



2024

University Police Services prepare this Annual Security and Fire Safety Report. This report, which was published in September 2024 and contains statistics for the three most recent calendar years of 2021, 2022, and 2023.



Dear Campus Community,

Welcome to both our new and our returning students, staff, and faculty community members to campus! University Police Services is here to ensure your time on campus is safe, secure, and supported. We care deeply about preserving an environment where students, faculty and staff can learn, work, and thrive. Our core values are at the heart of our mission: we will display honor, courage, and respect in all our endeavors; as well as demonstrate passion and dedication by serving our community in a fair and ethical manner to ensure the safety of all.

Each year, we release the Annual Security and Fire Safety Report (ASR). Beyond meeting federal reporting requirements, the ASR plays a crucial role in upholding the rights and safety of everyone on campus. It also supports the ongoing commitment to fostering the wellbeing of our community.

Together, we are stronger. [University Police Services](#) (UPD) serves the University of Nevada, Las Vegas, the College of Southern Nevada, Desert Research Institute, and Nevada State University. We take a true community-oriented approach to policing built on transparency, accountability, empathy, and appropriate visibility. As you go about your day, you will often see our officers [patrolling campus](#) on foot, bicycles, or in patrol vehicles – feel free to say hello and connect with us. We love getting to know our community! We also have our Student Cadet Program - an amazing team who assist with safety escorts, room openings, and emergency notifications. If you are interested in [joining](#), we are always looking for responsible students who want the opportunity to make a positive impact on the community.

Did you know we have a range of proactive safety awareness programs ([self-defense](#), [bicycle registration](#), and more) available? You can also request [specialized presentations and trainings](#) for your group or department. Be sure to follow us on [social media](#), @UPDSouth, for updates and future [events](#).

Our commitment to campus safety doesn't stop there. We have a [Public Safety Advisory Board](#) (PSAB), which consists of representative student leaders, faculty and staff from all the institutions we serve. This board helps strengthen communication and collaboration between UPD and our campus communities. Your voice matters! Please [send in any comments, concerns, or suggestions](#), or reach out directly to [your campus PSAB representative\(s\)](#), with ideas on how we can improve.

UPD stands ready to serve the needs of our campus communities 24 hours a day/7 days a week. Connect with us via [phone](#) or through the [UNLV RebelSAFE app](#). Visit our [website](#) for further information on how to [report any suspicious activity](#) or take advantage of our [other services offered](#) such as fingerprinting, notary, crime logs, and report copies.

As we move forward, please keep this thought in mind: "Individually, we are one drop. Together, we are an ocean." We are stronger together, and by looking out for each other we create a campus community where everyone can feel safe and supported.

Take care and let's have a fantastic year!

Sincerely,

Arnold Vasquez  
Interim Director  
University Police Services Southern Command

**Police Headquarters**  
University of Nevada, Las Vegas  
4505 S. Maryland Pkwy.  
Las Vegas, NV 89154-2007

**Police Sub-Station**  
College of Southern Nevada  
3200 East Cheyenne Ave., Bldg. P  
North Las Vegas, NV 89030-4228



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## **Preparation and Disclosure of Crime Statistics**

University Police Services prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is produced in cooperation with various departments across our campuses. Each office provides updated information regarding their educational efforts, programs policies, and crime statistics if applicable.

Statistics contained within this report regarding campus crime, arrest and disciplinary referrals include those reported to University Police Services, the Office of Student Rights and Responsibilities, the Office of Equal Employment and Title IX, designated campus officials known as Campus Security Authorities, and local law enforcement agencies. Statistics are included in this Annual Security and Fire Safety Report for all University of Nevada, Las Vegas (UNLV or University) campuses, public property within or immediately adjacent to the campuses, and non-campus property owned or controlled by UNLV. Our branch campus, the Shadow Lane Campus, follows the same policies unless otherwise noted.

An email notification is made to all enrolled students, faculty, and staff that provides direct website access to this report. The full text is available online for prospective students, employees, and members of the general public.

## **University Police Services Authority and Jurisdiction**

University Police Services is a fully functional law enforcement agency with officers who have full police and arrest powers; certified by the Nevada Peace Officer Standard and Training (POST) in accordance with the laws of the State of Nevada. Officers perform the same functions as their peers from city, county and state agencies – enforcing all local, state, and federal laws and ordinances within its jurisdiction. University Police Services provides services 24 hours a day, 365 days a year.

University Police Services officers have jurisdiction on the campuses of UNLV, all properties owned, operated, or governed by UNLV, the College of Southern Nevada and all of its associated properties, Nevada State University, Desert Research Institute – Las Vegas Campus, and the Nevada System of Higher Education (NSHE) office in southern Nevada.



### **Interlocal Agreements**

University Police Services maintains excellent working relationships with surrounding law enforcement agencies including but not limited to the Las Vegas Metropolitan Police Department, the Nevada Department of Public Safety, the Nevada State Police, the Henderson Police Department, the North Las Vegas Police Department, and the Clark County School District Police Department.

University Police Services maintains a memorandum of understanding (MOU) with each of these agencies giving University Police Services officers the ability to render aid and provide for mutual assistance between local law enforcement partners. In accordance with this agreement, University Police Services may request assistance from any of these agencies, in any law enforcement matter within its jurisdiction.

### **Monitoring of Criminal Activity of Students at Non-Campus Locations of Student Organizations**

University Police Services does not have any agreements with local police agencies to monitor and record criminal activity of students at non-campus locations of recognized student organizations.

## **Security and Access**

The Facilities Management Department is responsible for the maintenance of campus facilities. University police officers and student security officers work to identify potential problems and unsecured facilities through patrol activities. When a facility maintenance problem is identified, such as a broken door lock, or failed lighting equipment, facilities maintenance is notified immediately so the issue can be resolved promptly.

Building security and access is maintained through a combination of key card and a secondary hard key system. Classroom buildings with scheduled classes are generally accessible from 7:00 a.m. to 7:00p.m. dependent on course scheduling. Access cards and keys are issued to faculty and staff through the university lock shop. All technology enhanced classrooms are accessed through a key card system. Instructors swipe their card to access the room, it remains unlocked while the room is in use, and then instructors are to swipe their card upon exiting the room to re-secure and lock the room.

Exterior doors to residence halls are accessed through an electronic swipe card system. The front desk area of the residence halls are open to the public. Access to the residence rooms is restricted to residents, and a resident must accompany guests at all times.

Access to the Legacy Apartments student housing facility is controlled through a hard key system. Each unit has its own key and is accessed from its individual exterior door.

Access to the Degree Apartments is through a key FOB system. Each apartment is accessed through a FOB and each resident's FOB opens their individual rooms. Additionally, the Degree Apartments' parking structure is accessed through a chipped parking sticker placed in residents' vehicles.

## **UNLV Encourages the accurate and prompt reporting of criminal offenses**

When a victim of a crime elects to make a report, or is unable to make a report themselves, the appropriate law enforcement agency should be contacted as soon as possible. Students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to University Police Services and the appropriate local law enforcement agency. If University Police Services is not the appropriate jurisdictional agency, a member of the department will assist victims, or the reporting party when the victim is unable to make a report themselves, in contacting the local agency with jurisdiction over the reported crime.

Crimes should be reported immediately to aid in providing timely warnings and emergency notifications to the campus community when appropriate, and to ensure inclusion in the annual crime statistics.

To report crimes or request officer assistance dial 9-1-1 (emergencies only), 3-1-1 for non-emergencies, or (702) 895-3669.

## How to Report a Crime

When reporting an emergency, crime or suspicious activity at the university, follow these steps:

### For Emergencies:

- From a campus phone, dial 911, From a cell phone: 702-895-3669
- Give your name and location to the dispatcher, state specifically that you are a university student, faculty, or staff member,
- Briefly describe the activity you are reporting,
- Request medical attention if needed,
- Remain calm and speak slowly,
- If possible, give a description of the person (s) and/or vehicle involved, location or direction of travel, and the presence of weapons if known,
- Stay on the phone until the dispatcher ends the call.

### For Non-Emergencies:

From a campus phone, dial 311 or from a non-campus phone dial (702) 895-3668 to reach University Police Services dispatch.

- Give you name and location to the dispatcher,
- Briefly describe the activity you are reporting,
- If possible, give a description of the person (s) and/or vehicle involved, location or direction of travel, and the presence of weapons if known,
- Stay on the phone until the dispatcher ends the call.

Crime reports can be made online at [upsouth.nevada.edu](http://upsouth.nevada.edu). Once on the webpage, select the file a report tab. Once filed, an officer will make contact to obtain any additional information if necessary.

Crime reports can be made in person at 24 hours a day 365 days per year located at:

- University Police Services Headquarters

**University Gateway Complex Building  
1280 E Dorothy Ave  
Las Vegas, NV 89119**

Reports may be filed at any University Police Services substations. However, University Police Services Substation offices are not staffed with administrative personnel. Officers are patrolling campus and are not located in the substation outside of times when they are completing reports.

To file a report in person at any of the following locations call University Police Services dispatch at (702) 895-3668 and an officer will be dispatched to your location.

- University Police Services NSU Substation

**Dawson Building, Modular 300  
1300 Nevada State Drive,  
Henderson NV, 89002**

- University Police Services CSN Substations

*Charleston Campus:*

**6375 W Charleston Blvd  
Building M, Room 102  
Las Vegas, NV 89146**

*North Las Vegas Campus:*

**3200 E Cheyenne Ave  
Building P  
North Las Vegas, NV 89030**

*Henderson Campus:*

**700 College Dr.  
Building C, Room 131  
Henderson, NV 89002**

## Campus Security Authorities

A Campus Security Authority (CSA) is defined under the Clery Act as anyone who falls into the following four categories:

- University Police Services,
- Any individual with security related responsibilities (non-police),
- Any institutional individual/office identified in the institution's security policies to which crimes should be reported (e.g. Title IX, Dean of Students, Human Resources, etc.); and
- Officials with significant responsibility for student and campus activities.

Examples of CSA's with whom crimes can be reported include but are not limited to the following offices:

University Police Services  
(702) 895-3669

Clery Compliance Coordinator  
(702) 895-5575

Associate Vice President for Student Wellness  
(702) 895-0683

Director of Athletics  
(702) 895-4729

Assistant Director of Residential Life  
(702) 895-1792

Director of Student Rights and Responsibilities  
(702) 895-2308

Common examples of CSAs include, but are not limited to:

- Team Coaches (head coach down to graduate assistants/volunteer coaches)
- Advisors (both academic & student organization)
- Residence Directors/Assistants
- Greek Affairs Coordinators

- Guest Relations/Security Attendants
- Title IX Coordinators/Investigators
- Student Activity Coordinators
- Deans/Directors of Student-related Programs
- Victim advocates/Others providing advocacy services

Most of the University's CSA's are staff and faculty having "significant responsibility for student and campus activities," meaning they have direct relationships with students.

For a complete list of CSA's please go to University Police Services website at [unlv.edu/police/csa](http://unlv.edu/police/csa) and select the [UNLV CSA Directory](#) tab or call University Police Services at (702) 895-5575 to request a copy.

In most cases, it is possible for a CSA to fulfill their responsibilities while maintaining confidentiality when requested. Campus security authorities are required to report crimes they become aware of. Disclosure to a CSA may not trigger an investigation into an incident against the reporting parties' wishes, except in certain circumstances that pose an immediate or ongoing threat to campus safety.

## **Voluntary Confidential Reporting Options**

Anyone may report crimes to the university on a voluntary and confidential basis for inclusion in the crime statistics published in the Annual Security and Fire Safety Report. Voluntary confidential reporting does not require the reporting party to disclose their name or contact information, or the contact information of the victim. Reports filed in this manner aid the university's ability to identify crime patterns and address safety concerns. These reports, while valuable, may limit the university's ability to respond to or address the specific incident reported.

To make a confidential report for statistical inclusion purposes, contact University Police Services Dispatch by dialing 3-1-1 from any on campus phone or (702) 895-3668. A dispatcher will collect any information the reporting party is willing to provide and this information will be included in the annual statistics.

## **Counselors and Confidential Reporting Options**

Student Counseling and Psychological Services (CAPS), is committed to helping students benefit from their college experience. Psychologists, counselors, and psychiatrists, who specialize in working with the problems commonly experienced by college students of all ages and backgrounds, staff the center.

All currently enrolled students are eligible for services. Services provided by CAPS are strictly confidential. Students can walk in or call the center at (702) 895-3627 to schedule an initial appointment.

For urgent or crisis consultations, a student can walk in and meet with an on-call counselor during open office hours. CAPS is located on the third floor of the Student Wellness Center inside the Student Recreation and Wellness Center and is open Monday-Thursday 8:00 a.m. – 5:00 p.m. and Fridays from 9:00 a.m. – 5:00 p.m.

The institution does not have any procedures that encourage pastoral or professional counselors to inform persons they are counseling of any procedures to report crimes on a voluntary confidential basis. Reports made to CAPS counselors are confidential and will only be reported to University Police Services or local authorities with the reporting party's consent.

Legal exceptions to confidentiality, in accordance with Nevada State Law, exist when:

- There is a need to protect against a clear & substantial risk of imminent serious harm to self or others, or
- There is reasonable concern of abuse or neglect of a child or vulnerable adult, or
- There is a court order for the release of information.

Other professionals who may maintain confidentiality include lawyers, psychologists, doctors, social workers, and victim's advocates as defined by NRS 49.2545.

## **Daily Crime Log**

In accordance with the Clery Act, the University Police Services records division maintains a daily log of reported crimes. The log includes the type of incident, reported date and time of occurrence, general location of the crime as well as the disposition of the incident, if this information is known.

The daily crime log is updated within two (2) business days of receipt of a report of a crime. The crime log can be viewed in person at:

**University Police Services Headquarters  
University Gateway Parking Garage  
1280 Dorothy Ave.,  
Las Vegas, NV 89119**

Monday – Friday 8:00 a.m. – 5:00 p.m. excluding weekends and holidays in which the university is closed. The crime log can be viewed 24 hours a day, seven days a week online at [www.unlv.edu/police/crime-log](http://www.unlv.edu/police/crime-log).

## **Timely Warnings**

A Timely Warning is an alert that is issued by either University Police Services or the University of Nevada, Las Vegas President's Office to the entire campus community whenever a Clery Act crime poses a serious or continuing threat to the students, faculty, staff, or visitors to the university community. The purpose of a Timely Warning is to not only inform the campus community that a crime has occurred, but to also heighten safety awareness and aid in the prevention of similar crimes.

When a crime covered under the Clery Act is reported to University Police Services, local law enforcement or a CSA, it is assessed for the potential need to distribute a Timely Warning. Upon receipt of enough pertinent information, University Police Services personnel, including but not limited to the Director, Assistant Directors, Lieutenants, and the Clery Compliance Coordinator, evaluate each case on

an individual basis, taking into account the seriousness of the offense, its frequency, and/or the likelihood of additional occurrence. The Director of University Police Services Southern Command or in his/her absence their designee, may make the final determination if a Timely Warning will be issued.

If a Timely Warning is to be issued, it is the responsibility of the Director of University Police Services Southern Command to cause immediate notification to the University President's Office.

When a Timely Warning is issued it will contain the phrase "Timely Warning Notification". The body of the alert will include a short description of the crime involved in the warning, and depending on the nature of the crime, a description (if available) of the suspect. The warning will include instructions on how to contact University Police Services and will include personal safety information to aid members of the community in protecting themselves and in the prevention of similar crimes.

Dissemination of a Timely Warning may occur through any of the following various platforms including but not limited to, UNLV Official e-mail notification system, UNLV Rebel or RAVE (student e-mail systems), University Police Services website and social media sites, and UNLV's main social media sites.

