UNLV
UNIVERSITY OF NEVADA LAS VEGAS

OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS

STUDENT CONDUCT CODE

SECTION 1: GENERAL PROVISIONS

PHILOSOPHY

The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. Self discipline and a respect for the rights of others within the University of Nevada, Las Vegas ("University" or "UNLV") community are necessary for the fulfillment of such goals.

The UNLV Student Conduct Code ("*Code*") is designed to promote this environment and sets forth standards of conduct expected of students/student organizations who choose to join the university community. When students choose to accept admission to the University, they accept the rights and responsibilities of membership in the University's academic and social community. Students/student organizations that are found to violate these standards will be subject to conduct sanctions in order to promote their own personal development, to protect the University community, and to maintain order and stability on campus.

To maintain an effective campus environment, each member of the campus community is strongly encouraged to notify appropriate officials of any violation of the *Code* and to assist in its enforcement. As citizens of the larger community in which the "*University*" is located, students/student organizations have all the responsibilities and rights that are incumbent upon any citizen. The University is concerned with what happens to students/student organizations and holds students/student organizations responsible for their own actions. Students/student organizations are subject to the University's internal disciplinary procedures, i.e., the "*Code"*, and also, when applicable, to local, state, and federal laws.

GOVERNANCE

The behavior of all students/student organizations, as members of the University community, is governed by the *Code.* Students/student organizations may also be members of other University-based communities that impose additional standards of conduct, including but not limited to honor codes, standards of professional/ethical conduct, housing standards, including but not limited to the *Your Guide to Community Living* and *Campus Housing Contract*, intercollegiate athletic teams' expectations, and student organizations' expectations.

All University students/student organizations have access to the provisions of the *Code* which include conduct regulations and procedures. Copies are available on the Office of Student Conduct website at http://studentconduct.unlv.edu/, or in the Office of the Vice President for Student Affairs, and the Office of Student Conduct.

I. AUTHORITY AND JURISDICTION

The Nevada System of Higher Education (NSHE) Board of Regents reserves to the President of the University the authority and responsibility for matters of student discipline. This authority is delegated by the President to the Vice President for Student Affairs or his/her designee for the processing of conduct matters, hearings and appeals. The *Code* is published and administered by the

Office of Student Conduct and is the product of a representative process. The ultimate authority for determining procedures for hearings, however, rests with the institutional President or his/her designee. Pursuant to *Title 2, Chapter 6 of the NSHE Code*, Section 6.1.1, "NSHE institutions and professional schools may establish written policies, procedures and sanctions for the discipline of its students that may be used in lieu of the policies, procedures and sanctions of [Title 2, Chapter 6], including but not limited to the establishment of student judicial councils, subject to the prior review by the Chief Counsel and to the approval of the president of the institution."

The *NSHE Code* and UNLV *Code* are designed to enable the University to protect against the conduct of those who, by their actions, impair or infringe on the rights of others or interfere with the orderly operations of the University. The *Code* shall apply to conduct that occurs on the premises of UNLV, at UNLV sponsored activities, and to off-campus conduct that adversely affects the UNLV community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of the degree, even though the conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The *Code* shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Vice President for Student Affairs or designee shall decide whether the *Code* shall be applied to conduct occurring off campus, on a case by case basis.

The term "student" means any person who is enrolled in courses, either full-time or part-time, including correspondence study, electronic means, Study Abroad, or auditing, or courses offered through any UNLV satellite campuses or auxiliary means. Students are subject to disciplinary action for conduct that occurs during any period under the *Code*'s authority and jurisdiction as defined above. Students who leave the University before a conduct matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students". This includes individuals who have applied for admission to the University or have been notified of their acceptance for admission.

Guests must adhere to all UNLV rules, and the hosting student/student organization is responsible for all guests' actions. It is the responsibility of the host to inform the guests of such rules.

Persons found in violation may be accountable to both civil and criminal authorities and to the University for actions that constitute violations of the *Code*. At the discretion of UNLV officials, conduct proceedings at the University may be delayed or continue to move forward while civil and/or criminal proceedings are pending or in progress.

