internal audit function.
- Ensure adherence to the NSHE's relevant policies and procedures unless such policies and procedures conflict with the Internal Audit Charter or the Global Internal Audit Standards. Any such conflicts will be resolved or documented and communicated to the Audit, Compliance and Title IX Committee and executive management.
- Coordinate activities and consider relying upon the work of other internal and external providers of assurance and advisory services. If the Chief Internal Auditor cannot achieve an appropriate level of coordination, the issue must be communicated to executive management and, if necessary, escalated to the Audit, Compliance and Title IX Committee.

Communication with the Audit, Compliance and Title IX Committee and Executive Management

The Chief Internal Auditor will report at least annually to the Audit, Compliance and Title IX Committee and executive management regarding:

- The internal audit function's mandate.
- 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 CFO and the Audit, Compliance and Title IX Committee.
- The internal audit plan will be communicated at least biannually. This includes budgeted hours and performance relative to its plan.
- Any significant deviations from the approved internal audit plan and budget.

- Potential impairments to independence, including relevant disclosures as applicable.
- Results from the quality assurance and improvement program, which include the internal audit function's conformance with The IIA's Global Internal Audit Standards and action plans to address the internal audit function's deficiencies and opportunities for improvement.
- Significant risk exposures and control issues, including fraud risks, governance issues, and other areas of focus for the Audit, Compliance and Title IX Committee.
- Results of assurance and advisory services.
- Resource requirements.
- Management's responses to risk that the internal audit function determines may be unacceptable or acceptance of a risk that is beyond the NSHE's risk appetite.

(B/R 6/24)

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. Quality Assurance and Improvement Program

The Chief Internal Auditor will develop, implement, and maintain a quality assurance and improvement program that covers all aspects of the internal audit function. The program will include external and internal assessments of the internal audit function's conformance with the Global Internal Audit Standards, as well as performance measurement to assess the internal audit function's progress toward the achievement of its objectives and promotion of opportunities for improvement.

The Chief Internal Auditor will communicate to executive management 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 6/24)

Section 7. 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 6/24)

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 and institutions to the Chancellor's office. Reporting of fiscal exceptions for self-supporting programs and capital project accounts to the Business, Finance and Facilities Committee will be determined by the Chancellor. The quarterly fiscal exception report for System units and institutions will include a plan for resolving any reported program or project funding shortfall.

3. Self-Supporting Budget Review
   a. Definition. A self-supporting activity is a course, program, or affiliated entity that generates its own revenue through tuition and fees or other sources of revenues, rather than state or federal appropriations. Self-supporting activities are designed to be self-sufficient, cover their own costs, and do not require additional funding from the institution or external sources.
   b. Reporting. All self-supporting accounts 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, clearing, fiduciary, student fees, and scholarship funds. The annual report shall include the funds being carried over from the prior year.

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. When both non-state and state-resources are allocated for a functional purpose, and an institution expends resources from non-state accounts that are in compliance with state regulatory requirements, they may transfer expenditures from the non-state account to the state account.
    b. Expenditures transferred from non-state accounts to state accounts must meet the intent of the state appropriation and have a similar operating purpose and function. Transfers must be reviewed and approved by authorized budget personnel within the institutional finance department, as designated by the institutional business officer, and must be properly documented to ensure transparency and accountability. The transfer of expenses from non-state to state budgets must be reviewed and approved by the institution President with appropriate supporting justification and reported in an annual summary to the Board of Regents as outlined in subsection d.
    c. 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.
    d. 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 with justification, including how the transfer met the intent of the state appropriation or funding source. A budget transfer must maintain the original function. A quarterly report will be provided to the Board of Regents for transfers across functions when the total accumulated budget transferred exceeds $500,000 for the fiscal year.
    e. Documentation Requirements. All transfers must be properly documented, including detailed information about the purpose of the transfer, amounts involved, and any restrictions or requirements associated with the transfer.
    f. Compliance with State and Federal Regulations. Transfers must comply with all applicable state and federal laws and regulations, including those related to accounting, financial management, and grant administration.

6. Use of State Operating Funds

    Each NSHE institution with a State-Operating Budget must utilize state appropriated funds to the greatest extent possible in support of the purpose the funds were appropriated. NSHE institutions that provide student instruction and derive instructional funding through the State-Operating Budget must utilize those resources to the greatest extent possible in support of student credit-based instruction. Funds provided through the State-Operating Budget for facilities maintenance must be utilized to the greatest extent possible in support of facilities operation and maintenance, which may include remodeling projects and deferred maintenance. The State-Operating Budget supports several institutional functions and to the greatest extent possible the funds should be used to support the institution function approved as part of the State-Operating Budget request. The use of state operating funds for functional purposes outside of the approved function must follow the procedures for transfers in Title 4, Chapter 9, Section 2 (5). The use of instruction funds for noninstructional 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.