## **Emergency Notifications**

An Emergency Notification is an alert that is issued by either University Police Services, the University of Nevada, Las Vegas President's Office or their designee, in the event that an emergency or dangerous situation presents an immediate threat to the campus community. An Emergency Notification may overlap with a Clery Act crime but is not limited to those covered under the Clery Act. An Emergency Notification will be issued without delay and taking into account the safety of the community upon confirmation of the emergency or dangerous situation unless issuing a notification will, in the professional judgment of University Police Services, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The intent of an Emergency Notification is to provide students, faculty, staff, and visitors with notification of an emergency or dangerous situation that may present an immediate threat to the health and safety of members of the campus community and is issued to provide initial information about the incident and required actions to maintain life and safety security.

The notification may be tailored exclusively to the segment of the campus community at potential risk. Factors used in determining if a notification will be segmented versus sent to the entire campus community include but are not limited to, the nature of the threat or dangerous situation to the campus, if the location of the threat or dangerous situation is contained to a particular aspect of the campus (e.g. a particular dorm, a particular building, etc.), and can everyone who may be subjected or exposed to the threat or dangerous situation be determined. University Police Services will consult with the University President's Office, and other relevant campus departments if an alert is to be segmented to ensure all necessary recipients are notified of the alert. If everyone subjected or exposed to the threat or dangerous situation

cannot be determined, a campus wide alert will be issued.

When an Emergency Notification is to be issued, if possible, it is the responsibility of an Assistant Director or in his/her absence their designee, to cause immediate notification to the Director of University Police Services Southern Command, and the University President's Office.

If an active threat or impending dangerous situation arises which may necessitate the dissemination of an Emergency Notification, University Police Services Dispatch will be responsible for ensuring the dissemination of the initial message to the campus community. The decision to send a notification will be made by University Police Services upon confirmation of the emergency.

If a dangerous situation arises such as an outbreak of serious illness, approaching extreme weather condition, or nearby chemical or hazardous waste spill, dissemination of an Emergency Notification may come from either University Police Services or the University President's Office upon consultation with both.

Confirmation of an emergency or dangerous situation may come through any of the following, but is not limited to the various methods listed below:

- Through multiple calls to University Police Services dispatch center regarding the same incident in close succession;
- Through an officer arriving on scene and confirming an emergency situation;
- From a local public health or medical official; or
- Through official communication from a local or national agency.

If information is received through any of these sources confirming an emergency or dangerous situation on or to the campus, the Director of University Police Services Southern Command,

or in his/her absence their designee will confer with the University President's Office if time allows and discuss sending an emergency alert to the campus community. If an active threat situation arises and there is not time for consultation, University Police Services will immediately notify the campus community.

When an Emergency Notification is issued it may contain the phrase "Emergency Notification" or "Emergency Alert" in the subject line, depending on the situation and the mode of distribution used. The contents of the body of the alert will be determined based on the information available to University Police Services and/or the University President's Office regarding the emergency occurring. The message may include a short description of the emergency incident or crime involved; instructions on how to contact University Police Services or the appropriate agency; any immediate steps the community needs to take regarding the situation in the alert message, and personal safety information to aid members of the community in protecting themselves if applicable.

Dissemination of an Emergency Notification may occur through any of the following various platforms including but not limited to, UNLV Official email notification system, UNLV Rebel or RAVE (student email systems), RebelSAFE Alerts such as push notifications, text messages, computer desktop notifications, UNLV website banner activation, University Police Services website and social media sites, and UNLV's main social media sites. Notification of the larger community surrounding campus will be through social media communications. When appropriate, additional or follow up communication may come from the University Police Services public information officer, or the University public information officer, depending on the nature of the emergency.

Several members of University Police Services and other departments including leadership are authorized to activate and send Emergency Notifications. If the determination to send an Emergency Notification is made, any of the follow individuals or offices may send the initial alert:

- University Police Services Dispatch,
- Director of University Police Services Southern Command,
- University of Nevada, Las Vegas Office of the President,
- University Police Services Assistant Director(s),
- University Police Services Lieutenant(s),
- Clery Compliance Coordinator,
- University Police Services Assistant Director of Information Technology & Emergency Communications
- University Police Services Assistant Director of Threat Assessment & Emergency Management

When an Emergency Notification alert is disseminated, a follow up alert notifying the campus community that the threat has passed will be issued when appropriate. This alert may come from either University Police Services, the University public information officer, or in some cases, the Office of the University President. Follow up information may be distributed through any of the previously mentioned modes of communication or through website updates when appropriate.



## **Emergency Response Evacuation Procedures and Testing**

A building evacuation may be required in an emergency, whether it is fire, earthquake, flood, or other urgent situation requires all occupants to immediately leave the building. Each building has an emergency evacuation plan which includes egress routes. These evacuation plans are posted at all elevator locations and in hallways within the building. All occupants of a building should familiarize themselves with the routes of egress for areas they work and/or teach.

General evacuation procedures can be found with the Emergency Operations Plan at:

[www.unlv.edu/police/units/emergency-preparedness](http://www.unlv.edu/police/units/emergency-preparedness)

The University's Emergency Management Plan includes information about Incident Teams, University operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuing planning requirements. University departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility.

The university conducts numerous emergency response exercises each year, including but not limited to table top exercises, field exercises, and tests of the emergency notification system on campus. Tests may be announced or unannounced and at a minimum will include one campus wide test per year. When a campus wide test is announced, it will be done through various platforms, including but not limited to UNLV Official email notification systems, UNLV Rebel or RAVE (student email systems), RebelSAFE Alerts such as push notifications, University Police Services website and social media sites, and UNLV's main social media sites. These tests are designed to assess and

evaluate the emergency plans and capabilities of the institution. Records of completed emergency response evacuation procedure testing are kept through various methods. Records of tests such as building evacuations, fire alarms, and test of similar nature are kept by the Risk Management and Safety Department, while tests of the emergency alert and text messaging systems are kept electronically by University Police Services. Documentation of tests is maintained for a minimum of seven years.

University Police Services officers and supervisors receive training in the Incident Command System and Responding to Critical Incidents on campus. Depending on the nature of the incident, other University departments and additional local or federal agencies may also be involved in responding. If the incident is severe, the Emergency Operations Center may be activated to form a unified command post to support first responders.

**General Information & Emergency Closing**

UNLV never officially stops operating. However, there are times when, because of emergency situations a facility or the entire campus may be closed. In an effort to provide for the safety of the students, faculty, staff and visitors, emergency conditions will be monitored so that a decision to close can be made in a timely fashion. The decision to close the campus partially, or in its entirety is made by the University’s President or her/his designee.

**Emergency/Non-Emergency Resources**

FOR ALL EMERGENCIES CALL 911 from a campus landline or (702) 895-3669 from a cell phone.

University Police Services Non-Emergency	(702) 895-3668
UNLV Emergency Management	(702) 895-4849
RebelSAFE	On-Line Only
Las Vegas Metro Police Department	(702) 229-3111
UNLV Risk Management & Safety	(702) 895-4226
Facilities Management Help Desk	(702) 895-4357
Student Wellness Center	(702) 895-3370
Office of Student Rights and Responsibilities	(702) 895-2308
Evening Security Escort Services	(702) 895-3668, ext. 2
Counseling and Psychological Services	(702) 895-3627
UNLV CARE 24-hour Hotline	(702) 895-0602

**IF YOU SEE SOMETHING, SAY SOMETHING...**

To report a crime or any emergency involving life, property, or health, you can call 911 from any campus phone. You DO NOT have to dial 8 in this situation. In the event of a fire, activate the building’s fire alarm system, evacuate the building immediately, and call 911 from a safe location.

When calling 911:

- Stay on the line with the dispatcher.
- Provide the address of the building involved and/or your exact location (building, floor, room number, etc.). This is especially critical if you are calling from a cell phone.
- Provide a thorough description of the incident to ensure that proper resources are dispatched.
- Do not hang up until the dispatcher tells you to do so.

**Emergency Telephone System (ETS):**

Emergency telephones are placed throughout campus. If in the event of an emergency or need for University Police Services, to report a fire, or in need of an ambulance these phones can be utilized. The ETS boxes are red and/or black, have a blue light on top and are marked “POLICE” or “EMERGENCY”.

To use the ETS open the door and/or push the button. In a few seconds, University Police Services dispatch personnel will answer and send help.

## RebelSAFE

RebelSAFE is the official UNLV mobile safety application. Among the many features of the app to aid in keeping the campus community safe, users can report a crime tip anonymously, send their GPS location to a friend, chat with University Police Services dispatch over text, request a late-night safety escort from one location to another on campus, and learn about the services University Police Services offers to the public. The app can be download for free from iTunes or the Google Play Store.

For more information on RebelSAFE, visit <https://www.unlv.edu/police/unlv> .



## **Missing Student Notification Protocol**

The first person who students, employees, or other individuals should contact when a resident has been reported as missing for 24 hours is the Residential Life Coordinator (RLC) for the appropriate complex (if after 5:00PM, contact the (A)RLC on-call @ (702) 210-1082).

The individual RLC and their contact information during business hours is as follows:

Tonopah Complex – (702) 895-5018

Upper Class Complex – (702) 895-1032

Dayton Complex – (702) 895-5322

South Complex – (702) 895-4296

The Legacy and Degree complexes do not have Residential Life Coordinators. To report a student missing, contact University Police Services dispatch at (702) 895- 3669.

### **How to identify a contact person for notification if missing:**

Every on-campus housing resident (Resident) has the option of listing a contact person or persons on the Missing Student Notification Form. This option is made available to every Resident every year and to student who move on-campus mid-year. This contact information is confidential and will be accessible only to authorized campus officials, and it may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Either the Housing & Residential Life Director or her/his designee will notify the contact or contacts within 24 hours of the determination that the Resident is missing. If a Resident opted to not complete a Missing Student Notification Form, then the general Emergency Contact on the Housing Registration form will be used. Missing persons notification contact information is kept separate from emergency contact notification information, even if a Resident identifies the same person for both.

## **Notification of a missing student under 18 years of age:**

Residential Life will notify a custodial parent or guardian of any student under 18 years of age (and is not emancipated) within 24-hours of the determination that a student is missing, in addition to notifying any additional contact person designated by the student on their Missing Student Notification form. If a resident opted to not complete a Missing Student Notification Form, then the general Emergency Contact on the Housing Registration form will be used.

### **A student has been reported to Housing & Residential Life as missing for 24 hours:**

First, the RLC will refer the missing student report to University Police Services, which is the local law enforcement agency, immediately. Next, the RLC will direct a RL staff member to go to the Resident's room and attempt to verify if the Resident is present, either through knocking on the door or doing a welfare check (requires a pro-staff/GA) and will leave a note requesting the Resident contact their parent/guardian, emergency contact, or whomever is reporting the Resident as missing. If the Resident cannot be contacted, the RLC will notify the Assistant Director (AD) for Residential Life (if after 5:00PM, contact the AD on-call); if the AD for Residential Life cannot be reached, they will contact the Director for Residential Life. The AD, Director, or RLC will then brief the responding University Police Officer or, if the officer is not available, the on-duty dispatcher regarding the actions they have taken and their result.

### **Housing and Residential Life will notify University Police Services if a student is reported missing.**

Residential Life will immediately notify University Police Services upon the receipt of a missing student report.

**Procedures for Residential Life when a Resident is reported missing:**

Within 24-hours of determining that a Resident is missing, Residential Life notifies any contact person or persons that the student has designated on their Missing Student Notification Form.

If the Resident is under 18 years of age and is not emancipated, Residential Life will notify the Resident's custodial parent or guardian and any other designated contact person on their Missing Student Notification Form within 24-hours of the determination that the Resident is missing.

Regardless of whether the student has identified a contact person, is above age of 18, or is an emancipated minor, Residential Life will inform University Police Services immediately upon determination that a Resident is missing.

**Procedures for notifying local law enforcement agencies of a missing student:**

University Police Services will notify the appropriate jurisdiction when a Resident has been reported as missing for 24-hours or more. University Police Services is the agency with primary jurisdiction for all investigations of crimes, suspected crimes, and missing persons that are reported to have occurred on university property. If a Resident is missing, University Police Services will serve as the primary investigative agency working closely with surrounding local agencies, and agencies in the Resident's home jurisdiction when necessary. Locating a missing Resident will be the primary objective and additional resources from local agencies will be welcomed.

## **Security Awareness and Crime Prevention Programs**

Throughout the year security awareness and crime prevention programs are offered and presented by University Police Services. Presentations are provided on various topics including sexual assault prevention, reporting suspicious or criminal activity on campus, possession and use of weapons, residence hall security, and tips for a safe campus. These presentations and programs outline ways to maintain personal safety and residence hall safety. Students, faculty and staff are provided with information regarding crime on-campus, in the surrounding neighborhoods and ways to be vigilant and aware of their surroundings. These programs encourage members of the campus community to “see something, say something.”

Reporting Suspicious or Criminal Activity on Campus: This is a collection of presentations that focus on security awareness and is provided upon request. The audience is the entire University community. The program informs participants on the various ways to report suspicious or criminal activity on campus and encourages them to practice the “see something, say something” concept. There are approximately 40 presentations per year.

Sexual Assault Prevention: This program focuses on security awareness and is provided upon request (usually a few times per year). This program is open to the entire campus community and is designed to educate attendees to recognize the dangers of sexual assault, provide information on how to protect oneself, provides tips for a safe campus and how to report a crime.

Possession and use of Weapons: This is a collection of presentations focusing on security awareness, and addressing what qualifies as a weapon and what is and is not

allowed legally on campus. The audience is the entire campus community and approximately 35-40 presentations are conducted per year.

Residence Hall Security: This security awareness program provides a safety briefing from University Police Services and includes providing information on how to contact University Police Services when needed as well as recognizing the smell of marijuana. The audience for this program is newly-hired resident assistants and the program is presented at least once per year.

Active Assailant: this awareness program is offered regarding warning signs, prevention methods, and steps that should be taken if faculty, staff or students find themselves in a workplace violence or active assailant situation. These classes are available on an ongoing basis throughout the year.

Robbery and Theft Prevention: This crime prevention program provides information targeted at the entire campus community on ways to prevent becoming the victim of a crime. This program occurs approximately 35-40 times per year.

Jane Jitsu: this is an alternative class to Rape Aggression Defense (RAD) training. It is a self-defense course that includes both education and hands-on training techniques for participants.

### **Policy Statement Regarding the Possession, Use and Sale of Alcoholic Beverages and Enforcement of State Underage Drinking Laws**

The unlawful possession, use, sale or distribution of alcohol by students or employees on NSHE/University premises or as part of any NSHE/University activity is prohibited.

The legal age for drinking alcohol in Nevada is 21. Any student or employee who violates underage drinking laws on campus will be subject to citation, arrest and/or referral for disciplinary action.

### **Policy Statement Regarding the Possession, Use and Sale of Illegal Drugs and Enforcement of Federal and State Drug Laws**

UNLV is a drug free campus and the unlawful possession, use, sale, manufacture, or distribution of illegal drugs or other controlled substances on NSHE/University premises or as part of any NSHE/University activity is illegal and is strictly prohibited.

Any student or employee who violates federal or state law or University policy regarding the manufacture, use or possession of illegal drugs will be subject to citation, arrest, and/or referral for disciplinary action.

### **Drug-Free Schools and Communities Act**

The University's Student Conduct Code, the Alcohol Response Policy and Guidelines, and the Controlled Substance Response Policy govern the University's drug and alcohol abuse prevention program for students. All three policies are available on the Office of Student Rights and Responsibilities Website at <https://www.unlv.edu/studentconduct/forms>. The Student Conduct Code is distributed to

all incoming students at the mandatory first-year orientation. In addition, the Student Conduct Code is distributed at the annual Undergraduate and Graduate Information Expos and targeted presentations to campus groups such as fraternities and sororities, student athletes, registered student organizations, and sports clubs. The Alcohol Response Policy and Guidelines, and the Controlled Substance Response Policy are also incorporated into a Resident's housing contract that must be signed prior to moving into on-campus housing.