II. STUDENTS WITH DISABILITIES.

All students, regardless of disability, are responsible for adhering to the *Code.* When registering for classes at UNLV, the student must consider whether he/she will be able to adhere to the *Code.* The Americans with Disabilities Act (ADA) does not excuse or protect an individual from being held responsible under the *Code* for emotional or violent outbursts caused by impairment. For specific guidelines on disability accommodations at UNLV, students are encouraged to contact the Disability Resource Center at http://drc.unlv.edu.

III. EMERGENCY REMOVAL CLAUSE

When there is cause to believe a student endangers the health, safety, or welfare of the University community or its property, the Vice-President for Student Affairs or his/her designee may order the immediate removal of a student, with accompanying prohibition from University property and

activities, for an interim period pending a conduct "show cause" hearing. The Office of Student Conduct shall conduct a "show cause" hearing within 72 hours of this emergency removal, or on the earliest college working day thereafter identified by the student. The sole purpose of the "show cause" hearing is to make a recommendation as to whether the student may return to the campus pending conclusion of the conduct process. Simultaneous with such removal, the Vice-President for Students Affairs or his/her designee shall refer the charges to the Office of Student Conduct, who shall process such charges in the manner and within the time limits required by this *Code.*

SECTION 2: STUDENT RIGHTS AND RESPONSIBILITIES

I. STUDENT RIGHTS

The University is an academic community in which all persons share responsibility for its quality and well being. As members of the University community, students can reasonably expect all the guarantees and protections afforded students of public institutions, including:

A. The right to fair and equitable process in all matters concerning the *Code.*

B. The right to exercise their freedoms without fear of University interference.

C. The right to be free from discrimination on the basis of race, ethnicity, gender, age, religion, creed, national origin, disability, or sexual orientation/identity.

D. The right to engage in inquiry and discussion, to exchange thought and opinion, and to speak, write, and print freely on any subject in accordance with the guarantees of federal and state laws.

E. The right to engage in peaceful and orderly speech, protest, demonstration, and picketing within the public forum to the extent such activities do not disrupt the academic and/or administrative functions of the University. The University reserves the right, in accordance with federal and state law, to approve the time, place and manner of such activities.

F. The opportunity to participate in the formulation of policy directly affecting students through membership on appropriate committees as determined by the President of the University, the student government and other recognized groups within the University.

G. The right to ready access to established University policies and procedures.

H. The right to be free from unreasonable search and seizure.

II. STUDENT RIGHTS IN THE CONDUCT CODE PROCESS

When a student/student organization is charged with an alleged violation of the *Code*, that student/student organization has the right to:

A. Receive advance notice of the alleged violation(s), who to contact for a meeting, and the date by which that contact must occur.

B. Present his/her or its version of the events in question.

C. Be accompanied by an advisor. Advisors may not speak or participate directly in the conduct process; to include questioning witnesses or making arguments on the charged student's/student organization's behalf.

D. Have witnesses present information on his/her or its behalf.

E. Not participate or answer questions in a hearing.

F. Question any statements or witnesses presented.

G. Challenge the objectivity of the hearing body for cause if he/she or it believes that a hearing officer/board member may be biased or have a conflict of interest.

H. Appeal the outcome of the hearing on the following grounds:

i. The procedures under which the student/student organization is charged are invalid; or if valid, were not followed.

ii. The charged student/student organization did not have an adequate opportunity to prepare and present a defense to the charges.

iii. The evidence presented at the hearing was not sufficiently substantial to justify the decision.

iv. The sanction imposed was not in keeping with the gravity of the violation.

III. STUDENT RESPONSIBILITIES

Members of the UNLV community are strongly encouraged to participate in any conduct proceedings and to appear as witnesses when reasonably notified. This is not intended to limit the right against self-incrimination.

Guests must adhere to all University rules, and the hosting student/student organization is responsible for all guests' actions. It is the responsibility of the host to inform the guests of these rules. The host can be held financially responsible for the actions of a guest, as well as face *Code* charges for any guest's behavior. In the University's sole and absolute discretion, guests may be prohibited from entering University property.

Responsible Action Protocol – At UNLV, the health, safety and welfare of our students and community are paramount concerns. As such, all UNLV students are expected to alert appropriate officials in the event of any health or safety emergency – specifically including those involving the abuse of alcohol or drugs.