    In addition, the State separately funds deferred maintenance and capital projects. Funds appropriated by the State for deferred maintenance and capital projects must be used for those purposes. The use of State funds appropriated for deferred maintenance and capital projects for other purposes is strictly prohibited.

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 the greater of $250,000 or 10%.

12. Capitalization Threshold

    Capital equipment is defined as 1) those items having an acquisition cost of $10,000 or more, having a useful life of greater than one year, and be an individual, stand-alone, moveable, tangible item; or 2) a bulk purchase which is defined as assets whose individual acquisition cost is less than $10,000 but purchased in bulk and the aggregated total cost of the identical units purchased on a single requisition and for a single project has a total value greater than

$25,000,000 and above per Institution, are capitalized. Computers, classroom furniture, and communication equipment are some of the assets that may not meet the capitalization policy on an individual cost basis but might meet the threshold in the aggregate.
(B/R 6/25)

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. Vendors List. 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 preceding 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 6/25)

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. Introduction
    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. Objectives

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. Endowment Distribution Policy

   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. Roles and Responsibilities

   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. Manager Selection, Termination, and Guidelines

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. Compliance with Institutional Goals.

   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.
   i. Annually, institutions are required to complete a review of all gift accounts, document the results, and document an action plan, and report any results and an action plan to the Audit, Compliance and Title IX Committee annually.

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 9/23)

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 improvements 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. If a project has multiple revenue sources, then the intended uses or the reason why the funds are appropriate shall be documented by the institution and expenditures matched with the funding source.
3. Funds generated by the Capital Improvement Fee may be expended on projects or improvements 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 needed for the accommodation of students in buildings.

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.
5. Capital projects or improvements not included in Subsection 3 shall follow guidelines in the NSHE Procedures and Guidelines Manual, Chapter 5, Section 3, Preparation and Approval of Contracts.
6. Project accounts should be closed no later than six months after the completion of the project.
7. Reporting. Institutions will report annually to the Board on the use of the Capital Improvement Fee in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

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 compensation and fringe benefits, operating, equipment, library materials, and other expenses that benefit the general student population. One dollar of the per registration fee dedicated to the General Improvement Fee funds generated at each institution may be used for other purposes as designated by the President.

4. Approval. Expending funds generated by the General Improvement Fee for other purposes than those described in Subsection 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.
5. Reporting. Institutions will report annually to the Board on the use of the General Improvement Fee in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

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 fees in multiple accounts if necessary.

3. Funds generated by the Activities and Programs Fee shall be expended on specific student activities and programs that enhance the student experience, including compensation and fringe, operating, and equipment.

4. Approval. The use of these fees requires approval by the institutional business officer. 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.

5. Reporting. Institutions will report annually to the Board on the use of the Activities and Programs Fee in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

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 compensation and fringe, operating, scholarships, and equipment expenses. Any unexpended funds at year end may be carried forward for one year.

4. Approval. 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.

6. Reporting. Institutions will report annually to the Board on the use of the Student Association Fee in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

Section 16. Use of the Technology Fee – Regular

1. 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.

2. Approval. The use of these fees requires approval of the institutional business officer.

3. Reporting. Institutions will report annually to the Board on the use of the Technology Fee in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

Section 17. Use of the Technology Fee – iNtegrate

1. 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.

2. Approval. The use of these fees requires approval of the institutional business officer.

3. Reporting. Institutions will report annually to the Board on the use of the Technology Fee – iNtegrate in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

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, library materials, and centralized services 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. Approval. 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. Reporting. 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 9/23)

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 while directly reporting revenue and expenditures. 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 or dedicated 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*.

3. Given the nature of capital projects, the capital improvement fees will be reported separately. For purposes of the maximum carryforward, all capital improvement fees collected should be allocated to a project within one fiscal year after the year in which the funds were collected.

4. 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.

5. Funds must be established for all fees, including but not limited to student fees, special course fees, differential program fees, health center fees, technology fees, and registrations fees (including student access, capital improvement, general improvement, and activities and programs fees). Student fee revenue must not be commingled with other funds. If a project or program is funded from multiple revenue sources, then the authorized amount for the project or program from each applicable student fee account must be clearly accounted for. Institutional business officers are responsible for establishing accounting practices to ensure that an annual report of each student fee account accurately reflects revenue and expenditures and any year-end balance in the account. The institution may account for any student fee in multiple accounts, if remaining in the same fund.

