

PROPOSED AMENDMENTS TO
NEVADA GAMING COMMISSION REGULATION 5

**REQUIREMENTS REGARDING IMPLEMENTATION OF SEXUAL
HARASSMENT POLICY BY LICENSEES**

Draft Dated: 4/2/2018

PURPOSE STATEMENT: To amend the Nevada Gaming Commission (“NGC”) Regulations to set forth the requirement that Nevada gaming licensees implement comprehensive plans to address sexual harassment prevention and response in their workplaces; And to take such additional actions as may be necessary and proper to effectuate this stated purpose.

EFFECTIVE DATE: Effective upon adoption by the Nevada Gaming Commission.

EXPLANATION: Matter in *blue italics* is new language; and matter between ~~red brackets with single strikethrough~~ is material to be omitted.

REGULATION 5

OPERATION OF GAMING ESTABLISHMENTS *AND BUSINESSES*

- 1 *5.250 Licensee required to maintain written plan addressing prevention,*
2 *reporting, and investigation of and response to sexual harassment in the*
3 *licensee’s workplace; contents of the written plan; penalties.*
- 4 *1. Each licensee shall adopt and maintain a comprehensive written plan*
5 *addressing sexual harassment prevention in the licensee’s workplace, providing the*
6 *procedures for reporting sexual harassment, detailing the procedures the licensee will*
7 *follow to investigate a report of sexual harassment, and setting forth the potential*
8 *consequences for any person within the licensee’s organization found to have*
9 *committed an act of sexual harassment. A verification of compliance with this section*
10 *shall be annually filed with the Board. The Board shall be entitled, at any time, to*
11 *inspect a licensee’s plan or the records maintained pursuant to this section.*
- 12 *2. The sexual harassment plan required by subsection 1 shall include:*

1 (a) An unequivocal statement that sexual harassment will not be tolerated;

2 (b) An unequivocal statement that there is an organizational commitment to
3 diversity, inclusion, and respect;

4 (c) An easy-to-understand description of prohibited conduct, with examples given;

5 (d) A reporting system available to employees who experience or observe incidents
6 or patterns of sexual harassment. Such reporting system shall include:

7 (1) A requirement that all reports of sexual harassment be submitted to the
8 licensee's compliance committee, if one exists;

9 (2) A requirement that a report of sexual harassment may be submitted by an
10 employee through the following options:

11 (I) To one or more persons designated by the licensee as the person responsible
12 for receiving reports of sexual harassment; or

13 (II) To one or more alternative persons designated by the licensee, should the
14 person filing the report feel uncomfortable reporting the incident to the person
15 designated in sub-subparagraph (I);

16 ↪ In addition to the reporting options listed in sub-subparagraphs (I) and (II), which
17 a licensee is required to make available to its employees, the licensee may also make
18 available alternative methods of reporting sexual harassment, such as an employee
19 hotline. The purpose is to give an employee options from which the employee can
20 choose the one that he or she is most comfortable using.

21 (3) A requirement that any information gathered as part of an investigation into
22 a complaint of sexual harassment be kept confidential to the fullest extent possible;
23 and

24 (4) A requirement that the identity of each of the following individuals be kept
25 confidential to the fullest extent possible:

26 (I) The person who reports an incident of sexual harassment;

27 (II) Any witness who provides information regarding an incident of sexual
28 harassment; and

29 (III) The person who allegedly committed the sexual harassment.

30 (e) A requirement that the licensee is to immediately initiate an investigation into

1 *any report of sexual harassment, and that such investigation be conducted in a*
2 *thorough and impartial manner;*

3 *(f) A requirement that the licensee take immediate and proportional corrective*
4 *action if the licensee determines an incident or pattern of sexual harassment has*
5 *occurred;*

6 *(g) A requirement that the disposition of any investigation into a complaint of*
7 *sexual harassment be communicated to all parties involved, including any corrective*
8 *action taken, if the complaint of sexual harassment is substantiated;*

9 *(h) Protocols to protect any individual who submits a report of sexual*
10 *harassment, and any witness who provides information thereto, from retaliation;*

11 *(i) An unequivocal statement that an employee is prohibited from retaliating*
12 *against an individual who has submitted a report regarding sexual harassment or*
13 *who has provided information regarding such a report. Any such retaliatory action*
14 *shall result in appropriate disciplinary action.*

15 *(j) A provision requiring regular mandatory sexual harassment prevention*
16 *training for all employees;*

17 *(k) A provision requiring an annual review and assessment of internal sexual*
18 *harassment policies and procedures to ensure effectiveness;*

19 *(l) A provision requiring a plan to remedy any deficiencies noted after the annual*
20 *review and assessment;*

21 *(m) A requirement that the licensee make a concerted and comprehensive effort to*
22 *prevent or remedy repeated problems with sexual harassment should such problems*
23 *exist; and*

24 *(n) A provision requiring the implementation of an annual survey that asks*
25 *employees to report whether they are currently being harassed or know of any*
26 *harassment taking place.*

27 *3. If a report of sexual harassment has been submitted, a licensee shall retain all*
28 *records related to that claim for a period of five years following the outcome or*
29 *determination of the investigation and final dispositions of any claim filed. For*
30 *purposes of this subsection, final disposition of a claim includes the final disposition*

1 *of any proceedings before the Equal Employment Opportunity Commission or before*
2 *a State or Federal Court, including any appeals or expiration of appeal rights. All*
3 *other records required under the section shall also be retained for a period of five*
4 *years.*

5 *4. Failure to comply with the requirements of this section shall constitute an*
6 *unsuitable method of operation and provide grounds for disciplinary action.*