Because the University understands that fear of possible disciplinary actions may act as a barrier to students seeking requests for emergency assistance, the University has adopted the following Responsible Action Protocol to alleviate such concerns and promote responsible action on the part of students.

In a situation involving imminent threat or danger to the health or safety of any individual(s), students are generally expected (1) to contact emergency officials by calling 911 to report the incident, (2) to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and (3) to meet with appropriate University officials after the incident and cooperate with any University investigation.

The University will consider the positive impact of taking responsible action in an emergency situation when determining the appropriate response for alleged conduct violations by the reporting student that may have occurred prior to or contemporaneously with the emergency situation. In some situations, this may mean that no University disciplinary action is taken or no disciplinary sanctions are imposed, but the incident will be documented, and educational, community, and health initiatives – as well as contact with a student's parent(s) or guardian(s) – may be required.

The protocol does not preclude or prevent action by police or other local authorities. Nor does this protocol preclude disciplinary action regarding other violations of the *Code*, such as causing or threatening physical harm, sexual misconduct, property damage, harassment, hazing, etc.

Failure of students to take responsible actions in an emergency situation, however, may void all protections under this provision, may constitute an aggravating factor for purposes of sanctioning, and may lead to further disciplinary actions when such failure to act otherwise constitutes a violation of University rules, regulations, or policies.

PROHIBITED CONDUCT

The following acts are prohibited and may result in any conduct sanctions listed in Section Three: Student Conduct Code Administration, Article VIII below:

A. Any act or actions, committed by a student within the authority and jurisdiction of the *Code* that is contrary to federal, state, local law, or University policy/regulation.

B. Any act or conduct that obstructs or hinders the application and enforcement of the *Code.*

C. Trespassing, forcefully entering and/or occupying University-owned, leased, or controlled premises without authorization.

D. Destroying or vandalizing personal and/or public property; unauthorized, mischievous and/or inappropriate use of such property.

E. Unauthorized use or abuse of a computer system, access code[s], keys, or similar device to access controlled data, UNLV's property, or a restricted area of any of the University's campuses. See the Office of Information Technology's policies at: *https://www.it.unlv.edu/policies or https://www.it.unlv.edu/computer-labs/about/lab-rules*. See the UNLV Libraries' policies at: *https://www.library.unlv.edu/about/policies.*

F. Theft or unauthorized use of property or services of the University, its members, or its visitors.

G. Providing false information to a University official who is performing his/her official duties or engaging in other similar forms of dishonesty, including making a wrongful accusation against any member of the University community.

H. Failing to comply with reasonable directions of University officials (i.e. faculty, staff, graduate assistants, resident assistants, student employees) or law enforcement officers who have identified themselves as such and are performing their duties; and/or failing to identify oneself to such persons when requested to do so.

I. Falsifying or withholding required information in any form from a University official.

J. Committing academic misconduct; including cheating, plagiarism, and any other form of academic misconduct. See the Student Academic Misconduct Policy *at: http://studentconduct.unlv.edu/misconduct/policy.html.*

K. Disrupting classroom activity, University functions, and/or the operations of the University by an action or combination of actions that unreasonably interfere with, hinder, obstruct, or prevent the right of others to freely participate in an activity, program, or service of the University.

L. Violating any institutional safety regulation, including, but not limited to:

1. Falsely reporting a fire, bomb, or any other emergency by any means, including activation of an alarm;
2. Engaging in the unauthorized possession, use, or alteration or tampering of any University-owned emergency or safety equipment;
3. Failing to evacuate a building or other structure during an emergency or an emergency drill; and
4. Taking any action that creates a substantial risk that potentially compromises the safety of an individual or the community.

M. Operating a vehicle, including a motorized cart, in any manner that endangers any person or property.

N. Without prior written authorization from the President or his/her designee, possessing, storing, controlling, or using a functioning or nonfunctioning firearm, firework, explosive, incendiary device, or other weapon or device classified as a weapon by the State of Nevada, or utilizing any instrument to simulate a weapon in a manner that endangers or tends to endanger, threaten, or intimidate any person. NOTES: "Firearm" is defined as any gun, rifle, pistol, or handgun designed to fire bullets, BBs, pellets, or shots – including paintballs – regardless of the propellant used. "Other weapon" is defined as any instrument of combat or any object not designed as an instrument of combat but carried for the purpose of inflicting or threatening bodily injury. Examples include, but are not limited to: knives with fixed blades or pocketknives with blades longer than four inches, metal knuckles, hatchets, nunchakus, or any explosive or incendiary device.

