

TITLE 2 – Nevada System of Higher Education CODE

CHAPTER 5

PERSONNEL POLICY FOR FACULTY

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Section 5.1 Applicability

Unless otherwise stated, the provisions of this chapter apply to all faculty of the System having an employment contract provided for herein, but excluding letters of appointment.

Section 5.2 Personnel Actions

5.2.1 Recommendations for Action. All recommendations for personnel actions shall be directed through regular administrative channels.

5.2.2 Final Approval. The President must approve all recommendations concerning appointments to employment, nonreappointment to employment of nontenured faculty members, salary, promotion, or appointment with tenure within the President's System institution. However, an appointment with tenure shall also require, before becoming effective, the approval of the Board of Regents. The President must provide 5 working days notice to the institutional faculty senate prior to approving a promotion to the position of Associate Professor (Rank III) or Professor (Rank IV). In accordance with the requirements of *NRS 281.210*, employees who are related to the institution President within the third degree of consanguinity or affinity must be appointed by the Board of Regents.

5.2.3 Denial of Appointment with Tenure, Promotion or Reappointment. A faculty member who has been denied appointment with tenure, promotion, reappointment to employment, or who has received a notice of termination may, within 15 calendar days after notification of such denial or termination, provide a written request to the department chair, supervisor, or dean who rendered the negative decision asking for a statement in writing of the reasons for the denial or notice of termination. The response must be received by the faculty member within 15 calendar days after the appropriate administrator receives the written request for reasons.

5.2.4 Reconsideration of Personnel Action Denying Appointment with Tenure, Promotion or Reappointment. Within 15 calendar days after receipt of the written reasons for denial of appointment with tenure, promotion or reappointment to employment, or for the issuance of a notice of termination, a faculty member may request reconsideration. The request shall be submitted in writing to the faculty member's department chair, supervisor, or dean who rendered the negative decision together with the reasons, arguments and documentation supporting the request for reconsideration. The request for reconsideration shall be promptly directed through regular administrative channels with recommendations for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the President after receipt of the recommendations, except that if the President, after reconsideration, decides to recommend appointment with tenure should be granted, the final decision must be made by the Board of Regents.

5.2.5 Faculty Not Eligible for Tenure. Faculty of the special units and the DRI shall not be eligible for appointment with, nor shall have, tenure under any circumstances, except for such tenured appointments as have already been made prior to July 1, 1983.

(B/R 9/10)

Section 5.3 Appointing Authority

The President of each System institution shall be the appointing authority for all faculty of the System institution. No employment contract is valid without the President's signature and a contract form which has not been signed by the President is considered an instrument of negotiation and is not a binding contract or offer. The President shall have the authority to issue a contract for employment for any approved or budgeted position, except as otherwise stated in Subsections 1.6.1 and 5.4.2 of the Nevada System of Higher Education (NSHE) Code.

Section 5.4 Appointment and Termination

5.4.1 Recruitment Procedures. Each System institution shall develop procedures for recruitment and selection of faculty. These procedures shall be published in the administrative manual of the System institution. Such procedures shall be consistent with the provisions of the NSHE Code.

5.4.2 Duration of Employment Contracts.

- (a) Except as provided in this Subsection, an employment contract shall be for a term not to exceed twelve months. In any case, an employment contract's termination shall coincide with the conclusion of a fiscal year of the System. Except as provided in this Subsection, an employment contract for a term in excess of twelve months or which overlaps a fiscal year requires the approval of the Board of Regents prior to being issued or becoming binding.
- (b) At the time of the initial appointment to employment of a faculty member who would otherwise be eligible for tenure and after consultation with the applicable department or other similar administrative unit, a President may offer at the President's discretion, and the faculty member may agree to accept, an employment contract for a period of up to three years which would not provide for eligibility for an appointment with tenure. A faculty member employed under such a contract shall not be eligible for appointment with, nor shall have, tenure during the period of such contract under any circumstances. At the termination of such an initial employment contract, succeeding employment contracts for periods of up to three years each under the same conditions as stated in this paragraph may be offered by the President at the President's discretion and accepted by the faculty member. Alternatively, the contract, at the discretion of the President, may be renewed on an annual basis and accepted as such by the faculty member. Faculty members accepting employment contracts authorized by this paragraph shall be placed in Rank O or Range O, as the case may be. During the term of such contracts such faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. An initial employment contract authorized by this paragraph for a term of up to one year shall require at least 90 calendar days notice of nonrenewal of appointment prior to the contract's termination, such a contract for a term

of two years shall require at least 180 calendar days notice of nonrenewal of appointment prior to the contract's termination and such a contract for a term of three years shall require at least 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. All succeeding employment contracts authorized by this paragraph of whatever duration shall require 365 calendar days notice of nonrenewal of appointment prior to the contract's termination. Nothing in this paragraph shall prevent the President from offering at the President's discretion, and the faculty member from accepting, an employment contract for a position providing eligibility for tenure after the termination of any employment contract authorized by this paragraph.

- (c) Except as provided in this paragraph, after the third year of employment, a President may offer at the President's discretion, and a nontenured faculty member may accept, an employment contract for a period of up to three years. At the termination of such an employment contract, succeeding employment contracts for periods of up to three years each may be offered by the President at the President's discretion and accepted by the nontenured faculty member. Alternatively, the contract, at the discretion of the President, may be renewed on an annual basis and accepted as such by the faculty member. During the term of such contracts, such nontenured faculty members shall be eligible to receive salary increases and faculty benefits authorized under Subsection 5.6 of the NSHE Code at the same time and under the same conditions as other faculty members of the System. The minimal notice of nonrenewal of appointment shall be as provided in Section 5.9 of the NSHE Code. The provisions of this paragraph shall not be applicable to faculty employed for a probationary period in a position providing eligibility for tenure or employed under paragraph (b) herein. The President may establish specific criteria in the institutional bylaws for issuance of extended contracts under this paragraph. Nothing in this paragraph shall give rise to any appointment or eligibility for appointment with tenure under any circumstances.
- (d) Nontenured faculty at the William S. Boyd School of Law, after the third year of employment, may be offered and may accept an employment contract for a period of up to five years. At the termination of such an employment contract, succeeding employment contracts for periods of up to five years each may be offered. All such employment contracts shall be on the same basis as, and subject to the same limitations, terms and conditions as those described in paragraph (c) herein.
- (e) A multi-year contract may be offered at the President's discretion to a J-1 foreign medical graduate applying for a waiver of the 2-year foreign residence requirement under the Conrad 30 Waiver Program or a like Interested Government Agency physician waiver program. The length of the contract shall meet the minimum requirement in 8 USC § 1184, where applicable.
- (f) Contracts for athletic directors, head athletic coaches, and certain other athletic personnel are subject to and governed by Title 4, Chapter 24.

5.4.3 Terms and Conditions of Employment. In accordance with Section 5.4.4 below, all employment contracts shall be in writing, electronic or hard copy, and shall specify therein the terms and conditions of employment. The provisions of the NSHE Code, in their entirety and as amended from time to time, shall be a part of the terms and conditions of every employment contract, except as may be varied in the contract. Any understanding, promise, term, condition or representation not contained in the contract is of no effect.

5.4.4 Employment Contracts and Interpretation. An initial employment contract shall not be binding until executed, either electronically or by any process that demonstrates the acceptance of its terms and conditions by both the appointee and the appointing authority, and approved as may be provided in this NSHE Code. Except as otherwise provided in Code Section 5.4.2, and if the employment contract has not been terminated or expired as provided in the terms of the contract and notice of non-reappointment or termination has not been issued, subsequent employment contracts shall renew, without any action required of the appointing authority or the appointee, on July 1 and end on the following June 30th. The renewed employment contract, if any, shall include any merit increases awarded to the employee, cost of living or other compensation adjustments funded by the Nevada Legislature, as well as any furloughs, unpaid leave or salary reductions imposed by the Nevada Legislature, Office of the Governor, Board of Regents, or any combination thereof. Any other amendments of the terms and conditions in an employment contract shall be accepted by the employee, who shall be deemed to have accepted the amended terms and conditions by any of the following means: (i) an electronic or other process which demonstrates acceptance of the amended and renewed contract; (ii) the cashing of a payroll check during the term of the renewed contract; or (iii) the failure to refund within seven calendar days the entirety of any payroll check electronically deposited into the employee's account during the term of the renewed contract. All employment contracts are subject to and interpreted in accordance with Nevada law and Board of Regents' Code.

5.4.5 Financial Reasons for Furlough, Reduction in Pay or Lay Off

- (a) A faculty member may be furloughed, have pay reduced, or be laid off as an employee before the end of the contract term because of a financial exigency declared by the Board of Regents. For faculty members of the Desert Research Institute, however, refer to Section 5.8 of the NSHE Code.
- (b) Faculty members may be furloughed, have pay reduced, or be laid off under this Subsection for a financial exigency upon a declaration of the Board of Regents, after a recommendation for same by the Chancellor and by the Presidents of the System institutions to be affected by the proposed financial exigency, that a financial exigency exists in the System, a System institution, or an administrative unit of a System institution. Nothing in this provision shall prevent the layoff of a faculty member under this Subsection without such a declaration of the Board of Regents when such faculty member's employment contract contains the specific provision that such faculty member's continued employment during the term of the contract is dependent on the availability of funds, nor is a declaration of financial exigency (with the accompanying requirements of Section 5.4.6) required in order for the Board of Regents to consider and implement pay reductions or unpaid leave equating to six percent or less of base pay as a result of

final legislative action to generally reduce all state employee pay by that amount. Such legislatively authorized pay reduction shall not be implemented earlier than the start of the next fiscal year commencing after the date of Board of Regents approval nor without first considering the recommendation of the Chancellor and the Council of Presidents after consultation with the faculty senates, with consideration of alternative means of reducing expenses to meet budget reductions and methods of maintaining recognition of base pay and salary schedules. The pay reductions or unpaid leave shall be for no more than two years. If the final legislative action continues to generally reduce all state employee pay beyond a two year period, the Board of Regents may likewise extend such reductions beyond two years, up to a cumulative cap of 6 percent for the entire period of the reduction, based on the same process of consultation and recommendation required for the initial implementation.

(c) Before a recommendation is made to the Board of Regents by the Chancellor and the President or Presidents that a financial exigency should be declared:

1. The Chancellor and the President or Presidents shall be satisfied that all available means to reduce the expenditure levels (i) are exhausted, (ii) would not be adequate, (iii) would not be feasible or (iv) would not be appropriate.
2. The President or Presidents shall seek the advice of the senates or senate representatives of System institutions to be affected by the proposed declared financial exigency concerning said exigency and such advice shall be forwarded to the Board of Regents along with recommendations of the Chancellor and the President or Presidents.

(d) After a financial exigency has been declared by the Board of Regents, depending upon the circumstances, the Board may choose to immediately implement a financial exigency or authorize the following provisions to be put into effect:

1. Each System institution affected shall select an ad hoc financial exigency committee to prepare recommendations for a plan to implement the discontinuance or reduction in size of administrative units, projects, programs or curricula, to include furloughs, pay reductions or faculty lay-offs if necessary, due to the financial exigency. Each such plan shall establish the criteria necessary for recommending and determining such actions.
2. The President shall determine the number of persons to serve on the ad hoc financial exigency committee, shall choose the chair of the committee and, in addition, shall choose one half of the remaining membership of the committee. The senate shall elect one half of the membership of the committee. The chair shall vote only in case of a tie vote. The plan recommended by the committee must receive the approval of the President.

3. The plan, as approved by the President, must be submitted to the Chancellor within a time limit agreed to by the President and the Chancellor. If the plan is not submitted within that time, the Chancellor, at the Chancellor's option, may extend the time for such submission or may prepare a plan for the System institution which fails to submit such plan within the time limit set or as may be extended.
 4. In the case of a System-wide financial exigency, all plans must be forwarded to the Council of Presidents for review and recommendations as to any necessary coordination between the System institutions in the implementation of the plans and to harmonize or eliminate any material conflicts in the plans.
 5. All plans must be reviewed by the Chancellor and the President or Presidents before being forwarded to the Board of Regents.
 6. All plans must be forwarded to the Board of Regents with the recommendations of the Chancellor and the President or Presidents and all plans must receive the approval of the Board, which shall be final. The Board may appoint an ad hoc financial exigency committee composed of members of the Board to work with the System institutions in preparing and reviewing plans and to report to the Board concerning plans prior to their consideration by the full Board.
 7. A plan shall take into consideration the affirmative action goals of the System, the responsibility of the System and the System institutions to continue to offer the appropriate ranges of programs or curricula to its enrolled students and the missions of the institutions of the NSHE.
- (e) A financial exigency, once declared, may be reviewed every 180-calendar days or sooner if appropriate, by the Board of Regents on the issue of whether it should continue or be declared ended. Before making a recommendation to the Board of Regents on whether a state of financial exigency should be continued or be declared ended, the President or Presidents shall seek the advice of the senates of the System institutions to be affected by the financial exigency and shall obtain their respective recommendations concerning whether the state of financial exigency should continue or be declared ended. The senate recommendations shall be forwarded to the Board of Regents along with the recommendations of the Chancellor and the President or Presidents.

5.4.6 Procedures for Furlough, Pay Reduction or Lay Off Due to Financial Exigency

- (a) If a faculty member is furloughed, pay is reduced or the faculty member is given notice of lay off or is laid off because of financial exigency as provided in this chapter, the provisions of this Subsection shall be applicable.

- (b) The faculty member shall be continued in employment, if possible and if such employment does not result in the termination of employment of another faculty member, in an appropriate qualified professional capacity within the System institution involved. The President of the institution, in consultation with the faculty senate, shall in writing set forth the administration's policy regarding the possible continuation in employment of faculty members who are to be furloughed, reduced in pay or laid off for financial exigency.
- (c) If a faculty member is laid off for financial exigency, the faculty member's position will not be filled within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level. If the institution, within two years of a faculty member's lay off, intends to establish tenure track positions in the faculty member's former subject area, and if an offer of appointment is made to the former faculty member, it must include an offer of tenure.
- (d) A lay off for financial exigency shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the salary of the faculty member being laid off for such period, the notice period may be shortened to a period commensurate with the amount of funds reasonably available to make such payments. Notice of furlough or pay reduction for financial exigency shall require at least 15-calendar days notice.
- (e) Notice of the furlough or pay reduction of faculty members for financial exigency or notice of a lay off for financial exigency, except for notice of nonreappointment to employment of faculty members given under Subsections 5.4.2, 5.8.2, 5.9.1 or 5.9.2 of the NSHE Code, shall be in writing and shall furnish the faculty member with a reasonably adequate statement of the basis for the decision to furlough, reduce pay or lay off the faculty member, a reasonably adequate description of the manner in which the decision was arrived at and a reasonably adequate disclosure of the information and data upon which the decision-maker or makers relied. The notice shall also inform the faculty member of the right to reconsideration, the procedures for reconsideration and the identity of the person or persons to whom a request for reconsideration should be directed.
- (f) Within 15 calendar days after receipt of the notice of furlough, pay reduction or lay off for financial exigency, the faculty member may request reconsideration of the decision to furlough, reduce pay or to lay off at which time the following provisions and procedures are applicable:
 - 1. The reconsideration process shall be limited in its scope to the issue of whether there is sufficient evidence to support the specific decision to furlough, reduce pay or to lay off the faculty member requesting the reconsideration or whether there has been material deviation from the procedures established on which such a specific furlough, pay reduction or lay off decision has been based, or both.

There shall be no reconsideration of the policy decisions to declare a financial exigency, to discontinue or reduce in size an administrative unit, project, program or curriculum because of financial exigency.

2. In the event decisions are made to furlough, reduce pay or to lay off faculty members under this Section because of financial exigency, the President shall establish one or more employment review committees. The President shall determine the number of persons to serve on each committee, shall determine their terms of service, shall choose the chair of each committee and, in addition, shall choose one half of the remaining membership of each committee. The senate shall elect one half of the membership of each committee. A chair shall vote only in case of a tie vote. No one who took part in making the specific recommendation to the President to furlough, reduce pay or to lay off the faculty member requesting the reconsideration may be a member of an employment review committee.
3. The request for reconsideration shall be submitted in writing to the President, together with the reasons, arguments and documentation supporting the request for reconsideration. The President shall immediately send the request for reconsideration, together with a copy of the notice of furlough, pay reduction or lay off, to the employment review committee. Administration may respond in writing to the request for reconsideration. Any such written response must be served on the employment review committee and the affected faculty member no later than three calendar days before the reconsideration hearing.
4. The employment review committee shall hold a hearing on the request for reconsideration within 15 calendar days of its receipt or, given the number of requests that may be received, as soon after that time limit as is reasonably feasible. The hearing shall be informal and nonadversarial in nature. The committee shall have the discretion to consolidate hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.
5. The faculty member requesting reconsideration may have an advisor. Evidence presented must possess reasonably probative value, materiality and relevancy to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decision to furlough, reduce pay or to layoff cannot be sustained.
6. The System institution in which the furlough, pay reduction or the layoff is due to take place shall have an opportunity at the reconsideration hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the committee.

7. The employment review committee shall forward its written recommendation to the President on the issue or issues presented by the request for reconsideration within 10 calendar days after the conclusion of the hearing. The President shall make a decision within 5 calendar days after receipt of the recommendation. The President's decision shall be final and shall be sent, in writing, to the faculty member requesting reconsideration.
- (g) The review provided by this Subsection for furloughs, pay reductions or for lay-offs because of financial exigency shall be the exclusive means of review of such decisions. However, such review shall not be applicable to the issuance of notices of nonreappointment to employment of faculty members as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the NSHE Code.
- (h) All notices or other documents may be served electronically, by mail or hand-delivered.

5.4.7 Curricular Reasons for Lay Off

A faculty member may be laid off because an administrative unit, project, program or curriculum has been discontinued, reduced in size or reorganized for bona fide reasons pertaining to the missions of the System institutions, resulting in the elimination of the faculty member's position. Bona fide curricular reasons may include, but are not limited to, low or declining student demand, changes in the mission of a system institution, or adverse financial conditions forcing a system institution to prioritize its projects, programs and curricula. Such curricular revisions shall come as a consequence of the academic planning process as established in writing, after consultation with the faculty senate regarding each of the matters set forth below in this Subsection. The said academic planning process must be approved by the Presidents of the member institutions affected, and may be set forth in the institutional bylaws. The process must include, but is not limited to, the following steps:

- (a) The administration shall prepare and make public an initial curricular revision proposal that includes, but is not limited to, the following:
 1. The reasons for the proposed curricular revisions;
 2. The criteria by which an administrative unit, project, program or curriculum were selected for curricular revision which results in the elimination of faculty positions;
 3. The process and criteria that will be used in attempting to continue faculty members in employment under Sec. 5.4.8(b); and;
 4. The process and criteria which will be used to determine whether a laid off faculty member should be offered reappointment under Sec. 5.4.8(c).
- (b) The administration shall provide access to all the financial data relied upon in developing the proposal;

- (c) An affected administrative unit, project, program or curriculum shall be given the opportunity to suggest alternatives to the initial proposal;
- (d) The faculty senate shall review the initial proposal (along with any alternatives suggested by an affected administrative unit, project, program or curriculum), and may comment on the necessity of the proposed curricular revisions and make recommendations for alternatives to the proposed curricular revisions;
- (e) The administration shall present the final curricular revision proposal to the Board of Regents for approval at a regular or special meeting of the Board before layoff notices are served.