UNLV employees are governed by policies adopted by the Board of Regents of NSHE applicable to all NSHE institutions, including the NSHE Anti-Drug Policy Statement, and the NSHE disciplinary rules and proceedings for violation of such policies. In addition, as state employees, UNLV employees are subject to the State of Nevada Alcohol/Drug Free Workplace Policy Statement. At the institutional level, the annual UNLV Academic and Administrative Faculty Reference Guide reinforces applicable policies.

Alcohol and drug abuse and the use of alcohol and drugs in the workplace are issues of concern to the state of Nevada. It is the policy of the state to ensure that its employees do not report for work in an impaired condition resulting from the use of alcohol or drugs, or consume alcohol while on duty, at a work site, or on state property. Any employee who violates this policy is subject to disciplinary action. UNLV has adopted an Alcohol and Drug-Free Workplace Policy. The specifics of the policy are:

1. As provided by statute, any state employee who is under the influence of alcohol or drugs while on duty or who

applies for a position approved by the Personnel Commission as affecting public safety is subject to a screening test for alcohol or drugs.

Emphasis will be on rehabilitation and referral to an employee assistance program when an employee is under the influence of alcohol or drugs while on duty. The appointing authority shall, however, take into consideration the circumstances and actions of the employee in determining appropriate disciplinary action.

2. Any state employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by NRS 193.105, regardless of where the incident occurred.
3. Any state employee who is convicted of driving under the influence in violation of NRS 484C.110 or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a state vehicle or a privately-owned vehicle on state business, is subject to discipline up to and including termination.
4. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited. Any state employee who is convicted of unlawfully giving or transferring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while on duty or on the premises of a state agency will be subject to discipline up to and including termination.

5. The term "controlled substance" means any drug defined as such under the regulations adopted pursuant to NRS 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack". They also include "legal drugs" which are not prescribed by a licensed physician.
6. Each state employee is required to inform his or her employer within five (5) days after he or she is convicted for violation of any federal or state criminal drug statute when such a violation occurred while on duty or on the employer's premises.
7. Any agency receiving a federal contract or grant must notify the U.S. government agency with which the contract or grant was made within ten (10) days after receiving notice that an employee of the agency was convicted of a covered criminal violation.

It is important to note the University's Student Conduct Code, classified staff prohibitions and penalties, and disciplinary procedures for faculty and professional staff all have standards of conduct that address the issues of alcohol and other drugs ("AOD").



## **Nevada System of Higher Education Board of Regents Handbook**

### **Title 4, Chapter 3. Section 40.**

#### The NSHE Anti-Drug Policy Statement

1. The NSHE prohibits the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace. Any employee who violates this policy is subject to disciplinary action, which may include termination of employment.
2. During the course of employment, any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance must be terminated as required by *Nevada Revised Statutes* 193.105, regardless of where the incident occurred.
3. Any employee who is convicted of unlawfully giving or transferring a controlled substance to another person or who is convicted of unlawfully manufacturing or using a controlled substance while acting within the scope of his/her NSHE employment will be subject to discipline up to and including termination.
4. The term, "controlled substance" means any drug defined as such under the regulations adopted pursuant to *Nevada Revised Statutes* 453.146. Many of these drugs have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack." They also include "legal drugs" which are not prescribed by a licensed physician.
5. Each State employee is required to inform his or her appointing authority within five days after he or she is

convicted for violation of any federal or state criminal drug statute when such violation occurred while representing the NSHE or on the premises.

6. Any government agency with which the NSHE holds a contract or grant will be notified within ten days after receiving notice that an employee of the agency was convicted within the meaning used in paragraph 4, above.
7. Employees desiring more information concerning substance abuse, or seeking information on counseling may contact the designated Employee Assistance Representative for their institution.

(B/R 12/19)

### **Title 4, Chapter 1, Section 34. Possession and Use of Marijuana**

The Nevada System of Higher Education is sympathetic to the medical needs of our students, employees and visitors. A growing number of states, including Nevada, are enacting laws decriminalizing or legalizing the use, possession, delivery, manufacture, growth, distribution, production, and/or cultivation (hereinafter "use") of marijuana, including for medical purposes. Federal law prohibits the use of marijuana, including for medical purposes, on college and university campuses that receive federal funding. The following provisions shall govern the possession and use of marijuana, including for medical purposes, on NSHE property.

1. The use, possession, or cultivation of marijuana, including for medical purposes, on any NSHE or NSHE foundation owned or leased property, or at any NSHE sponsored or authorized activity, is expressly prohibited.

2. Students, employees, faculty, guests, and/or visitors who violate this policy are subject to applicable disciplinary, legal and/or administrative action.
3. Each institution shall permit students who live on- campus or in housing that is owned or operated by the institution, to petition (“request”) for a release from the housing agreement if they assert legal compliance with Nevada state law to use medical marijuana. Such students, who prove their compliance with state law, may, in accordance with the applicable institution refund policy, be released from their housing agreements and may receive a prorated refund of housing fees or rent paid.
4. Each institution shall publish on its website and in its course catalog notice of the prohibited use, possession or cultivation of marijuana, including for medical purposes, on NSHE or institution property in accordance with the provisions of this section and as prohibited student conduct defined in Title 2, Chapter 10.
5. The Board of Regents recognizes the Nevada Legislature’s stated commitment to a program evaluating the medical use and distribution of medical marijuana to be conducted by the University of Nevada, Reno School of Medicine or the University of Nevada, Las Vegas School of Medicine. Any NSHE institution may engage in marijuana research that is conducted in accordance with state and federal laws and regulations, provided that the following are obtained: (a) the prior written consent of the President of the institution, after consultation with the institution’s general counsel; and (b) legal authorization from the proper federal authorities for approved research purposes.

## **UNLV AOD Programs for Students**

UNLV AOD programs work to reduce harmful consequences of alcohol and other drug use, in order to support students in achieving their personal and academic potential.

### **Office of Student Rights and Responsibilities (OSRR)**

Students involved in a conduct violation may be asked to complete multiple requirements depending on the incident. The information provided below specifically relates to the sanctions that are either targeted toward students related to an alcohol or controlled substance violation.

**Alcohol Online Tutorial** (Under the Influence by 3rd Millennium; individual-based)

Description: This is one of the educational assignments given for a first-time minor alcohol violation. To provide a well-rounded educational experience, a writing assignment, community service, or other sanction(s) may be assigned in conjunction with this session. The online, science-based course is designed to teach students about the effects of alcohol on the body and mind, and to assist in making safer and healthier decisions so they can avoid trouble in the future.

In order to fulfill the requirement of this sanction the student must complete the online course, which takes roughly 2.5 hours to complete. This course ends with an exam consisting of questions based on the content reviewed throughout the course. The student must earn a grade of 70% or higher to pass and receive credit for the course.

### **Alcohol Choices Education Seminar (A.C.E.S.) (individual-based)**

Description: The primary goal of this course is to provide students with specific information that will help them make more positive choices concerning their alcohol consumption. The class is a mixture of discussion and lecture style presentation. Students have the opportunity to explore their own personal decision-making regarding their use of alcohol and to reflect on the specific situation that brought the student to the seminar. This program is designed for students that violate the alcohol policy a second time.

### **Intake/Assessment/Treatment Referrals (individual-based)**

Description: A student may be referred to Student Counseling & Psychological Services (CAPS) or another community health provider to complete an intake and assessment involving alcohol, controlled substance, or other identified issues arising from a violation. In the University's discretion, proof of participation or completion of treatment may be required. When appropriate, CAPS may refer the student to an off-campus provider for such services at the student's expense.

### **Marijuana 101 (individual-based)**

Description: This is one of the educational assignments given for a first-time marijuana violation. To provide a well-rounded educational experience, a writing assignment, community service, or other sanction(s) may be assigned in conjunction with this session. The online, science-based course is designed to teach students about marijuana use and the effects of marijuana on the body and mind, and to assist in making safer and healthier decisions so they can

avoid trouble in the future. In order to fulfill the requirement of this sanction the student must complete the online course. This course ends with an exam consisting of questions based on the content reviewed throughout the course. The student must earn a grade of 70% or higher to pass and receive credit for the course.

### **Reflection Letter of Understanding**

The Reflection Letter of Understanding provides the student the opportunity to reflect what they have learned from their educational response section experience. Every student answers six core questions along with any questions specifically related to either their alcohol or controlled substance educational response.

### **Prevention Education (group-based)**

**OSRR** staff often talk to classrooms, athletic teams, and Greek organizations either at the beginning of each semester or each academic year. In those conversations (depending on the request), they may review common violations **OSRR** sees throughout the year. During these presentations, it is pointed out the most common violations seen for different populations, which will include alcohol and controlled substance. UNLV policies are reviewed briefly and how these individuals should handle themselves to avoid being in violation of policy. **OSRR** staff also present each semester during Greek 101 and in the Spring for Greek Leadership Day. The presentations **OSRR** is typically involved in are related to Hazing and/or Title IX. **OSRR** staff discuss the influence of alcohol and controlled substances as they are frequently linked in their investigation or response to both types of referrals.

### **Rebel Wellness Zone (Wellness Promotion) Rebel Recovery Community: A Student Organization**

Rebel Recovery Community or RRC is a Registered Student Organization at UNLV. RRC strives to lead the campus in creating a collaborative system of recovery activates, outreach campaigns, and referrals to campus and community AOD services. RRC is advised and mentored by a psychologist with an AOD specialty at the Student Counseling & Psychological Services (CAPS). RRC works with community partners to achieve several objectives with the primary goal of supporting students in long-term recovery. RRC’s objectives include:

1. Work with the AOD community to create peer support groups for UNLV students that is on the 12-step & harm reduction principles
2. Provide student with social connections through AOD-free social activities (e.g., bowling, karaoke night, laser quest)
3. Use strategically-timed, social media campaigns to promote early intervention and foster social change by decreasing stigma around addictions and recovery
4. Build campus allies through live and innovative outreach programs (e.g., UNLV Faces of Recovery)
5. Partner with campus departments to coordinate and host a National Speaker event to highlight the key points about addiction, consequences, and the courage to seek help.

**National Collegiate Alcohol Awareness Week (NCAAW)** (population-based, awareness campaign, *Wellness Promotion, Police Services, Healthy Rebel Peer Educators*)

UNLV’s National Collegiate Alcohol Awareness Week promotes the prevention of high-risk drinking through interactive, educational activities. Activities include standard drink size models and our Fatal Vision goggles, with cones arranged as a miniature obstacle course and the Distract-A-Match board game. Program features include educational brochures about alcohol poisoning, how to help a friend, drunk driving prevention, and pacing strategies (i.e., harm-reduction). The event offers sand bag models with information on the harmful nutritional effects of alcohol and tips on how to connect socially without alcohol. Wellness Promotion posted on all three social media accounts (Twitter, Instagram, and Facebook) in April to raise awareness for Alcohol Awareness month. “Allow live to thrive. Don’t drink and drive”.

### **Safe Spring Break:** (environmental-based)

Safe Spring Break is held annually in March the week before spring break recess. The Wellness Promoter distributes free non-alcoholic “mocktails” to UNLV students and educates the student body on high-risk drinking prevention. Prevention education includes standard drink size models, interactive activities on alcohol’s effects on nutrition and weight management, and information on local alcohol-free activities. UNLV also offers materials on alcohol poisoning, alternative ways to connect socially, drunk driving prevention, and on-campus health resources.

**UNLV Thrives Social Media Campaigns: Timed Messages** (group-based) (Wellness Promotion and Student) (Counseling and Psychological Services)

Wellness Promotion and Health Rebels use timed- social media campaign to promote AOD awareness and prevention including:

Safe and Smart Drinking Practices (Q&A),  
Social Norms: Perceived vs. Actual Substance Use,

AOD and the Outdoors: Effects of Drugs in the Heat (Memorial Day, July 4<sup>th</sup>, EDC, Labor Day, Super Bowl, Coachella),

Additional AOD prevention messages include videos of student testimonials, posters, images, and interactive worksheets.

**UNLV Thrives YouTube Videos**

Wellness Promotion recently launched its new UNLV Thrives YouTube channel. Three videos directly address AOD prevention: Alcohol Awareness Q&A, How to Survive Midterms, and What to Pack for Coachella. These videos address underage drinking prevention, standard drink sizes, alternating alcoholic and non-alcoholic beverages, and other safety strategies.

**Student Counseling and Psychological Services (CAPS)** (individual and group-based)

Provide mandated individual assessment for AOD violations referred by **OSRR**. Alcohol and Marijuana screeners are used at every intake evaluation. Individual assessment and treatment of AOD that involves initial evaluation, objective assessment, and recommendations for treatment, referrals to off-campus AOD treatment providers/agencies, and class & group presentations on awareness and

prevention of AOD misuse.

Launched You@UNLV which links to Therapy Assist Online (TAO) module on alcohol/drugs including Evaluating Alcohol and Drug Use (early intervention) and Substance Use Education.

**UNLV AOD Programs for Faculty**

Programs and interventions available to employees are mainly housed through UNLV's Human Resources, Employee Assistance Program (EAP) with services provided through ComPsych. Consultations are available 24/7 throughout the year. Employees are initially provided with 3 free counseling sessions before they are referred to AOD treatment in the community using their health insurance. On the ComPsych Guidance Resources website (<https://www.guidanceresources.com/groN g/#/home>), employees have access to various seminars/articles /workshops/videos related to alcohol or other drug addictions. Registration is required for first time users. ComPsych provides an entire catalog of resources and the following is a brief listing of options related to AOD:

- A. **[Alcohol Use Disorder & Alcohol Misuse - Article](#)**: Many people are uncertain about the facts and realities associated with alcohol use disorder. What exactly is alcohol use disorder? What is considered alcohol misuse? When should a person seek help? This article explains alcohol use disorder and alcohol misuse, the symptoms, when and where to seek help and treatment choices.
- B. **[Drug Addiction Treatments in the United States - Article](#)**: Drug addiction is a complex disorder that can affect virtually every aspect of an

individual's life, including his or her health, family and work. Because of addiction's complexity and pervasive consequences, drug addiction treatment typically must involve many components. Some of those components focus directly on the individual's drug use. Others, like employment training, focus on restoring the addicted individual to productive membership in the family and society.

C. **Understanding Substance Use Disorders - Article:** The misuse of substances such as drugs and alcohol can affect anyone, regardless of age, sex, ethnicity, social and income status, or lifestyle. Read on why substance use disorders develop and ways to assist loved ones struggling with substance misuse.

D. **Recovery Programs - Article:**

People who are addicted to drugs and alcohol can take a number of paths to recovery. Some programs, like Alcoholics Anonymous, have a history dating back decades.

- Detoxification
- Intensive Outpatient Treatment
- Twelve-step Programs
- Other Recovery Programs
- Therapeutic Communities and Group Homes
- Resources

A. **Employee Assistance Program**

UNLV provides employees with easy and confidential access to the employee assistance program (EAP). EAP is a confidential assessment and referral program where employees can get assistance in dealing with issues like stress, depression, finances, relationships, parenting, finding child or elder care, and substance abuse. EAP services are

provided through ComPsych. Consultants are available 24 hours a day, every day, all year long. Employees also can watch educational videos, read articles, email consultants, and find online resources at **ComPsych Guidance Resources Website** (<https://www.guidanceresources.com/groWeb/login/login.xhtml>).