O. Using, selling, possessing, distributing, or being under the influence of an alcoholic beverage, except as permitted by law and University policy. Members of the University community are accountable for their decisions regarding their use of alcohol, as well as their behavior which occurs as a result of those decisions. See the Alcohol Response Policy and Guidelines for UNLV Students at: *http://provost.unlv.edu/downloads/060518_Alcohol_Response_Policy_Student.pdf*

P. Using, possessing, distributing, selling, or being under the influence of an illegal drug or narcotic; manufacturing, growing, or synthesizing an illegal drug or narcotic; possessing drug paraphernalia; or setting up or possessing laboratory equipment or materials for the purpose of making or distributing an illegal drug or narcotic. See the Controlled Substance Response Policy at: *http://studentconduct.unlv.edu/forms/controlled-substance.html.*

Q. Threatening, assaulting, or causing physical harm to oneself or to another. Uttering any words or performing any acts that cause physical injury, or threaten any individual, or interfere with any individual's rightful actions, including but not limited to the following:

1. words or actions that would cause an individual to fear for his or her immediate safety.
2. the use of physical force against an individual.
3. repeatedly contacting another person when the contact is unwanted.

R. Hazing, which is any method of initiation into or affiliation with the University community, a student organization, a sports team, an academic association, or other group engaged in by an individual, whether on or off campus, that intentionally or

recklessly endangers another individual, that destroys or removes public or private property, that subjects any person to any mental or physical requirement, request, or obligation that could cause discomfort, pain, fright, disgrace, injury, that is personally degrading or that violates any federal, state, or local law(s), or University policy. Such hazing activities include, but are not limited to, paddling in any form, physical or psychological shocks, late work sessions which interfere with scholastic activities, advocating or promoting illegal alcohol or controlled substance use, tests of endurance, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a reasonably foreseeable potential for resulting in personal injury, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment. The willingness of an individual to participate in such activity does not make the conduct acceptable or legitimate.

S. Harassment, which is any verbal, visual, electronic, or physical conduct that is sufficiently severe, and/or ongoing that it adversely affects, or has the purpose or logical consequence of interfering with any student's educational program; or creates an intimidating, hostile, or offensive environment within the University community. Harassment can include, but is not limited to, the above behaviors towards any person because of race, ethnicity, religion, gender, sexual orientation/identity, age, creed, national origin, disability, veteran status, or on any other basis.

T. Sexually harassing any person, male or female, by making one or more unwelcome sex-related comments or sexual overtures, engaging in other similar physical behaviors, or displaying offensive visual materials which interfere with, or are intended to interfere with another person's work or study. Even one incident, if it is sufficiently serious, may constitute sexual harassment. *See the UNLV Sexual Harassment Policy at http://hr.unlv.edu/*

U. Engaging in sexual misconduct, including any physical act which is sexual in nature that is committed under pressure, force, threat, intimidation, or without the full and informed consent of all persons involved. For the purposes of this policy, consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is a minor, mentally disabled, mentally incapacitated, physically helpless, under the influence of drugs or alcohol to the point of being unable to make a rational decision, unconscious, or asleep. A person always has the right to revoke consent at any time during a sexual act. Failure to say "no" does not imply consent.

V. Abusing the *Code* system, including but not limited to:

1. Knowingly filing a false, inaccurate, or misleading statement or accusation against another person;
2. Knowingly providing false, inaccurate, or misleading information to a conduct officer or body;
3. Disrupting or interfering with the orderly business of a conduct proceeding;
4. Failing to attend a meeting required by a conduct officer or body;
5. Discouraging, or attempting to discourage, an individual's participation in, or access to the student conduct process;
6. Influencing, or attempting to influence, the impartiality of any conduct officer or member of a conduct body prior to, during, and/or after a conduct proceeding;

7. Intimidating or harassing, or attempting to intimidate or harass, any participant of a conduct process prior to, during, and/or after a conduct proceeding;
8. Failing to comply with sanctions imposed under the *Code;*
9. Violating the terms of a conduct sanction; and
10. Influencing, or attempting to influence, another person to commit an abuse of the conduct system.