For faculty members of the Desert Research Institute, however, refer to Section 5.8 of the NSHE Code.

5.4.8 Procedures for Lay Off Due to Curricular Reasons

- (a) If a faculty member is given notice of lay off or is laid off for curricular reasons as provided in this chapter, the provisions of this Subsection shall be applicable.
- (b) The faculty member shall be continued in employment, if possible and if such employment does not result in the termination of employment of another faculty member, in an appropriate qualified professional capacity within the System institution involved.
- (c) If a faculty member is laid off for curricular reasons, the faculty member's position will not be filled within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level. If the institution, within two years of a faculty member's lay off, intends to establish tenure track positions in the faculty member's former subject area, and if an offer of appointment is made to the former faculty member, it must include an offer of tenure.
- (d) If a faculty member is notified of a lay off for curricular reasons on or before December 1 of the faculty member's current contract year, the layoff shall not be in effect until the following June 30. If a faculty member is notified of a lay off for curricular reasons after December 1 of the faculty member's current contract year, the layoff shall not be in effect until the completion of the contract year immediately following the June 30th of the contract year of notice.

- (e) Notice of a lay off for curricular reasons, except for notice of nonreappointment to employment of faculty members given under Subsections 5.4.2, 5.8.2, 5.9.1 or 5.9.2 of the NSHE Code, shall be in writing and shall furnish the faculty member with a reasonably adequate statement of the basis for the decision to lay off the faculty member, a reasonably adequate description of the manner in which the decision was arrived at, and a reasonably adequate disclosure of the information and data upon which the decision-maker or makers relied. The notice shall also inform the faculty member of the right to reconsideration, the procedures for reconsideration and the identity of the person or persons to whom a request for reconsideration should be directed.

- (f) Within 15 calendar days after receipt of the notice of lay off, the faculty member may request reconsideration of the decision to lay off at which time the following provisions and procedures are applicable:
 - 1. The reconsideration process shall be limited in its scope to the issue of whether there is sufficient evidence to support the specific decision to lay off the faculty member requesting the reconsideration or whether there has been material deviation from the procedures established on which such a specific lay off decision has been based, or both. There shall be no reconsideration of the policy decisions to discontinue, reduce in size or reorganize an administrative unit, project, program or curriculum because of curricular reasons.

 - 2. In the event decisions are made to lay off faculty members under this Section because of curricular reasons, the President shall establish one or more employment review committees. The President shall determine the number of persons to serve on each committee, shall determine their terms of service, shall choose the chair of each committee and, in addition, shall choose one half of the remaining membership of each committee. The senate shall elect one half of the membership of each committee. A chair shall vote only in case of a tie vote. No one who took part in making the specific recommendation to the President to lay off the faculty member requesting the reconsideration may be a member of an employment review committee.

 - 3. The request for reconsideration shall be submitted in writing to the President, together with the reasons, arguments and documentation supporting the request for reconsideration. The President shall immediately send the request for reconsideration, together with a copy of the notice of lay off, to the employment review committee. Administration may respond in writing to the request for reconsideration. Any such written response must be served on the employment review committee and the affected faculty member no later than three calendar days before the reconsideration hearing.

4. The employment review committee shall hold a hearing on the request for reconsideration within 15 calendar days of its receipt or, given the number of requests that may be received, as soon after that time limit as is reasonably feasible. The hearing shall be informal and nonadversarial in nature. The committee shall have the discretion to consolidate hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.
 5. The faculty member requesting reconsideration may have an advisor. Evidence presented must possess reasonably probative value, materiality and relevancy to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decisions to furlough, reduce pay or to layoff cannot be sustained.
 6. The System institution in which the layoff is due to take place shall have an opportunity at the reconsideration hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the committee.
 7. The employment review committee shall forward its written recommendation to the President on the issue or issues presented by the request for reconsideration within 10 calendar days after the conclusion of the hearing. The President shall make a decision within 5 calendar days after receipt of the recommendation. The President's decision shall be final and shall be sent, in writing, to the faculty member requesting reconsideration.
- (g) The review provided by this Subsection for layoffs because of curricular reasons shall be the exclusive means of review of such decisions. However, such review shall not be applicable to the issuance of notices of nonreappointment to employment of faculty members as provided in Subsections 5.4.2, 5.8.2, 5.9.1 and 5.9.2 of the NSHE Code.
- (h) All notices or other documents may be served electronically, by mail or hand-delivered.

5.4.9 Reassignment and Transfer of Administrators.

- (a) Reassignment of Administrators. An administrator who is not otherwise employed with tenure serves in an administrative capacity at the pleasure of the appointing authority. Such an administrator may be removed from the administrative position without cause, reasons or right of reconsideration. However, if such an administrator is relieved of the administrative title and duties for the position which the administrator occupied, the administrator shall continue as a member of the faculty, with all rights and privileges of the faculty, of the System institution in which the administrator was employed until the completion of the administrator's contract of employment unless the contract provides otherwise. During that period of time, the administrator shall be reassigned to duties within the System institution. Nothing in this Section shall be interpreted as

abrogating the notice of nonreappointment provisions of Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code.

(b) Transfer of Administrators.

1. Process

In order to support shared services initiatives approved by the Board of Regents, the Chancellor may transfer an administrator to any NSHE institution or unit, in accordance with the restrictions of this policy. For purposes of this Section, the term “administrators” means administrative faculty employed in executive, supervisory or support positions, and excludes faculty in tenure-eligible positions and tenured faculty. Before making the decision to transfer an administrator, the Chancellor shall provide a written recommendation regarding the transfer of an administrator to the Presidents and the faculty senates of the institutions affected by the transfer, and to the administrator(s) being recommended for transfer. The Chancellor’s written recommendation shall address the following:

1. The business purpose for the transfer and the impact on services;
2. The consideration of alternatives;
3. The financial and budget impact of the transfer, including but not limited to the allocation of costs or savings between the institutions involved;
4. The liability for employee annual leave, which may include, but is not limited to sharing of the liability by the institutions/units and/or directing employees to use leave; and
5. Any specific and extraordinary impact on affected individuals.

The administrators proposed to be transferred, Presidents and faculty senates of the institutions affected, shall have the opportunity to provide written input within thirty (30) calendar days after receipt of the Chancellor's written recommendation. The Chancellor shall issue a written final decision providing a final version of the original justification as well as the final recommendation. A copy of the written decision of the Chancellor shall be provided to the Board of Regents.

2. Rights of Transferred Administrator(s).

The transferred administrator shall continue as a member of the faculty with all rights and privileges of the faculty of the System institution or unit to which the administrator is transferred. Except as may be provided in the transfer plan regarding annual leave, employee sick and annual leave shall transfer with the administrator to the new institution or unit. Before the date of transfer, DRI employees shall have the right to make a written request for payment of a portion of sick leave and/or sell back of a portion of annual leave in accordance with DRI Bylaws, Chapter 1, Sections 10.1 and 10.3. The rights provided to DRI employees under DRI Bylaws, Chapter 10, Sections 10.1 and 10.3 do not transfer with the employee to the new institution or unit. For the purposes of contract renewals and other notices, the employee will retain his or her original NSHE hire date.

3. Geographic Limitations on Transfer.

Administrators shall not be transferred between northern institutions or northern offices (including but not limited to UNR, WNC, TMCC, GBC, DRI-North, System Administration/SCS-North) and southern institutions or southern offices (including but not limited to UNLV, NSU, CSN, DRI-South, System Administration/SCS-South), and between GBC and Reno/Carson City (UNR, WNC, TMCC and DRI-North, System Administration/SCS-North) institutions without the agreement of the employee. If an employee consents to transfer between northern and southern institutions, or GBC and Reno/Carson City institutions, moving expenses shall be provided in accordance with state law.

4. Miscellaneous.

Nothing in this Section shall be interpreted as abrogating the notice of nonreappointment provisions of Sections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code. The decision of the Chancellor to transfer an administrator in accordance with this Section is not subject to appeal. The transfer of an administrator in accordance with this Section is not subject to statement of reasons, reconsideration or grievance under Sections 5.2.3, 5.2.4 and 5.7, respectively, of the NSHE Code.

5.4.10 Credit for Leave Balance Between Schools of Medicine.

(a) Credit for Leave Balance.

The leave balances of a professional staff member of the University of Nevada, Reno School of Medicine physically located in southern Nevada who is hired by the University of Nevada, Las Vegas School of Medicine under 5.4.10(a)(1) shall be afforded credit for leave in accordance with this policy. For purposes of this Section, the term “professional staff member” includes academic and administrative faculty.

Each University of Nevada, Reno School of Medicine professional staff member physically located in Southern Nevada who was previously employed by University of Nevada, Reno School of Medicine and accepts a new position with University of Nevada, Las Vegas School of Medicine (each a “University of Nevada, Las Vegas School of Medicine New Faculty Hire”) shall be given credit for their leave balance in accordance with the following provisions:

1. University of Nevada, Las Vegas School of Medicine shall, not later than May 1, 2017, notify the Chancellor and University of Nevada, Reno School of Medicine of the identity of each University of Nevada, Las Vegas School of Medicine New Faculty Hire that has indicated they will accept employment with University of Nevada, Las Vegas School of Medicine effective July 1, 2017.

2. Not later than July 2, 2017, University of Nevada, Reno School of Medicine will notify the Chancellor and University of Nevada, Las Vegas School of Medicine of the accrued leave, sick and annual, for each University of Nevada, Las Vegas School of Medicine New Faculty Hire identified by University of Nevada, Las Vegas School of Medicine under Code Section 5.4.10(a)(1).
 3. The Chancellor shall approve the credit for leave balance to be awarded to former University of Nevada, Reno School of Medicine employees that become University of Nevada, Las Vegas School of Medicine New Faculty Hires under Code Section 5.4.10(a)(1).
 4. Subject to a maximum cap of 48 days of annual leave, and 96 days of sick leave, on a one-time basis only, the leave balances for each University of Nevada, Las Vegas School of Medicine New Faculty Hire shall be credited by University of Nevada, Las Vegas School of Medicine effective upon their date of hire at University of Nevada, Las Vegas School of Medicine.
 5. University of Nevada, Reno School of Medicine shall not be required to pay out to any University of Nevada, Las Vegas School of Medicine New Faculty Hire any accrued leave, annual leave or sick, in excess of the amounts credited by University of Nevada, Las Vegas School of Medicine under Code Section 5.4.10(a)(4).
 6. University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine shall share the responsibility for accrued leave that is credited pursuant to a separate agreement approved by the Board of Regents.
 7. University of Nevada, Las Vegas School of Medicine shall be authorized to direct each University of Nevada, Las Vegas School of Medicine New Faculty Hire to use credited annual leave subject to its policies.
- (b) Credit of leave balance does not impact employment status.
For purposes of contract renewals and other notices, University of Nevada, Las Vegas School of Medicine New Faculty Hire will not retain his or her hire date. Except for the granting of leave credit, each University of Nevada, Las Vegas School of Medicine New Faculty Hire will be considered a new employee of NSHE under all applicable provisions of the NSHE Code, including, but not limited to, Section 5.4 of the NSHE Code. Additionally, the University of Nevada, Las Vegas School of Medicine New Faculty Hires shall be subject to a compensation and leave benefits accrual and implementation plan that differs from that currently used by University of Nevada, Reno School of Medicine.

- (c) Constructive Request for Credit of Leave. For any University of Nevada, Reno School of Medicine employees that leave University of Nevada, Reno School of Medicine prior to July 2, 2017, but after August 8, 2016, and who are subsequently employed by University of Nevada, Las Vegas School of Medicine prior to July 1, 2018 (“Applicable Time Frame”), his/her annual leave that was previously paid out by University of Nevada, Reno School of Medicine will be reimbursed by University of Nevada, Las Vegas School of Medicine to University of Nevada, Reno School of Medicine on the same pro-rated guidelines as agreed to by University of Nevada, Reno School of Medicine and University of Nevada, Las Vegas School of Medicine. With respect to any University of Nevada, Reno School of Medicine Employees that leave University of Nevada, Reno School of Medicine and then seek employment with University of Nevada, Las Vegas School of Medicine within the Applicable Time Frame University of Nevada, Las Vegas School of Medicine may require that, as a condition of employment with University of Nevada, Las Vegas School of Medicine, the former University of Nevada, Reno School of Medicine employee will need to repay to University of Nevada, Las Vegas School of Medicine the annual leave that University of Nevada, Las Vegas School of Medicine is required to reimburse University of Nevada, Reno School of Medicine. There will not be retroactive application of this provision with respect to any University of Nevada, Reno School of Medicine employees who already left University of Nevada, Reno School of Medicine to join University of Nevada, Las Vegas School of Medicine prior to August 1, 2016.
- (d) Miscellaneous. Nothing in this Section 5.4.10 shall be interpreted as abrogating the notice of notice of non-reappointment provisions of Sections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code. The decision of the Chancellor to credit a professional staff member’s leave balance in accordance with this Section is not subject to appeal. The credit of a professional staff member’s leave balance in accordance with this Section is not subject to statement of reasons, reconsideration or grievance under Sections 5.2.3, 5.2.4 and 5.7, respectively, of the NSHE Code.
- (e) Policy Effective Date. The provisions contained in this Code Section 5.4.10 shall be effective as of August 15, 2016, and shall automatically terminate without the necessity of further action 3 years thereafter, unless extended or sooner terminated by the Board of Regents of the Nevada System of Higher Education.

5.4.11 Joint Faculty Appointments for Schools of Medicine

1. Joint faculty appointments are a subtype of NSHE adjunct faculty appointments below 1.0 FTE for the University of Nevada, Reno School of Medicine and the University of Nevada, Las Vegas School of Medicine. A joint appointment may be assigned to a clinician who is employed by an external institution, including hospitals, that has an affiliation agreement with an NSHE institution. A joint appointment includes expectations for teaching and supervision of NSHE students and medical residents, as specified in the terms of each appointment.
2. Joint faculty appointments pursuant to this Section shall be included under a Professor of Clinical Medicine series.

3. University of Nevada, Reno School of Medicine may establish a unified academic title series and faculty tracks for the non-tenure track clinician faculty it employs and the joint faculty employed by an affiliated hospital. The title series and faculty tracks shall be developed and agreed upon by the University of Nevada, Reno School of Medicine and affiliated hospital, subject to the approval of the University President, and reported to the Chancellor.

5.4.12 Emergency Furloughs Due to COVID-19 Budget Shortfalls

Notwithstanding any other provision in Title 2 of the NSHE Code or the *Board of Regents Handbook*, and to comply with emergency directives from the Office of the Governor or the Nevada Legislature to reduce budgetary expenditures and costs during any fiscal quarter, year or biennium due to the COVID-19 pandemic, the Board of Regents may authorize any NSHE institution and/or System Administration and its units to implement one or more monthly furlough days and/or half days for academic and administrative faculty and to reduce a faculty member's salary to reflect the furlough day(s) for all or any portion of fiscal year 2021, without the declaration of a financial exigency, the issuance of a notice of non-reappointment, or any other procedural requirement or review as set forth in this Chapter or any other provision of the Code or *Handbook*.

(a) Notice

1. A notice of furloughs shall be given under this Section to faculty members, either individually or collectively, and no less than ten (10) calendar days before the notice becomes effective. The time frame for notice pursuant to this Section may be shortened if funding is not reasonably available to continue making payments during this ten (10)-day notice period. Notice may be properly delivered via electronic means to the faculty member's work email account, hand delivered, and/or mailed through the US Postal Service to the faculty member's home address. If notice is mailed through the US Postal Service, the ten (10)-day notice period begins to run the day after mailing.
2. The notice shall provide the faculty member with a reasonable statement of the basis for the decision to furlough and a description of the manner in which the decision was arrived, including the date it was made and the information relied upon. The notice shall also inform the faculty member of the right to reconsideration of the decision, the procedures governing reconsideration, and the contact information for whom a request for reconsideration should be made.

(b) Process for Reconsideration

1. A faculty member may request reconsideration of the decision to impose one or more furlough days on the faculty member within five (5) calendar days of receiving notice of the furlough. Timely requests for reconsideration shall be limited to the issue of whether there is a reasonable basis to support the decision or a mistake of material fact was relied upon as it relates to the individual faculty member. There shall be no reconsideration of the Board's policy decision to authorize or implement furlough day(s) pursuant to this Section or due to a personal financial

hardship. A request for reconsideration will not stay implementation of a decision to implement one or more furlough day(s) for a faculty member, and the faculty member must comply with the furlough decision while the request is pending.

2. In the event decisions are made to impose furloughs under this Section, the President of each NSHE institution, as applicable, shall establish one or more reconsideration committees to review an individual faculty member's request for reconsideration. The President shall determine the number of persons to serve on each committee and their terms of service, designate one person of each committee to serve as the chair, and choose one half of the remaining membership of each committee. The Faculty Senate of the institution shall determine the remaining one half of the committee membership.
3. A request for reconsideration of a decision to furlough an individual faculty member must be timely submitted to the President, together with the reasons, arguments, and documentation supporting the request for reconsideration. The President shall send a request for reconsideration, together with a copy of the notice of furlough, to the review committee. The institution may respond to the request for reconsideration through an administrator designated by the President. A response must be submitted to the review committee and the faculty member no later than three (3) calendar days before the reconsideration hearing.
4. The review committee shall hold a hearing on the request for reconsideration within fifteen (15) calendar days of its receipt of the request or, given the number of requests that may be received, as soon thereafter as reasonably feasible. The hearing shall be informal and non-adversarial in nature. The committee shall have the discretion to consolidate multiple hearings. The hearing shall be recorded by audio and a copy of the audio recording must be provided to the faculty member upon request.
5. A faculty member requesting reconsideration may have an advisor present at the hearing. Evidence presented at the hearing must possess reasonably probative and material value and be relevant to the employment decision. The faculty member requesting reconsideration has the burden of showing that the decision to implement a furlough on the faculty member cannot be sustained.
6. The institution shall have an opportunity at the hearing through its representatives to respond to the contentions of the faculty member requesting reconsideration or to otherwise correct any erroneous or misleading information presented to the review committee.
7. The review committee shall forward its written recommendation to the President on the issue(s) presented by the request for reconsideration within ten (10) calendar days after the conclusion of the hearing. The President shall make a final decision within five (5) calendar days after receipt of the recommendation.

The President's decision shall be final and shall be sent to the faculty member requesting reconsideration.

8. The reconsideration provided to faculty members by this Section for the imposition of one or more furlough day(s) shall be the exclusive process of review. It is not applicable to the issuance of notices of non-reappointment of employment or termination set forth in other provisions of the Code or *Handbook*. All notices or other documents served pursuant to this Section may be done so via email, hand delivered, and/or by US Postal Service mail.

