

# Policy Statements

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## Legal Notice

The University of Nevada, Reno General Catalog describes anticipated programs, courses and requirements, but these are subject to modification at any time to accommodate changes in university resources or educational plans. The catalog does not constitute a contractual commitment that the university will offer all the courses or programs described. The programs described do not constitute a contractual commitment with the student on the part of the university. The university reserves the right to eliminate, cancel, reduce or phase out courses, programs and requirements for financial, curricular or programmatic reasons; to limit enrollments in specific programs and courses; to change fees during the student's period of study; and to require a student to withdraw from the institution for cause at any time.

## Affirmative Action/Equal Opportunity

The University of Nevada, Reno, is an Equal Opportunity/Affirmative Action employer and does not discriminate on the basis of race, color, religion, sex, age, creed, national origin, veteran status, or physical or mental disability. Also, in accordance with university policy, the university does not discriminate on the basis of sexual orientation in any program or activity it operates.

The University of Nevada employs only United States citizens and aliens lawfully authorized to work in the United States. The Affirmative Action Office is responsible for coordinating all compliance efforts, investigating complaints, and receiving complaints from students, faculty, and staff in matters dealing with discrimination. The university's Affirmative Action Office is located in Rooms 103 A-C, Jones Center. People who have questions or complaints may call (775) 784-1547.

## Anti-Discrimination Policy

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## International Student Visas

The university is authorized under federal law to enroll nonimmigrant alien students.

## NSHE Policy Against Sexual Harassment and Complaint Procedure

### BOARD OF REGENTS HANDBOOK

#### Title 4, Chapter 8, Section 13

#### A. Sexual Harassment is Illegal Under Federal and State Law.

The Nevada System of Higher Education (NSHE) is committed to providing a place of work and learning free of sexual harassment. Where sexual harassment is found to have occurred, the NSHE will act to stop the harassment, to prevent its recurrence, and to discipline those responsible in accordance with the NSHE Code or, in the case of classified employees, the Nevada Administrative Code. Sexual harassment is a form of discrimination; it is illegal.

No employee or student, either in the workplace or in the academic environment, should be subject to unwelcome verbal or physical

conduct that is sexual in nature. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

It refers to behavior of a sexual nature that is not welcome, that is personally offensive, and that interferes with performance.

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

#### B. 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 the NSHE Code or, in the case of classified employees, the Nevada Administrative Code. Other, lesser sanctions may be imposed, depending on the circumstances.

This policy is not intended to and does not infringe upon academic freedom in teaching or research as established in the NSHE Code, Ch. 2.

#### C. Training.

All employees shall be given a copy of this policy and each institution's Human Resources Office shall maintain documentation that each employee received the policy. New employees shall be given a copy of this policy at the time of hire and each institution's Human Resources Office shall maintain documentation that each new employee received the policy.

Each institution shall include this policy and complaint procedure in its general catalog.

Each institution shall have an on-going sexual harassment training program for employees.

#### D. Sexual Harassment Defined.

Under this policy, unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
2. 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; or
3. the conduct has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.

Sexual harassment may take many forms—subtle and indirect, or blatant and overt. For example,

- It may occur between individuals of the opposite sex or of the same sex.
- It may occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently severe.
- It may also rise to the level of a criminal offense, such as battery or sexual assault.

Determining what constitutes sexual harassment under this policy

will be accomplished on a case by case basis and depends upon the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but would not fall under the definition of sexual harassment. The specific action taken, if any, in a particular instance depends on the nature and gravity of the conduct reported, and may include disciplinary processes as stated above.

Examples of unwelcome conduct of a sexual nature that may constitute sexual harassment may, but do not necessarily, include, and are not limited to:

- physical assault;
- sexually explicit statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
- unnecessary touching, patting, hugging, or brushing against a person's body or other inappropriate touching of an individual's body;
- remarks of a sexual nature about a person's clothing or body;
- use of electronic mail or computer dissemination of sexually oriented, sex-based communications;
- sexual advances, whether or not they involve physical touching;
- requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases, promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;
- displaying sexually suggestive objects, pictures, magazines, cartoons, or screen savers;
- inquiries, remarks, or discussions about an individual's sexual experiences or activities and other written or oral references to sexual conduct.

Even one incident, if it is sufficiently serious, may constitute sexual harassment. One incident, however, does not usually constitute sexual harassment.