For more information regarding the Drug Free Schools and Communities Act and the Official Notice to Campus Regarding Substance Abuse, please visit <https://www.unlv.edu/studentwellness/health-center/drugfreeschools>.

**Policy Against Unlawful Discrimination And Harassment; Complaint Procedure, Nevada System of Higher Education Title 4, Chapter 8, Section 14.**

Introduction

This policy is largely based on federal and state anti-discrimination laws and is divided into four subsections. Except as otherwise provided, Subsections A through C do not apply to “sexual harassment” under Title IX of the Education Amendments of 1972 (Title IX), the requirements and procedures of which are stated in Subsection D. Subsection A states the Nevada System of Higher Education (NSHE) policy against unlawful discrimination and unlawful harassment that does not constitute Title IX “sexual harassment” under Subsection D, specifies training requirements, and defines “consent.” Subsection B describes the remedies and interim measures that are available in cases of unlawful discrimination and unlawful harassment that does not constitute “sexual harassment” under Title IX. Subsection C contains the complaint and investigation procedures for complaints of unlawful discrimination and harassment that does not

constitute Title IX “sexual harassment” under Subsection D and, when appropriate, instances where the institution has notice of possible unlawful discrimination and/or harassment.

Subsection D sets forth NSHE’s sexual harassment policy under Title IX; defines “sexual harassment”; describes the remedies and supportive measures available in a sexual harassment case; and describes the requirements and procedures for a sexual harassment complaint, investigation, informal resolution, live hearing, and appeal. All of these procedures are in addition to disciplinary complaints brought against professional employees or students under Title 2, Chapter 6, Chapter 8 or Chapter 10 of the NSHE Code (or if applicable, institution student codes of conduct), or against classified employees under the *Nevada Administrative Code* Chapter 284 and/or Chapter 289 or Desert Research Institute Technologists under the Technologists Manual and/or any approved Collective Bargaining Agreement. However, information gathered as part of the complaint and/or investigation processes under this Section may be used in connection with disciplinary proceedings.

#### A. NSHE Policy Against Unlawful Discrimination and Harassment that Does Not Constitute Title IX Sexual Harassment

##### 1. Policy Applicability and Sanctions

NSHE is committed to providing a place of work and learning free of discrimination on the basis of a person’s age (40 or older), disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and

twists), color, or religion (protected classes). Discrimination on the basis of a protected class, including unlawful harassment, which is a form of discrimination, is illegal under federal and state law. Where unlawful discrimination is found to have occurred, NSHE will act to stop the unlawful discrimination, to prevent its recurrence, to remedy its effects, and to discipline those responsible.

No employee, student, or other member of the campus community, either in the workplace or in the academic environment, should be subject to unlawful discrimination.

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

All students, faculty, staff, and other members of the campus community are subject to this policy. Students, faculty, or staff who violate this policy are subject to discipline up to and including termination and/or expulsion, in accordance with the NSHE Code (or in the case of students, any applicable student code of conduct) or, in the case of classified employees and law enforcement personnel, the *Nevada Administrative Code* and/or any collective bargaining agreement or, in the case of Desert Research Institute (DRI) technologists, the Technologists Manual. Other lesser sanctions may be imposed, depending on the circumstances. Complaints may also be filed against visitors, consultants, independent contractors, volunteers, service providers and outside vendors whose conduct violates this policy, with a possible sanction of limiting access to institution facilities and other measures to protect the campus community.

Any employee, student, or other member of the campus community may utilize any of the complaint processes set forth in this policy.

##### 2. Distribution of Policy; Training on the Prevention of Unlawful Discrimination and Harassment; and Annual Policy Review

a. Distribution of Policy

Annually, all employees shall be given a copy of this anti-discrimination policy, which may be provided electronically, and each institution shall maintain documentation that each employee received the anti-discrimination policy. New employees shall be given a copy of this policy at the time of hire and each institution's Human Resources Office shall maintain documentation that each new employee received the policy.

Each institution shall provide this policy to its students at least annually and may do so electronically.

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

b. Training on the Prevention of Unlawful Discrimination and Harassment

Each institution shall provide ongoing training on the prevention of unlawful discrimination and harassment and shall designate a person(s) or office to be responsible for such training.

Institutions must provide new students and new employees primary prevention and awareness training that promotes awareness of rape, domestic violence, dating violence, sexual assault and stalking as defined in this policy. The training must address safe and positive options for bystander intervention to prevent harm, including how to intervene in risky situations; the recognition of abusive behavior; and how to avoid potential attacks.

Within six (6) months after an employee is initially appointed to NSHE, the employee shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training. At least once every two years after the appointment, an employee shall receive training concerning the prevention of unlawful discrimination and harassment.

Incoming freshmen and transfer students within their first semester of enrollment shall receive training regarding the prevention of unlawful discrimination and harassment, including primary prevention and awareness training.

See also Special Training with Regard to Sexual Violence in Subsection C below.

c. Annual Policy Review

No later than the end of each academic calendar year, each institution's Title IX Coordinator shall review and provide to NSHE suggestions for changes to this policy. NSHE shall review and consider the suggested changes and propose policy revisions to the Board of Regents, as appropriate, at the last regular Board meeting of the fiscal year.

3. Discriminatory Acts

It is illegal to discriminate on the basis of age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion in any aspect of employment or education, such as:

- Application, hiring, background checks, discipline, and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- grading;
- acceptance or participation in an academic program or school activity;
- use of employer's facilities;
- training programs;
- fringe benefits;



- pay, retirement plans, and disability accommodations or leave; or
- other terms and conditions of employment.

Determining what constitutes unlawful discrimination under this policy will be accomplished on a case- by-case basis and depends upon the specific facts and the context in which the conduct occurs. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but would not fall within the scope of unlawful discrimination. The specific action taken, if any, in a particular instance depends on the nature and gravity of the conduct reported and may include anti- discrimination related disciplinary processes.

Discriminatory acts also include:

- discrimination on the basis of a person’s age (40 or older), disability ( including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion;
- retaliation against an individual for reporting an incident or filing a charge of unlawful discrimination, including unlawful harassment; participating in an investigation, hearing, or other related administrative process; or opposing discriminatory acts;
- employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain age (40 or older), disability (including service-connected disabilities), gender (including pregnancy related condition), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race, color, or religion; and
- “harassment,” which refers to unwelcome conduct that is based on a person’s age (40 or

older), disability (including service-connected disabilities), gender (including pregnancy related conditions), military status or military obligations, sexual orientation, gender identity or expression, genetic information, national origin, race (including hair texture and protected hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists), color, or religion. Harassment becomes unlawful where: 1) enduring the offensive conduct becomes a condition of employment or educational pursuits, or 2) the conduct is severe, persistent, or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, offensive, or abusive. Examples of unwelcome conduct that, if severe, persistent, or pervasive could constitute harassment, include but are not limited to: slurs, jokes, graffiti, offensive or derogatory comments, or other verbal or physical conduct that is unwelcome.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute unlawful discrimination. One incident, however, does not necessarily constitute unlawful discrimination.

#### 4. Non-Title IX Sexual Harassment Defined

Outside of the Title IX context, unwelcome sexual advances, requests for sexual favors, and/or other visual, verbal or physical conduct of a sexual or gender bias nature constitute sexual harassment when:

- In the educational environment:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s academic status (“quid pro quo”); or
  - Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities or opportunities

offered by the institution (“hostile environment”).

b. In the workplace environment:

i. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity (“quid pro quo”); or

ii. Conduct, viewed under an objective standard, is sufficiently severe, persistent or pervasive so as to create an intimidating, hostile or abusive work environment, which may or may not interfere with the employee’s job performance (“hostile environment”).

## 5. Non-Title IX Sexual Harassment Examples

### a. Sexual Harassment Examples Outside of the Title IX Context

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

- It may occur between individuals of the opposite sex or of the same sex.
- It may occur between students, between peers and/or co-workers, or between individuals in an unequal power relationship (such as by a supervisor with regard to a supervised employee or an instructor regarding a current student).
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
- It may consist of repeated actions or may even arise from a single incident if sufficiently severe.
- It may also rise to the level of a criminal offense, such as battery or sexual violence.
- Sexual violence, which is a severe form of sexual harassment and refers to physical, sexual acts or attempted sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery, sexual coercion or

similar acts in violation of state or federal law. A person may be incapable of giving consent due to the use of drugs or alcohol, age, an intellectual or other disability, or other factors, which demonstrate a lack of consent or inability to give consent.

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

- Rape, sexual assault, sexual battery, sexual coercion, dating violence, domestic violence, stalking, other sexual violence;
- Stealthing, including the intent to remove or damage a contraceptive device without the knowledge or consent of the other participant while engaging in a sexual act;
- Sexually explicit or gender related statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
- Other than customary handshakes, uninvited touching, patting, hugging, or purposeful brushing against a person’s body or other inappropriate touching of an individual’s body;
- Remarks of a sexual nature about a person’s clothing or body;
- Use of mail, text messages, social media, or other electronic or computer sources for nonconsensual dissemination of sexually oriented, sex-based communications;
- Sexual advances, whether or not they involve physical touching;
- Requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases, promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;
- Displaying sexually suggestive objects, pictures, magazines, cartoons, screen savers or electronic files;
- Inquiries, remarks, or discussions about an individual’s sexual experiences or activities

and other written or oral references to sexual conduct;

- Indecent exposure.

This behavior is unacceptable in the workplace and the academic environment. Even one incident, if it is sufficiently serious, may constitute sexual harassment. One incident, however, does not necessarily constitute sexual harassment.

## **6. Sexual Assault, Dating Violence, Domestic Violence, Stalking, Coercion and Consent Defined**

### **a. Sexual Assault**

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation’s Uniform Crime Reporting Program.

“Rape” means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Fondling” means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

“Incest” means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

“Statutory rape” means sexual intercourse with a person who is under the statutory age of consent (16 years old).

### **b. Dating Violence**

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature

with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purpose of complying with the requirements of this Section and 34 CFR 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

### **c. Domestic Violence**

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

### **d. Stalking**

“Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

### **e. Coercion**

“Coercion” means the intent to compel a person to do or abstain from doing an act that the person has the right to do or abstain from doing through words, conduct or pressure by:

- the use of violence or threats of violence against a person or the person’s family or property;

- depriving or hindering a person in the use of any tool, implement or clothing;

- attempting to intimidate a person by threats or force;
- compelling another individual to initiate or continue sexual activity against an individual's will; or
- threatening to "out" someone based on sexual orientation, gender, identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail.

#### f. Consent

Conduct is unwelcomed if it is done in the absence of consent.

"Consent" means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.
- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.
- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.
- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is

voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.

- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

#### 7. Other Definitions:

- "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.
- "Respondent" means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.

#### B. Remedies and Interim Measures for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX

It may be necessary or advisable to take actions (as determined by the institution) designed to minimize the chance that either party may either harass or retaliate against the other party and to provide support to the parties, as appropriate. The measures themselves must not amount to retaliation and shall not be deemed to be a sanction. Depending on the specific nature of the problem, interim measures and final remedies may include, but are not limited to:

For Students:

- Issuing mutual no contact directives;
- Providing an escort to ensure safe movement between classes and activities;
- Not sharing classes or extracurricular activities;
- Moving to a different residence hall;
- Providing written information regarding

- institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
  - g. Restricting to online classes;
  - h. Providing information regarding campus transportation options;
  - i. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined<sup>1</sup>;
  - j. Requiring the parties to report any violations of these restrictions; and
  - k. Taking a leave of absence.
  - l. Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and
  - m. Submitting a request for a waiver of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23

For Employees:

- l. Provide an escort to ensure safe movement between work area and/or parking lots/other campus locations;
- m. Issuing mutual no contact directives;
- n. Placement on leave;
- o. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
- p. Providing information regarding campus transportation options;
- q. Instructions to stop the conduct;
- r. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
- s. Reassignment of duties;
- t. Changing the supervisory authority; and
- u. Directing the parties to report any violations

of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the interim measures and final remedies.

Interim measures and final remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Interim measures and final remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

Final remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted education and prevention efforts.

Any interim measures or final remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the interim measures or final remedies meet the goals of preventing ongoing unlawful discrimination or harassment, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

Notwithstanding a complainant's request for confidentiality under Subsection 6 of Subsection C, the institution may undertake interim measures.

### C. Complaint and Investigation Procedure for Unlawful Discrimination and Unlawful Harassment that Does Not Constitute Sexual Harassment under Title IX

#### Introduction

This Section provides the complaint and investigation procedures for complaints of unlawful discrimination or unlawful harassment that does not constitute "sexual harassment" under Title IX (except that complaints against students may be referred to student disciplinary processes), including instances where the institution has notice of

unlawful discrimination or harassment. The Chancellor (for the System Office) and each President shall designate no fewer than two administrators to receive complaints. The administrators designated to receive the complaints may include the following: (1) the Title IX Coordinator; (2) the Human Resources Officer; or (3) any other officer designated by the President. The President may also designate a primary investigating officer (primary officer) to investigate all complaints. The primary officer may be any of the individuals identified in this paragraph. All complaints, whether received by the Human Resources Officer or other designated officer, must immediately be forwarded to the Title IX Coordinator.

An individual filing a complaint of unlawful discrimination or harassment shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual filing the complaint to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the complainant. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

An individual against whom a complaint of unlawful discrimination or harassment is filed shall have the opportunity to select an independent advisor for assistance, support, and advice and shall be notified of this opportunity by the Title IX Coordinator or designee. It shall be the choice of the individual against whom the complaint is filed to utilize or not utilize an independent advisor and their responsibility to pay any associated fees. An independent advisor may be brought into the process at any time at the request of the respondent. An independent advisor may be any person who does not have a conflict of interest and who is not a witness in the matter.

The individual filing a complaint of unlawful discrimination or harassment and the individual against whom a complaint is filed must be provided this policy which addresses interim measures and written notification of services available on campus and in the community.

If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, department chair, or director of a unit, receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the person must immediately contact one of the individuals identified in this Section above to forward the complaint and/or provide information about the conduct, to discuss it and/or to report the action taken.

Complaints of unlawful discrimination or harassment should be filed as soon as possible with the supervisor, department chair, dean, or one of the administrators listed in this Section above and/or designated by the President (or the Chancellor for NSHE System Administration matters) to receive complaints of alleged unlawful discrimination or harassment.

#### 1. Time Frames

Complaints of unlawful discrimination or harassment that does not constitute sexual harassment under Title IX must be filed within the time frames stated below.

Holidays and weekends should be included in all calculations. If, however, the deadline falls on a weekend or holiday, the complaint may be filed on the next business day and still considered timely. (Business days are non-weekend and non-holiday days in which NSHE administrative offices are open for business.)

Resources, to include actions commonly classified as “interim measures,” are available to eligible students and employees notwithstanding the issue of timeliness.

#### a. Employee Complaints

All employment complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the appropriate institutional office within 300 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment.

Complaints of ongoing unlawful discrimination or harassment must be filed within 300 calendar days of the last alleged incident of unlawful harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 300 calendar days earlier.

#### b. Student Complaints

All student complaints alleging unlawful discrimination or harassment (to include retaliation) must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each event independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

#### c. Other/Campus Visitor/Non-employee

Complaints alleging unlawful discrimination or harassment (to include retaliation) asserted by individuals who are neither NSHE employees nor students alleging unlawful discrimination or harassment by a

NSHE employee during the employee's work hours, or by a NSHE student on campus or at a NSHE-sponsored event, must be received in the institution's appropriate office within 180 calendar days from the day the alleged act took place. If more than one act is alleged, the deadline will apply to each act independently, except in complaints of ongoing unlawful discrimination or harassment. Complaints of ongoing unlawful discrimination or harassment must be filed within 180 calendar days of the last alleged incident of ongoing unlawful discrimination or harassment, although all alleged incidents of ongoing unlawful discrimination or harassment may be considered during the investigation, even if the earlier incidents are alleged to have occurred more than 180 calendar days earlier.