W. Misusing, falsely representing, defacing, mutilating, or stealing a University document.

X. Assisting in or inciting others into violating any provision of the *Code*.

Y. Attempting to violate any provision of the *Code*.

Z. Possessing or manufacturing any false or altered form of identification, improperly using any identification card, knowingly altering or mutilating a UNLV student identification card, using the identification card of another, or allowing use of one's own card by another.

AA. Littering and/or inappropriate disposal of refuse, including ejecting any objects from vehicles or from windows in residence halls, balconies, or other University buildings.

BB. Being present during any violation of the *Code* in such a way as to condone, support, or encourage such violation. Students who anticipate or observe a violation of University policy are expected to remove themselves from participation and are encouraged to report the violation.

CC. Retaliation against an individual who complains of alleged harassment or provides information in an investigation related to such complaint.

IV. STUDENT RECORDS

1. Student records will be maintained in accordance with the Family Educational Rights and Privacy Act ("FERPA") of 1974 and the U.S. Department of Education's guidelines for implementation. Academic and conduct records shall be maintained separately.
2. Transcripts of academic records shall contain information concerning academic status, including disqualification for academic reasons, expulsion, suspension and revocation of admission for conduct reasons.
3. With the exception of records relating to expulsion, suspension and revocation of admission, all conduct records shall be destroyed seven (7) years after the date of the incident.
4. Records relating to expulsion, suspension and revocation of admission shall be held permanently.
5. In accordance with UNLV policy and FERPA, UNLV vigorously protects the privacy of student education records. UNLV's FERPA policy is located in its entirety at ferpa.unlv.edu.

V. STUDENT ORGANIZATIONS

Any recognized student group or organization may be charged with violations of this *Code*.

A. Any University-recognized student group or organization may be held accountable for the actions of any of its members if the violation of the *Code* is in any way related to the group or organization. Group misconduct need not be officially approved by the

entire membership in order to be considered grounds for possible conduct action towards the organization. There is no minimum number of organization members who must be involved in an incident before conduct action may be taken towards the entire organization. In some instances, the conduct of a single member may provide sufficient grounds for action towards the entire organization. An appropriate but not exhaustive inquiry to determine whether an organization may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals would have been involved in the incident if they were not members of the organization or if, by group action, the incident was encouraged, fostered, or might have been prevented.

B. UNLV officials may direct the officers, leaders, or specified individuals of a student organization to take action designed to prevent or end such violations by the organization or by any persons associated with the organization who can reasonably be deemed to be acting on its behalf. Failure to make reasonable efforts to comply with such a directive shall be considered a violation of this *Code*, by the officers, leaders, specified individuals of the organization, and/or by the organization itself.

C. Sanctions for organizational misconduct may include, but are not limited to: revocation of the use of University facilities or privileges for a definite period of time, denial of University recognition or registration, and suspension of participation in or sponsorship of social or intramural activities or events; as well as other appropriate sanctions permitted under this *Code* or other codes, standards, and/or governing documents of the University.

SECTION 3: STUDENT CONDUCT CODE ADMINISTRATION

I. AUTHORITY

The President of the University has the responsibility for student conduct and discipline and shall exercise this responsibility through established procedures as prescribed in the *Code*, which is authorized by Title 2, Chapter 6 of the NSHE Code. The President of UNLV delegates such authority to the Vice President for Student Affairs who, in turn, appoints the Office of Student Conduct to administer the *Code*

A. The Office of Student Conduct may be designated by the Vice President for Student Affairs to administer selected conduct issues for specific campus populations who violate published rules for their specific populations (e.g. residence halls). In turn, the Office of Student Conduct may designate specific individuals and offices to administer selected conduct issues within a specific population.

B. The procedures established by any University-based community (i.e., Greek Life, Athletics, Residential Life/Campus Housing) may govern violations of the standards of conduct set forth by that specific community. In cases in which such violations also may have violated the *Code*, however, the Office of the Vice President for Student Affairs will have concurrent jurisdiction over the matter, which must be referred to the Office of Student Conduct.