(B/R 9/24)

Section 5.5 Salaries

5.5.1 Development and Review of Salary Schedules.

- a. Use of Salary Schedules. Salary schedules are to be used for initial placement on a salary schedule pursuant to Title 4, Chapter 3, Section 27. Except as otherwise provided in subsection d., periodic and annual adjustments to the salary schedule are not to be construed to require adjustment of the salaries of currently employed faculty and staff.
- b. Periodic Four-Year Salary Schedule Updates. The salary schedules for the universities, Desert Research Institute, special units, state college, and the community colleges for executives, administrators and faculty shall be reviewed and updated every four years. The Chancellor shall engage an independent compensation expert, with expertise in higher education compensation, to review and recommend to the Chancellor updates to the salary schedules using peer institution and other appropriate market data as determined by the independent expert. The institutional presidents may provide suggested peer institutions for consideration by the independent compensation expert. The independent compensation expert shall present the proposed updated salary schedules, methodology used (including the selection of peer institution and appropriate market data) and recommendations to the Presidents, human resources directors, and the Faculty Senate Chairs to obtain their input. The salary schedule update by an independent compensation expert shall be initiated no later than July 1 of the prior year when the adjustment will take effect. The adjustments recommended by the independent compensation expert shall be presented to the Board for approval at its fourth quarter (November/December) Board meeting before the adjustments will take effect. The Chancellor shall publish the updates no later than January of the year the adjustments will take effect and adjustments will be effective July 1.
- c. Annual Salary Schedule Updates. In years where the periodic four-year update does not occur, the salary schedules shall be updated annually to reflect a cost-of-living adjustment (COLA) approved by the state legislature and/or market-based salary increases if appropriate. By October 1 of each year, the NSHE Human Resources Office after consultation with the institutional human resources directors shall recommend to the Board an annual percentage increase, if any, based upon, but need not be equal to, the state approved COLA and/or a review of the most recent data from indices such as CUPA, Oklahoma State University faculty salary survey data, WorldatWork and US Labor Market annual salary increases for higher education. The recommended adjustments shall be presented to the Board for approval at its fourth quarter (November/December) Board meeting before

the adjustments will take effect. The updated salary schedules may be published no later than January 30 of each year to be effective July 1.

- d. **Salary Adjustments for Individuals Below the Schedule Minimum.** The salary of any individual whose current salary falls below the relevant updated salary schedule minimum shall be adjusted to the minimum of the respective salary schedule as of the effective date of the salary schedule adjustments for periodic and annual salary schedule updates. The Presidents shall inform the Chancellor of any adjustments made and the Chancellor will prepare an informational report for the Board in accordance with personnel privacy policy. Individuals whose salaries are within or above the salary range shall not receive a salary adjustment based on the updates to the salary schedule required pursuant to this section.

5.5.2 Salary Schedule - Universities. The salary schedule for academic faculty at the universities shall be related to academic rank, as defined in Section 5.11 of the NSHE Code, except for faculty in Rank O as provided in Subsection 3.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.3 Salary Schedule – State College. The salary schedule for academic faculty at the state college shall be related to academic rank, as defined in Section 5.11 of the NSHE Code, except for faculty in Rank 0 as provided in Subsection 7.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.4 Salary Schedule – Community Colleges. All community colleges in the NSHE shall adopt a single salary for the academic faculty, except for faculty in Rank 0 as provided in Subsection 4.2.3 of the NSHE Code. Employment contracts for administrators who also hold academic rank, as defined in Section 5.11.1 of the NSHE Code, shall state what part of their salaries is subject to reconsideration should they be discontinued as administrators.

5.5.5 Salaries for Faculty in Rank 0 and Range 0. Faculty employed in Rank 0 and Range 0 shall receive such salaries as are approved by the Presidents. Salaries for such faculty may be identical with salary schedules establishing ranks or ranges, but this provision shall not be interpreted to mean that such faculty is employed in any rank or range other than 0, nor to mean that such faculty is eligible for tenure.

5.5.6 DRI Salaries. The Desert Research Institute will determine initial salaries of its faculty based upon their qualifications and the requirements of the rank and position. Annual salary adjustments thereafter will be based on cost of living changes, incentive and/or merit, promotion and equity. The DRI shall utilize a ranking system for its personnel, to consist of Ranks 0 through IV.

5.5.7 Unpaid Leave or Temporary Workload Increases

Notwithstanding Title 2, Section 5.4, as the 75th Session of the Nevada Legislature has explicitly appropriated a lower amount for NSHE salaries than would otherwise be authorized and appropriate according to the NSHE salary policies, the Board of Regents does hereby and for the 2009-2011 biennium only, temporarily reduce salaries through the use of unpaid leave in an amount equivalent to the amount of legislative salary cut for FY 2011. The Board shall, to the extent feasible, devise methods that protect base compensation and benefits and shall offer tenured faculty an alternative of unpaid teaching workload increases in lieu of unpaid leave. The various Presidents shall consult with their respective faculty senates regarding the implementation of this Section. Unpaid leave or temporary workload increases required by this Section are final and not subject to appeal, grievance or reconsideration. The provisions of this Section shall constitute constructive notice to all faculty and no individual notice to any such faculty member shall be required hereunder to implement the foregoing. To the extent any conflict or inconsistency between this and any other Section of the Code exists, the provisions of this Section shall control. This Section will terminate on June 30, 2011.

(B/R 11/23)

Section 5.6 Faculty Benefits

5.6.1 The Board of Regents, with the consultation of the officers of the System and the senates, may adopt such policies concerning fringe benefits for faculty as are considered appropriate. These may include, but are not limited to, policies concerning annual leave, sick leave, sabbatical leave, consulting services, retirement, insurance, tax-sheltered annuities and grants-in-aid. These policy statements shall be codified as provided by the Board of Regents' Bylaws, and it shall be the responsibility of each President to include such policy statements, or a summary thereof, in the administrative manual or faculty handbook of the member institution or special unit. Failure to include such policy statements or summary in an administrative manual or faculty handbook shall not inure to the benefit of a faculty member.

5.6.2 Personnel and payroll files of NSHE professional staff are confidential. Personnel and payroll records may only be released pursuant to the written authorization of the professional staff member or pursuant to a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter, or to the U.S. Equal Employment Opportunity Commission, the Nevada Equal Rights Commission, or the U.S. Office of Civil Rights. The provisions of Title 2, Chapter 5, Sections 5.6.2 and 5.6.3 apply to letters of appointment, graduate assistants, graduate assistant-specialists, resident physicians, resident dentists, postdoctoral fellows, and student employees.

(a) The professional staff member shall have access to his or her official personnel and payroll files, and the professional staff member may grant access to such files to a representative with a written authorization from the staff member. The following additional personnel shall have access to a professional staff member's personnel and payroll files solely for reasons germane to the performance of their official duties: the staff member's supervisors, which may include a departmental chair, dean, director, vice-

President, provost, President, and Chancellor; institution payroll officers; institution personnel officers, which may include appointed disciplinary officers; System legal counsel; internal auditors; members of the Board of Regents; faculty senate chair; and confidential institution committees including but not limited to tenure and grievance committees.

- (b) The following information in these personnel files is public information and must be disclosed to the public upon request: the employee's name, title, job description, compensation and perquisites, business address and business telephone numbers, beginning date of employment and ending date of employment, educational background and work history.
- (c) Confidential information in a personnel or payroll file that is related to an investigation or disciplinary process concerning allegations of research misconduct may be released to a granting or contracting agency or other entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant of contract. In the case of an investigation of an employee for matters related to allegations of research misconduct, the investigative materials obtained or created by the Administrative Officers may be released to a granting or contracting agency or entity, in order to comply with any state or federal law or regulation or to comply with a term or condition of the grant or contract.
- (d) The personnel and payroll files of a current or former employee must be provided to any NSHE institution or unit at which the current or former employee has applied for employment or to work as an independent contractor. In addition, confidential information related to:
 - 1. any outcomes of a review, inquiry or investigation of a complaint of discrimination, sexual harassment or other misconduct against;
 - 2. a disciplinary process against; and/or
 - 3. any restrictions or limitations on rehiring a current or former NSHE employee

shall be provided to any other NSHE institution or unit at which the current or former employee has applied for employment or to work as an independent contractor.

The request for personnel or payroll files, or for confidential information must be made by the chief human resources officer (or designee) of the institution at which the individual is applying for employment or to work as an independent contractor, and must be directed to the chief human resources officer (or designee) of the institution or unit at which the applicant is a current or was a former employee. All confidential information provided to the requesting chief human resources officer (or designee) shall continue to be confidential.

- (e) A report of, informal complaint of, or formal complaint of sexual harassment and the investigative materials and any report related to an investigation, complaint process, or disciplinary process concerning allegations of discrimination, sexual harassment, or sexual assault are confidential and may not be released except: (1) pursuant to a court order directing the release of the records signed by a judge with jurisdiction over the matter; (2) to the U.S. Equal Employment Opportunity Commission; (3) to the Nevada Equal Rights Commission; (4) to the U.S. Department of Education's Office for Civil Rights; (5) to any federal grant awarding agency

to comply with any law, regulation, executive order, or term or condition of the grant award; (6) as may be permitted by FERPA or FERPA regulations, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder; (7) to an employee who is subject to a disciplinary process that could result in a written warning or reprimand, suspension or termination based on a finding of discrimination, sexual harassment, or sexual assault; or (8) as required by law.

In the event an employee is placed on administrative leave, or in the event other administrative action is taken in connection with or as the result of an investigation or disciplinary process concerning allegations of discrimination, sexual harassment, or sexual assault, including but not limited to the issuance of a written warning or written reprimand to the employee, notice of such administrative leave and/or other administrative action may be made to the federal grant awarding agency as required by the terms and conditions of the grant award or federal law or regulation.

- 5.6.3 Except as otherwise provided in this Section, any information contained in employment application materials (e.g. letters of interest, curriculum vitae, application, employment and educational records, publications or work samples) submitted for consideration of employment within NSHE are confidential, except the finalists considered by the Search Committees for the positions of Chancellor or President, during search processes until such time as a candidate accepts employment within NSHE. During search processes, such documents can only be released pursuant to the written authorization of the prospective professional staff member or a court order directing the release of the records that has been signed by a judge with jurisdiction over the matter. Applications may be shared by NSHE institutions for the purpose of employee recruitment with the permission of the applicant. Upon acceptance of an employment offer, information contained in the application materials as stated in 5.6.2 (b) shall become public records.

(B/R 12/20)

Section 5.7 Grievance Procedures

- 5.7.1 **Authority to Establish Grievance Procedures.** Each System institution may establish in their respective institutional bylaws procedures for reviewing faculty grievances as defined in Subsection 5.7.2 of the NSHE Code.
- 5.7.2 **Scope of Grievance Procedures.** A grievance is an act or omission to act by the respective administrations of the System institutions, allegedly resulting in an adverse impact on the employment conditions of a faculty member relating to promotion, appointment with tenure or other aspects of contractual status, or relating to alleged violations of the NSHE Code or institutional bylaws. Decisions of the Board of Regents are not subject to review by grievance procedures. Any decision which involves the nonreappointment to or termination of employment of faculty as provided in Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the NSHE Code, or the furlough or lay off of faculty for financial exigency or curricular reasons is not subject to review by grievance procedures.

- 5.7.3 Grievance Procedures.** In a System institution, which elects to establish grievance procedures, the institutional bylaws shall establish the procedures to be used in reviewing grievances. However, if a multi-member grievance committee, board or panel is established, the institutional bylaws must provide that each such grievance committee, board or panel shall represent the administration and the faculty of the System institution. Such institutional bylaws must also provide that hearings before a grievance officer, committee, board or panel shall be informal in nature. The institutional bylaws must provide that the decisions of the grievance officer, committee, board or panel shall be in the form of recommendations and are advisory only. Such recommendations shall be sent to the President.

(B/R 12/06)

Section 5.8 Continuation and Termination of Faculty Appointments at Desert Research Institute (DRI)

- 5.8.1 Declaration of Policy.** The DRI derives the vast majority of its funding for salaries of its research faculty from grants and contracts. While it is in the best interest of the DRI and its faculty either to have grants and contracts renewed or to replace them in new areas of research, this is not always possible. It is, therefore, necessary that the DRI have the flexibility to fund faculty during times of reduced funding so that they may recover their funding and remain productive.

- 5.8.2 Bridge Funding.** Bridge funding defines conditions and mechanisms under which research faculty, otherwise in good scientific standing, which find themselves in serious financial circumstances, can be helped to bridge such temporary times. This process is intended to smooth out unpredictable and unavoidable fluctuations through an opportunity to recover stability through short-term changes of direction and fields of endeavor. Bridge funding is available to all research faculty but not available to Executive Directors and Vice Presidents and Rank 0 Faculty.

Faculty on bridge funding remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. The faculty member will continue to accrue service days and is eligible for all funds within DRI. Bridge funding is not severance pay nor is it a benefit earned without further obligation. Bridge funding is available only to faculty in Professor Ranks II, III, and IV and those in Research Associate ranks I, II, III, and IV. Bridge funding duration is based on service days, which are defined as one day for each calendar month of uninterrupted employment and are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). The maximum number of service days is one year. Rank days are: 20 working days for Rank I and II personnel, 40 working days for Rank III personnel and 60 working days for Rank IV personnel. Postdoctoral positions accumulate no rank or service days.

- (a) **Conditions.** A faculty member will be placed on bridge funding by the Executive Director of their Research Unit if for three consecutive months the faculty member generates less than 50 percent of their appointment salary and benefits from all funding sources external to their research unit and approved for use (including but not limited to grants, contracts, other external funding, recharge centers, institutional project assignments, sabbatical leave, and other DRI funds). The Executive Director, with the faculty member approval, may seek a temporary waiver from the President

of DRI so that the faculty member is not placed on bridge funding. Placement on bridge funding may be appealed by a faculty member to a DRI-wide committee established by the Faculty Senate and reporting to the President. If the committee finds and the President concurs that bridge funding was not justified, then the faculty member shall be reinstated with all service days restored.

Bridge funding shall not begin until after three consecutive months of reduced (<50percent) funding. A recovery plan shall be negotiated by the faculty member and Research Unit Executive Director (or designated representative) during the first two weeks of bridge funding. If the faculty member and the Executive Director are unable to reach concurrence on the recovery plan, the faculty member or the Executive Director may appeal to a DRI-wide committee established by the Faculty Senate and reporting to the President. If the faculty member does not follow the agreed upon recovery plan termination for cause may follow. Bridge funding shall be used to support faculty salary to further proposal development and other duties negotiated with the Research Unit or DRI Administration. Faculty receiving bridge funding shall meet all contract requirements and may change their appointment percentage with approval of the Research Unit Executive Director. The minimum level of appointment during bridge funding is 51percent of a full-time equivalent position.

- (b) Review of Recovery Plan. The faculty member and appropriate Executive Director will review the recovery plan before 50percent of the bridge funding is spent. If they concur that the Recovery Plan is inadequate, then the plan shall be rewritten within two weeks. The approval and review mechanism that applies to the original recovery plan shall also apply to rewrites of the recovery plan.
- (c) Extension and Service Days. While a faculty member is receiving bridge funding, any work performed to complete other funded responsibilities shall be charged to those sources. Expenditure of time not covered by these sources shall be charged to a bridge funding account. Bridge funding will be considered a pool of funds similar to any other account that a faculty member may use. It is up to the faculty member to manage these funds in a manner that best benefits him or her. Charges to accounts other than the bridge funding account shall extend the duration of bridge funding in an amount equal to the time charged to extramural sources. Time will be charged based on percent of effort, similar to other accounts. Use of bridge funding shall expend service days that a faculty member has accumulated based on length of service.
- (d) Reinstatement. Bridge funding shall end and the faculty member will not face termination when 70percent or more funding of salary and benefits of the desired contract has been demonstrated for the past nine months or upcoming nine months or more from all funding sources external to the research unit. Service days expended under bridge funding shall not be reinstated.
- (e) Notice of Nonreappointment. An executive director or vice president shall determine whether a professional contract of a DRI faculty member shall be given a notice of nonreappointment. A notice of nonreappointment must

be approved by the President. Rank III research faculty with two total years of full-time employment and Rank IV research faculty with one total year of full-time employment at DRI are not subject to nonreappointment as a means for termination. The minimum notice for full-time employees shall be 1) one working day of notice for each calendar month of uninterrupted employment for all Rank I associate track employees, 2) one working day of notice for each calendar month of uninterrupted employment plus 20 working days for Rank II employees, 3) one working day of notice for each calendar month on interrupted employment plus 40 working days for Rank III employees, and 4) one working day of notice for each calendar month of uninterrupted employment plus 60 working days for Rank IV employees. All service days are prorated as a percent of contract (i.e. 0.50 FTE is one half day per month). Administrative Faculty (Rank 0) employed by DRI after (July 1, 2005), will receive 60 working days of notice of nonreappointment. Administrative Faculty already employed by DRI on or before July 1, 2005, may use 60 working days or their earned service days; whichever is larger as their nonreappointment notice. The maximum amount of notice that any faculty member can accrue shall not extend beyond 12 calendar months. The affected faculty member can request a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.

5.8.3 Termination of Faculty Appointments. Vice Presidents and Executive Directors, determine continuation and termination of appointments of personnel who report to them. Termination decisions shall be made in consultation with the President or appropriate Vice President as set forth in Title 2, Chapter 5 of the NSHE Code. Employment may be terminated for:

- (a) Cause (Chapter 8 of the NSHE Code). Termination for cause involves any prohibited activity, listed in Section 8.3 of NSHE Code.

A decision resulting in the termination of a faculty member for cause may be appealed to the Board of Regents. See, Chapter 8, Sections 8.4.6, NSHE Code.

- (b) Programmatic or Adverse Financial Conditions (Chapter 5 of the NSHE Code). DRI Faculty function through their diverse disciplines coupled to their ability, directly or indirectly, to raise funds from outside the Institute for their projects and associated personnel. The Institute derives much of its strength from this combined function. It is inevitable that some individuals will experience extremes of funding – both increasing and decreasing.

The minimum level of appointment during bridge funding is 51 percent of a full-time equivalent position. The Research Unit Executive Director shall advise and counsel faculty members on bridge funding to implement the recovery plan and obtain funding to return to regular faculty status. The faculty member has the primary responsibility to recover their funding.

1. Notice of Termination. A DRI research faculty member's employment may be terminated during the contract term for programmatic or adverse institutional financial conditions. Notice of termination shall follow the period of bridge funding for research faculty (for those faculty in Professorial ranks II, III, and IV and

Research Associate ranks I, II, III, and IV) if the faculty member is unable to generate sufficient funds to meet the requirements for reinstatement. Termination is the only option available for a decision “not to reinstate.” Research Faculty will receive a termination time equal to their rank days as defined under bridge funding. A faculty member receiving notice of termination shall remain under contract (full or partial at a minimum of 51percent of an annual “A” contract) and work to meet the conditions of reinstatement. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. The deadline for termination shall not be extended for faculty who renegotiate their contract to less than 100percent of an annual “A” contract (each rank day will count as one termination day). The faculty who elect to remain under contract are expected to meet the obligations of their contract to obtain termination funding. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports only to the President, who makes the final decision.

2. Conditions. For research faculty, notice of termination shall be given when bridge funding is exhausted and the faculty member has not regained at least 70 percent funding of salary and benefits from all sources external to the research unit for the upcoming nine months for the desired contract. The date of termination shall be computed from the point of bridge funding exhaustion until all rank days are expended. Rank days are defined above in the bridge funding section. The Executive Director(s) or designated representative will continue to advise and counsel faculty members on termination funding to obtain extramural funding to end the termination.
3. Reinstatement. Faculty members who have received notice of termination may be reinstated by demonstrating 70 percent funding or more from all sources external to the research unit for the upcoming nine months for their desired contract. At this point, the faculty member’s termination notice shall be revoked and all rank days reinstated.
4. Contract Discontinuance for Research Faculty. If a faculty member who has received notice of termination is unable, by the termination date, to regain 70 percent funding or more from all sources for the upcoming nine months for their desired contract it will be terminated immediately. Faculty who choose to remain under contract while receiving termination funding shall remain in good standing and are entitled to all faculty rights and privileges defined by the NSHE and DRI. Faculty who elect to remain under contract are expected to meet the obligations of their contract.
5. Notice of Termination for Rank 0 Faculty. Rank 0 Faculty may receive employment termination due to programmatic or adverse financial conditions. Administrative Faculty employed by DRI after the time of the adoption of this document June 23, 2005, will receive

60 working days of termination notice before their contract will be terminated during the contract term. Administrative faculty already employed by DRI at the time of the adoption of this document June 23, 2005 may use sixty (60) working days or their earned service days, whichever is larger as their termination notice. The maximum termination notice by accumulated service days cannot exceed one year. The faculty member may request review of termination by a DRI-wide committee established by the Faculty Senate. This committee reports to the President, who makes the final decision.

