## RESIDENT HANDBOOK SECTION X: APPENDICES

## APPENDIX III – NSHE SEXUAL HARASSMENT PO LICY AND COMPLAINT PROCEDURE

Sexual harassment of students, employees, and users of university facilities is unacceptable and prohibited.

NSHE Policy Against Sexual Harassment And Complaint Procedure

Board of Regents Handbook Title 4, Chapter 8, Section 13

# 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, 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.

#### 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.

#### TRAINING

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

IX. 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.

#### 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 or alleged sexual harassment, then the individual who initially receives 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 b2.4 (c)-81 (he c)-8 (h ( s)-8.1e a4 (i)3.1 (c)-a6dl)3 ug uh (m)-24.5dvi1 (he c)-h tyha

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 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.
- II. 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 2o3(ac)-8 (tospoes)-8 (c)-8 (3(an)-7 (e)-12.3 (d 1.1 (o)-12.2 (as)-8.1e s)-8.

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.

#### **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.

#### CONFIDENTIALITY

- XI. frequent changes in working hours or workdays
- XII. an unfair grade
- XIII. an unfavorable reference letter

### RELATIONSHIP TO FREEDOM OF EXPRESSION

NSHE is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. 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.

Effective 5/2003