### 2. Complaint Procedures

#### a. Employees

i. An employee who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required, particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee.

ii. The employee may file an unlawful discrimination or harassment complaint with their immediate supervisor, who will in turn immediately contact one of the officials listed in the introduction to this Section above.

iii. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with one of the other listed officials or with any other supervisor.

iv. After receiving any employee's complaint

of an incident of alleged unlawful discrimination or harassment, the supervisor will immediately contact any of the individuals listed in the Introduction to this Section above to forward the complaint, to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report the complaint to that supervisor.

b. Students

i. A student who believes that they have been subjected to unlawful discrimination or harassment by anyone is encouraged – but it is neither necessary nor required particularly if it may be confrontational – to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student.

ii. The student may file a complaint with their major department chair or director of an administrative unit, who will in turn immediately contact one of the officials listed in the Introduction of this Section above.

iii. If the student feels uncomfortable about discussing the incident with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with one of the above officials in the Introduction to this Section or to any chair, dean, or director of an administrative unit who will in turn immediately contact one of the officials listed above in the Introduction to this Section to forward the complaint, to discuss it and/or to report the action taken. The chair, dean or director of an administrative unit has a responsibility to act even if the individuals involved do not report to that person.

3. Training, Investigation and Resolution

a. General Requirements. The Title IX Coordinator, executives, administrators designated to receive complaints, and appropriate management level(s) with

decision-making authority shall have training or experience in handling unlawful discrimination and misconduct complaints, and in the operation of the NSHE and *Nevada Administrative Code* disciplinary procedures.

b. Special Training With Regard to Sexual Violence.

i. The training for each of the individuals identified in paragraph 3.a above, should include annual training on how to investigate and conduct hearings in a manner that protects the safety of the parties and promotes accountability; information on working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; the proper standard of review for sexual violence complaints (preponderance of the evidence); information on risk reduction; information on consent and the role drugs or alcohol can play in the ability to consent; the importance of accountability for individuals found to have committed sexual violence; the need for remedial actions for the respondent, complainant, and institution community; how to determine credibility; how to evaluate evidence and weigh it in an impartial manner; how to conduct investigations; confidentiality; the effects of trauma, including neurobiological change; and cultural awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

ii. The Director or designee for an institution's campus law enforcement shall ensure annual training, reviewed by the Title IX Coordinator, is provided to its officers that includes: working with and interviewing persons subjected to sexual violence; information on particular types of conduct that would constitute sexual violence, including stalking and same-sex sexual violence; information on consent and the role drugs or alcohol can play in the ability to consent; the effects of trauma, including neurobiological change; and cultural



awareness training regarding how sexual violence may impact students differently depending on their cultural backgrounds.

iii. Investigation. After receiving a complaint or information about the incident or behavior, the Title IX Coordinator or the primary officer, or designee, will initiate an investigation to gather information about the incident. If the Title IX Coordinator or primary officer, or designee, is unable to initiate an investigation, due to a conflict or for any other reason, the President shall designate another individual to act as primary officer for the matter. Each institution may set guidelines for the manner in which an investigation shall be conducted. The guidelines shall provide for the prompt, thorough, impartial, and equitable investigation and resolution of complaints, and shall identify the appropriate management level with final decision-making authority. The guidelines shall, at a minimum, provide the person subject to the complaint with information as to the nature of the complaint, and shall further provide that the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses and provide documentation pertaining to the complaint. In most cases, an investigation should be completed within a reasonable time from receipt of the complaint or information about the conduct. At the completion of the investigation, findings and a recommendation will be made to the appropriate management level with final decision-making authority regarding the resolution of the matter. The recommendation is advisory only.

iv. Standard of Review. The standard for evaluating complaints shall be a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred).

v. Management Determination. After the recommendation has been made, a determination will be made by appropriate management level with final decision-making

authority regarding the resolution of the matter. If warranted, disciplinary action up to and including involuntary termination or expulsion may be taken. Any such disciplinary action shall be taken, as applicable, in accordance with NSHE Code Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct), or, in the case of classified employees or law enforcement personnel, *Nevada Administrative Code* (NAC) Chapter 284 or Chapter 289, and/or associated collective bargaining agreement, or in the case of DRI technologists, the Technologists Manual. Other appropriate actions will be taken to correct problems and remedy effects, if any, caused by the conduct, if appropriate. If proceedings are initiated under Title 2, Chapter 6, Chapter 8 or Chapter 10, the applicable Student Code of Conduct, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the investigation conducted pursuant to this policy may be used as part of such investigations. The administrative officer, in their discretion, may also supplement the investigation with additional investigation. In any disciplinary hearings conducted pursuant to a Student Code of Conduct or under Title 2, Chapter 6, Chapter 8, Chapter 10, the NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or Technologists Manual, the standard of evidence shall be by a preponderance of the evidence (i.e., the evidence establishes that it is more likely than not that the prohibited conduct occurred). In connection with any such disciplinary hearings, the person filing the complaint and the person who is the subject of the complaint have equal rights to be interviewed, identify witnesses, and provide and receive documentation and witness lists pertaining to the complaint.

vi. Parties to be Informed. Within 14 business days after the appropriate management level

with final decision-making authority has made a determination regarding the resolution of the matter, and depending on the circumstances, both parties may be informed concurrently of the resolution (see subparagraph i below). Confidentiality of Actions Taken. In the event actions are taken against an individual under NSHE Code Title 2, Chapter 6, Chapter 8 or Chapter 10 (or applicable Student Code of Conduct) or NAC Chapter 284 or Chapter 289 and/or associated collective bargaining agreement, or the Technologists Manual, such matters generally remain confidential under those Sections, except that final decisions following hearings or appeals of professional employees and State of Nevada personnel hearings involving classified employees are public records. Student matters generally remain confidential under the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 34 CFR Part 99 (FERPA).

vii. Crime of Violence Exception to the Family Educational Rights and Privacy Act (FERPA). When discriminatory conduct or sexual harassment involves a crime of violence or a non-forcible sexual offense, FERPA permits the institution to disclose to the complainant the final results (limited to the name of the respondent, any violation found to have been committed, and any sanction imposed) of a disciplinary proceeding against the respondent, regardless of whether the institution concluded that a violation was committed. With respect to an institutional disciplinary proceeding alleging sexual violence, domestic violence, dating violence or stalking offense, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (f). 34 CFR 668.46 (Clery Act) requires that the accuser and the accused must be simultaneously informed of the outcome.

viii. Disclosure of Sanction Imposed. In the event a student is found to have engaged in sexual harassment of another student, the institution shall disclose to the student who was harassed, information about the sanction

imposed on the student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

c. Resignation of Employee or Withdrawal of Student. If a student respondent withdraws from the institution or an employee respondent ends employment (e.g., resigns, retires) while an investigation of a complaint involving unlawful discrimination or harassment is pending under this policy, the Title IX Coordinator shall take appropriate action, which may include completing the investigation to the extent reasonably practicable, in order to prevent the reoccurrence of and to remedy the effects of the alleged misconduct.

d. Title IX Coordinator Monitoring. The institution Title IX Coordinator has primary responsibility for coordinating the institution's efforts to comply with and carry out its responsibilities under this Subsection. The Title IX Coordinator is responsible for monitoring all aspects of the investigation and any interim measures or final remedies to help ensure that:

1. the process is fair and equitable to both the complainant and the respondent;
2. the applicable policies and procedures of NSHE and of the institution are followed; and
3. the interim measures and final remedies are followed.

#### 4. Prompt Attention

Complaints of unlawful discrimination or harassment are taken seriously and will be dealt with promptly, thoroughly, impartially, and equitably. Where unlawful discrimination or harassment is found to have occurred, the NSHE institution or unit where it occurred will act to stop the unlawful discrimination or harassment, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

#### 5. Confidentiality

The NSHE recognizes that confidentiality is important. However, in some limited circumstances confidentiality cannot be guaranteed. The administrators, faculty or staff responsible for implementing this policy will respect the privacy of individuals reporting or accused of unlawful discrimination or harassment to the extent reasonably possible and will maintain confidentiality to the extent possible.

Examples of situations where confidentiality cannot be maintained include, but are not limited to, necessary disclosures during an investigation, circumstances where the NSHE is required by law to disclose information (such as in response to legal process), or when an individual is in harm's way.

a. Confidentiality in Complaints Involving Unlawful Discrimination or Harassment. In complaints involving unlawful discrimination or harassment the following applies:

i. Varying Confidentiality Obligations. In situations involving unlawful discrimination or harassment, individuals are encouraged to talk to somebody about what happened in order for them to receive the support they need. Different individuals at the institution have different abilities to maintain an individual's confidentiality:

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

- Other employees may talk to an individual in confidence, and generally only report to the institution that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger investigation into an incident against the individual's wishes, except in certain circumstances discussed below.

- Some employees are required to report all the details of an incident (including the identities of all involved) to the Title IX Coordinator. A report to these employees (called "officials with authority") constitutes a report to the

institution – and generally obligates the institution to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make employees, students and others aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they want to report an act of sexual violence. The institution encourages individuals to talk to someone identified in one or more of these groups.

ii. Privileged and Confidential Communications. A complainant or respondent may wish to consult with professional counselors, pastoral counselors or others. Certain professionals are not required to report incidents unless they have been granted permission:

- Professional Counselors. Professional, licensed counselors who provide mental-health counseling to members of the institution community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a complainant's permission.

- Pastoral Counselors. A complainant and/or a respondent may choose to consult with a non-institution pastoral counselor and is encouraged to discuss confidentiality with that individual.

- Under Nevada law other professionals who may maintain confidentiality include lawyers, psychologists, doctors, social workers, and victim's advocates as defined in NRS 49.2545.

- Off-Campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and will not share information with the institution unless the individual requests the disclosure and signs a consent or waiver form.

iii. Complainant Options. A complainant who reports an act of unlawful discrimination or harassment only to a professional listed above in Subsection 2 of Subsection a of Subsection 5 must understand that, if they want to maintain confidentiality, the institution will be unable to conduct a full investigation into the incident and will likely be unable to pursue disciplinary action against the respondent.

A complainant who at first requests confidentiality may later decide to file a complaint with the institution or report the incident to local law enforcement, and thus have the incident fully investigated. A complainant shall be assisted in reporting the incident to local law enforcement if the complainant requests such assistance.

Other Reporting Obligations: While professional counselors may maintain a complainant's confidentiality vis-à-vis the institution, they may have reporting or other obligations under state law. For example, there may be an obligation to report child abuse, an immediate threat of harm to self or others, or to report in the case of hospitalization for mental illness.

NSHE Employee Assistance Program providers would follow these guidelines, as would professionals in NSHE institution student counseling and psychological services areas, and professionals in community health clinics that reside on or are associated with NSHE institutions.

b. Reporting to "Officials with Authority"<sup>2</sup>

i. "Officials with Authority" Defined and Duties. An official with authority" is the institution's Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution, including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President. When a complainant or other

person reports an incident of unlawful discrimination or harassment to an official with authority, they have the right to expect the institution to take prompt and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

An official with authority must report to the Title IX Coordinator all relevant details about the alleged unlawful discrimination or harassment shared by the reporting individual and that the institution will need to determine what happened – including the name(s) of the complainant, respondent(s) and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to an official with authority will be shared only with people responsible for handling the institution's response to the report. An official with authority should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

ii. Requesting Confidentiality From the Institution: How the Institution Will Weigh the Request and Respond.

a. Request for Confidentiality. If a complainant discloses an incident to an official with authority but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the institution will weigh that request against the institution's obligation to provide a safe, non-discriminatory environment for everyone, including the complainant, after the official with authority reports the incident to the Title IX Coordinator. If the institution honors the request for confidentiality, a complainant will be informed that the institution's ability to investigate the incident and pursue disciplinary action against the respondent may be limited.

There are times when, in order to provide a

safe, non-discriminatory environment for all, the institution may not be able to honor a complainant's request for confidentiality. The institution shall designate an individual to evaluate requests for confidentiality made by a complainant.

b. Factors to Be Considered. When weighing a complainant's request for confidentiality or a complainant's request that no investigation or discipline be pursued, the institution will consider a range of factors, including the following:

i) The increased risk that the identified respondent will commit additional acts of violence, discrimination or harassment, such as:

- whether there have been other misconduct, violence, discrimination or harassment complaints about the same respondent;
- whether the respondent has a history of arrests or other records indicating a history of violence, discrimination or harassment;
- whether the respondent threatened violence, discrimination or harassment against the complainant or others;
- whether the violence, discrimination or harassment was committed by multiple persons;
- whether the circumstances of the incident indicate that the behavior was planned by the respondent or others;
- whether the reported violence, discrimination or harassment was committed with a weapon;
- whether the complainant is a minor;
- whether the institution possesses other means to obtain relevant evidence of the reported violence, discrimination or harassment (e.g., security cameras or personnel, physical evidence);
- whether the complainant's information reveals a pattern of behavior (e.g., illicit use of drugs, alcohol, coercion, intimidation) at a given location or by a particular group;

- other factors determined by the institution that indicate the respondent may repeat the behavior or that others may be at risk.

Based on one or more of these factors, the institution may decide to investigate and, if appropriate, pursue disciplinary action even though the complainant requested confidentiality or requested that no investigation or disciplinary action be undertaken. If none of these factors is present, or if any or all of these factors are present to an insufficient degree, the institution will work to respect the complainant's request for confidentiality.

c. Actions After Decision to Disclose. If the institution decides that a complainant's confidentiality cannot be maintained, the institution will inform the complainant in writing or via email prior to starting an investigation and the institution will, to the extent possible, only share information with people responsible for handling the institution's response. The institution shall inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

The institution will inform any individual involved in the matter that retaliation is prohibited and will take steps to protect such individual(s) from retaliation or harm. Retaliation will not be tolerated. The institution will also:

1. Determine whether interim measures should be implemented in accordance with Subsection B;
2. Inform any individual involved in the matter of the right to report a crime to the institution and/or local law enforcement and to have a criminal investigation proceed simultaneously; and
3. Provide any individual involved in the matter with assistance if they wish to report a crime.

The institution will not require any individual involved in the matter to participate in any investigation or disciplinary proceeding.

Because the institution is under a continuing obligation to address the issue of sexual violence institution-wide, reports of sexual violence (including non-identifying reports) will also prompt the institution to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ complainant surveys; and/or revisiting its policies and practices.

Issuance of Timely Warning: If the institution determines that any individual involved in the matter poses a serious and immediate threat to the institution community, police or security services may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the complainant.

d. Reports to Other NSHE Institutions. If an official with authority receives a complaint about unlawful discrimination or harassment that has occurred at another NSHE institution or to a student or employee of another NSHE institution, the official with authority shall report the information to the institution's Title IX Coordinator, who shall provide the information to the Title IX Coordinator at the other NSHE institution.

e. Public Awareness Events – Not Notice to the Institution. Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which individuals disclose incidents of unlawful discrimination or harassment, are not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s). Such events may, however, inform the need for institution-wide education and prevention efforts, and the Institution will provide

information about individuals' rights at these events.

f. Disclosures in written assignments – Not Notice to the Institution. If a student makes a disclosure of an incident of unlawful discrimination or harassment in a written assignment, such disclosure is not considered notice to the institution of unlawful discrimination or harassment for purposes of triggering the institution's obligation to investigate any particular incident(s).