6. Notice of Termination or Non-Reappointment of Post Doctoral Faculty. Post-doctoral employees will receive a minimum notice for termination of an existing contract of 60 working days and the cause for the termination. They may also file a request for a review by a DRI-wide committee established by the Faculty Senate. The committee reports only to the President, who makes the final decision.

(B/R 11/07)

Section 5.9 Notice of Nonreappointment and Notice of Termination for System, Except DRI

5.9.1 Minimum Notice of Nonreappointment for Nontenured Academic and Administrative Faculty. Except as provided in Subsections 5.4.2, 5.9.2, 5.9.3, 5.9.4 and 5.9.6 of the NSHE Code, and unless provided otherwise in an employment contract, notice of nonreappointment to employment of nontenured academic faculty and administrative faculty hired before March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State University, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units shall be given:

- (a) Not later than March 1 of the first academic or fiscal year of service, if the employment contract terminates at the end of that year, or if an employment contract for a one year appointment terminates during an academic or fiscal year, at least 90 calendar days in advance of its termination;
- (b) Not later than December 15 of the second academic or fiscal year of service, if the employment contract terminates at the end of that year, or if the second employment contract for a one year appointment terminates during an academic or fiscal year, at least 180 calendar days in advance of its termination;
- (c) At least 365 calendar days in advance of the termination of each succeeding employment contract of one academic or fiscal year's duration after the second year of service;
- (d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, no less than 14 calendar days in advance of the termination of such contracts.

5.9.2 Shortened Notice of Nonreappointment for Nontenured Academic and Administrative Faculty for Financial Exigency.

- (a) Nonreappointment of a nontenured academic or administrative faculty member at the end of an existing employment contract by a System institution because of a financial exigency declared by the Board of Regents under Subsection 5.4.5 of the NSHE Code shall require at least 60 calendar days notice, except that if a financial exigency is such that adequate funds do not exist to pay the terminating faculty member's salary for such period, the notice of nonreappointment may be shortened to a period commensurate with the amount of funds reasonably available to make such payments.
- (b) If a nontenured academic or administrative faculty member is not reappointed to employment under the shortened notice of nonreappointment because of financial exigency, the faculty member's position will not be filled by a new appointee within a period of two years, unless a reasonable attempt to offer reappointment has been unsuccessful or reappointment has been offered in writing and the faculty member has not accepted the same in writing within 20 calendar days of the receipt of the offer. The reappointment referred to herein shall be at the faculty member's previous rank or salary level.
- (c) Nothing herein shall prevent the System institutions from not reappointing nontenured academic or administrative faculty members at the end of the term of their employment contracts because of financial reasons without a declaration of financial exigency by the Board of Regents under Subsection 5.4.5 of the NSHE Code if the notice of nonreappointment provided by Subsections 5.4.2, 5.8.2, 5.9.1, 5.9.2, 5.9.3, 5.9.4 or 5.9.6 of the NSHE Code is given.

5.9.3 Notice of Termination for Nontenured Academic and Administrative Faculty hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.4 and 5.9.6 of the NSHE Code, and unless otherwise provided in the contract of employment, nontenured academic and administrative faculty hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State University, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units may be given notice of termination by the appointing authority at any time after the commencement of employment. Such (non-reappointment) termination notice:

- (a) If in the first academic or fiscal year of service shall be given at least 90 calendar days in advance of date of termination;
- (b) If in the second academic or fiscal year of service shall be given at least 180 calendar days in advance of date of termination;
- (c) If in the third and subsequent years of service shall be given at least 365 calendar days in advance of the date of termination;

- (d) For employment contracts of less than one academic or fiscal year's duration, for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, shall be given no less than 14 calendar days in advance of the termination of such contracts.

The contract of employment of a nontenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

For nontenured academic faculty if the notice period expires during the semester the contract terminates at the end of the semester.

5.9.4 Notice of Termination for Nontenured Administrative Faculty at the rank of Dean or above hired on or after March 1, 2005, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.6 of the NSHE Code, and unless otherwise provided in the contract of employment, non-tenured administrators of the rank of dean or higher to include those who directly report to the Provost or President, hired on or after March 1, 2005, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State University, the Community College of Southern Nevada, Great Basin College, Western Nevada Community College, Truckee Meadows Community College and the special units may be given a notice of termination by the appointing authority at any time after the commencement of employment. Such notice of termination shall be given:

- a. 60 calendar days after the receipt of written notice of termination, in the first full or partial fiscal year of employment;
- b. 90 calendar days after the receipt of written notice of termination, in the second fiscal year of employment;
- c. 120 calendar days after the receipt of written notice of termination, in the third or subsequent fiscal year of employment.

The contract of employment of a non-tenured administrative faculty member at the rank of dean or higher is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year the notice is given.

5.9.5 Effective Date of a Notice of Nonreappointment or Notice of Termination

The effective date of a Notice of Nonreappointment under Subsections 5.9.1 and 5.9.2, or a Notice of Termination under Subsections 5.9.3, 5.9.4 and 5.9.6 is the date of delivery if hand-delivered, or if mailed, the date of mailing. Notices are deemed received on the date the notice is hand-delivered or the date the notice is mailed.

5.9.6 Notice of Termination for Administrative Faculty hired on or after July 1, 2016, Except DRI

Except as provided in Subsections 5.4.2, 5.9.1, 5.9.2, 5.9.3 and 5.9.4 of the NSHE Code, and unless otherwise provided in the contract of employment, administrative faculty hired on or after July 1, 2016, at the University of Nevada, Reno, the University of Nevada, Las Vegas, Nevada State University, the College of Southern Nevada, Great Basin College, Western Nevada College, Truckee Meadows Community College and the special units may be given notice of termination by the appointing authority at any time after the commencement of employment.

- (a) The termination notice shall be given:
 - 1. in the first 365 calendar days of employment, at least 60 calendar days in advance of the date of termination;
 - 2. in the second year (calendar day 366 through calendar day 730) of employment, at least 90 calendar days in advance of the date of termination;
 - 3. in the third year (calendar day 731 through calendar day 1,095) of employment, at least 120 calendar days in advance of the date of termination;
 - 4. in the fourth year (calendar day 1,096 through calendar day 1,460) of employment or subsequent years of employment, at least 180 calendar days in advance of the date of termination.
- (b) For employment contracts of less than one calendar or fiscal year's duration, notice must be given for a period of time which may be mutually agreed upon by the parties to such employment contracts, but, in all events, shall be given no less than 14 calendar days in advance of the termination of such contracts.
- (c) The contract of employment of a nontenured administrative faculty member is terminated at the expiration of the appropriate notice period whether or not the notice period ends during the fiscal year in which the notice is given.
- (d) A decision to issue a notice of termination under this Section is not subject to review by grievance procedures established in accordance with Section 5.7 of the NSHE Code.

(B/R 3/16)

Section 5.10 Termination Upon Exhaustion of Leave or Falsification of Credentials

5.10.1 Notice of Termination of Faculty after Exhaustion of Leave.

- (a) A tenured or nontenured faculty member who is not able to return to work after the exhaustion of all available leave and the expiration of any extended sick leave granted under Title 4, Chapter 3, Section 18 (7) or Title 4, Chapter 3, Section 18 (8) shall be entitled to 15 calendar days notice of termination.

- (b) The provisions of Title 2, Chapter 6, do not apply where an employee is unable to return to work after the exhaustion of all available leave and the expiration of any extended sick leave.

5.10.2 Termination for Falsification of Credentials.

- (a) It is the policy of the NSHE that all academic faculty (including academic faculty on letters of appointment) and professional staff positions shall require a minimum of a bachelor's degree, or appropriate professional experience in lieu of post secondary education equivalent to such degree, and that all such academic degrees shall have been awarded by an accredited institution as recognized by the United States Department of Education and/or the Council on Higher Education Accreditation (CHEA). All vacancy announcements or advertisements for faculty and professional staff positions shall include explicit reference to these requirements. If the applicant earned their degrees outside of the United States, the applicant must have their transcripts evaluated by an approved evaluating entity. The expense of the evaluation shall be born by the applicant. Each institution shall independently verify academic credentials within 30 calendar days from the effective date of employment and develop a procedure to ensure that the verification process takes place. Further, each institution shall independently verify academic credentials obtained after an employee's original hire date prior to recognizing such credentials in official personnel files, academic catalogues, institutional publications, other official documents, or for the purpose of promotion or title change.
- (b) Each candidate interviewed for a professional position within the NSHE shall sign a pre-employment declaration before they are interviewed. This declaration shall certify that application materials submitted in support of their candidacy for employment are a true and accurate representation of their education and qualifications and acknowledging that falsification of employment applications or documents submitted to the NSHE, or making other false or fraudulent representation in securing employment is prohibited.
- (c) Falsification or misrepresentation of credentials, or evidence that degrees offered in support of candidacy for employment have been issued from non-accredited institutions, shall invalidate the employment contract and shall be grounds for immediate termination. The provisions of Title 2, Chapter 6, do not apply when employment is terminated under these circumstances.

(B/R 12/06)

Section 5.11 Academic and Equivalent Ranks and Titles

5.11.1 Academic Rank. The universities & state college shall provide in their institutional bylaws for policies and procedures pertinent to the use of academic ranks, such academic ranks to consist of lecturer or instructor, which shall be at Rank I; assistant professor, which shall be at Rank II; associate professor, which shall be at Rank III; and professor, which shall be at Rank IV. Such bylaws, which shall be consistent with the NSHE Code and with generally accepted practice among universities and colleges in the United States, shall establish policies and procedures for appointment of faculty to these ranks and promotion through the ranks.

5.11.2 Community College Titles. After prior consultation with the faculty senate, each President of a community college, at the President's option, may establish academic titles for the college's faculty as provided in this Subsection. Nontenured faculty shall have the academic title of "Instructor." Tenured faculty shall have the title of "Community College Professor." Community College titles shall not be related to salaries or salary levels in any form whatsoever.

(B/R 1/03)

Section 5.12 Evaluation

5.12.1 Evaluations. Faculty shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit.

5.12.2 Procedures. All performance evaluations of untenured faculty shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." All performance evaluations of tenured faculty shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory" unless institutional bylaws require a rating of only (i) "satisfactory" or (ii) "unsatisfactory." The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty shall be established in Board policies and institutional bylaws. All performance evaluations shall include a narrative addressing each area of performance, and at least every three years a narrative addressing progress toward tenure and/or promotion, if applicable. The three year narrative progress assessment shall be prepared in consultation with the appropriate tenure review committee or promotion committee, if any. Evaluations of instructional faculty shall include an assessment incorporating teaching evaluations completed by their students.

5.12.3 Review of Evaluations. Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member's adverse annual evaluation rating, as provided in Section 5.16 of the NSHE Code. Academic and administrative faculty who disagree with the supervisor's evaluation may submit a written rejoinder, as provided for in Title 4, Ch. 3, Sec. 4(5).

(B/R 10/08)

Section 5.13 Annual Performance Evaluation of Tenured Faculty

5.13.1 Declaration of Policy. It is the policy of this System to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the academic community's expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.12 of the NSHE Code.

5.13.2 Evaluation Procedure.

- (a) If the annual performance evaluations provided for in Section 5.12 of the NSHE Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment.
- (b) An overall "unsatisfactory" rating in two consecutive annual performance evaluations as provided in this Section shall be cause for termination of employment. Hearings to consider terminations initiated by this Section shall be held by a special hearing officer and special hearing committee under Section 6.11 of the NSHE Code. All other provisions of Chapter 6 of the NSHE Code should be followed to the extent applicable.

Notwithstanding the provisions of Subsections 6.11.4, 6.12.1 and 6.13.2 of the NSHE Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations which initiated the hearing shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the System institution.

- (c) The provisions of this Section shall not apply to administrators who hold tenure as academic faculty members at the universities as long as they continue as administrators. Only the performance of such administrators of their assigned administrative duties shall be evaluated under Section 5.12 of the NSHE Code. Commencing five years after such administrators are discontinued as administrators, the provisions of this Section shall be applied to them as tenured faculty members.
- (d) After the completion of the annual performance evaluations provided for in Section 5.12 of the NSHE Code, the Presidents shall submit an annual report to the Board of Regents detailing the process and outcomes of the annual performance evaluations.

(B/R 6/16)

Section 5.14 Oaths or Affirmations

No affirmation or oath shall be required of faculty, except that oath provided by Article 11, Section 5 and Article 15, Section 2 of the Nevada Constitution.

Section 5.15 Resignations/Leave

1. Resignations.

- a. All resignations by a member of the academic or administrative faculty should be in writing and should be submitted to the appointing authority at least 30 calendar days in advance of its effective date. The resignation must be accepted in writing by the appointing authority (or designee).
- b. If a resignation is tendered verbally or is conveyed to an employee other than the appointing authority, the resignation must still be accepted in writing by the appointing authority (or designee).
- c. A resignation should indicate an effective date. If the resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance and this date must be reflected in the written acceptance.
- d. Once an employee's resignation is accepted by the appointing authority, the employee shall have three working days after such acceptance to revoke the resignation. Thereafter, the employee may not revoke the resignation, regardless of the effective date set forth in it. A revocation of a resignation must be in writing and must be delivered to the appointing authority within the foregoing time period to be effective.
- e. The decision of an appointing authority not to accept a request to rescind a resignation more than three working days after its written acceptance is not subject to grievance or appeal processes.

2. Leave

Leave may only be taken in accordance with the policies in Title 4, Chapter 3. Unauthorized leave is charged as leave without pay pursuant to Title 4, Chapter 3, Section 43, and may subject the employee to disciplinary action under Title 2, Chapter 6.

(B/R 12/06)

Section 5.16 Review of Evaluations and/or Denial of Salary Increase.

Each institution and the System Office shall adopt, in their respective bylaws, a procedure for review of a faculty member's adverse annual evaluation rating and a procedure to review denial of a salary increase. In connection with review of merit pay, "denial of a salary increase" means review of the step or level of merit at those institutions that award a standard amount of merit pay based on a certain step or level. The procedure adopted must include at least one of the following review processes:

- a. Reconsideration pursuant to the NSHE Code, Section 5.2 (except that the supervisor is not required to state reasons for an adverse annual evaluation under Section 5.2.3 if the reasons for the evaluation are stated in the evaluation);
- b. Grievance pursuant to the NSHE Code, Section 5.7;
- c. Peer review pursuant to Title 4, Chapter 3, Section 4(5); or
- d. Any other similar review procedure that provides reasonable opportunity to challenge an adverse annual evaluation or denial of a salary increase.

The result of any review procedure must be in the form of a recommendation to the President for a final decision (or in the case of the System Office, to the Chancellor), except that if the bylaws authorize a grievance, peer review, or other similar review procedure and also authorize reconsideration, then the bylaws may provide that the request for reconsideration terminates at a level below the President (or Chancellor), such as at the Provost, Executive Vice President, Academic Vice President or dean level. In the event the bylaws provide for more than one review process, the bylaws may also specify an order in which the procedures are initiated.

In addition to the procedure for review adopted in the bylaws, the faculty member also has the right to submit a rejoinder as specified in Title 4, Chapter 3, Section 4(5).

If a merit pay determination is directly tied to the outcome of a faculty member's evaluation review, then the bylaws shall provide that the same process is followed for both the evaluation review and the merit pay determination.

Regardless of the review procedure, the process for the President to adopt or reject the recommendation regarding an annual evaluation shall be the same as that specified for peer evaluations in Title 4, Chapter 3, Section 4(5).

In the event the bylaws fail to specify a procedure for review of an adverse annual evaluation rating or denial of merit, the faculty member will have the right to pursue reconsideration and a grievance, in addition to submitting a written rejoinder.

(B/R 12/06)

Title 4 - Codification of Board Policy Statements

Chapter 14

NEVADA SYSTEM OF HIGHER EDUCATION PLANNING, PROGRAM REVIEW, ARTICULATION AND ENROLLMENT POLICIES

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Section 1. General Guidelines for Physical Master Plans to be Incorporated into the NSHE Master Plan

The Chancellor shall establish guidelines for the incorporation of Campus Physical Master Plans into the Nevada System of Higher Education (NSHE) Master Plan.
(B/R 12/04)

Section 2. New Campus and Branch Campus Instructional Sites

1. NSHE institutions may extend their respective services to students and to the general public through multiple sites. If two or more institutions offer services to students at the same site, the institutions shall work together to ensure there is no unnecessary duplication of services and to ensure the needs of students and the general public are met.
2. All new campus and branch campus instructional sites must be approved by the Board of Regents. Requests for approval should include:
 - a. Evidence of need and demand for student enrollment,
 - b. Special workforce development needs, a plan for resources to support the site,
 - c. Evidence that the instructional needs cannot be met by distance education or services of another NSHE institution, and
 - d. A rationale for the site within the Institutional Master Plan.
3. The establishment of satellite programs and public school sites do not require the approval of the Board of Regents if they are included in the approved campus Master Plan and if all fiscal arrangements are approved as required.
4. Instructional Sites: The criteria to be used in developing instructional sites shall be established by the Chancellor and approved by the Board of Regents.

(B/R 9/16)

Section 3. Institutional Strategic Plans

1. The NSHE Master Plan establishes goals, targets, and philosophical directions for the future of all higher education institutions within the NSHE. To ensure progress toward System goals, each NSHE institution shall have an institutional strategic plan that clearly reflects the overarching goals of the System plan while also setting forth more specific goals, targets, and directions based on the institution's overall mission.
 - a. Community Colleges – Each NSHE community college will emphasize responsiveness to the programmatic needs of its service region while simultaneously striving to fulfill the Board approved community college mission of university transfer, applied science and technology, business and industry partnering, developmental education, community service, and student support service programs within its respective service region.