#### E. Procedure.

The Chancellor and each president shall designate no fewer than two administrators to receive complaints of alleged sexual harassment. The administrators designated to receive the complaints may include the following: (1) the Human Resources Officer at the institution; (2) the Affirmative Action Program Officer; or (3) any other officer designated by the president. If the Human Resources Officer or the Affirmative Action Program Officer or another officer designated by the president, is not the individual who initially receives the complaint of alleged sexual harassment, then the individual receiving the complaint must immediately forward the complaint to either the Human Resources Officer or the Affirmative Action Program Officer.

An individual filing a complaint of alleged sexual harassment shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Human Resources Officer or the Affirmative Action Program Officer, or by their designee. It shall be the choice of the individual filing the complaint 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 means and manner by which an independent advisor shall be made available shall be determined by each institution or unit.

**Supervisors' Responsibilities:** Every supervisor has responsibility to take reasonable steps intended to prevent acts of sexual harassment, which include, but are not limited to:

- Monitoring the work and school environment for signs that harassment may be occurring;
- Refraining from participation in, or encouragement of actions that could be perceived as harassment (verbal or otherwise);
- Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within his/her line of supervision; and
- Taking immediate action to minimize or eliminate the

work and/or school contact between the two individuals where there has been a complaint of harassment, pending investigation.

- If a supervisor receives a complaint of alleged sexual harassment, or observes or becomes aware of conduct that may constitute sexual harassment, the supervisor must immediately contact one of the individuals identified above to forward the complaint, to discuss it and/or to report the action taken.

Failure to take the above action to prevent the occurrence of or stop known harassment may be grounds for disciplinary action.

Complaints of sexual harassment must be filed within one hundred eighty (180) calendar days after the discovery of the alleged act of sexual harassment with the supervisor, department chair, dean, or one of the administrators listed above and/or designated by the president to receive complaints of alleged sexual harassment. Complaints of prohibited conduct, including sexual harassment, filed with an institution's administrative officer pursuant to NSHE Code Chapter 6, Section 6.8.1, are not subject to this 180 day filing requirement.

#### 1. Employees.

- a. An employee who believes that he or she has been subjected to sexual harassment by anyone is encouraged—but it is neither necessary nor required—to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the employee for rejecting the conduct.
- b. The employee may also choose to file a complaint with his or her immediate supervisor, who will in turn immediately contact one of the officials listed above.
- c. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with one of the other listed officials or with any other supervisor.
- d. After receiving any employee's complaint of an incident of alleged sexual harassment, whether or not the complaint is in writing, the supervisor will immediately contact any of the individuals listed above to forward the complaint, to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved are not supervised by that supervisor.

#### 2. Students.

- a. A student who believes that he or she has been subjected to sexual harassment by anyone is encouraged—but it is neither necessary nor required—to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A person who receives such a request must immediately comply with it and must not retaliate against the student for rejecting the conduct.
- b. The student may also choose to file a complaint with his or her major department chair, who will in turn immediately contact one of the officials listed above.
- c. If the student feels uncomfortable about discussing the incident with the department chair, the student should feel free to bypass the chair and file a complaint with one of the above officials or to any chair or dean, who will in turn immediately contact one of the officials listed above to forward the complaint, whether or not the complaint is in writing, to discuss it and/or to report the action taken. The chair or dean has a responsibility to act even if the individuals are not supervised by that chair or dean.

#### 3. Non-Employees and Non-Students.

- a. Individuals who are neither NSHE employees nor NSHE students and who believe they have been subjected to sexual harassment by a NSHE employee during the employee's work hours or by a NSHE student on campus or at a NSHE sponsored event may utilize any of the complaint processes set forth above in this section.

#### 4. Investigation and Resolution.

- a. After receiving a complaint of the incident or behavior, an investigation by one of the above listed officials will be initiated to gather information about the incident. Each

institution may set guidelines for the manner in which an investigation shall be conducted.

- b. At the completion of the investigation, a recommendation will be made to the appropriate management regarding the resolution of the matter. The recommendation is advisory only.
- c. After the recommendation has been made, a determination will be made by appropriate management regarding the resolution of the matter. If warranted, disciplinary action up to and including involuntary termination or expulsion will be taken. Any such disciplinary action shall be taken in accordance with NSHE Code Chapter 6, or, in the case of classified employees, NAC Chapter 284. Other appropriate actions will be taken to correct problems, if any, caused by or contributing to the conduct. If proceedings are initiated under Chapter 6, the investigation conducted pursuant to this policy may be used as the Chapter 6 investigation. The administrative officer, in his or her discretion, may also supplement the sexual harassment investigation with additional investigation.
- d. After the appropriate management has made a determination regarding the resolution of the matter, and depending on the circumstances, both parties may be informed of the resolution. Certain actions made confidential under NSHE Code Chapters 5 and 6 or NAC Chapter 284 shall remain confidential.