#### 6. Retaliation

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

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

- the denial of adequate personnel to perform duties;
- frequent replacement of members of the staff;
- frequent and undesirable changes in the location of an office;
- the refusal to assign meaningful work;
- unwarranted disciplinary action;
- unfair work performance evaluations;
- a reduction in pay;
- the denial of a promotion;
- a dismissal;

- a transfer;
- frequent changes in working hours or workdays;
- an unfair grade;
- an unfavorable reference or reference letter;
- intentionally providing false information.

a. Employees

1. An employee who believes that they have been subjected to retaliation may file a retaliation complaint with their immediate supervisor, who will in turn immediately contact the Title IX Coordinator.
2. If the employee feels uncomfortable about discussing the alleged retaliation with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint with the Title IX Coordinator.
3. After receiving any employee's complaint of an incident of alleged retaliation, the supervisor will immediately contact the Title IX Coordinator to discuss it and/or to report the action taken. The supervisor has a responsibility to act even if the individuals involved do not report to that supervisor.

b. Students

1. A student who believes that they have been subjected to retaliation may file a retaliation complaint with their major department chair or director of an administrative unit, who will in turn immediately contact the Title IX Coordinator.
2. If the student feels uncomfortable about discussing the alleged retaliation with the department chair or director of an administrative unit, the student should feel free to bypass the person and file a complaint with the Title IX Coordinator.

7. False Reports

Because unlawful discrimination and harassment frequently involve interactions between persons that are not witnessed by others, reports of unlawful discrimination or harassment cannot always be substantiated by additional evidence. Lack of corroborating

evidence or "proof" should not discourage individuals from reporting unlawful discrimination or harassment under this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth, may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

8. Supervisor Responsibilities

Every supervisor of employees has responsibility to take reasonable steps intended to prevent acts of unlawful discrimination or harassment, which include, but are not limited to:

- a. Monitoring the work and school environment for signs that unlawful discrimination or harassment may be occurring;
- b. Refraining from participation in, or encouragement of actions that could be perceived as unlawful discrimination or harassment (verbal or otherwise);
- c. Stopping any observed acts that may be considered unlawful discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
- d. Taking immediate action to minimize or eliminate the work and/or school contact between the involved individuals where there has been a complaint of unlawful discrimination or harassment, pending investigation.

If a supervisor receives a complaint of unlawful discrimination or harassment, or observes or becomes aware of conduct that may constitute unlawful discrimination or harassment, the supervisor must immediately contact the Title IX Coordinator to provide

the information about the conduct, to discuss it and/or to report the action taken.

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

#### 9. Amnesty for Reports of Non-Title IX Discrimination and/or Harassment Under Certain Circumstances

NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation.

An individual may be particularly afraid to report certain conduct when alcohol, drugs,

or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking.

In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational and/or other appropriate sanctions to address such concerns.

This policy only provides amnesty from violations of NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

#### 10. Relationship to Freedom of Expression

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



the institutions by their members.

#### D. Sexual Harassment under Title IX

NSHE and its member institutions do not discriminate on the basis of sex in their education programs and activities. Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1861(a), provides:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities sponsored by the institution, and employment.

#### IMPACT OF MODIFICATIONS OF THE FINAL RULE UNDER TITLE IX

Should any portion of the Final Rule be stayed or held invalid by a court of law, or should the Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Section process be revoked in this manner, any conduct that would have been covered under the Title IX Section D process shall be investigated and adjudicated under the existing Non-Title IX Sections (A), (B), and (C) process.

1. Designation of Coordinator, dissemination of policy, and adoption of complaint procedures

a. Each President of NSHE’s eight (8)

institutions and the Chancellor for NSHE’s System Administration offices shall designate and authorize an individual to serve as the Title IX Coordinator for the institution who shall be tasked with coordinating the institution’s efforts to comply with its responsibilities under this Section. The institution must notify applicants for admission or employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the individual designated as the Title IX Coordinator.

b. Each institution must prominently display the contact information for the Title IX Coordinator on its website, if any, and in each handbook, or catalog that it makes available to persons entitled to a notification under paragraph (a) of this Section. Each institution must notify persons entitled to a notification under paragraph (a) of this Section that the institution does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to the institution may be referred to the institution’s Title IX Coordinator, to the Assistant Secretary of the Department of Education, or both.

c. Each institution must adopt and publish complaint procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited under this Section and a complaint process that complies with Subsection 5 for formal complaints as defined in Subsection 2. An institution must provide to persons entitled to a notification under paragraph (a) of this Section notice of

the institution's complaint procedures and complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond.

d. Each institution, in addition to other training specifically outlined in this Subsection D, must ensure that all individuals involved in responding to, investigation of, or the adjudication of any complaint based in sexual violence, have the Specialized training in regards to Sexual Violence outlined in Subsection C, 3(b.)

## 2. Definitions

a. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

b. "Respondent" means an individual who has been reported by the individual engaging in the conduct that could constitute sexual harassment.

c. "Reporting Party" means any person who reports sexual harassment or conduct that could constitute sexual harassment, whether or not the person reporting is the person alleged to be the victim.

d. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

i. An employee of a NSHE institution conditioning the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct;

ii. Unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity; or

iii. Sexual assault, as defined by the Clery Act, 34 C.F.R. § 668.46(a), as amended by the Violence Against Women Act of 1994, including but not limited to dating violence, domestic violence, and stalking.

For the purposes of this definition,

"education program or activity" includes locations, events, or circumstances over which an institution exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by an institution, which may include but is not limited to recognized fraternity, sorority, or student organizations. This definition does not apply to persons outside the United States.

For the purposes of this definition, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting Program.

"Rape" means penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Fondling" means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

"Incest" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

"Statutory rape" means sexual intercourse with a person who is under the statutory age of consent (16 years old).

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based

on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Stalking” means engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress.

e. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the institution investigate the allegation of sexual harassment.

f. “Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

g. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to an institution’s Title IX Coordinator or any official of the institution who has authority to institute corrective measures on behalf of the institution,

including the President, Vice Presidents, Provost, Vice Provosts, Human Resources Director, and those designated by the President.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the institution with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform an individual about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the institution.

h. “Institution” means any and all of NSHE’s eight (8) institutions, including the College of Southern Nevada; the Desert Research Institute; Great Basin College; Nevada State University; Truckee Meadows Community College; the University of Nevada, Las Vegas; the University of Nevada, Reno; and Western Nevada College, and NSHE’s System Administration offices.

i. “Consent” means an affirmative, clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

- Consent is active, not passive. Silence or lack of resistance cannot be interpreted as consent.

- Seeking and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

- The existence of a dating relationship or past sexual relations between the participants does not constitute consent to any other sexual act.

- Affirmative consent must be ongoing throughout the sexual activity and may be withdrawn at any time. When consent is

withdrawn or cannot be given, sexual activity must stop.

- Consent cannot be given when it is the result of any coercion, intimidation, force, deception, or threat of harm.

- Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes: impairment due to drugs or alcohol (whether such use is voluntary or involuntary); inability to communicate due to a mental or physical condition; the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 16; or if an individual otherwise cannot consent.

- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

### 3. Response to Sexual Harassment

An institution with actual knowledge of sexual harassment allegations in an education program or activity of the institution, as all defined in Subsection 2, against a person in the United States must respond promptly in a manner that is not deliberately indifferent. An institution is "deliberately indifferent" only if its response to sexual harassment allegations is clearly unreasonable in light of the known circumstances.

An institution's response must treat complainants and respondents equitably by offering supportive measures as defined in Subsection f of Subsection 2 to all parties, and by following a complaint process that complies with Subsection 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in Subsection f of Subsection 2 against a respondent.

An institution shall provide this policy which addresses supportive measures to both complainants and respondents.

The institution's Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in Subsection f of Subsection 2, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. An institution's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

Depending on the specific nature of the problem, supportive measures and remedies may include, but are not limited to:

#### For Students:

- a. Issuing a mutual no-contact directive(s);
- b. Providing an escort to ensure safe movement between classes and activities;
- c. Not sharing classes or extracurricular activities;
- d. Moving to a different residence hall;
- e. Providing written information regarding institution and community services including but not limited to medical, counseling and academic support services, such as tutoring;
- f. Providing extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- g. Taking a leave of absence;
- h. Restricting to online classes;
- i. Providing information regarding campus transportation options;
- j. Reviewing any disciplinary actions taken against the complainant or the respondent to see if there is a connection between the sexual misconduct and the misconduct that may have resulted in the complainant or the respondent being disciplined<sup>3</sup>; and
- k. Requiring the parties to report any violations of these restrictions.

- l. Submitting a request for a waiver of scholarship or grant requirements pursuant to Title 4, Chapter 18, Section 3; and
- m. Submitting a request for a waiver of the Governor Guinn Millennium Scholarship pursuant to Title 4, Chapter 18, Section 9.23

For Employees:

- n. Providing an escort to ensure safe movement between work area and/or parking lots/other campus locations;
- o. Issuing a mutual no-contact directive(s);
- p. Placement on leave;
- q. Transfer to a different area/department or shift in order to eliminate or reduce further business/social contact;
- r. Providing information regarding campus transportation options;
- s. Instructions to stop the conduct;
- t. Providing information regarding institution and community services including medical, counseling and Employee Assistance Program;
- u. Reassignment of duties;
- v. Changing the supervisory authority; and
- w. Directing the parties to report any violations of these restrictions.

All institution administrators, academic and administrative faculty, and staff are responsible for carrying out the supportive measures and remedies.

Supportive measures and remedies may include restraining orders, or similar lawful orders issued by the institution, criminal, civil or tribal courts. Supportive measures and remedies will be confidential to the extent that such confidentiality will not impair the effectiveness of such measures or remedies.

Remedies may also include review and revision of institution sexual misconduct policies, increased monitoring, supervision or security at locations where incidents have been reported; and increased and/or targeted

education and prevention efforts.

Any supportive measures or remedies shall be monitored by the Title IX Coordinator throughout the entire process to assess whether the supportive measures or remedies meet the goals of preventing harassment or discrimination, protecting the safety of the parties, restoring access to the institution's education programs and activities, and preventing retaliatory conduct.

In responding to allegations of sexual harassment, an institution shall not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

4. Response to a Formal Complaint

a. In response to a formal complaint, an institution must investigate the allegations contained therein and follow a complaint process that complies with Subsection

5. With or without a formal complaint, an institution must comply with Subsection 3.

b. Nothing in this Subsection precludes an institution from removing a respondent from the institution's education program or activity on an emergency basis, provided that the institution undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

c. Nothing in this Subsection precludes an institution from placing a non-student employee respondent on administrative leave during the pendency of a complaint process that complies with Subsection 5. This provision may not be construed to modify

any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

d. An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a complaint process involves more than one complainant or more than one respondent, references in this Section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

5. General complaint process requirements. Institutions shall:

a. Permit any person to report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator;

b. Promote impartial investigations and adjudications of formal complaints of sexual harassment;

c. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a complaint process that complies with this Section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in

Subsection f of Subsection 2 against a respondent. Remedies must be designed to restore or preserve equal access to the institution’s education program or activity. Such remedies may include the same individualized services described in Subsection f of Subsection 2 as “supportive measures”; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;

d. Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness;

e. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;

f. Ensure that the Title IX Coordinator, investigator, hearing officer, and any person designated by an institution to facilitate an informal resolution process receive training on the definition of sexual harassment in Subsection 2, the scope of the institution’s education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

g. Ensure, in coordination with the NSHE Chief General Counsel, that hearing officers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth in Subsection d of Subsection 8;

- h. Ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Subsection d of Subsection 8;
- i. Ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, and any person who facilitates an informal resolution process, do not rely on sex stereotypes;
- j. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process;
- k. Establish a reasonably prompt time frame for conclusion of the complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the institution offers informal resolution processes, and a process that allows for the temporary delay of the complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The institution must establish a reasonably prompt time frame that complies with the procedures outlined in Chapter 284 of the *Nevada Administrative Code* for classified employees, Chapter 289 of the *Nevada Administrative Code* for law enforcement, Chapter 6 of the *NSHE Code* for professional employees, Chapter 10 of the *NSHE Code* or applicable code of conduct for students, or any associated collective bargaining agreement. Institutions may establish different time frames for different types of cases (e.g., sexual assault, domestic violence, dating violence, etc.);
- l. Describe the range of possible disciplinary

- sanctions and remedies or list the possible disciplinary sanctions and remedies that the institution may implement following any determination of responsibility;
- m. State that the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard, and must apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and must apply the same standard of evidence to all formal complaints of sexual harassment. "Preponderance of the evidence" means the evidence establishes that it is more likely than not that the prohibited conduct occurred;
- n. Include the procedures and permissible bases for the complainant and respondent to appeal a written determination;
- o. Describe the range of supportive measures available to complainants and respondents;
- p. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege; and
- q. Require any party to assert that the Title IX Coordinator, investigator(s), or hearing officer(s) has a conflict of interest or bias against complainants or respondents generally or the individual complainant or respondent at the time the party knew or should have known of such conflict of interest or bias.

## 6. Complaint Procedures

- a. Upon receipt of a formal complaint, an institution must provide the following written notice to the parties who are known:
  - i. Notice of the institution's complaint process that complies with this Section, including any informal resolution process; and
  - ii. Notice of the allegations potentially constituting sexual harassment as defined in

Subsection 2, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. “Sufficient details” include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Subsection 2, and the date and location of the alleged incident, if known. This written notice also must:

a) Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process;

b) Inform the parties that they may have an advisor of their choice under Subsection d of Subsection 7 who may be, but is not required to be, an attorney, and may inspect and review evidence under Subsection 7; and

c) Consistent with Section 13, inform the parties of the prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

b. If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to Subsection a of Subsection 6, the institution must provide notice of the additional allegations to the parties whose identities are known.

#### 7. Dismissal of formal complaint

a. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in Subsection 2 even if proved, did not occur in the institution’s education program or activity, or did not occur against a person in the United States, then the institution must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the Board of Regents’ *Handbook*, NSHE Code, or

institution’s code of conduct.

b. The institution may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

ii. The respondent is no longer enrolled or employed by the institution; or

iii. Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

c. Upon a dismissal required or permitted pursuant to Subsections i and ii of Subsection c of Subsection 6, the institution must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

8. Investigation of a Formal Complaint. The institution investigating a formal complaint must:

a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the institution and not on the parties, provided that the institution cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the institution obtains that party’s voluntary, written consent to do so for a complaint process under this Section (if a party is not an “eligible student,” as defined in 34 CFR 99.3, then the institution must obtain the voluntary, written consent of a “parent,” as defined in 34 CFR 99.3);

b. Provide an equal opportunity for the parties to present witnesses, including fact



and expert witnesses, and other inculpatory and exculpatory evidence;

c. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

d. Provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or complaint proceeding. However, an institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to all parties;

e. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

f. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;

g. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The institution must make all such evidence subject to the

parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

h. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a hearing (if a hearing is required under this Section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Each party's written response, if any, shall be submitted to the investigator at least three (3) days prior to the live hearing.

#### 9. Live Hearings

a. An institution must hold a live hearing over which a hearing officer presides.

The hearing officer cannot be the same person as the Title IX Coordinator or the investigator(s) and must be selected in consultation with the NSHE Chief General Counsel.

b. At the live hearing, the hearing officer must permit each party's advisor during cross-examination to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the institution under Subsection d of Subsection 7 to otherwise restrict the extent to which advisors may participate in the proceedings.

c. The live hearing may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear

each other. At the request of either party, the institution must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or the witness answering questions.

d. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. For the purposes of this Section, “relevant” means a question or evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the question or evidence. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

e. If a party does not have an advisor present at the live hearing, the institution must provide, without fee or charge to that party, an advisor of the institution’s choice, who shall not be an attorney, to conduct cross-examination on behalf of that party. Such advisors need not be provided with specialized training because the essential function of such an advisor provided by the institution is not to “represent” a party but rather to relay the party’s cross-examination questions that the party wishes to have asked of other parties or witnesses so that parties

never personally question or confront each other during a live hearing.

f. If a party or witness does not submit to cross-examination at the live hearing, to the extent permitted by law and not otherwise subject to exclusion under this policy, the hearing officer may consider those statements of a person who was not present at the hearing, or a person who was present at the hearing but who was not subject to cross-examination if the statement is deemed reliable and relevant by the hearing officer. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, emails, social media postings, and the like.