(B/R 9/23)

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. Continuing Education, Community Service, and Off-Campus Programs.
    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.

The purpose of this policy is to establish guidance and limitations for expenses defined as Host Expenditures.

Host expenditures are defined as reasonable expenses for meals, refreshments, and small gifts or tokens of appreciation 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. This policy applies to NSHE institutions whereas authority for Regents' host funds is governed by NRS 396.070.

This policy does not apply to expenditures that are essential and part of a program, such as faculty, staff, and student recruitment activities, student activities and programs (for example, student government), marketing, professional development where attendee registration fees fully cover the cost of the professional development program, participant-funded events, and food supplied for academic programs (for example-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 law, regulation, statute, or policy.
    c. Gratuities are permitted on host expenditures when customary but shall not exceed 20 percent of the cost of a meal or service.
    d. In addition to being subject to this host expenditure policy, 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 subject to 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 incur host expenditures for the following:

a. Grant, contract or gift accounts where the donor or sponsor specifically provides for host expenditures.
b. Unrestricted institutional funds.

Host expenditures of the Chancellor must be approved by the Chair of the Board of Regents. Host expenditures of an institution President must be approved by the Chancellor. Exceptions to this policy are subject to approval by the Chancellor

4. Audits

The NSHE Internal Audit Department will test and sample host expenditures regularly as part of their annually established audit programs.

5. Institutional Authority

Institutions may define further guidelines or restrictions for host expenditures consistent with or more restrictive than this policy or the Chancellor's procedures.
(B/R 4/24)

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 state appropriated and non-appropriated funds.

Effective with the 2026 capital improvement budget cycle described in Subsection 6, every even numbered year, NSHE will submit to the State Public Works Board for approval the NSHE procedures and responsibilities that NSHE will undertake regarding campus master planning, capital improvement programming, the project design process, deferred maintenance projects, and capital construction projects.

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 to 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 9/23)

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.

1. 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.

2. 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.

3. 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. General Policy.
    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. CSN Performing Arts Trade-Out Policy

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)

Section 36. Reporting of Outside Counsel Appointments

Pursuant to authority established in Title 1, Article VII, Section 3, the Chancellor may appoint outside counsel for System Administration. Annually, the Chancellor will report to the Board all such outside counsel appointments, the duration, and cost.

(B/R 12/22)

Section 37. Working Capital, Reserves, Contingencies, Liquidity

1. Institutions shall adopt the guidelines outlined in this section, or propose alternate guidelines that are more appropriate based on the institutional operations, finances, or performance. If an institution intends to propose alternate guidelines, those guidelines will be presented to the Board for approval.

2. Definitions.
    a. Working Capital. Working capital refers to funds that institutions maintain to ensure the ability to pay for ongoing operational expenses such as employee compensation, utilities, supplies, and other routine expenses recognizing the cash flow fluctuations inherent in the business cycle.
    b. Contingency. Contingency refers to a line item established within a budget to address potential unanticipated cost escalation associated with known risks. A common example is building a contingency into construction or renovation projects or software implementation projects in recognition that there may be unforeseen conditions or circumstances that are identified over the course of a project.
    c. Reserves. Reserves are funds maintained by the institution beyond its routine working capital balance. Reserves may be identified for specific planned future investments; as a safeguard against unknown risks, such as unforeseen revenue shortfalls; and as a resource to fund strategic opportunities that may arise.
    d. Liquidity Ratio. The liquidity ratio measures the number of days of cash on hand (includes short-term investments), and calculates how long, in days, the organization could meet operating expenses without receiving new income. Note that cash on hand includes funds identified as working capital, contingencies, and reserves, and may include gift and other funds subject to specific purpose restrictions.

3. General Guidelines
    a. The following guidelines for working capital, contingencies, reserves and liquidity primarily relate to self-supporting funds. State operational appropriations are distributed on a monthly basis and institutions can reasonably rely on the consistent distribution of these revenues. State capital appropriations are typically managed through the State Public Works Department and include project-specific contingencies.
    b. Institutions should maintain working capital, contingencies, reserves and liquidity ratios based on the institutional risk profile and complexity. These elements are to be included in the institutional annual budget and approved by the President of the institution.
    c. Institutions are expected to determine the amount of working capital that is essential to manage through business cycle fluctuations.
    d. Institutions are expected to budget for contingencies where known risks exist.
    e. Institutions are expected to establish a target balance of the general reserve fund, which should be based on an assessment of the institution's risks, vulnerabilities, and potential liabilities. Reserves may also be established for individual operations, projects, and programs requiring risk management issues specific to the operation/project. The scope of the reserve should be clearly defined, including the reasons for and the amount of funds that will be set aside.
    f. Institutions are expected to establish a liquidity ratio range that balances the risk of having too little cash on hand, which increases the risk that the institution will be unable to meet its cash flow needs, and the risk of having too much cash on hand, which may raise concerns that resources are not being appropriately allocated to current campus needs.