- b. State College – Nevada State University will offer a wide range of baccalaureate programs and selected masters programs designed to meet the general needs of the State of Nevada and the specific needs of the southern region of the state. Special emphasis will be placed on addressing the state’s need for highly skilled teachers and nurses as well as to developing partnerships with Nevada’s public school system and the state’s health care providers. The College will assist in addressing Nevada’s need for increased access to higher education for recent high school graduates as well as for transfer and returning students.
 - c. Universities – The University of Nevada, Las Vegas and the University of Nevada, Reno shall each offer a wide array of academic programs at the undergraduate and graduate levels, as well as research and public service programs to serve their respective regions, the state and the nation. Each institution shall strive to complement the other through its programs and through cooperative inter-institutional activities with one another and when appropriate with the State College and the Desert Research Institute. The universities shall further strive to avoid unnecessary duplication of academic, research, and public service programs.
 - d. Desert Research Institute – The Desert Research Institute will conduct basic and applied research at the state, national and international levels for effective management of environmental resources, for continued development of Nevada’s economy, and for providing increased educational opportunities for Nevadans. The Institute will undertake cooperative academic and research programs with the universities and, when appropriate, with the community colleges and State College.
 2. Institutional strategic plans and mission statements for each NSHE institution, including the Desert Research Institute, shall be presented for consideration to the Board of Regents at least every seven years and will cover a planning period of up to seven years. Updates concerning progress toward major goals and the revision of existing goals may come before the Board at any time during the seven year planning period as determined appropriate by the institution. Institutional strategic plans must align with and support the Board’s strategic plan and goals and must include metrics with corresponding targets that will measure progress towards achieving the goals of the institutional strategic plan.
 3. On a biennial basis each institution shall present for consideration to the Academic, Research and Student Affairs Committee its plans for new degree programs, student services and research activities for a planning period of four years in the NSHE Planning Report pursuant to Nevada Revised Statutes 396.505. Planned associate, baccalaureate, master’s, and doctoral programs must be included. An institution must disclose to the Chancellor’s Office any plans for new degree programs that have not been included in the Planning Report prior to submitting for Board of Regents approval.
 4. If an institution desires to develop new academic programs outside of the normal planning schedule, a statement of intent, need, and relationship to the system master plan and current institutional strategic plan must be provided to the Academic, Research and Student Affairs Committee for action prior to presenting the formal request for a new program. The format for this statement shall be established by the Vice Chancellor for Academic and Student Affairs.
- (B/R 12/22)

Section 4. Selection of Peer and Aspirational Institutions for Teaching Institutions

1. At least every three years, NSHE teaching institutions will recommend a list of three comparison peer institutions and no more than three comparison aspirational institutions. Peer institutions will serve as the basis of comparison for outcomes in areas such as student retention rates, graduation rates, awards conferred, research productivity, and other relevant metrics, particularly those associated with the NSHE strategic plan. Aspirational institutions will represent the general characteristics of the desired future state, for the institution's strategic goals.
2. The recommended list of comparison peer institutions must include public institutions only and come from the most recent annual IPEDS Data Feedback Report. Comparison peer institutions must be selected due to similarity with the NSHE institution, based on characteristics including but not limited to 12-month full-time equivalent (FTE) enrollment, percent of undergraduate students receiving a Pell Grant, academic program mix, urban/rural location, and/or percent of faculty who are full-time. Aspirational institutions shall be recommended by the institution in consultation with the Chancellor and shall include public institutions only.
3. The recommended list of comparison peer and aspirational institutions will be submitted to the Chancellor's Office for review and feedback. Following review by the Chancellor's Office, peer and aspirational institutions will be submitted to the Board for approval.
4. This Section does not apply to Desert Research Institute.
(B/R 9/21)

Section 5. Institutional Mission Statements

The Board of Regents has adopted the institutional mission statements as follows:

1. UNIVERSITY OF NEVADA, LAS VEGAS (UNLV) MISSION STATEMENT

As a minority-serving institution rich with diversity and committed to equity, UNLV:

- provides access to world class educational experiences that are responsive to the needs of our students and stakeholders;
- engages in groundbreaking research, scholarship, professional, and creative activities that have impact and cross boundaries; and
- offers high value, cutting-edge interdisciplinary physical and mental health care to support our community.

We create value for the individuals and communities we serve by fostering a climate of innovation, stimulating economic diversification and workforce development, promoting social justice and inclusion of all voices, and enriching cultural vitality.

2. UNIVERSITY OF NEVADA, RENO (UNR) MISSION STATEMENT

Inspired by its land-grant foundation, the University of Nevada, Reno provides outstanding learning, discovery, and engagement programs that serve the economic, social, environmental, and cultural needs of the citizens of Nevada, the nation, and the world. The University recognizes and embraces the critical importance of diversity in preparing students for global citizenship and is committed to a culture of excellence, inclusion, and accessibility.

3. DESERT RESEARCH INSTITUTE (DRI) MISSION STATEMENT

We are a home for science to create a better future for the people of Nevada and the world. We implement our mission through shared governance and by fostering diverse talent.

4. NEVADA STATE UNIVERSITY (NSU) MISSION STATEMENT

At Nevada State University, excellence fosters opportunity. Excellence in teaching leads to innovative, technology-rich learning opportunities that promote the acquisition of interdisciplinary knowledge and skills. Quality, affordable degree programs open doors to career success and an enhanced quality of life for a diverse population of students. Our graduates, in turn, foster the greatest opportunity - the promise of a stronger community and a better future for all of Nevada.

5. COLLEGE OF SOUTHERN NEVADA (CSN) MISSION STATEMENT

The College of Southern Nevada empowers our students and communities to achieve, succeed, and prosper.

6. GREAT BASIN COLLEGE (GBC) MISSION STATEMENT

Great Basin College's mission is transforming lives through education.

7. WESTERN NEVADA COLLEGE (WNC) MISSION STATEMENT

Western Nevada College contributes to solutions for the 21st century by providing effective educational pathways for the students and communities of Nevada.

8. TRUCKEE MEADOWS COMMUNITY COLLEGE (TMCC) MISSION STATEMENT

Create a future you will love with accessible, innovative educational opportunities at TMCC. Together we can make it happen.

(B/R 9/24)

Section 6. Review of New and Existing Academic Programs and Established Certificates

1. A review of existing academic programs shall be conducted by the universities, State College, and community colleges on at least a ten-year cycle to ensure academic quality, and to determine if need, student demand, and available resources support their continuation pursuant to the following.
 - a. The review of existing programs must include multiple criteria. Although criteria may vary slightly between campuses, as institutions have different missions and responsibilities, there should be comparable data from all programs. The review must include both quantitative and qualitative dimensions of program effectiveness, and peer review.
 - b. Criteria to be utilized in the review of existing programs shall include the following: quality, need/demand for the program, relation to the institutional mission, cost, relationship to other programs in the System, student outcomes, and quality and adequacy of resources such as library materials, equipment, space, and nonacademic services.
 - c. An annual report will be published by the institution on the results of existing program evaluations and a summary of that report will be forwarded to the Chancellor's Office and presented to the Academic, Research and Student Affairs Committee annually. When the annual report is presented to the Committee, at least two teaching institutions selected by the Chancellor's Office will also present in detail the reviews conducted for at least one program. The presentation by each institution shall include, but is not limited to, the institution's process for evaluating existing programs generally, indications of quality, whether the program is meeting employer expectations, improvements in student learning outcomes, and any action steps identified based on the review of the program and the status of the action steps.
2. New programs at the universities, State College, and community colleges shall be reviewed following the first, third and fifth year of the program's existence. The criteria for review shall be established by the Vice Chancellor for Academic and Student Affairs and must include a report comparing originally projected enrollments and expenses to actual first, third and fifth year figures.
3. On an annual basis, the Academic Affairs Council shall report to the Academic, Research and Student Affairs Committee the following certificates that were established in the year prior to reporting:
 - a. Certificates of at least 30 credit hours; and
 - b. Certificates of less than 30 credit hours that provide preparation necessary to take state, national and/or industry recognized certification or licensing examinations.
4. Desert Research Institute - A five-year cycle will be used for the review of all DRI research programs. A report will be published on the results of program evaluation and a summary of that report will be forwarded to the Chancellor's Office and presented to the Academic, Research and Student Affairs Committee. Additional reports or status reports on DRI research programs outside of the five-year cycle may be brought forward at any time at the discretion of the Institute.

5. In addition to the review process established in this Section, the Board or a President may initiate additional program reviews as deemed necessary.
(B/R 3/16)

Section 7. Low-Yield Academic Program Review

1. Each President, in consultation with the faculty senate, shall develop procedures for reviewing academic program productivity at least every three years in accordance with the provisions of this Section.
2. Academic programs that are at least 10 years old shall be designated as low-yield if the number of degrees granted is below the following levels:
 - a. Associate programs must award at least twenty degrees in the last three consecutive years. Certificate programs in the same field may be considered in the evaluation of the associate program productivity.
 - b. Baccalaureate programs must award at least twenty degrees in the last three consecutive years.
 - c. Master's and doctoral programs must jointly award at least eight degrees in the last three consecutive years.
3. Academic programs designated as low-yield shall be reviewed in consultation with the Faculty Senate within three years of the program reaching these thresholds to determine whether there are sufficient factors to support the program's continuation or merger with other programs. In accordance with the provisions of this chapter, the institution may recommend to the Board the elimination of the program, in which case every effort shall be made to allow current students to graduate and faculty to be placed in other programs if feasible.
4. A program may be exempted from the low-yield designation if it meets any of the following criteria. The program is:
 - a. Is central to the educational or research mission of the institution or partnering institutions vested in the program;
 - b. Meets a demonstrated workforce or service need of the state or geographical region served by the institution, including any projected future needs of the state or region;
 - c. Demonstrates an increase in student demand through a pattern of increasing enrollment of majors;
 - d. Demonstrates productivity in the receipt of external grants and contracts related to the program;
 - e. Supports underrepresented student or community groups; or
 - f. Meets other criteria as defined by the institution.
5. The President shall report annually to the Chancellor all programs designated low-yield and the results of the institutional review process of such programs.
(B/R 9/17)

Section 8. Addition or Change of New Degrees, Majors, Programs, Departments, Schools or Colleges

1. It is the policy of the Board of Regents that before any new degree, major, program, school, college, center, institute, or other organizational unit may be added, such proposal must be approved by the Board of Regents. Internal administrative changes, including but not limited to the addition or elimination of departments, do not require approval by the Board of Regents.
2. Each President is responsible for completion of institutional review procedures. Following that, proposals will be forwarded to the Office of Academic Affairs in the Chancellor's Office prior to the Board of Regents' meeting to allow for review by the Academic Affairs Council, which will submit recommendations to the Chancellor for action by the Board of Regents.
3. The format for consideration of new programs shall be provided by the Vice Chancellor for Academic and Student Affairs. Program proposals for new degree programs must indicate that the proposing institution consulted NSHE institutions with the same or similar programs.
4. An institution shall not accept or enroll students into an academic program until such program is approved by the Board of Regents pursuant to this Section.
5. Institutional affiliation agreements and other collaborative arrangements with non-NSHE degree-granting higher education institutions shall be submitted to the Chancellor and Board of Regents for review and approval at least three months prior to the date of intended implementation, if the agreements involve any of the following:
 - a. Joint offering of academic degree programs;
 - b. A commitment of institutional resources such as personnel, physical space, or finances; or
 - c. A physical presence of a non-NSHE higher education institution on the campuses or instructional sites of NSHE universities, the State College, community colleges, or the Desert Research Institute.

Agreements with non-NSHE degree-granting higher education institutions that do not meet the requirements of this Subsection do not require submission to the Chancellor and Board of Regents for review and approval.

6. Articulation or other collaborative academic agreements between two-year and four-year degree granting institutions or between two four-year institutions within the NSHE do not require Board review and approval. Articulation agreements with K-12 that involve dual high school credit do not require Board review and approval.
7. For purposes of this Section:
 - a. "Center" or institute" means an organizational unit focusing primarily on research and scholarly activity where services are typically unrelated to internal administrative operations.
 - b. "College" means a collection of departments, which can include schools, that grant degrees in particular fields (may also be known as a division).
 - c. "Department" means a division of a school or college focused in a particular academic area.
 - d. "Organizational Unit" means a school, college or division, center, or institute.

e. "School" means a unit that is generally associated with a professional degree.
(B/R 3/21)

Section 9. Condensed Format for Consideration of Existing Program Changes

The Vice Chancellor for Academic and Student Affairs shall establish a format for consideration of 1) changes in existing academic programs such as changes in degree titles, administrative structure, or major objectives; 2) reorganization of existing departments, schools or colleges; or 3) the creation of a new organization from existing units.

(B/R 12/04)

Section 10. Community College Baccalaureate Degree Proposal Development and Review Process

1. The NSHE Master Plan provides for "selected niche baccalaureate degrees" at community colleges in order to satisfy the needs of a wide range of Nevada students while promoting the goals of the Master Plan. However, it is not the intention of the NSHE for community colleges to abandon their community college mission to transform into State Colleges. Each proposal must address this issue in both a cultural and organizational context.
2. At an early stage of development, a community college wishing to offer a baccalaureate degree shall discuss the proposal with the Chancellor, primarily in terms of the program's relationship to the NSHE Master Plan and other institutional planning that may be occurring. The proposal must be included in the NSHE Planning Report required pursuant to *Nevada Revised Statutes* 396.505 and Title 4, Chapter 14, Section 3 of the *Handbook* before proceeding to the Council of Presidents.
3. The Chancellor shall review the initial proposal with the Council of Presidents and submit any recommendations from the Council of Presidents to the community college wishing to offer the baccalaureate degree.
4. After the review by the Council of Presidents, the sponsoring institution shall prepare a formal written program proposal with supporting data and evidence that responds to criteria established by the Office of the Chancellor. The review of the proposal will follow established NSHE procedures for new program proposals.
5. This Section does not apply to a proposal for a Bachelor of Applied Science (BAS) degree, which is a four-year occupationally specific degree intended to respond to the needs of the workforce.

(B/R 3/19)

Section 11. Review of New Study Abroad Student Programs

Formal Study Abroad programs, International Programs, affiliations or consortiums that involve students or faculty in another country for educational purposes in which academic credit is granted, shall be submitted to the NSHE Academic Affairs Council for a recommendation to the Chancellor for approval. The Chancellor shall establish procedures for such review.

(B/R 12/04)

Section 12. Deletion of Degrees, Majors, Programs, Schools, Colleges, Centers or Institutes

1. It is the policy of the Board of Regents that the deletion of any degree, major, program, school or college, center, institute or other organizational units must be approved by the Board of Regents if the Board's approval was required for its implementation in accordance with Title 4, Chapter 14, Section 7. Internal administrative changes, including but not limited to the elimination of departments, do not require approval by the Board of Regents.
 - a. Proposals for deletions, other than those internal administrative changes as specified above, will be forwarded to the Office of Academic and Student Affairs in the Chancellor's Office prior to the Board of Regents' meeting to allow for review by the Academic Affairs Council, which will submit recommendations to the Chancellor for action by the Board of Regents.
 - b. The format for proposed deletions shall be provided by the Vice Chancellor for Academic and Student Affairs.
2. The Board of Regents shall have the power to terminate or delete any degree program, major, department, school, or college, and shall consult with the appropriate President before such termination.

(B/R 12/19)

Section 13. NSHE Policy on Student Assessment

The Board of Regents requires that an appropriate plan of regular student educational assessment be developed by each institution. Plans should be based upon institutional mission and should be developed with multiple assessment approaches. Among other activities, regular regional accreditation review will provide an overall assessment of the institution. Plans should reflect the mix of programs and types of students. Assessment approaches may vary at each institution; however, the universities, State College, and community colleges should work together to develop common approaches, where appropriate.

The Chancellor's Office, with the institutions, will develop appropriate measures of student persistence and performance, collect and monitor these data on a statewide basis, and make periodic reports to the Board of Regents.

(B/R 12/02)

Section 14. Distance Education

The term “distance education” means a formal educational process in which the majority of the instruction occurs when the student and instructor are separated by geographic distance or time. Instruction may be synchronous or asynchronous. Distance education may employ correspondence study, audio, video, or other electronically mediated technologies.

NSHE credit and noncredit courses may be offered through the use of distance education technologies. The following guidelines shall be used to assure academic quality for distance education courses offered for academic credit applicable toward a certificate or degree:

1. In accordance with the appropriate standards for institutional accreditation, the quality of distance education courses must be equal to or exceed that of on-campus courses. Distance education courses are subject to all applicable institutional policies and procedures to ensure quality.
2. Faculty members assigned to distance education courses may be provided with incentives, as deemed appropriate by the institution.
3. Each NSHE institution will be expected to provide appropriate instructional support to ensure quality of its distance education course offerings.
4. Each distance education course shall promote and exhibit current best practices and procedures for distance learning. This involves pedagogy, design, and delivery, including but not limited to adequate provisions for instructor training, instructor-student communication, assessment, and equivalent access to all appropriate student services that are available to on-campus students, including such services as academic advising, counseling, library and other learning resources, tutoring services, and financial aid.
5. Each distance education course must provide the opportunity for timely interaction between the student and the instructor, or a member of the instructional team responsible for the course, regarding the student’s progress. This may include (1) an orientation session or sessions at the beginning of the course; (2) periodically scheduled guidance or tutoring sessions during the semester either on an individual basis or in a group setting; and (3) provision for access by the student for advice or consultation with the faculty member. These interactions may occur either as traditional face-to-face sessions or may be assisted through technology.
6. Distance education materials produced outside or within the institution must be evaluated and selected in accordance with standard instructional procedures for course development and instruction.
7. The institution offering a distance education course will receive the student FTE’s enrolled in the course. If the course incurs costs to partner institutions (*e.g., marketing, registration, technology support*), a “sharing protocol” should be completed prior to the course being offered to identify costs that must be reimbursed among parties.
8. Each campus will establish a protocol for determining costs or services to be paid by each partner when courses or programs are shared among institutions. The protocol will include, but not be limited to, sharing of special student fees, payment of facilitators and other services, responsibilities for marketing the course and recruiting students, advising, and other support. The protocol will be updated regularly.
9. Distance education courses will be developed in accordance with the following principles:
 - a. Address state needs;
 - b. Operate programs collaboratively and share resources, if appropriate;
 - c. Base program decisions on documented student or citizen need;

- d. Work with constituent groups (e.g., K-12 school districts, employers, industry representatives) to identify and prioritize the most pressing educational needs;
 - e. Use a combination of technologies, as appropriate to support curricular needs and student learning styles;
 - f. Ensure that academic plans influence the expansion of the technical infrastructure;
 - g. Provide essential support services to students;
 - h. Build institutional and system capacity to address more needs through distance learning;
 - i. Be accountable to the Legislature and the public for their use of state resources and the quality and appropriateness of their services; and
 - j. Partner with or broker programs from out-of-state institutions, where appropriate.
10. Each campus may develop policies and procedures for the approval of distance education courses and programs.
11. When institutional funds are used to purchase distance education equipment, that equipment is owned by the institution. Institutions accepting ownership of distance education equipment also accept responsibility for maintenance and service of that equipment.
- When distance education equipment owned by an institution is located at a non-NSHE site or such equipment is shared with non-NSHE institutions, a Memorandum of Understanding (*MOU*) shall be completed. The MOU will clearly specify the responsibilities of each party and what level of funding each party provides to support the equipment and related charges.
12. When distance education equipment is purchased by System Computing Services (*SCS*) for the support of NSHE institutions, the ownership of that equipment shall be retained by *SCS*, in addition to the responsibility for the maintenance, servicing, and operation of that equipment.
13. Oversight of scheduling and switching of interactive video is the responsibility of *SCS*. *SCS* will work with institutional representatives, particularly in regards to installation, connectivity, and transmission.

(B/R 9/16)

Section 15. NSHE Articulation Coordinating Committee and Institutional Articulation Coordinators

1. The Board of Regents is committed to establishing a seamless system for transfer and articulation that promotes student success and helps students move easily from institution to institution as they progress toward their educational goals.
2. A NSHE Articulation Coordinating Committee is hereby established to review and evaluate current transfer and articulation policies and formulate additional policies to help and promote the success of transfer students.
 - a. The Articulation Coordinating Committee shall report to the Chancellor.
 - b. The Articulation Coordinator for each institution appointed in accordance with this Section shall serve as a member of the NSHE Articulation Coordinating Committee.
 - c. The Vice Chancellor for Academic and Student Affairs, or his/her designee, is a member of, and serves as the chair of, the Committee.