C. The Vice President for Student Affairs or his/her designee shall appoint Hearing Officers and special Hearing Panels as required.

D. Consistent with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, both parties to an alleged sexual misconduct offense will be notified of the outcome of any conduct proceedings.

II. FILING A COMPLAINT

Complaints alleging a violation of the *Code* shall be filed with the Office of Student Conduct. Such complaints must meet the following criteria:

A. The complaint must be submitted in writing or electronically and dated;

B. The complaint must clearly indicate the name of the complainant. If necessary, follow-up documentation may be requested before a complaint is acted upon;

C. To the extent possible; the date, time, place, name of person(s) involved, and the circumstances of the alleged violation should be specified; and

D. The name(s) of any person(s) who may have witnessed the alleged prohibited conduct should be listed.

E. The complaint must be filed no later than thirty (30) college working days after discovery of the incident which is the topic of the complaint. The Office of Student Conduct may waive the thirty-day limitation upon demonstration of good cause.

F. Students who believe that he or she has been subjected to retaliation for filing a complaint of sex discrimination under Title IX by students, the University or any of its officials may also file a complaint with the Department of Education's Office for Civil Rights.

III. NOTIFICATION AND INFORMATION GATHERING

A. Reports of alleged violations of the *Code* shall be reviewed by the Office of Student Conduct for possible administrative action. The Office of Student Conduct may appoint a designee to review the incident and assess the information provided.

B. The Office of Student Conduct will notify the student(s)/student organization(s) named in the complaint of the alleged violation(s), who to contact for a meeting, and the date by which that contact must occur. The primary notice shall be sent to the student's official University issued RebelMail account, which shall serve as official notice. In the event primary notice is not successful, and at the Office of Student Conduct's discretion, secondary notice may also be sent via US Mail to the student's official University address, or, when necessary, by hand-delivery.

C. All communications sent by the Office of Student Conduct are considered received when sent, provided:

1. One (1) additional college working day shall be added to notice sent by UNLV official electronic mail; or
2. Three (3) additional college working days shall be added to notices sent off-campus by U.S. Mail;
3. Immediately, when hand-delivered and signed for by the addressee by any person other than the addressee who is over 18 years of age.

D. Such notification will describe the alleged-violation and advise the student that an administrative transcript and/or registration hold may be placed on the student's academic records pending investigation and resolution of the complaint. The notice will include the Office of Student Conduct website address where the *Code* is posted, as well as electronic addresses where any other relevant University policies and/or procedures are posted.

E. The Office of Student Conduct will gather information relevant to any complaint indicating that a *Code* violation may have occurred. The Office of Student Conduct or its designee responsible for gathering that information has the authority to contact and meet with any persons believed to have information relevant to the complaint and encourage them to discuss the allegations in the

complaint. In the absence of compelling circumstances, the information gathering process shall be completed within sixty (60) college working days after the receipt of the complaint.

F. During the information gathering process, a "No Contact Order" may be issued if it is determined by the Office of Student Conduct to be in the best interest of the investigation or protection of individuals involved. A "No Contact Order" prohibits a student/student organization from initiating or contributing to any verbal, physical, written, or electronic contact with a specifically identified individual(s), and such individual's/individuals' immediate families or physical possessions. A "No Contact Order" may also prohibit a student from entering specific University-owned or controlled properties. Failure to comply with a "No Contact Order" may result in further conduct proceedings and may result in an emergency removal from the University.

G. Based on the information gathered, the Office of Student Conduct will decide whether to dismiss the charge, or make a recommendation to the Vice President for Student Affairs or his/her designee for conduct action.

1. The Office of Student Conduct may dismiss the complaint at any stage if it finds that the complaint is baseless or otherwise unsupported by the available information, or that the underlying grievance or problem is better resolved in a different manner. If the complaint is dismissed, the Office of Student Conduct will notify the charged student/student organization either verbally at the informal administrative meeting, or in accordance with the conditions set forth in Sections III. B. and C. above.

2. If the charges (either as presented or modified) are to be forwarded for conduct action, the Office of Student Conduct will notify the charged student/student organization, the complainant, and any witnesses in the manner and conditions set forth in Sections III. B. and C. above; and will clearly outline the appropriate procedures to be followed.