4. Reporting Requirements. Annually, institutions will report to the Business, Finance and Facilities Committee on working capital, reserves, contingencies, and liquidity in a reporting template provided by the Vice Chancellor for Budget and Finance.

(B/R 9/23)

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 (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 Credit 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 credit 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 credit 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 credit 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 credit 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 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 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 it is determined that the student is equivalent to a high school grade of 9, 10, 11, or 12 and receives approval from the appropriate institution official.
5. 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.
6. 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.
7. The Chancellor's Office shall develop criteria and procedures for the establishment, maintenance, and promotion of quality dual credit programs including, but not limited to, reflecting national standards and best practices of dual enrollment, concurrent enrollment, and early enrollment programs.
8. For purposes of this Section:
    a. The term "high school student(s)" includes students enrolled in a Nevada public, charter or private high school, students enrolled in grades 9, 10, 11, and 12, and students formally enrolled in a Nevada school district sponsored program designed to meet the requirements of an adult standard diploma.
    b. "Dual credit" means a postsecondary course taken by a high school student through concurrent or dual enrollment that is transcript as credit by both the high school and NSHE institution.
    c. "Concurrent enrollment course" means a postsecondary course taught to high school students by a high school instructor mutually agreed upon by the NSHE institution and high school.
    d. "Dual enrollment course" means a postsecondary course taught by an NSHE instructor to high school students through a formally established dual enrollment program.
    e. 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 6/25)

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.
6. Candidates for a bachelor's degree at a university must complete at least 30 upper-division credits in residence. Except as otherwise provided in this subsection, an institution cannot limit the number of transfer credits that can apply to degree requirements based solely on the institution type from which the credits originate. An institution may determine the degree applicability of any transfer credits from any other institution on a course-by-course basis and consider curriculum alignment, program accreditation standards, and other academic factors in making those determinations.

(B/R 9/22)

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

2. 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 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. Candidates must complete at least 15 credits in residence for an associate degree and at least 30 upper-division credits in residence for a bachelor's degree.

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 9/22)

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 (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. Except as otherwise provided in this Subsection, an institution cannot limit the number of transfer credits from a community college that can apply to degree requirements.

(B/R 9/22)

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 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 only 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. Fraternities

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 intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization or the NSHE community or any group associated therewith; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:

        (i) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
        (ii) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
        (iii) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
        (iv) causing, coercing, or otherwise inducing another person to perform sexual acts;
        (v) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

(vi) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law;

(vii) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law and/or willful destruction or removal of public or private property;

(viii) Any physical activity, such as paddling in any form or any other brutal treatment or other forced physical activity that is likely to adversely affect the physical health of the person;

(ix) Any situation which subjects the individual to extreme stress, such as 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;

(x) Any acts of servitude, blindfolding, kidnapping or bondage, or abandonment;

(xi) Causing, coercing, or otherwise inducing another person to witness or participate in indecent exposure;

(xii) Any activity that adversely affects academic progress;

(xiii) Any mentally embarrassing, harassing, or ridiculing behavior to create psychological shock, to include but not limited to such activities as: Engaging in public stunts and buffoonery, morale degradation, humiliating games and activities, deception (lies, tricks, or dishonesty), compromising of moral or religious values, or verbal abuse;

(xvi) Expecting certain items to always be in one's possession;

(xv) Any action of collusion or inaction with a member or guest of the NSHE community or any group associated therewith that results in a student engaging in behaviors that violate the Code; and

(xvi) Any action or knowledge of the commission of an action that results in a minor being in physical possession of or possessing by consumption of alcohol or other drugs while in attendance at an organizational event.

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 or institutional student code of conduct. Both individuals and organizations committing an offense under the anti-hazing policy may be found in violation and be subject to appropriate disciplinary sanctions. An organization may be held accountable for the conduct of individuals in regards to hazing, with or without the permission of the organization as a whole.

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* and section 485(f)(6)(A) of the Higher Education Act of 1965, as amended by the Stop Campus Hazing Act of 2024, 20 U.S.C. §1092.

(B/R 6/25)

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)

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