#### F. Prompt Attention.

Complaints of sexual harassment are taken seriously and will be dealt with promptly. Where sexual harassment is found to have occurred, the NSHE institution or unit where it occurred will act to stop the harassment, to prevent its recurrence, and to discipline those responsible.

#### G. Confidentiality.

The NSHE recognizes that confidentiality is important. However, confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible and will maintain confidentiality to the extent possible. Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the NSHE is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

#### H. Retaliation

Retaliation against an individual who in good faith complains of alleged sexual harassment or provides information in an investigation about behavior that may violate this policy is against the law, will not be tolerated, and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including termination and/or expulsion. Any employee or student bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint. Intentionally providing false information is also grounds for discipline.

"Retaliation" may include, but is not limited to, such conduct as:

- the denial of adequate personnel to perform duties;
- frequent replacement of members of the staff;
- frequent and undesirable changes in the location of an office;
- the refusal to assign meaningful work;
- unwarranted disciplinary action;
- unfair work performance evaluations;
- a reduction in pay;
- the denial of a promotion;
- a dismissal;
- a transfer;
- frequent changes in working hours or workdays;
- an unfair grade;
- an unfavorable reference letter.

#### I. Relationship to Freedom of Expression.

The NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Sexual harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of institutions, the tradition of intellectual freedom and the trust placed in the institutions by their members.

### Student Responsibilities

It is the student's responsibility to:

1. read and understand the contents of the university catalog.
2. become familiar with all university policies and procedures.
3. be aware of all university deadlines, including dates for registration, change of registration and fee payment.
4. contribute to the maintenance of a campus environment conducive to intellectual curiosity, civility and diversity.
5. keep the university informed of changes in address, phone number, enrollment changes which might affect financial aid awards and/or any other circumstances which could affect satisfactory progress toward a degree.

### Student Expectations

Students are expected to:

1. attend class and complete all assignments in accordance with the expectations established by their instructors and programs of study.
2. conduct themselves in the classroom in a manner which contributes to a positive learning environment for all.
3. familiarize themselves with all university policies and procedures.
4. ask questions and seek clarification, direction and guidance to any class assignment, university policy or procedure which is unclear.

Students may be expected to complete class requirements beyond the published meeting times. This varies by course and instructor.

## NSHE Policy Regarding Data Security

### BOARD OF REGENTS HANDBOOK

#### Title 4, Chapter 1, Section 22.7

It is the policy of the Board of Regents that sensitive data maintained or transmitted by an NSHE institution must be secure. For the purposes of this section, "sensitive data" means any data associated with an individual, including but not limited to social security number and data that is protected by Board policy, or state or federal law.

- a. Each NSHE institution must develop and maintain policies, standards, and/or procedures that describe and require appropriate steps to protect sensitive data that is maintained on an institution's computing devices or transmitted across public network such as the Internet. Institutional policies must include the requirements for the eradication of data when computers are sent to surplus or repurposed. Institutions must be aware of all areas that data are stored, both physically and electronically, and must audit these areas annually to ensure that sensitive data are retained or destroyed as appropriate. Each institution must maintain policies and procedures to be followed in the event that sensitive data is released inappropriately, including but not limited to the appropriate disclosure of the breach of sensitive data pursuant to NRS 603A.220.
- b. Pursuant to the Privacy Act of 1974 (Public Law 93-579), each 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.
- c. Each NSHE institution must adhere to the disclosure requirements established pursuant to NRS 239B.030.

## **University Values and the Exchange of Ideas**

The modern land-grant university fosters the acquisition of knowledge and the distribution of newly discovered information. It enlivens curiosity, cultivates critical judgement and encourages the contribution of its informed students to the development of American society. The University of Nevada, Reno is committed to these land-grant goals and to the maintenance of an academic environment which advances the free exchange of ideas.

While prohibition of certain forms of speech can have a chilling effect on the free and open exchange of ideas, a policy of civility and tolerance can protect an environment which is free of intimidation to promote open debate.

Personal verbal harassment of one individual by another is uncivil behavior, which can taint or pollute the learning climate and discourage open expression of ideas on legitimate academic subjects.

The university is committed to an orderly learning environment, which protects the right of free speech and rejects personal intimidation of any kind. Accordingly, the Academic Master Plan approved by the Board of Regents in 1993 cites "graciousness" and "civility" as characteristics of the proper environment for encouraging "the honest and rational consideration of conflicting ideas and diverse opinions."