H. If the proposed action against the charged student may lead, in the opinion of the Office of Student Conduct, to suspension or expulsion and the charged student is under the age of eighteen (18) years, the parents or legal guardians of the charged student may be notified of the charges and of the pending hearing at least ten (10) college working days in advance. Notification shall be sent by certified or registered mail, return receipt requested, to the parent's/parents' or legal guardian's/guardians' last known address.

I. Alternative Conflict Resolution (ACR): If (1) all person(s) personally and directly affected by the conflict agree to resolve the complaint through an alternative conflict resolution process (i.e. mediation, restorative justice), and (2) the Office of Student Conduct believes that the alternative conflict resolution process is an appropriate form of resolution, then the Office of Student Conduct will make arrangements for the alternative conflict resolution to occur. The nature of some complaints, especially those involving violence, may make alternative resolution conflict an unrealistic option.

Alternative conflict resolution is a voluntary process - that may or may not result in an agreement. When an agreement is reached by the parties involved, the case is resolved and parties are encouraged to use the Office of Student Conduct as a resource for future questions. Alternative conflict resolution agreements may not be appealed.

If an alternative conflict resolution agreement is not reached or upheld, the charged student has the choice of accepting responsibility or proceeding to a formal hearing.

IV. INFORMAL RESOLUTION

In all cases, charged students and student organizations have the right to a formal hearing. A charged student /student organization, however, may request in writing that the Office of Student Conduct resolve the complaint informally.

A. The Office of Student Conduct **may** informally resolve the complaint with the consent of the student/ student organization charged by:

1. Reaching consensus with the original complainant and the charged student/student organization;
2. Permitting the complainant to voluntarily drop the complaint; or
3. Permitting the student /student organization charged to voluntarily accept conduct sanctions.

B. In all informal resolutions, the Office of Student Conduct will conduct a resolution discussion at which the charged student/student organization may have an advisor present. The charged student/student organization has the right to be assisted by an advisor they choose, at their own expense. The charged student/student organization is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any informal resolution.

1. All information-gathering shall be completed before the conclusion of the informal resolution process.
2. The charged student/student organization has the right to request a formal hearing at any time during the informal resolution process. This formal hearing may be based on responsibility or, when responsibility is already accepted, strictly on acceptance of sanctions.
3. After the information gathering and resolution discussion, the Office of Student Conduct will provide the charged student/student organization with a letter containing a complete accounting of the proposed sanctions within five (5) college working days of the date of the resolution meeting at which the sanctions were outlined. If the sanctions contained in the written report differ from what was presented at the resolution discussion, the Office of Student Conduct must note and explain those differences.
4. In addition, the letter will inform the charged student/student organization that he/she or it may accept or reject the sanctions. If the charged student/student organization rejects the sanctions in whole or in part, the informal resolution process ends and a formal hearing will be scheduled.
5. The informal resolution process does not provide for an appeal other than to opt for a formal hearing.
6. The charged student/student organization has the responsibility to notify the Office of Student Conduct in writing of the student's/student organization's choice to accept or reject the sanctions within five (5) college working days of the date the charged student/student organization received the notice of the proposed sanctions. If the charged student/student organization rejects the proposed sanctions, the Office of Student Conduct will notify the charged student/student organization that the informal resolution process has ended and the formal hearing process will begin.

V. FORMAL RESOLUTION

A. Within five (5) college working days of the completion of the initial information gathering process, or the informal resolution process set forth in Article IV above, the Office of Student Conduct shall make a determination on whether to proceed to a formal hearing.

B. Once the Office of Student Conduct determines that the matter should proceed to a formal hearing, any additional investigation by the Office of Student Conduct must be concluded within five (5) college working days, absent compelling circumstances.

C. The Vice President for Student Affairs or his/her designee may determine that the matter should not proceed to a formal hearing. Unless new evidence sufficient in the opinion of the Vice President for Student Affairs or his/her designee to reopen the case is discovered, the conduct procedures shall be closed.

D. Within five (5) college working days after the decision of the Office of Student Conduct, to conduct a formal hearing, the Office of Student Conduct shall notify the charged student/student organization of which of the following type of hearing will be held:

1. Individual Hearing Officer: A formal hearing held individually with a Hearing Officer who is appointed by the Vice President for Student Affairs or his/her designee. The Hearing Officer's role is to be an impartial and objective party, aware of and knowledgeable about the *Code* and hearing procedures.