The hearing officer(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

g. Institutions must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

h. Nothing in this Subsection shall be construed to impair rights under the U.S. Constitution, including but not limited to the Fifth Amendment, or privileges recognized by statute or common law.

#### 10. Determination Regarding Responsibility.

a. The decision-maker, or hearing officer(s) as appropriate, must issue a written determination regarding responsibility under the preponderance of the evidence standard within 14 calendar days of the live hearing.

b. The written determination must include:

i. Identification of the allegations potentially constituting sexual harassment as defined in Subsection 2;

ii. A description of the procedural steps taken

from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

iii. Findings of fact supporting the determination;

iv. Conclusions regarding the application of the institution's code of conduct to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the institution imposes on the respondent, and whether remedies designed to restore or preserve equal access to the institution's education program or activity will be provided by the institution to the complainant; and

vi. The institution's procedures and permissible bases for the complainant and respondent to appeal.

c. The institution must provide the written determination regarding responsibility to the parties simultaneously. The written determination becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## 11. Appeals

a. Within seven (7) calendar days, any party may appeal from a determination regarding responsibility, and from an institution's dismissal of a formal complaint or any allegations therein, on the following bases:

i. Procedural irregularity that affected the outcome of the matter;

ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

iii. The Title IX Coordinator, investigator(s),

or hearing officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and

iv. Any additional basis offered by an institution.

b. As to all appeals, the institution must:

i. Immediately notify the other party in writing when an appeal is filed;

ii. Ensure that the decision-maker for the appeal is not the same person as the hearing officer(s) or decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in Subsections e-i of Subsection 5;

iv. Give all parties an equal opportunity to submit a written statement in support of, or challenging, the outcome within seven (7) calendar days of the outcome;

v. Issue a written decision within ten (10) calendar days of receiving a written statement in support of, or challenging, the outcome describing the result of the appeal and the rationale for the result; and

vi. Provide the written decision simultaneously to all parties.

c. The review on appeal is limited to the record, except in appeals based on newly discovered evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made. In such appeals, newly discovered evidence may be considered on appeal notwithstanding its absence from the record.

## 12. Provides Informal Resolution

a. If a formal complaint of sexual harassment is filed, and at any time prior to reaching a determination regarding responsibility, an institution may offer the parties the option of

informal resolution and may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the institution:

- i. Provides to the parties a written notice disclosing the allegations; setting forth the requirements of the informal resolution process, including the circumstances under which the process's agreed upon resolution precludes the parties from resuming a formal complaint arising from the same allegations; and explaining that any statements made or documentation or information provided by a party during the informal resolution process shall not be used or relied upon in a subsequent complaint process or live hearing without the permission of the party who made the statement or provided the documentation or information;
  - ii. Obtains the parties' voluntary, informed written consent to the informal resolution process; and
  - iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- b. Institutions must provide the parties with a written notice explaining that, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the complaint process with respect to the formal complaint, and withdraw from any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- c. An institution shall not require the parties to participate in an informal resolution process for any reason, and shall not require waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this Section as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

d. An individual serving as a facilitator of an informal resolution process shall not be the Title IX Coordinator, Title IX investigator, Title IX hearing officer, witness, or other institutional employee that has a duty to disclose allegations of sexual harassment to the institution.

### 13. Recordkeeping

a. An institution must maintain for a period of at least seven (7) years records of:

- i. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under Subsection g of Subsection 8, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the institution's education program or activity;
- ii. Any appeal and the result therefrom;
- iii. Any informal resolution and the result therefrom; and
- iv. All materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process. An institution must make these training materials publicly available on its website, or if the institution does not maintain a website the institution must make these materials available upon request for inspection by members of the public;
- v. For each response required under Subsections 3 and 4, an institution must create, and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the institution must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the institution's education

program or activity. If an institution does not provide a party with supportive measures, then the institution must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the institution in the future from providing additional explanations or detailing additional measures taken.

14. False Reports. Because discrimination and sexual harassment frequently involve interactions between persons that are not witnessed by others, reports of discrimination or sexual harassment cannot always be substantiated by additional evidence. Lack of corroborating evidence or "proof" should not discourage individuals from reporting discrimination or sexual harassment under this policy. However, individuals who knowingly make false reports or submit false information during the complaint process may be subject to disciplinary action under the applicable institution and Board of Regents disciplinary procedures. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

#### 15. Retaliation

a. Retaliation Prohibited. No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex

discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation. The institution must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to have engaged in sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the complaint procedures for sex discrimination under Subsection C.

#### b. Specific circumstances

i. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under Subsection a of this Subsection.

ii. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a complaint proceeding under this part does not constitute retaliation prohibited under Subsection a of this Subsection, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

#### 16. Amnesty for Reports of Title IX Discrimination and/or Harassment Under Certain Circumstances

NSHE encourages individuals to report incidents of sexual violence and sexual harassment without fear of negative

consequences for other policy violations that occur at or around the same time period of the reported sexual violence or sexual harassment. To support such reporting, an NSHE institution may not subject an individual to a disciplinary proceeding or sanction for a violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct unless the NSHE institution determines, in its sole discretion, any report of an alleged incident of sexual misconduct was not made in good faith or the individual's violation of the NSHE *Handbook*, the NSHE institutional policy, and/or the NSHE institution's applicable Student Code of Conduct was egregious. Examples of egregious violations include, but are not limited to, being the one that initiated the sexual violence or sexual harassment, or through negligence, contributed to the sexual violence or sexual harassment, or other sexual misconduct, driving under the influence, manufacturing/distribution/delivery of illegal drugs, possessing with intent to manufacture/distribute/deliver illegal drugs, relationship violence, stalking, hazing, or other conduct that risked someone's health or safety. The NSHE institution determines, in its sole discretion, whether a report was not made in good faith and what conduct constitutes an egregious violation.

An individual may be particularly afraid to report certain conduct when alcohol, drugs, or other intoxicants are involved. Except for egregious violations, this amnesty policy applies when alcohol, drugs, or other intoxicants are involved, including underage drinking.

In circumstances where amnesty is determined to be applicable but there are concerns that an individual's repeat or severe misuse of alcohol or other substances will result in additional harm if unaddressed, the NSHE institution may impose educational

and/or other appropriate sanctions to address such concerns.

This policy only provides amnesty from violations of NSHE *Handbook*, the NSHE institutional policy and/or the NSHE institution's applicable Student Code of Conduct. It does not grant amnesty for criminal, civil or other legal consequences for violations of Federal, State or Local law. Civil and/or criminal investigations and other legal processes from governmental agencies outside of the NSHE institution may still proceed at the discretion of the outside governmental agency. Also, in some instances, University Police Services may be required by law to report an incident to local law enforcement agencies. For information regarding legal immunity from certain offenses related to drug or alcohol overdose or other medical emergency, please see NRS 453C.150.

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

### **Options about the Involvement of Law Enforcement**

You have options to report to, or decline to report to, the University and local law enforcement. Although the University strongly encourages prompt reporting of domestic violence, dating violence, sexual assault, or stalking individuals have the option of reporting to:

- a. Local law enforcement,
- b. The University, including University Police Services,
- c. Both a & b,
- d. None of the above.

This means that individuals have the right to decline to notify the University or law enforcement officials.

Individuals have the right to notify local law enforcement of crimes. If an individual wants to notify local law enforcement, the University will upon request, help that individual make a report to local law enforcement. A report to local law enforcement is separate from a report to the University. To report directly to Las Vegas Metropolitan Police Department (LVMPD) call (702) 229-3111. For assistance in contacting LVMPD, contact University Police Services at (702) 895-3668.

Process of Making a Police Report: depending on the circumstances of an incident, University Police Services may meet you at the hospital, on campus, or at the police station. An officer will document the case with a written report. It is very important for an individual to provide the most comprehensive, accurate details of the crime to the officer. Sometimes a person may have distorted memories of the event; it is okay for a person to say “I don’t remember” or “I’m not sure,” without any penalty. A police interview can take a few hours, depending on the circumstances of the case. Questions often include the timeline events, what (if anything) was said, whether there was additional physical assault or injury, if weapons were used, and any descriptive features that were noticed about the perpetrator. It is likely the officer may go

over the events of an assault repeatedly when writing the report. This is intended to gather as many details as possible to make the strongest case. Information gathered is then given to a detective who will review the information. All individuals have the right to stop a report at any time, not complete the report, or request a break.

Contact information: an individual who wishes to pursue criminal action in addition to, or instead of, making a report to the University for domestic violence, dating violence, sexual assault, or stalking may contact law enforcement directly by calling 911 (for emergencies) or 702-895-3669 to reach University Police Services, or in person at any University Police Services location.

### **Availability of Protective Orders**

In some cases, an individual may wish to consider a Protection from Abuse Order from the local courts. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on-campus compliance order.

### **Efforts to Protect Confidentiality of Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

The University will attempt to protect the confidentiality of victims of domestic violence, dating violence, sexual assault, or stalking. In completing any publicly-available record keeping, including Clery Act reporting and disclosures, such as the daily crime log, the University takes all efforts to avoid the inclusion of personally identifying information about the victim, to the extent possible by law.

### **Written information made available to victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

Written notification is made to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims both on-campus and in the community. **For specific contact information for these resources, please contact the UNLV Office of Equal Employment and Title IX at (702) 895-0415 or the Care Center at (702) 895-0689.**

Written notification is made to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available.

The institution is obligated to honor this request, if the accommodation is reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Any student or employee who reports to UNLV that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employees' rights and options.

### **Institutional Disciplinary Action, Procedures in the Case of Alleged Domestic Violence, Dating Violence, Sexual Assault or Stalking**

UNLV is committed to creating and maintaining an educational environment free from all forms of sexual discrimination, including sexual misconduct. Any act

involving sexual harassment, violence, coercion, and intimidation will not be tolerated. UNLV prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It is the practice of UNLV's Office of Equal Employment and Title IX to investigate any allegations of sexual misconduct and to take immediate action by providing interim resources and accommodations to both the accused and the accuser.

### **Sanctions for Students:**

#### **Restrictions, Loss of Privileges, and Exclusion from Activities.**

Exclusion/restriction from participation in privileges, extracurricular activities, holding office, or represent the University. Removal from a University-living environment, loss of use privileges for designated University facilities, denial of the use of a vehicle on campus, and/or other restrictions consistent with the violation committed.

**CONDUCT PROBATION.** The terms of probation will be determined at the time the probation is imposed. Probation may include exclusion from participation in privileges or extracurricular activities. The student/student organization placed on probation shall be notified in writing that the commission of prohibited acts will lead to additional and/or increased conduct sanctions.

#### **Disciplinary Conduct Suspension.**

This is the temporary separation of the student from the University for a specified period of time and/or until specific conditions, if imposed, have been met. A disciplinary suspended student shall not participate in any University-sponsored activity and shall be barred from all University campuses and properties. The



student will be notified in writing of the suspension. The official transcript of the student shall be marked “Conduct Suspension Effective (date) to (date).” The parent(s) or legal guardian(s) of students under the age of eighteen (18) years shall be notified of the action. After the suspension period has elapsed, the student will be placed on conduct probation for a period of time that is equal to the amount of time that the student was suspended. At the end of the probationary period, the student will be classified as being in “good standing” provided that no further Code violations have occurred.

**Expulsion or Termination.** Permanent separation of the student from the University. The expelled student shall not participate in any University-sponsored activity and shall be barred from all NSHE campuses and properties. The official transcript of the student shall be marked “Conduct Expulsion Effective (date).” The parent(s) or legal guardian(s) of a student under the age of eighteen (18) years shall be notified of the action.

**Required Educational/Restitution Activities.**

Mandatory participation in educational activities or programs of community restitution service on campus or in the community, as approved.

**Administrative Conduct Hold.**

A status documented in the Registrar’s official file that precludes the student from registering for classes and/or accessing official transcripts until clearance from the Office of Student Rights and Responsibilities or the Vice President for Student Affairs or his/her designee.

**Intake/Assessment/Treatment Referrals**

A student may be referred to UNLV Student Counseling and Psychological Services (CAPS) or a community mental health provider to complete an intake and assessment involving alcohol, controlled substance, or other identified issues arising from a violation. In the University’s discretion, proof of participation or completion of treatment may be required. When appropriate, a student may be referred to an off- campus provider for such services at the student’s expense.

**Reflection Letter of Understanding.**

A student/student organization will reflect on what has been learned from the experience. The length and structure of such letter will be specifically assigned to the student/student organization by the Office of Student Rights and Responsibilities.

**Range of Protective Measures Available**

These measures may include, but are not limited to:

- The implementation of UNLV issued no-contact order,
- Academic accommodations,
- Residential accommodations,
- Transportation accommodations,
- Employment accommodations,
- Safety consultations with University Police Services,
- Personal protection devices.

## **Sanctions for Faculty Employees (NSHE Code 6.3):**

The following sanctions are applicable to members of the community of the Nevada System of Higher Education for conduct prohibited by Section 6.2 of the Nevada System of Higher Education Code. Depending on the seriousness of the misconduct, these sanctions may be imposed in any order.

### **6.3.1 Warning**

Notice, oral or written, that continuation or repetition of prohibited conduct may be the cause for more severe disciplinary action.

### **6.3.2 Reprimand**

A formal censure or severe reproof administered in writing to a person engaging in prohibited conduct.

### **6.3.3 Restitution**

The requirement to reimburse the legal owners for a loss due to defacement, damage, fraud, theft, or misappropriation of property. The failure to make restitution shall be the cause for more severe disciplinary action.

### **6.3.4 Reduction in Pay**

A reduction in pay may be imposed at any time during the term of an employment contract upon compliance with the procedures established in this chapter.

### **6.3.5 Suspension**

Exclusion from assigned duties for one or more workweeks without pay, as set forth in a written notice to the employee. The phrase “workweek” has the meaning ascribed to it in the Fair Labor Standards Act; 29 U.S.C § 207 (a).

### **6.3.6 Termination**

Termination of employment for cause. A hearing held under the procedures established in Section 6.11 and other applicable provisions of this chapter shall be required before the employment of an employee may be terminated for cause.

### **Educational Programs and Campaigns to Promote the Awareness of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

In accordance with state and federal law, UNLV does not condone interpersonal violence of any kind, including sexual and relationship violence.

“Dating violence”, which is defined in NRS 396.127, has the meaning ascribed to it in 34 U.S.C. §12291 (a). The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” as set forth in NRS 33.018 occurs when a person commits one of the following acts against or upon the person’s spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person’s minor child or any other person who has been appointed the custodian or legal guardian for the person’s minor child:

(a) A battery; (b) an assault; (c) coercion pursuant to NRS 207.190; (d) A sexual assault; (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to: (1) stalking; (2) arson; (3) trespassing; (4) larceny; (5) destruction of private property; (6) carrying a concealed weapon without a permit; (7) injuring or killing an animal; (8) burglary; (9) an invasion of the home. (f) a false imprisonment; (g) pandering.

“Sexual assault” is defined in NRS 200.366 as “a person who subjects another person to sexual penetration, or forces another person to make a sexual penetration on themselves or another or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of the perpetrator’s conduct.”