3. The charge of the Articulation Coordinating Committee shall be set by the Chancellor and includes but is not limited to the following tasks:
 - a. Recommend to the Chancellor and the Board of Regents proposed policies regarding transfer and articulation and conduct a continuing review of transfer and articulation practices.
 - b. Provide administrative oversight of the NSHE Common Course Numbering System established in accordance with Section 16 of this Chapter, including but not limited to communicating curricular changes and periodic review of course offerings to ensure that students can readily transfer from one NSHE institution to another.
 - i. The Articulation Coordinating Committee may establish System-Wide Discipline Committees that shall include institutional faculty representatives of the disciplines.
 - ii. As required, the System-Wide Discipline Committees must review the course offerings within their respective disciplines system-wide periodically or at least once every 10 years to determine common versus unique courses and make the appropriate changes to ensure that students are able to readily transfer courses from one institution to another.
 - c. In accordance with this Section, on a case by case basis, review institutional decisions in student appeals regarding the transfer and/or articulation of transfer credit.
 - d. Develop a statewide postsecondary articulation and transfer manual that provides an overview of Board policies governing transfer and articulation at NSHE institutions, including the NSHE Common Course Numbering System, and an outline of the transfer process at each institution for NSHE and non-NSHE students.
4. Articulation Coordinators
 - a. Each university, State College, and community college President will designate an Articulation Coordinator who will serve on the NSHE Articulation Coordinating Committee. The Articulation Coordinator should have a comprehensive knowledge of the issues and policies, protocols and processes related to articulation and transfer. A list of institutional Articulation Coordinators will be maintained by the Chancellor's Office and made available on the NSHE System website and each institution's website.
 - b. The Articulation Coordinator, or his/her designee, will serve as the initial point of contact at each institution for individuals seeking transfer/articulation information or support and will assist students with problems in transfer, and provide current information on the transferability of courses and articulation to degree requirements.
 - c. Articulation Coordinators will work with deans and department chairs to ensure a timely articulation decision on any course submitted for transfer.
5. Review of Final Institutional Decisions of Student Appeals
 - a. A student may submit a request for review to the Chair of the Committee only after the student exhausts all appeals processes available at the institution and receives written notification of the decision in accordance with Section 17 (Transfer Courses and Student Appeals) of this Chapter. The Committee shall establish a form by which to submit the request for review

- b. Upon receipt of the request for review from the student, the Chair of the Committee, in a timely manner, shall:
 - i. Consult with the Articulation Coordinator for the institution to verify the institutional decision and may request documentation justifying the institutional decision to deny the transfer of credit or articulation of credit to the student's degree, major or college requirements; and
 - ii. Forward the request for review to the NSHE Articulation Coordinating Committee for further review if the consultation with the Articulation Coordinator does not resolve the request for review in favor of the student.
 - c. Upon receipt of a request for review from the Chair of the Committee, the Articulation Coordinating Committee shall review the institutional decision in a timely manner and report on its review regarding the student's institutional appeal. Before transmitting its findings to the Chancellor, the Articulation Coordinating Committee may establish a discipline committee to review the institutional decision. If a discipline committee is established:
 - i. The discipline committee shall include one faculty representative from the discipline from each institution, or if an institution does not have that discipline, a related discipline from the institution.
 - ii. The Chair of the Committee shall facilitate review by the discipline committee.
 - iii. The representative from the institution that made the final decision on the student's appeal must be allowed to present and explain the rationale for the institutional decision.
 - iv. The discipline committee shall evaluate in a timely manner the rationale for institutional decision and notify the Articulation Coordinating Committee whether it agrees or disagrees with the institutional decision.
 - d. Upon receipt of the review from the Articulation Coordinating Committee, the Chancellor may transmit the review findings to the institution and may request further consideration based on the findings of the Articulation Coordinating Committee.
 - e. The Chair of the Articulation Coordinating Committee shall notify the student and the Articulation Coordinator for the institution of the findings from the request for a review.
6. The Chancellor may establish procedures governing the Articulation Coordinating Committee in accordance with this Section.
 7. The Chancellor's Office will report periodically to the Board of Regents on the status of transfer and articulation of courses at NSHE institutions, including requests received by the institutions for evaluation of courses for transfer and articulation and the outcome of those requests; and the number of requests for review referred to the Articulation Coordinating Committee and the outcome of those requests.

(B/R 3/18)

Section 16. NSHE Transfer and Admissions

Transfer students to the State College and universities may be admitted under the following alternatives:

1. Associate of Arts (AA), Associate of Science (AS), and Associate of Business (AB) Degree Graduates

The primary basis for admission to upper-division study with full junior status of transfer students from an NSHE community college to any other NSHE institution shall be the associate of arts, associate of science, and the associate of business degrees.

- a. The completion of the associate of arts, associate of science, and associate of business degree at a community college automatically fulfills the lower-division general education requirements at any other NSHE institution.
- b. Associate of arts, associate of science, and associate of business graduates will have completed a minimum of 60 credits of baccalaureate level courses.
- c. Baccalaureate students who have completed NSHE associate of arts, associate of science, or associate of business degree shall complete a minimum number of credits at the accepting NSHE institution. This minimum number shall be set by the baccalaureate degree granting institution.
- d. Baccalaureate level courses included as part of the associate of arts, associate of science, or associate of business degree will transfer to any other NSHE institution at a minimum as general elective credit.
- e. All baccalaureate academic majors at a university or college must have current transfer agreements with NSHE community colleges. These agreements must provide clear information for community college students as to those courses that will transfer efficiently to another NSHE institution within each major. Information on these agreements must be available to all students on each campus.
- f. Transfer agreements shall be developed collaboratively by both the baccalaureate degree-granting institution and the associate degree-granting institution for each baccalaureate program where a corresponding associate program exists. Absent a corresponding associate program, the transfer agreement shall be based on the general transfer degree (AA, AS or AB with no emphasis or major). A co-admission agreement, as authorized under Chapter 16, may be established to accommodate course requirements and potential reverse transfer pursuant to this Chapter. Transfer agreements must include a year-by-year outline of course requirements, including general education and degree requirements, in which the course of study leading to the baccalaureate degree includes the first two years coursework that will result in completion of the requirements for an associate degree. The first two years of the year-by-year outline shall not include upper-division coursework (300-400), unless approved by the Vice Chancellor for Academic and Student Affairs.
- g. Transfer agreements must disclose when lower-division courses required for the major are not offered at the community college and must indicate the four-year institution where such courses may be taken for the purpose of meeting the associate degree requirements through reverse transfer.
- h. Transfer agreements shall be updated to reflect any changes made in baccalaureate majors or associate degree requirements as they occur.
- i. The receiving institution will evaluate all university and college parallel courses attempted at the community college (*and any other educational institution attended*) and compute an overall admission grade point average in accordance with the institution's transfer policies.
- j. For associate of arts, associate of science, and associate of business graduates, if the overall transfer grade point average computed by the receiving institution is less than a 2.0 grade point average, the student shall be placed on probationary status until such grade point deficiencies are corrected.

2. Other Associate Degrees

Other associate degrees and certificates may be awarded by a community college for programs that have requirements different from the associate of arts, associate of science, associate of business, or a primary objective of transfer. A student with an associate degree other than an associate of arts, associate of science, or associate of business is not guaranteed junior status at a receiving institution.

3. Associate of Applied Science and Bachelor of Applied Science Degrees

- a. The Bachelor of Applied Science degree is a four-year occupationally specific degree that is intended to respond to the needs of the workforce. A student with an Associate of Applied Science degree in a program approved by the Board of Regents seeking a Bachelor of Applied Science degree is guaranteed junior status upon transfer to another applicable NSHE institution.
- b. Transfer agreements must include a year-by-year outline of course requirements, including transfer general education and degree requirements, in which the course of study leading to the Bachelor of Applied Science degree includes the first two years coursework that will result in completion of the requirements of an associate of applied science degree.

4. Non-Associate Degree Admissions

- a. Approved baccalaureate level courses shall be transferable to another NSHE institution at a minimum as general elective credit.
- b. Community college students should be strongly encouraged to complete their lower-division programs and an associate degree before transfer, but qualified students may apply for transfer at their own discretion.
- c. An applicant who does not satisfy university admission requirements upon graduation from high school must complete the equivalent of 24 semester credits in baccalaureate level courses with an overall grade point average of at least 2.50 at a community college or other accredited institution and must place into college-level English and mathematics courses or have completed college-level English and mathematics prior to transfer to qualify for university admission.
- d. An applicant who does not satisfy State College admission requirements upon graduation from high school must complete the equivalent of 12 semester credits in baccalaureate level courses with an overall grade point average of at least 2.00 at a community college or other accredited institution to qualify for State College admission.
- e. A course with a "D-" grade or better will be accepted for transfer provided the institution specific overall grade point average established in Subsections c. and d. above is maintained. Transfer courses with a "D-" grade or better will count towards a bachelor's degree in the same manner as "D-" grades or better obtained by students enrolled in the lower-division at a State College or university. Credits from courses transferred with a "D-" grade or better count towards credit earned for a baccalaureate; however, it is at the discretion of the department or college offering the major as to whether courses with "D-" grades in the major satisfy requirements in the major field.

(B/R 3/21)

Section 17. Course Numbering

1. All undergraduate courses in the NSHE must be common-course numbered with equivalent courses offered throughout the System. To be assigned a new and unique course number at least 20 percent of the proposed course content must be unique and not found in a current or pending course within the NSHE.

Any additions or changes to undergraduate course prefixes, numbers, titles, and/or credits must follow the procedures established by the Vice Chancellor of Academic and Student Affairs and may not be included in class schedules or catalogs until written approval is received from the Department of Academic and Student Affairs.

2. The NSHE Articulation Coordinating Committee shall provide administrative oversight of the NSHE Common Course Numbering System.
3. An NSHE common course numbering master file shall be maintained by the Office of the Chancellor and published on the Web.
4. Each NSHE institution shall list and update the requirements for each program leading to the bachelor's degree and publicize these requirements for use by all other institutions in the state.
5. Each NSHE institution shall include in its official catalog of undergraduate courses a Section stating all lower-division prerequisites for each upper-division specialization or major program.
6. A system-wide course numbering rubric for all institutions shall be maintained so that baccalaureate transfer courses are clearly identified for student reference prior to registration under the following general course numbering parameters:

a. Remedial/developmental courses	001-099
b. Lower-division courses	100-299
c. Upper-division courses	300-499
d. State College graduate courses	500-699
e. University graduate courses	500-799

7. An institution shall only offer upper division courses that apply to one or more degree programs that are approved by the Board for offering at that institution or for the purpose of fulfilling transfer agreements.
8. Community colleges may utilize a B suffix for course numbers to alert students that the course may be non-transferable for a NSHE baccalaureate degree.
9. Within the student information system, non-transferable courses and courses that are transferable for a bachelor's of applied science degree only must be appropriately identified for students and advisors during the registration process.

10. Professional schools may establish their own distinct course numbering rubric that extends beyond the numbering rubric set forth under Subsection 6.
(B/R 9/22)

Section 18. Transfer Courses and Student Appeals

1. A transfer course is one that is acceptable by a receiving NSHE institution to apply toward an approved degree program at that institution.
2. All upper and lower division baccalaureate level courses are transferable. In general, a baccalaureate level course is one that is commonly offered by a regionally accredited educational institution as being applicable toward a bachelor's degree. Institutions cannot limit the number of transfer credits applicable to degree requirements based on institution type.
3. Each institution shall determine the acceptability of general elective transfer courses, and departmental, college, or other requirements or equivalents shall be forwarded to the appropriate department or college for course evaluation. If general elective credit from a non-NSHE institution is granted by one NSHE institution, then all NSHE institutions shall accept the credit unless the facts on which the original decision was based have changed. Appropriate consultation with the faculty is required throughout the evaluation process.
4. A receiving institution shall not require a transfer student to take examinations to validate credit in those courses that are approved as transferable.
5. Application of credits toward degree requirements is the responsibility of the college and department in which the student is seeking a degree. Validation of course content may be required when lower-division courses are used to satisfy upper-division curricular requirements.
6. Pursuant to *Nevada Revised Statutes* 396.568, an NSHE institution shall not require a student to repeat a course on transfer to a university or State College if an equivalent course was taken and successfully completed at any other NSHE institution, except for programs that have defined a time limit for completion.
 - a. Each NSHE institution shall evaluate military transcripts pursuant to Title 4, Chapter 14, Section 21.
 - b. Student Appeals
 - a. If the institution denies the transfer of credit or the articulation of the credit to the student's degree requirements, the student may appeal the institutional decision.
 - i. Each institution shall establish an appeal process that must be made available to all students and posted on the institution's website.
 - ii. Courses identified as non-transferrable in the student information system or the originating institution's catalog are not subject to appeal.

- iii. The institution shall notify the student in writing of the final outcome of the appeal and, if transfer credit or the articulation of credit is denied, the reason for the denial.
- b. After all institutional appeal processes are exhausted, a student may submit a request for review of the final institutional decision to the NSHE Articulation Coordinating Committee in accordance with Section 14 of this Chapter.

(B/R 9/22)

Section 19. Reverse Transfer

1. Reverse transfer is a degree-completion opportunity for students who have started their education at a community college and transferred to a four-year NSHE institution prior to the completion of an associate's degree. Course credits may be transferred from the university or college to the community college for the purpose of meeting the requirements for an associate's degree.
2. In order to ensure that all students who start at the community college have the opportunity to complete the baccalaureate degree in the same number of credits as those who start at a university or college, if lower division courses required in the major are not offered by the community college, the university or college shall either offer the courses at the community college or establish a reverse transfer agreement with the community college. If on a case-by-case basis, specific baccalaureate degrees appear unable to be articulated by either method, the NSHE Department of Academic and Student Affairs shall resolve the impasse.
3. Periodically, the System Office or the four-year institution will provide to the community colleges a list of students previously enrolled who earned at least 15 credits at the respective community college and have recently transferred to a university or State College and have accumulated at least 60 college-level credits. The list will include the student's name and universal identification number (*NSHE ID*) for the purpose of the community college contacting the student regarding the options for reverse transfer of courses to encourage students to earn an associate's degree. In consultation with the respective university or State College, the community college will develop a form to be signed by the student authorizing the release of one transcript to the community college.

(B/R 9/11)

Section 20. System General Education Requirements

1. Except as otherwise provided in this subsection, associate of arts, associate of science, associate of business, and baccalaureate graduates must complete a minimum program of general education requirements defined as follows:

<u>General Education Courses</u>	<u>Credits</u>	
English	3-6	Freshman level English Composition including English 102
Mathematics	3	Three credits of lower-division coursework
Natural Science	6	Six credits of lower-division coursework to include at least one laboratory experience
Social Sciences or Humanities/Fine Arts	9	Nine credits of lower-division coursework in either the social sciences or humanities/fine arts
TOTAL	21-24	

Associate of applied science and bachelor of applied science graduates must complete a minimum program of general education requirements defined as follows:

<u>General Education Courses</u>	<u>Credits</u>	
Communications/English	6	
Mathematics	3	Mathematics may be included as a course or clearly identified as content in other required courses
Human Relations	3	Human Relations must be included as a course or be clearly identified as content included in other required courses
Science	3	Science may be included as a course or clearly identified as content in other required courses
Social Sciences or Humanities/Fine Arts	3	Three credits of lower-division coursework in either the social sciences or humanities/fine arts
TOTAL	18	

2. Instruction must be given in the essentials of the Constitution of the United States and the Constitution of the State of Nevada, including the origin and history of the Constitutions and the study of and devotion to American institutions and ideals pursuant to *Nevada Revised Statutes* 396.500 for all associate and baccalaureate degrees. If clearly identified, this content may be included in coursework defined in Subsection 1. Institutional course catalogs must identify courses that meet this requirement.
3. Courses taken toward the System general education requirements shall not be applied to more than one general education requirement defined in Subsection 1. Credits earned by examination may apply toward any of the general education requirements defined in Subsections 1 and 2.
4. Students earning a second associate of arts, associate of science, associate of business, associate of applied science, or baccalaureate degree from an NSHE institution are not required to repeat the System requirements for general education.

Evidence of completion of U.S. and Nevada Constitutions is required of all second-degree students whose first degree is not from an NSHE institution.

5. NSHE institutions are encouraged to exchange ideas in the development and improvement of specific courses to meet NSHE requirements, particularly to increase the likelihood of transfer student success; however, each institution is responsible for determining the character of its own program.

(B/R 3/24)

Section 21. Credit by Examination

1. The following examinations and transcript evaluation are permissible for determining credit for prior learning:
 - a. College Board Advanced Placement Examination (*CBAPE*);
 - b. College-Level Examination Program (*CLEP*);
 - c. Excelsior College Exam;
 - d. National League for Nursing Placement Examination (*NLN*), Profile II;
 - e. National Occupational Competency Testing Institute (*NOCTI*);
 - f. International Baccalaureate Diploma Program (*IB*);
 - g. Dantes Subject Standardized Tests (*DSST*);
 - h. American Council on Education (*ACE*) Corporate Credit; and
 - i. Special examinations administered by an academic department.
2. Except as otherwise provided in these Subsections for the *CBAPE* and *IB*, each institution shall establish procedures for administering and accepting credit by examination that must be outlined in the course catalog.
 - a. Beginning with the 2016-2017 academic year, scores of 3, 4, and 5 on the *CBAPE* shall be accepted for credit to satisfy electives, general education requirements, or major requirements. Each institution shall publish the *CBAPE* score course granting policy in accordance with the requirements of this Section in its course catalog and on its Internet website before the beginning of the 2016-2017 academic year.
 - b. Beginning with the 2020-2021 academic year, scores of 4, 5, 6, and 7 on the *IB* higher-level examination and scores of 5, 6, or 7 on the *IB* standard-level examination shall be accepted for credit to satisfy electives, general education requirements, or major requirements. Each institution shall publish the *IB* score course granting policy in accordance with the requirements of this Section in its course catalog and on its Internet website before the beginning of the 2020-2021 academic year.
3. The maximum number of credits that may be earned by examination to apply toward a degree may not exceed one half of the minimum number of credits required for that degree.
4. Other national testing organizations may be considered for the awarding of credit subject to institutional procedures.
5. Special Department Examinations: An admitted student in good standing may earn credits by a special department examination subject to institutional procedures.

6. The posting of satisfactorily completed credit by examinations to the student's permanent academic record shall clearly identify that the credit was earned by examination, name of the testing program, date of the examination, number of credits, and a grade of S (satisfactory) or P (pass).
7. Credit earned by examination does not apply toward satisfying the minimum on-campus resident credit requirement of the institution from which graduation is sought and does not constitute an interruption of the resident credit requirement.

(B/R 6/19)

Section 22. Military Transcript Evaluation

1. In addition to credit awarded by examination under to Title 4, Chapter 14, Section 20, pursuant to Senate Bill 457 (Chapter 603, Statutes of Nevada 2017), each institution shall evaluate a Joint Services Transcript (JST), a transcript from Air University, and/or a transcript from the Community College of the Air Force (CCAF) submitted by a student for the purpose of identifying any military education, courses, training and/or occupational experience for which credit may be awarded.
2. Based on its evaluation of a JST, a transcript from Air University, and/or a transcript from the CCAF, if the institution determines that any military education, courses, training and/or occupational experience is equivalent to a course that fulfills a general education, certificate, or degree requirement and does not duplicate other credit awarded to the student in fulfillment of those requirements, credit toward the applicable course requirement must be awarded to the student. The institution may award general elective credit for any other credit that does not fulfill a general education, certificate, or degree requirement. Faculty must be consulted in the transcript evaluation process.
3. Beginning with the 2017-2018 academic year, each institution shall maintain an inventory of the military education, courses, training and/or occupational experience evaluated by the institution for which credit was awarded to a student. The inventory must include the corresponding course; academic program; and general education, certificate, or degree requirement for which credit was awarded. By December 31, 2017, each institution shall post the inventory on its website in a location that is easily accessed by members of the military and veterans seeking information on course credit that may be available at that institution based on their military education, courses, training, occupational experience, and chosen program of study. The information on the website must be updated not less than each term.
4. In addition to the JST and the Air University or CCAF transcript, institutions may evaluate other assessments of prior learning pursuant to Title 4, Chapter 14, Section 20 for purposes of this Section.

