

TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 8

**RULES AND DISCIPLINARY PROCEDURES FOR MEMBERS OF
THE DESERT RESEARCH INSTITUTE (DRI)**

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Section 8.1 Scope of the Chapter

Desert Research Institute (DRI) expects good standards of conduct and work performance from all employees and these standards will be enforced in a just and systematic way. Employees should have a fair opportunity to rest.

(s) Acts of hazing. Hazing is defined as any method of initiation into or affiliation with the university or community college community, a student organization, a sports team, an academic association, or other group engaged in by an individual that intentionally or recklessly endangers another individual.

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

(u) Dating Violence. Dating Violence is an act committed by a person who is or has been in a “dating relationship” with the victim:

1. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context; and

2. For the purpose of this definitionjEMC /P A#CID (ni)2.6 (.6 apos)-ating Vc (v)-7-2 (e)1ss 22 (c

Section 8.4 Formal Discipline

Disciplinary action will normally follow the progressive stages. All decisions shall be based upon a preponderance of the evidence (i.e., evidence which establishes that it is more likely than not that the employee violated the rules of conduct). The president of DRI will determine if a misconduct or failure to perform is serious enough to warrant eliminating one or more stages.

Formal disciplinary procedures normally follows five stages:

Stage 1 - Formal Verbal Warning

Stage 2 - Written Warning

Stage 3 - Final Written Warning

Stage 4 - Review

Stage 5 - Appeal and Disciplinary Action

8.4.1 Administrative Leave. In certain cases where serious allegations have been made, including cases of gross misconduct, administrative leave may be imposed pending an investigation. Administrative leave is defined as leave for an interim period pending a disciplinary review whenever the president determines that administrative leave is required in order to 1) protect, life, limb, or property, 2) ensure the maintenance of order, or 3) remove a person from NSHE when an act of sexual harassment has been alleged against such a person and the accuser or the accused person cannot be assigned to other duties apart from each other pending the completion of an investigation and or disciplinary review into the allegation. During administrative leave an employee maintains his or her full salary and benefits but is not permitted on DRI property and has no job responsibilities.

8.4.2 Stage 1 Formal Verbal Warning. An employee will receive a formal verbal warning if the employee fails to respond to earlier informal discipline. At a private meeting with the employee, the supervisor will advise the employee that he or she is being given a formal verbal warning, a record of which will be put in the employee's personnel file. The warning shall include all documents and records to support the disciplinary action

The employee will also be told the improvement required and when the conduct or performance will be reviewed which in no case will be less than 20 working days. This warning will be confirmed in writing and a copy of the warning will be placed in the employee's personnel file. The employee may wn.5 (e.)2.6 (l)2.6 (l)2.6 (bu1w6a((di)2. (al)2.6 -5.9 (s)8.

8.4.3 Stage 2 Written Warning. If an employee does not sufficiently improve in the described period of time after the formal verbal warning, a written warning will be issued. Disciplinary warnings should specify standards required and/or the extent to which performance or conduct falls short, and as far as possible detail the remedies required to rectify the situation and the likely consequences if the required improvement is not forthcoming. The employee may write a response to this written warning if he or she does not agree. The employee will be told that a first written warning is being given, and that a copy of the warning will be retained in the employee's personnel file. The written warning will specify how the employee must improve and establish a time period which in no case will be less than 20 working days) when the conduct or performance will be reviewed. Depending on the nature and seriousness of the offence involved, a first written warning may be given where no previous verbal warning has been given pursuant to Section 8.4.

8.4.4 Stage 3 Final Written Warning. If, following a first written warning, an employee persists in not improving conduct or performance, the director of Human Resources and the supervisor will meet with the employee to review the increasingly serious nature of the situation, and to advise the employee that a final written warning will be issued. A copy of the warning will be retained in t(s)-2 (e t)-6.6 (he)106 (n em)-6 (pl)2.6 (oy 0 -)10.6 (ndghe)10.5 (em)-6yd.6 (he)10ca (t10.6 ret or27(pld-2 (i)2.6 TD[ai]ng 2.86.6 ()11(t)-6.6 be i)2nc -6 (eas)-2 dadv (or)u

A faculty review will occur unless the employee specifically requests that a review not be conducted. If there is no review the process will move directly to sanctions. The Faculty Senate will form a review committee for the president, composed of at least three members of the faculty who are not employed in the employee's unit, which will review all documents and records and determine what additional information is needed to complete their review. During this review t

3. Suspension. Exclusion from assigned duties for one or more workweeks without pay. The normal workweek for DRI employees is 40 hours. The workweek begins at 12:01 a.m. Sunday and ends 11:59 p.m. on Saturday.
4. Termination. Immediate ending of employment after the appropriate completion of all the stages in this Chapter.

8.4.7 Proceedings Concurrent. Action under the procedures established by this chapter shall go forward regardless of other possible or pending administrative, civil or criminal proceedings arising out of the same or other events.

8.4.8 Computation of Time. In computing any period of time prescribed by this Chapter, the day of the act, event or default from which a designated period of time begins to run shall not be included. The last day of the time period shall be counted, unless it is a Saturday, Sunday or legal State holiday, in which case the time period runs until the end of the next day which is not a Saturday, Sunday or legal State holiday.

(B/R 9/15)

Section 8.5 Research Technologists

Research technologists of the DRI shall be disciplined and sanctioned only under the procedures established in the *DRI Technologists Manual*, as authorized by the Board of Regents. The causes resulting in disciplinary action will be the same for technologists as for other employees.

(B/R 6/08)

Section 8.6 Procedures Available when Sexual Harassment is Alleged

The following additional procedures apply in proceedings alleging sexual harassment:

- (a) An alleged victim of sexual harassment (complainant) and the employee charged (respondent) shall each have the opportunity to select an independent advisor for assistance, support and advice. The complainant and respondent shall be advised at the beginning of the complaint process that he or she may select an independent advisor and it shall become the choice of the complainant or respondent to utilize or not utilize the independent advisor. The independent advisor may be brought into the process at any time at the request of the complainant or respondent. The institutional affirmative action officer or Title IX coordinator shall advise the complainant and respondent of this right at the beginning of the process.
- (b) The complainant may choose to not permit the matter to be resolved by the informal resolution process or may terminate the informal resolution process at any time prior to a written determination being signed. If sexual assault is alleged, the informal resolution process may not be used;
- (c) The complainant must be given the opportunity to participate in any pre-hearing procedures;
- (d) In a hearing involving more than one charged employee, the review board may require a charged individual to be absent from any testimony that is not relevant to that charged individual;
- (e) The complainant must receive a list of all witnesses at the same time it is received by the respondent;

- (f) The findings and recommendation of the Title IX coordinator pursuant to NSHE *Handbook*, Title 4, Chapter 8, Section 13 shall be considered;
- (g) The complainant may present witnesses and other evidence at the hearing;
- (h) The complainant shall be served a copy of the recommendation of the faculty senate review committee and of the decision of the president, except for the discipline imposed upon the charged employee unless the discipline directly relates to the complainant.
- (i) If the complainant is aggrieved by the recommendation of the faculty senate review committee or by the decision of the president, the complainant has the right to appeal the decision to the president or the Board of Regents in the same manner as the respondent;
- (j) With respect to an institutional disciplinary proceeding alleging sexual assault, domestic violence, dating violence or stalking offense, the Clery Act (20 U.S.C. § 1092 (f)) requires that the accuser and the accused must be informed simultaneously of the outcome;
- (k) The hearing shall be closed unless the complainant requests an open hearing.

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