“Stalking” is defined in NRS 200.575 as “[a] person who, without lawful authority, willfully or maliciously engages in a course of conduct directed towards a victim that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member”

Consent in reference to sexual activity is not defined by statute. However, it is an element of the crime of sexual assault that the crime was committed against the will of the victim. NRS 200.366

UNLV’s Office of Equal Employment and Title IX provides training on Title IX and Sexual Harassment and oversees the University’s web-based training programs that include trainings on Campus SaVE Act, VAWA, and Title IX. Likewise, the Care Center currently provides education and training programs that promote the awareness of sexual violence, dating violence relationship/family violence, and interpersonal violence-related stalking, consent, and healthy vs. unhealthy relationships; which further highlights the fact that the University prohibits the offenses of rape, domestic violence, dating violence, sexual assault, and stalking.

UNLV’s RebelPEOPLE online training library includes the following related training:

#### Student Training Courses

- Sexual Assault Prevention for Undergraduates (main course)
- Sexual Assault Prevention for Graduate Students (main course)

#### Staff/Faculty Training Courses:

- Prevent Harassment & Discrimination: Supervisors Clery Act and Title IX (main course)
- Prevent Harassment & Discrimination: Non Supervisors Clery Act and Title IX (main course)

### **UNLV Care Center**

The UNLV CARE Center (the CARE Center) serves UNLV, CSN, and Nevada State University students, faculty, and staff who have been impacted by sexual assault, sexual harassment, relationship abuse, family violence, and/or stalking. The center operates from an anti-oppression framework to provide trauma-informed and healing-centered care, through a variety of activities and services.

The CARE Center offers direct advocate support, safety planning, and referrals to campus and community agencies through the CARE Line, available Mon-Friday from 7am-7pm, staffed by volunteer trained victim advocates, (702) 895-0602, or by scheduled appointment

<https://www.unlv.edu/carecenter>.

The CARE Center is on campus and located in room 255 on the 2<sup>nd</sup> floor of the Student Services Complex-A, (702) 895-4475. The Center's office hours are Monday through Friday, 9:00 a.m. to 4:00 p.m.

The CARE Center offers ongoing prevention and awareness campaigns in the areas of power-based violence (PBV), dating violence, domestic violence, sexual assault and stalking. These programs include Domestic Violence/Dating Violence Awareness Month activities every fall semester, Sexual Assault Awareness Month activities every spring semester, class and organization presentations conducted by a student group housed under the CARE Center.

The programs offered by the CARE Center include:

### **Let's Talk About Consent**

This presentation helps students learn about communication skills that promote a culture of consent.

Learning Objectives:

- Define sexual assault,
- Discuss the different ways a person can give consent,

- Identify the signs when a person does not want to have sex, and
- Locate the CARE Center and campus resources.

### **The Power of Romance in Relationships**

This presentation explores healthy, unhealthy, and abusive relationships and helps students develop healthy boundaries.

Learning Objectives:

- Define healthy, unhealthy, and abusive relationships,
- Discuss power and control in relationships,
- Identify emotional, physical, and digital boundaries, and
- Locate the CARE Center and campus resources.

### **Journey to Self-care**

This presentation explores self-care tools for victim-survivors of power-based violence.

Learning Objectives

By the end of this lesson, participants will be able to:

- Define self-care
- Describe the importance of self-care for victim-survivors
- Identify personal, academic, and relationship self-care needs
- Identify Care Center programs, education, and events

## **Sex Offender Registration**

In compliance with the Campus Sex Crimes Prevention Act and Nevada State Statutes (NRS 179D), University Police Services must register employees and students of the University who are convicted of a sexual offense and deemed a sexual offender by law.

Those needing to register with University Police Services can call (702) 895-3668 to schedule a time to meet with a Detective.

Information regarding sex offenders at UNLV is available on the University Police Services website at <https://www.unlv.edu/police/sexual-offender>. The Nevada State Criminal History Repository is required by state statute to maintain a website containing information on serious and high-risk state offenders.

**University of Nevada, Las Vegas Main Campus Crime Statistics\***

Offense	Year	On Campus	Student Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2023	3	0	0	0
	2022	0	0	0	1
	2021	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Rape	2023	5	4	1	0
	2022	1	1	1	0
	2021	3	1	0	0
Fondling	2023	5	3	0	0
	2022	1	0	0	0
	2021	2	0	0	0
Incest	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Statutory Rape	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0
Robbery	2023	5	2	1	0
	2022	5	2	0	0
	2021	2	0	1	0
Aggravated Assault	2023	5	1	1	0
	2022	4	1	0	1
	2021	2	0	1	0
Burglary	2023	31	10	18	0
	2022	53	11	8	0
	2021	21	13	0	0
Motor Vehicle Theft	2023	27	0	2	0
	2022	21	0	1	0
	2021	7	0	0	1
Arson	2023	5	0	1	0
	2022	2	0	0	0
	2021	4	0	0	0

\*Data is reported by calendar year

**University of Nevada, Las Vegas Main Campus Crime Statistics\***

Offense	Year	On Campus	Student Housing	Non-Campus	Public Property
Dating Violence	2023	5	2	0	0
	2022	4	3	0	0
	2021	2	2	0	0
Domestic Violence	2023	18	8	3	3
	2022	9	3	0	2
	2021	11	5	0	1
Stalking	2023	5	0	0	0
	2022	2	0	0	0
	2021	3	2	0	0

\*Data is reported by calendar year.

**University of Nevada, Las Vegas Main Campus Hate Crimes**

**2023:** Zero Hate Crimes reported

**2022:** One report of Intimidation on campus and in the dorms characterized by racial bias.

**2021:** Zero Hate Crimes reported

**University of Nevada, Las Vegas Main Campus Unfounded Crimes:**

**2023:** Zero unfounded crimes reported.

**2022:** Zero unfounded crimes reported.

**2021:** Zero unfounded crimes reported.

**University of Nevada, Las Vegas Main Campus  
Clery Act Arrests and Disciplinary Referrals\***

Offense	Year	On Campus	Student Housing	Non-Campus	Public Property
Liquor Law Violation Arrests	2023	3	2	0	0
	2022	7	7	0	0
	2021	48	46	0	0
Drug Law Violation Arrests	2023	32	12	6	1
	2022	24	6	1	2
	2021	34	10	1	5
Weapons Law Violation Arrests	2023	15	6	1	1
	2022	10	2	1	1
	2021	6	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	14	14	0	0
	2022	69	69	0	0
	2021	31	31	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	52	49	0	0
	2022	21	19	0	0
	2021	4	4	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0	0
	2022	0	0	0	0
	2021	0	0	0	0

\*Data is reported by calendar year.



**University of Nevada, Las Vegas Shadow Lane Campus Crime Statistics\***

Offense	Year	On Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Manslaughter by Negligence	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Fondling	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Incest	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Statutory Rape	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Robbery	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Aggravated Assault	2023	1	0	0
	2022	0	0	0
	2021	1	0	0
Burglary	2023	0	0	0
	2022	4	1	0
	2021	5	0	0
Motor Vehicle Theft	2023	7	4	0
	2022	1	3	0
	2021	1	1	0
Arson	2023	0	0	0
	2022	0	0	0
	2021	2	0	0

\*Data is reported by calendar year. The University of Nevada, Las Vegas Shadow Lane Campus does not have residential facilities.

**University of Nevada, Las Vegas Shadow Lane Campus Crime Statistics\***

Offense	Year	On Campus	Non-Campus	Public Property
Dating Violence	2023	1	1	0
	2022	0	0	0
	2021	0	0	0
Domestic Violence	2023	1	0	0
	2022	1	0	0
	2021	1	0	0
Stalking	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

\*Data is reported by calendar year. The University of Nevada, Las Vegas Shadow Lane Campus does not have residential facilities.

**University of Nevada, Las Vegas Shadow Lane Campus Hate Crimes**

**2023:** No Hate Crimes reported.

**2022:** No Hate Crimes reported.

**2021:** No Hate Crimes reported.

**University of Nevada, Las Vegas Shadow Lane Unfounded Crimes**

**2023:** Zero unfounded crimes.

**2022:** Zero unfounded crimes.

**2021:** Zero unfounded crimes.

**University of Nevada, Las Vegas Shadow Lane Campus  
Clery Act Arrests and Disciplinary Referrals\***

Offense	Year	On Campus	Non-Campus	Public Property
Liquor Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Arrests	2023	1	0	0
	2022	1	0	0
	2021	2	0	1
Weapons Law Violation Arrests	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2023	0	0	0
	2022	0	0	0
	2021	0	0	0

\*Data is reported by calendar year. The University of Nevada, Las Vegas Shadow Lane Campus does not have residential facilities.



**2024 Annual Fire Safety Report**

### Residence Hall Fire Safety Systems

Residence Hall	Address	Audible/ Visual Fire/ Alarm Panel	Sprinkler System	Fire Extinguishers	Smoke/ Heat Detectors	Posted Evacuation Routes	# of Evacuation (Fire) Drills each year
Tonopah Complex	1130 Gym Rd. Las Vegas, NV 89154	Yes	Yes	Yes	Yes	Yes	3
Upper Class Complex	4750 Gym Rd. Las Vegas, NV 89154	Yes	Yes	Yes	Yes	Yes	3
Dayton Complex	4765 Gym Rd. Las Vegas, NV 89154	Yes	Yes	Yes	Yes	Yes	3
South Complex	4770 Gym Rd. Las Vegas, NV 89154	Yes	Yes	Yes	Yes	Yes	3
Legacy Apartments	4247 Claymont St. Las Vegas, NV 89119	No	No	Yes Exterior of building	Yes	Yes	**
Degree Apartments	4259 S Maryland Pkwy. Las Vegas, NV 89119	Yes	Yes	Yes	Yes	Yes	**

\*Each unit exits directly outdoors so evacuation routes are not necessary.

\*\*Each unit is separate and has its own dedicated smoke detector system, thus evacuation drills are not required.

## **Policies Regarding Portable Electrical Appliances, Smoking and Open Flames in Student Housing Facilities**

### Appliances

Fire hazards, personal injuries, and property damages can result from the use and storage of following appliances in the residence halls: grills (BBQ or otherwise), stoves, hot plates, toaster ovens, space heaters, sun lamps, halogen lamps, and electric blankets. Therefore, these items are NOT allowed in the residence halls. Increased bug and rodent populations, food spoilage, and odors can result from trying to cook in residence hall rooms that are not equipped with adequate cooking facilities. Hot air poppers, coffee pots, and other appliances that have enclosed elements and underwriter's laboratory approval may be used in student rooms. Approved appliances should be plugged directly into a wall receptacle. Only approved power strips can be used. Multi-plug adapters and extension cords shall not be used. Power strips cannot be plugged into another power strip.

### Smoking

All residential facility spaces, including resident rooms, balconies and entry ways, are nonsmoking areas. This includes the prohibition of e-cigarettes and similar type devices. Violations may result in disciplinary proceedings through the Office of Student Rights and Responsibilities.

### Candles & Incense

The use and/or storage of candles or incense have resulted in injuries, fires, and property damage. Therefore, candles, incense, or other devices with an open flame are not permitted in the residence halls.

## **Procedures for Student Housing Evacuation**

UNLV Housing and Residential Life staff members have a responsibility to assist Fire and Police Departments in responding to fire alarms within the residence halls. Every fire alarm

should be responded to as though it is a real fire. University Police Services dispatch should be called immediately on the activation of any fire alarm and building evacuation and crowd control should commence immediately.

When a fire alarm is activated:

### Office Assistants

- Call University Police Services immediately at (702) 895-3669
- If (A)RLC is not available to respond, call the Rebel Repair Help Desk (702) 895-5324
- RAs may be directed to assist with crowd control.

Once the alarm has been resolved, return to the desk to complete the shift.

### RA on Duty

- Call University Police Services (702) 895-3669 (if not already done by office staff, or if the desk is closed)
- Call the coordinator on-call

### All available complex RAs

- Go to predetermined staging area.
- RAs will be directed to monitor emergency exits and direct residents to the complex's evacuation zone by either the RA on duty or a responding (A) RLC
- RAs may be directed to assist with crowd control and communicating instructions to evacuated residents.

### (A) RLC

In person or via reporting RA, review the fire panel to determine the location of the alarm. (A)RLC may direct the reporting RA to proceed to the alarm location to determine the possible cause of the alarm.

The (A)RLC will assume control of the situation upon his/her arrival until emergency personnel respond. The (A)RLC will serve as

the primary communicator with RAs and any responding emergency personnel.

Any actual fire should be reported to the on-call AD immediately.

The fire department or University Police Services will clear the building for re-entry. RAs should remain available to help residents who are locked out of their room.

*REMEMBER: During a fire alarm situation, University Police Services Officers and Fire Department personnel have complete authority. Any directive or request received from any of these individuals need to be followed explicitly.*

Emergency Evacuation Zones	
Dayton Complex	SWRC Lawn
South Complex	Lawn to the south of South Services Building
Tonopah Complex	Student Union
UCC Hughes, B, C	LDS or Newman Center Parking Lot
UCC Faiman	Basketball Court between Student Affairs Maintenance Shop & South Complex

### **Policies Regarding Fire Safety Education and Training Programs**

Every RLC, Assistant RLC, RA, and Community Assistant (CA) goes through emergency response training prior to the residence halls opening for Fall Semester. During this training, every staff member goes through the fire drill policies, sounds the fire alarm, and reviews where the alarm stations are located and how to respond during a drill or emergency.

Residential students are given information regarding fire evacuation procedures at the first floor meeting and complex orientations.

**University of Nevada, Las Vegas  
Fire Statistics 2023**

Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused By Fire
Legacy	1	1	Dumpster fire	0	0	400.00
William Boyd Hall	1	1	N/A	N/A	N/A	Unknown



**University of Nevada, Las Vegas  
Fire Statistics 2022**

Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused By Fire
Tonopah Hall 1130 Gym Rd., Las Vega, NV 89154	3	1	Unknown	0	0	150,000
		2	Cooking	0	0	150.00
		3	Cooking	0	0	150.00
Dayton Hall 4765 Gym Rd., Las Vegas, NV 89154	0	0	N/A	N/A	N/A	N/A
UCC Complex 4750 Gym Rd., Las Vegas, NV 89154	0	0	N/A	N/A	N/A	N/A
South Complex 4770 Gym Rd., Las Vegas, NV 89154	1	1	Cooking	0	0	150.00
Legacy Apartments 4247 Claymont St. Las Vegas, NV 89119	1	1	Cooking	0	0	2,500.00
The Degree Apartments 4259 S Maryland Pkwy Las Vegas, NV 89119	1	1	Cooking	0	0	250.00

**University of Nevada, Las Vegas  
Fire Statistics 2021**

Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries That Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused By Fire
Tonopah Hall 1130 Gym Rd., Las Vega, NV 89154	1	1	Accidental Electrical	0	0	\$500.00
Dayton Hall 4765 Gym Rd., Las Vegas, NV 89154	1	1	Accidental Electrical	0	0	\$250.00
UCC Complex 4750 Gym Rd., Las Vegas, NV 89154	0	0	n/a	0	0	\$0.00
South Complex 4770 Gym Rd., Las Vegas, NV 89154	1	1	Accidental Electrical	1	0	\$400.00
Legacy Apartments 4247 Claymont St. Las Vegas, NV 89119	0	0	n/a	0	0	\$0.00
The Degree Apartments 4259 S Maryland Pkwy Las Vegas, NV 89119	3	1	Accidental Fire in Stove	0	0	\$1,000.00
		2	Incendiary Paper in Hallway	0	0	\$25.00
		3	Incendiary Paper in Hallway	0	0	\$25.00

The University of Nevada, Las Vegas  
2024 Annual Security & Fire Safety Report  
is prepared by University Police Services.



For more information about University Police  
Services, visit our website at:

<https://updsouth.nevada.edu>

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