(B/R 6/21)

Section 23. Academic Advising and Counseling

1. Effective Fall 2020, upon initial enrollment all first-time degree or certificate seeking students shall be required to meet with an academic advisor or counselor prior to the date of matriculation. All continuing, degree or certificate seeking students shall be required to periodically meet with their academic advisor or counselor until degree completion.

2. By academic year 2023-2024 all institutions shall maintain a student-to-advisor ratio of no greater than 350:1.
(B/R 6/19)

Section 24. Student Complaint Process

Institutions must establish a process of addressing student complaints, including complaints involving deceptive trade practices and other acts of fraud as defined under Section 24 of this Chapter.
(B/R 3/14)

Section 25. Deceptive Trade Practices and Acts of Fraud Prohibited

Deceptive trade practices and other acts of fraud are prohibited including, but not limited to the following:

1. To intentionally and materially represent falsely, directly or by implication any statement or representation, oral, written, or visual, in connection with the offering of educational services, including but not limited to statements or representations relating to recruitment and marketing information; tuition, fees and other charges; and admissions information;
2. To adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size, or integrity of the institution or its educational services;
3. To represent, directly or by implication, that students who successfully complete a course or program of instruction may transfer the credits earned to any institution of higher education;
4. To intentionally and materially represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, or equipment of the institution; the number or educational experience qualifications of its faculty; the extent or nature of any approval received from any state agency; or the extent or nature of any accreditation received from any accrediting agency or association; or
5. To provide prospective students with testimonials, endorsements, or other information that materially misleads or deceives prospective students or the public regarding current practices of the institution.

(B/R 3/14)

Section 26. State Authorization Reciprocity Agreement – Student Complaints and Appeals

1. For the purpose of establishing eligibility for Nevada to participate in the State Authorization Reciprocity Agreement (SARA), the following procedures governing student complaints and appeals are adopted in addition to any other such processes or procedures adopted by an institution. These procedures:
 - a. Are written to provide consumer protection for students enrolled in distance education courses or programs; and
 - b. Apply to NSHE institutions that elect to participate in SARA and to resident and non-resident students who are enrolled in distance education courses at those participating institutions.
2. NSHE institutions that elect to participate in SARA must meet the following requirements:
 - a. Agree to abide by the standards and requirements of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org.
 - b. If the institution offers a distance education course in a professional or technical course in a field that customarily leads to professional licensure, the institution must inform all enrolled students whether the course meets the standards required for licensure in Nevada and other states where the institution has a physical presence, as defined by Subsection 5 of this Section. If a student enrolled in the course does not live in Nevada or a state in which the institution has a physical presence, the institution must advise the student that he or she must consult the applicable licensure entity in the state where the student lives to determine whether the course meets the required standards.
 - c. Each distance education course or program offered by the institution must provide the opportunity for timely interaction between the student and the instructor, or a member of the instructional team responsible for the course, and reasonable ways for a student to contact the instructor and institution regarding the student's progress, questions or concerns.
 - d. Refunds of tuition or fees for distance education courses must be administered in accordance with institutional refund policies, except as provided in Subsections 3 and 4 of this Section.

3. Administration Withdrawal of Non-Resident Students Living in Non-SARA States

If a non-resident student living in a state that is not participating in SARA enrolls in a distance education course offer by an NSHE institution, the institution must administratively withdraw the student from the course or seek authorization from the appropriate entity in the other state to offer distance education courses if such authorization is required by that state. If the institution administratively withdraws the student, the institution must notify the student of the withdrawal as soon as possible but no later than five (5) business days after the start of the term and provide a 100 percent refund.

4. Administrative Withdrawal of Non-Resident Students Living in SARA States

- a. If the activities of an institution in a state participating in SARA exceed the limitations set forth under SARA, including exceeding the maximum number of students who may participate in a supervised field experience, the institution must seek authorization from the appropriate entity in the other state to operate in that state, if required by that

state, or administratively withdraw students enrolled in the affected distance education courses.

- b. If an institution elects to administratively withdraw students to ensure compliance under SARA, students must be withdrawn based on their seniority within a program such that students with the least amount of time in the program are withdrawn first. Institutions must notify students of the administrative withdrawal and provide a 100 percent refund.

5. Institutional Procedures for Student Distance Education Complaints and Appeals

- a. In consultation with institution legal counsel and in addition to any other process or procedure adopted by an institution governing student complaints and appeals, each institution that elects to participate in SARA shall specify procedures by which a student or former student may file a complaint concerning deceptive trade practices or other acts of fraud as defined under Section 24 of this Chapter or failure to comply with Subsection 2 of this Section relating to a distance education course or program in which the student is or was enrolled. If a former student files a complaint, he or she must do so within one year after discontinuing enrollment at the institution.
- b. The student complaint procedures adopted by the institution pursuant to this Subsection must be readily available to all students by publication on the institution's website and in its catalog.

6. Appeal For Student Distance Education Complaints

The Vice Chancellor for Academic and Student Affairs may investigate a student complaint concerning the delivery of a distance education course or program at an NSHE institution that is participating in SARA based on a claim of a deceptive trade practice or other acts of fraud as defined in Section 24 of this Chapter or failure to comply with Subsection 2 of this Section. A complaint will warrant investigation only after the student exhausts all complaint and appeals processes available at the institution.

- a. Upon receipt of a complaint, the Vice Chancellor or his or her designee shall verify within fourteen days that the complaint warrants investigation under this Subsection. The Vice Chancellor shall not take action on a complaint if it does not meet the requirements for an appeal under this Section and if the process for reviewing complaints at the institutional level has not been exhausted.
- b. If the complaint warrants investigation, the Vice Chancellor shall first forward the complaint to the institution for a written response. The institution shall have thirty days to respond in writing to the Vice Chancellor and to forward a copy of the response to the student. During the thirty-day period, the institution may attempt to resolve the complaint with the student, and the Vice Chancellor may assist in the efforts to resolve the complaint. If the Vice Chancellor determines at any time that a complaint no longer warrants investigation, the Vice Chancellor shall notify the institution and the student that the matter is closed.
- c. If a complaint is not resolved during the thirty-day period, the Vice Chancellor may decide not to take further action on the complaint based on the institution's response, investigate the complaint further, or recommend that the Committee created pursuant to this Subsection review the merits of the complaint.
- d. After investigation, the Vice Chancellor may forward a complaint to a standing Appeals Committee appointed by the chair of the Board of Regents. The Committee shall consist of one of Nevada's appointed WICHE commissioners, one representative of the Board of Regents, one representative from each of the universities, one representative from the state college and one representative from each of the

community colleges. If the Committee finds the complaint is meritorious, it shall direct the institution to take specific action to remedy the complaint.

7. Definitions. The following definitions apply for purposes of this Section:

- a. Physical Presence. The definition of “physical presence” under Section 5 of the SARA Policies and Standards maintained by the National Council for State Authorization Reciprocity Agreements (NC-SARA), available electronically at nc-sara.org applies for purposes of this Section.
- b. Distance Education. The term “distance education” means a formal educational process in which the majority of the instruction occurs when the student and instructor are separated by geographic distance or time. Instruction may be synchronous or asynchronous. Distance education may employ correspondence study, audio, video, or other electronically mediated technologies.

(B/R 6/20)

Section 27. State Authorization Reciprocity Agreement – Institutional Appeals and Process

As a designated Portal Entity for the State Authorization Reciprocity Agreement (SARA) NSHE is charged with accepting, reviewing, and approving or denying applications from Nevada post-secondary institutions wishing to participate in SARA.

1. Institutional Appeals

- a. In the event an institution is notified by the State Portal Entity Contact of its intent to remove the institution from participation in SARA, or if the institution is denied initial participation in SARA, the institution may appeal the denial of participation to the State Portal Entity for further review by the NSHE Vice Chancellor for Academic and Student Affairs.
- b. Institutions who choose to appeal must do so on the following grounds:
 - i. The State Portal Entity Contact did not follow procedures as outlined in the SARA Manual. The institution must submit supporting documentation.
 - ii. The State Portal Entity Contact made a mistake in determining that the institution does not meet the eligibility criteria to participate in SARA, as outlined in the SARA Manual. The institution must submit supporting documentation to prove that the institution meets the eligibility criteria for SARA.

2. Appeals Process

- a. Institutions wishing to appeal their removal or denial of participation from SARA must submit their official appeal to the State Portal Entity Contact, consisting of a letter stating their reason for appealing, along with the required supporting documentation, within thirty (30) days of their removal or denial notification.
- b. Upon receiving the official appeal and supporting documentation, the NSHE Vice Chancellor for Academic and Student Affairs will make a determination on the appeal within fourteen (14) days of the receipt of the official appeal.
- c. Institutions whose appeals are accepted will remain as a SARA participating institution or will be granted initial participation in SARA if not already a participating institution.

- i. The institution must pay all fees associated with SARA participation before participation will be granted or before institutional participation can be renewed.
 - ii. Institutions whose appeals are denied will be notified of the decision of the Vice Chancellor for Student Affairs. For institutions currently participating in SARA, the State Portal Entity Contact will take immediate action to have them removed as a SARA participating institution following the notification of the decision.
- d. If an institution's SARA participation expires during the appeals process, they will remain a participating institution until such time as the appeals process can be resolved.

(B/R 6/20)

Section 28. Enrollment Reporting

The Chancellor's Office shall establish procedures concerning the reporting of institutional enrollments.

(B/R 12/04)

Section 29. NSHE Policy on Printed and Electronic Instructional Materials

The selection of textbooks and other instructional materials is the responsibility of faculty. All instructional materials should contain current, relevant information for the course, as well as appropriate assignments and supplementary material when applicable. These materials should help faculty and students accomplish the educational objectives of a course and should only be required when necessary and highly utilized. Cost should be considered when selecting instructional materials. Faculty should exercise their expertise and professional judgment when selecting instructional materials, and carefully consider the academic, professional, and ethical implications of criteria used in selections.

To that end, each NSHE institution shall develop an approved statement of professional and ethical guidelines relative to the selection of textbooks or other instructional materials. Such guidelines shall address relationships with publishers or other providers, selection of instructional materials, and the desirability of minimizing costs to students when this can be accomplished without compromising academic standards and academic freedom. Where appropriate, each institution shall encourage faculty to select or develop electronic and free or low-cost options for instructional materials. Institutions may negotiate and enter into contracts with publishers, bookstores, and/or similar providers and vendors that allow instructional materials to be offered to students at a reduced cost without infringing on the faculty's authority to select textbook and instructional material as set forth herein.

(B/R 9/16)

Section 30. Community College Institutional Advisory Councils

1. Each community college President shall establish an institutional advisory council to provide advice, assist in community relations, assist in institutional development, and provide other assistance as requested by the President to enhance the institution including supporting institutional initiatives, institutional advocacy, promoting college programs, and strategically supporting the implementation of institutional goals and objectives.

2. Each community college President, in consultation with the Chancellor, shall submit to the Board of Regents for approval a proposal for such a council, to include the proposed role of the council and the number and composition of membership, including the individuals that will serve initially on the council.
3. Members shall serve at the pleasure of the President or for a term established in the proposal for the council.
4. Once approved, the proposal may be amended on the recommendation of the President and the approval of the Board of Regents. Proposals to amend may include changes in the number and composition of membership, the role of the institutional council.
5. The President shall call the meetings of the institutional advisory council and shall set the agenda. All meetings shall be conducted in compliance with the Nevada Open Meeting Law.
6. Members shall serve without compensation.
7. Members shall not take any action which conflicts with their roles as a member of the institutional advisory council.
8. At least biennially, the President shall prepare a written report for the Board of Regents on the activities in support of the President and institution that were undertaken by the council and any changes in council membership that occurred since the last report since the last report.
(B/R 6/22)

Section 31. Workforce Advisory Boards

1. Community colleges may establish advisory boards to provide direction and guidance for specific program areas within the college to strengthen and enhance the success of the program by working closely with the business and labor communities to provide high quality workforce training and education.
2. A board may be established for any academic or workforce training program to provide advice and guidance on program requirements necessary to prepare students for the workforce, including but not limited to required competencies for the industry or career field and new and emerging occupations. In addition, the board may provide advice and guidance on curriculum development, student recruitment, staff development, equipment and software recommendations, and other matters that will support and improve program quality.
3. The Board must include at least three members who are representatives of business and industry with recent, firsthand, and practical experience in the program area.
4. Members will serve at the pleasure of the President or their designee and will serve without compensation.
(B/R 6/22)

Title 4 - Codification of Board Policy Statements

Chapter 15

REGULATIONS FOR DETERMINING RESIDENCY AND TUITION CHARGES

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Section 1. Purpose and Uniform Application of Residency Decisions

These regulations have been enacted to provide uniform rules throughout the Nevada System of Higher Education (the "System") and all member institutions thereof, for the purpose of determining whether students shall be classified as resident students or nonresident students for tuition charges.

1. A student must provide documentation to support residency classification or reclassification at the request of an NSHE institution.
2. After a student is admitted to an NSHE institution, a determination shall be made as to whether the student must be charged tuition in accordance with this chapter, including the provisions set forth under Section 11 (Administration of the Regulations). Each institution must first determine whether the student is exempt from the payment of tuition in accordance with Section 3 (Nonresident Tuition) of this chapter. Students who are not exempt under Section 3 of this chapter must establish residency in accordance with Section 5 (Resident Students) or Section 6 (Residency for Noncitizen Students) of this chapter.
3. The decision of an NSHE institution to grant resident student or nonresident student status to a person shall be honored at other NSHE institutions, unless a person obtained resident student status under false pretenses, the institution made an error in the decision to grant resident student or nonresident student status, or the facts affecting residency determination have significantly changed since the time resident student status was granted. Students granted nonresident status who subsequently meet the qualifications of Section 10 (Reclassification of Nonresident Status) may apply for reclassification.
4. If an institution determines that it or another NSHE institution incorrectly classified a student due to institutional error, the error shall be corrected beginning with the semester the error is identified. When an incorrect classification or error is made, the student has no vested interest or right to rely on the erroneous institutional classification.

(B/R 6/23)

Section 2. Definitions

For the purposes of these regulations, the terms stated below shall have the following meanings:

1. "Armed Forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard, on active duty and does not include the National Guard or other reserve force, with the exception of active members of the Nevada National Guard.
2. "Bona fide residence" means an established lawful residence in the state of Nevada for at least twelve (12) months immediately preceding the date of matriculation with the intent of making Nevada the person's true, fixed and permanent home and place of habitation, having clearly abandoned any former residence and having no intent to make any other location outside of Nevada the person's home and habitation. Required documentation to prove a bona fide residence shall be consistent with Section 5 of this Chapter.

3. "Clear and convincing evidence" means evidence that is clear in the sense that it is not ambiguous, equivocal or contradictory and convincing in the sense that it is of such a credible, reliable, authentic and relevant nature as to evoke confidence in the truth of it.
4. "Continuously enrolled" means enrollment within a normal academic year for which continuous enrollment is claimed. A person need not attend summer sessions or other between-semester sessions in order to be continuously enrolled.
5. "Date of matriculation" means the first day of instruction in the semester or term in which enrollment of a student first occurs, except that at the University of Nevada, Reno School of Medicine and the University of Nevada, Las Vegas School of Medicine it means the date that a notice of admittance is sent to a student, and at the community colleges it excludes correspondence courses and community service courses that are not state funded. A person who enrolled in an institution of the NSHE but withdrew enrollment during the 100% refund period may, for the purposes of these regulations, be deemed not to have matriculated and any determination concerning residency status shall be voided until such time as the person again enrolls at a System institution.
6. "Dependent" means a person who is not financially independent and is claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person for the most recent tax year.
7. "Family" means the natural or legally adoptive parent or parents of a dependent person, or if one parent has legal custody of a dependent person, that parent.
8. "Financially independent" means a person who has not been and will not be claimed as an exemption for federal income tax purposes under Section 152 of the Internal Revenue Code (26 U.S.C. § 152) by another person, except his or her spouse, for the most recent tax year.
9. "Graduate Fellow" means a graduate student receiving a stipend that is treated as a scholarship with no specific duties required for the award.
10. "Legal guardian" means a court-appointed guardian of a dependent person, who was appointed guardian at least twelve (12) months immediately prior to the dependent person's date of matriculation and for purposes other than establishing the dependent person's residence.
11. "Most recent tax year" means the income tax return submitted for the prior income year.
12. "Noncitizen" is equivalent to the statutory term "alien" (8 U.S.C. § 1101 (a)(3)).
13. "Nonresident" means a person who is not a resident.
14. "Objective evidence" means evidence that is verifiable by means other than a person's own statements.
15. "Relocated," means evidence of permanent, full-time employment in Nevada or establishment of a business in and living in Nevada prior to the date of matriculation.

16. "Residence" a term which for the purposes of these regulations is synonymous with the legal term "domicile," and means that location in which a person is considered to have the most settled and permanent connection, intends to remain and intends to return after any temporary absences. Residence results from the union of a person's physical presence in the location with objective evidence of an intent to remain at that location for other than a temporary purpose.
 17. "Resident" means a person who has established a bona fide residence in the State of Nevada.
 18. "Returning student" means a student who re-enrolls after a break in enrollment of one or more semesters.
 19. "Spouse" means a person's partner in legal marriage or a person's domestic partner if the domestic partnership is registered with the Office of the Nevada Secretary of State.
 20. "Student" means a person who is enrolled at an institution of the NSHE.
 21. "Tuition" means a monetary charge assessed against nonresident students, which is in addition to registration fees, or other fees assessed against all students.
- (B/R 9/24)

Section 3. Nonresident Tuition

Nonresident tuition shall be charged to all nonresident students except that tuition shall not be charged to:

1. A current enrollee or graduate of a Nevada high school or a student who successfully completed the high school equivalency assessment selected by the State Board of Education, if the assessment was administered in this state. This Subsection does not apply to an enrollee or graduate of an online Nevada high school if the student is not physically present and residing in the State of Nevada while enrolled or prior to graduation.
2. A returning student who has established an exemption from tuition charges at any NSHE institution in their prior enrollment period.
3. A community college student in community service courses that are not state funded.
4. A professional employee, classified employee, postdoctoral fellow, resident physician, or resident dentist of the NSHE currently employed at least half time, or the spouse or dependent child of such an employee.
5. A graduate student enrolled in the NSHE and employed by the System in support of its instructional or research programs, only during the period of time of such employment.
6. A graduate fellow.

7. A member of the Armed Forces of the United States, on active duty, stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, or a person whose spouse, parent or legal guardian is a member of the Armed Forces of the United States stationed in Nevada as a result of a permanent change of duty station pursuant to military orders, including a Marine currently stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California. If the member ceases to be stationed in Nevada, reside in Nevada, be stationed in Pickel Meadows, California, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was admitted prior to the reassignment if such student enrolls and remains continuously enrolled at an NSHE institution.
8. A member of the Armed Forces of the United States who has previously established a bona fide residence in the State of Nevada, but who has been transferred to a military posting outside of Nevada while continuing to maintain a bona fide residence in Nevada. When residence for a particular period is required under these regulations, this shall mean that the person claiming residence for the period must be physically present and residing in Nevada during all of the period required, excluding temporary, short-term absences for business or pleasure.
9. A former member of the Armed Forces of the United States who was relocated from Nevada as a result of a permanent change of duty station pursuant to military orders will be considered a Nevada resident for tuition purposes under the condition that the member was a resident of Nevada prior to leaving the state as a member of the Armed Forces; maintained their Nevada residency while a member of the Armed Forces; and returns to the State of Nevada within one year of leaving the Armed Forces.
10. A veteran of the Armed Forces of the United States who was honorably discharged and who on the date of discharge was on active duty stationed in Nevada, including a marine stationed at the Marine Corps Mountain Warfare Training Center at Pickel Meadows, California, pursuant to military orders.
11. A veteran of the Armed Forces of the United States who was honorably discharged.
12. A veteran of the Armed Forces of the United States who has been awarded the Purple Heart.
13. A student who:
 - a. Is a veteran using Post-9/11 Educational Assistance pursuant to 38 U.S.C. § § 3301 to 3327, inclusive and became eligible for benefits after January 1, 2013; or
 - b. Is a spouse or dependent using Post-9/11 Educational Assistance pursuant to 38 U.S.C. § § 3301 to 3327, inclusive.
14. A student using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. § § 3500 to 3566, inclusive.
15. A student using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § § 3311(b)(8).

16. A student enrolled in the University Studies Abroad Consortium or in the National Student Exchange Program, only during the period of time of such enrollment. Time spent in Nevada while a student is in the National Student Exchange Program shall not be counted towards satisfying the residence requirement of Section 5 of this Chapter, nor shall enrollment through the Consortium or the Exchange Program be included in the "date of matriculation" for evaluation of Nevada residency.
17. A member of a federally recognized Native American tribe or nation who does not otherwise qualify as a Nevada resident, and who currently resides on tribal lands located wholly or partially within the boundaries of the State of Nevada.
18. A student who is a member or a descendant of an enrolled member of a federally recognized Native American tribe or nation and who has been granted a Native American Fee Waiver pursuant to Title 4, Chapter 17.
19. A financially independent person who has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.
20. A financially dependent person whose spouse, family, or legal guardian has relocated to Nevada for the primary purpose of permanent full-time employment in Nevada or to establish a business in and living in Nevada.
21. A licensed educational full-time employee of a public school district in the State of Nevada or the spouse or dependent child of such an employee.
22. A teacher who is currently employed full-time by a private elementary, secondary or postsecondary educational institution whose curricula meet the requirements of Nevada Revised Statutes 394.130, or the spouse or dependent child of such an employee.

(B/R 6/23)

Section 4. Federal Exemptions to Nonresident Tuition

Individuals, as defined by this Section, shall not be charged tuition.

1. Covered Individuals Not Charged Tuition. This Subsection complies with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Approval of Courses of Education provided by Public Institutions of Higher Learning for Purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance Conditional on In-State Tuition Rate for Veterans) and Section 1005 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Requirements for In-State Tuition), as codified under 38 U.S.C. 3679(c), including but not limited to amendments under Public Law 114-315, Public Law 115-251, and Public Law 116-315. The provisions contained herein must be interpreted to comply with the applicable federal provisions and definitions.

- a. To affirm a covered individual is living in Nevada, institutions shall only require the covered individual to:
 - i. Provide a physical address in Nevada; and
 - ii. Sign a statement affirming the covered individual is living in Nevada and intends to become a bona fide Nevada resident.
- b. An institution shall not require a covered individual to complete a residency form or application.
- c. Except as otherwise provided in this paragraph, a covered individual must provide:
 - i. Either a DD-214 (Discharge Orders) or a DD-1300 (Report of Casualty) or similar documentation verifying the date of discharge or casualty; and
 - ii. A Certificate of Eligibility issued by the United States Department of Veterans Affairs or similar documentation verifying eligibility.

A covered individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act when the transferor is a member of the uniformed services who is on active duty pursuant to paragraph e(ii)(b) of this section must provide documentation required by the institution to confirm that the covered individual is eligible to use the transferred benefits.

- d. For purposes of this Subsection, “covered individual” means:
 - i. A veteran who:
 - a. with a discharge or release from a period of not fewer than 90 days of service in the active military, naval, or air service, including the reserve components thereof and the National Guard; and
 - b. Is pursuing a course of education with educational assistance under Chapter 30 (All-Volunteer Force Educational Assistance Program) or Chapter 33 (Post-9/11 Veterans Educational Assistance Act) of Title 38, United States Code¹;
 - ii. An individual using transferred benefits under the Post-9/11 Veterans Educational Assistance Act² and:
 - a. The transferor’s discharge or release was from a period of active-duty service of 90 days or more; or
 - b. The transferor is a member of the uniformed services who is serving on active duty;
 - iii. An individual using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (“Fry Scholarship”)³;

¹ Includes the Montgomery GI Bill – Active Duty (Chapter 30 of Title 38, United State Code) and the Post9/11 GI Bill (Chapter 33 of Title 38, United State Code).

² Chapter 33 of Title 38 of the United States Code. 38 U.S.C. § 3319 sets forth the authority to transfer unused education benefits to family members.

³ The Fry Scholarship is educational assistance for an individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces to educational assistance under the Post-9/11 Veterans Educational Assistance Act (See 38 U.S.C. § 3311(b)(9)).

- iv. An individual using benefits under the Survivors' and Dependents' Educational Assistance (DEA) program⁴ and the transferor's discharge from or service member's death in the line of duty following a period of active-duty service of 90 days or more; or
 - v. An individual entitled to rehabilitation under Section 3102(a) of Chapter 31 (Training and Rehabilitation for Veterans with Service-Connected Disabilities) of Title 38, United States Code.
2. Member of a Qualifying Federal Service and Spouse or Dependent Not Charged Tuition. This Subsection complies with Section 2602 of the National Defense Authorization Act for Fiscal Year 2022 (In-state Tuition Rates for Members of Qualifying Federal Service) as codified under 20 U.S.C. § 1015(d), including but not limited to amendments under Public Law 117-81. The provisions contained herein must be interpreted to comply with the applicable federal provisions and definitions.
- a. For purposes of this Subsection, a member of a qualifying Federal service, or a person whose spouse, parent, or legal guardian is a member of a qualifying Federal service, shall not be charged tuition if:
 - i. The member of a qualifying Federal service is on active duty, stationed in Nevada as a result of a permanent change of duty station, or a person whose spouse, parent or legal guardian is a member of a qualifying Federal service is stationed in Nevada as a result of a permanent change of duty station, irrespective of how long they have been physically present in the state. If the member ceases to be stationed in Nevada, reside in Nevada, or be domiciled in Nevada, the spouse, child or legal guardian of the member shall not be charged tuition if the spouse, child or legal guardian of the member was admitted prior to the reassignment if such student enrolls and remains continuously enrolled at an NSHE institution.
 - ii. The member of a qualifying Federal service who has previously established a bona fide residence in the State of Nevada, but who has received orders for assignment outside of Nevada while continuing to maintain a bona fide residence in Nevada.
 - b. For purposes of this Subsection, "Qualifying Federal Service" is defined as:
 - i. A member of the armed forces (as defined in section 10 U.S.C. § 101) who is on active duty for a period of more than 30 days; or
 - ii. A member of the Foreign Service (as defined in 22 U.S.C. § 3903) who is on active duty for a period of more than 30 days.
3. Citizen of a Freely Associated State Not Charged Tuition. This Subsection complies with Section 209(b)(1)(E) of Title II of Division G of The Consolidated Appropriations Act of 2024 (Authorization of Education Programs) including but not limited to amendments under Public Law 118-42. The provisions contained herein must be interpreted to comply with the applicable federal provisions and definitions.
- a. For purposes of this Subsection a citizen of a Freely Associated State shall not be charged tuition pursuant to requirements for a public institution of higher education to participate in or receive funds under Title IV of the Higher Education Act of 1965.

⁴ The Survivors' and Dependents' Educational Assistance (DEA) Program under Chapter 35 of Title 38 of the United States Code sets forth education and training opportunities to eligible dependents of veterans who are permanently and totally disabled due to a service-related condition or of veterans who died while on active duty or as a result of a service-related condition.

- b. For purposes of the Subsection “Citizen of a Freely Associated State” means a student who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau (48 U.S.C. § 1982).

(B/R 9/24)

Section 5. Resident Students

Except as otherwise provided in Section 3 (Nonresident Tuition) and Section 6 (Residency for Noncitizen Students) of this Chapter, as supported by clear and convincing evidence, any person who meets any one of the following categories shall be deemed a resident student for tuition purposes:

1. Except as provided otherwise in this Section, a dependent person whose spouse, family or legal guardian is a bona fide resident of the State of Nevada. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student’s application for enrollment and must be issued at least 12 months prior to the date of matriculation:
 - a. Evidence of bona fide residence in Nevada for the spouse’s, parents’ or legal guardian’s permanent, primary residence at the date of matriculation. Examples of evidence include home ownership, a lease agreement, rent receipts, and utility bills.
 - b. The student’s birth certificate or proof of legal guardianship.
 - c. The spouse’s, parents’ or legal guardian’s tax return for the most recent tax year, which indicates the student was claimed as a dependent.
 - d. A Nevada driver’s license or Nevada identification card for the spouse, parent or legal guardian.
 - e. A Nevada vehicle registration for the spouse, parent or legal guardian.
 - f. Nevada voter registration for the spouse, parent or legal guardian.

2. Except as provided otherwise in this Section, a financially independent person whose family resides outside the State of Nevada, if the person himself or herself is a bona fide resident of the State of Nevada. Some or all of the following pieces of objective evidence of Nevada residency may be required with the student’s application for enrollment and must be issued at least 12 months prior to the date of matriculation:
 - a. Evidence of bona fide residence in Nevada at the date of matriculation. Examples of evidence include home ownership, a lease agreement, rent receipts, and utility bills.
 - b. The student’s tax return for the most recent tax year, indicating a Nevada address. If no federal tax return has been filed by the student because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income. If the student is under the age of 24, a copy of the parent’s or legal guardian’s tax return for the most recent tax year that indicates the student was not claimed as a dependent.
 - c. The student’s Nevada driver’s license or Nevada identification card.
 - d. The student’s Nevada vehicle registration.
 - e. The student’s Nevada voter registration.

(B/R 6/23)

Section 6. Residency for Noncitizen Students⁵

1. A noncitizen who establishes bona fide residence in Nevada shall be deemed a resident for tuition purposes through initial residency classification or reclassification if the student 1) holds a permanent immigrant visa, 2) has been granted official asylum or refugee status, 3) has been granted temporary protected status, 4) has been issued a temporary resident noncitizen card, 5) holds an approved immigration petition as a result of marriage to a U.S. citizen, or 6) is a nonimmigrant noncitizen admitted to the U.S. with a visa classification under which the holder is eligible to establish domicile in the U.S.
2. An noncitizen holding another type of visa (or no visa) shall not be classified as a resident student pursuant to this Subsection, except as may be required by federal law or court decisions and upon due consideration of evidence of Nevada residence.
3. The Vice Chancellor for Academic and Student Affairs shall establish procedures governing visa classifications for the purpose of determining eligibility for classification as a resident student.

(B/R 6/23)

Section 7. Admission to Medical Schools

An applicant for admission to the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School (November 1 of each year) shall be classified as a resident of Nevada for the purposes of being considered for admission to the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine.

(B/R 9/18)

Section 8. Admission to William S. Boyd School of Law

An applicant for admission to the William S. Boyd School of Law at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day for filing an application for admission to the School shall be classified as a resident of Nevada for the purposes of being considered for admission to the William S. Boyd School of Law at UNLV.

(B/R 9/97)

⁵ Effective July 1, 2023, NRS 396.540(6) states “The Board of Regents shall not deny an exemption from tuition charges provided pursuant to: (a) Paragraphs (a) and (b) of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security and: (1) The provisions of 8 U.S.C. § 1623 are repealed, held to be invalid or otherwise cease to have effect; or (2) The Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of 8 U.S.C. § 1623.” In the event that condition (1) or (2) occur, the Chancellor will issue notice to the Board of Regents and each institution president informing them that one of the conditions effectuating NRS 396.540(6) have occurred and providing direction regarding the process for NSHE wide compliance with State and federal law.

Section 9. Admission to UNLV School of Dental Medicine

An applicant for admission to the School of Dental Medicine at UNLV who has been a resident of Nevada for at least twelve (12) months immediately prior to the last day of filing an application for admission to the School (March 1st of each year) shall be classified as a resident of Nevada for the purpose of being considered for admission to the School of Dental Medicine at UNLV.

(B/R 8/01)

Section 10. Reclassification of Nonresident Status

There is a rebuttable presumption that a nonresident attending an institution of the NSHE is in the State of Nevada for the primary or sole purpose of obtaining an education. Therefore, a nonresident who enrolls in an institution of the System shall continue to be classified as a nonresident student throughout the student's enrollment, unless and until the student demonstrates that his or her previous residence has been abandoned and that the student is a Nevada resident. Each student seeking reclassification from nonresident to resident student status must satisfy the conditions described in Subsections 1 through 3.

1. Application and Written Declaration

An application for reclassification may be submitted under the provisions of this Section if the material facts of a student's residency, or the residency of the student's spouse, parent or legal guardian, have substantially changed following matriculation. The student must apply in writing to the appropriate office of the institution for reclassification to resident student status. The application must include a written declaration of intent to relinquish residence in any other state and to certify to the establishment of bona fide residence in Nevada. A declaration form prescribed by the Chancellor and approved by the Board shall be utilized by each institution. The filing of a false declaration will result in the payment of nonresident tuition for the period of time the student was enrolled as a resident student and may also lead to disciplinary sanctions under Title 2, Chapter 10 of the NSHE Code. Disciplinary sanctions include a warning, reprimand, probation, suspension or expulsion.

2. Bona Fide Residence and Intent to Remain in Nevada

The student, or the parents or legal guardian of the student, must document continuous physical presence as a Nevada resident for at least 12 months immediately prior to the date of the application for residency reclassification and must present clear and convincing, objective evidence of intent to remain a Nevada resident. No fewer than four of the following pieces of objective evidence must be submitted with the application for residency reclassification to the satisfaction of the institution. Any evidence or documentation associated with these pieces of evidence must be issued 12 months prior to the first day of the semester for which reclassification is requested.

- a. Ownership of a home in Nevada;
- b. Lease of living quarters in Nevada;
- c. Utility receipts for the home or leased quarters;
- d. Nevada driver's license or Nevada identification card;
- e. Nevada vehicle registration;
- f. Nevada voter registration;

- g. Evidence of employment in Nevada such as a letter from employer on employer's letterhead, W-2 income tax form, or pay stubs;
- h. A license for conducting a business in Nevada;
- i. Admission to a licensed practicing profession in Nevada;
- j. Registration or payment of taxes or fees on a home, vehicle, mobile home, travel trailer, boat or any other item of personal property owned or used by the person for which state registration or payment of a state tax or fee is required;
- k. A Nevada address listed on Selective Service registration;
- l. Evidence of active savings or checking accounts in Nevada financial institutions;
- m. Evidence of summer term enrollment at a NSHE institution within the prior academic year; or
- n. Any other evidence that objectively documents intent to abandon residence in any other state and to establish Nevada residence.

3. Financial Status

An application for reclassification must include the following objective evidence of financial status:

- a. If financially independent, a true and correct copy of the student's federal income tax return for the most recent tax year showing a Nevada address must be submitted with the application for residency reclassification. If the student is under the age of 24, a copy of the parent's or legal guardian's tax return for the most recent tax year must be submitted that indicates the student was not claimed as a dependent. If no federal tax return has been filed because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income must be submitted.
 - b. If financially dependent, a true and correct copy of the spouse, parent or legal guardian's federal income tax return for the most recent tax year showing a Nevada address must be submitted and must indicate the student filed jointly with a spouse or was claimed as a dependent. Students may also be required to provide documentation such as a birth certificate, proof of legal guardianship, or a marriage certificate to prove the relationship. A dependent person whose parent or legal guardian is a nonresident is not eligible for reclassification to resident student status.
4. The presentation by a person of one or more items of evidence as indicia of residence is not conclusive on the issue of residency. Determinations of residence shall be made on a case-by-case basis and the evidence presented shall be given the weight and sufficiency it deserves, after taking all available evidence into consideration.
5. Residence in a neighboring state other than Nevada is a continuing qualification for enrollment in the WICHE Western Undergraduate Exchange program at a NSHE institution and in a tuition discount program approved by the Board of Regents pursuant to Title 4, Chapter 17, Section 13. A student who was initially enrolled in a System institution under the WICHE Western Undergraduate Exchange program or a tuition discount program approved by the Board shall not be reclassified as a resident student following matriculation. A nonresident student who subsequently disenrolls from the WICHE Western Undergraduate Exchange program or a tuition discount program approved by the Board and pays full nonresident tuition for at least 12 months may apply for reclassification to resident student status. An application for reclassification may be submitted under the provisions of this Section if the material facts of a dependent student's residency as it relates the parents' or legal guardian's residency, have substantially changed following matriculation.

6. When a student has been reclassified to resident student status, the reclassification shall become effective at the registration period in the System institution immediately following the date the student receives notice of the reclassification decision.
7. No reclassification under these regulations shall give rise to any claim for refund of tuition already paid to the NSHE.

(B/R 3/17)

Section 11. Administration of Residency Regulations

1. Each institution of the NSHE shall designate an appropriate office to implement and administer these regulations.
2. Each designated office shall make the initial decision on the resident or nonresident student status of persons enrolling in the institution. If a verifiable error occurs when the initial decision is made to classify a student as a nonresident for tuition purposes, the designated office shall correct the decision and reclassify the student as a resident for tuition purposes without requiring the student to apply for residency reclassification.
3. Each designated office shall make the initial decision on applications for reclassification from nonresident to resident student status.
4. The Vice Chancellor for Academic and Student Affairs shall create one form that sets forth the documentation required to prove residency and/or bona fide residence in Nevada. This form shall be used by all institutions for determining whether students are classified or reclassified as resident students or nonresident students for tuition purposes. An institution may utilize an alternative format for their residency form provided the form content is identical to the System created form.
5. The president of each System institution shall establish an appellate procedure under which a person may appeal decisions of the designated office concerning tuition or status as a resident or nonresident student to an appellate board.
 - a. A person may appeal a decision of the designated office to the appellate board within thirty (30) days from the date of the decision of the office. If an appeal is not taken within that time, the decision of the designated office shall be final.
 - b. The appellate board shall consider the evidence in accordance with the standards and criteria of these regulations and shall make a decision that shall be final. No further appeal beyond the appellate board shall be permitted.
6. In exceptional cases, where the application of these regulations works an injustice to an individual who technically does not qualify as a resident student, but whose status, either because of the residence of the student or his family, is such as to fall within the general intent of these regulations, then the appellate board shall have the authority to determine that such a student be classified as a resident student. It is the intent of this provision that it applies only in the infrequent, exceptional cases where a strict application of these regulations results, in the sole judgment of the appellate board, in an obvious injustice.

(B/R 3/23)