2. Hearing Panel: A hearing, administered by the Office of Student Conduct, with members drawn from a pool of faculty, staff, and students who have completed the approved conduct hearing training. The Hearing Panel shall be composed of a chair and at least three (3) additional members, one of whom is a student. The chair shall serve without a vote and preside over the hearing. In the event of an unplanned absence, a representative from the Office of Student Conduct may serve as the non-voting Chair of a Hearing Panel.

3. Integrity Hearing Boards: A hearing held in accordance with the Alternative Conflict Resolution (ARC) procedures, with members drawn form a pool of students, faculty, and staff who have completed the approved ARC Integrity Hearing Board training.

E. A charged student may petition the Vice President for Student Affairs or his/her designee to request, or the Vice President for Student Affairs or his/her designee may choose, to hold a hearing before a Special Hearing Officer or a Special Hearing Committee. The decision rests with the Vice President for Student Affairs or his/her designee.

1. Special Hearing Officer: A formal hearing held before a hearing officer, appointed by the Vice President for Student Affairs or his/her designee, who has the professional experience in presiding at conduct proceedings and who holds no contractual relationship with UNLV or any other NSHE institution during the term of the appointment as a Special Hearing Officer.

2. Special Hearing Committee: A formal hearing committee, administered by a Hearing Officer, appointed by the Vice President for Student Affairs or his/her designee and an elected hearing committee. The composition of the panels and method of election shall be consistent with the NSHE Code, Title 2, Chapter 6.

F. The charged student/student organization may challenge any hearing officer, panel member(s), or committee member(s) for cause, and may challenge a decision by the Vice President for Student Affairs or his/her designee to appoint a Special Hearing officer or Special Hearing Committee in accordance with Article V, Item E above by following the appeal process outlined in Article VII below.

When giving notice for all formal hearing options, these procedures will be followed:

G. The Office of Student Conduct shall provide a notice of hearing to the charged student/student organization at least ten (10) college working days prior to any hearing. That notice of hearing shall include the following information:

1. Date, time, place of hearing;
2. Specific violations of the *Code* that the student/student organization is charged with;
3. Name of complainant or University department submitting complaint;
4. Specification, to the extent possible, of the time, place, person(s) involved, circumstances of alleged prohibited conduct, and name(s) of possible witness(es);.
5. Notification that an advisor selected by the charged student/student organization may accompany the charged student/student organization to the hearing but will not be permitted to present information on the student/student organization's behalf;
6. A statement of the applicable type of conduct hearing; and
7. Such other information as the Office of Student Conduct may wish to include.

H. Notices shall be delivered to the student/student organization charged the manner and according to the timelines set forth in Section 3, Article III, B. and C. above.

I. If the charged student/student organization intends to have an advisor or other representative present, he/she or it must notify the Office of Student Conduct at least five (5) college working days in advance of the hearing and specify the name and address of the advisor, and whether the advisor is an attorney. If, at any time during the proceeding, the student desires to obtain a representative or change their representative, the student may invoke such right. Under such circumstances, the proceeding may be stayed for a period of no fewer than five (5) and no more than fifteen (15) college working days as determined by the Office of Student Conduct. The student may invoke the right to obtain or change his/her representative only once in any conduct proceeding, unless the Office of Student Conduct agrees to any additional requests for such changes.

J. The Office of Student Conduct is responsible for providing a written summary and verbal presentation of the charges, including all relevant information that resulted from the investigation process, to the hearing officer or panel or committee members and the charged student/student organization. This role is assumed by the Office of Student Conduct in all formal hearings, whether the original complainant is present or not. The summary of charges and supporting information will provide the basis of the formal hearing proceedings.

K. Upon request, the student/student organization charged, the advisor, if any, and the Office of Student Conduct have the right to examine any supporting documentation to be presented at the hearing, at least five (5) college working days prior to the hearing during regular business hours. Thus, all documentation for the hearing file must be submitted by the complainant(s), charged student/student organization, witnesses, and the Office of Student Conduct by this deadline.

L. All hearings are closed unless the charged student/student organization requests an open hearing. The Vice President for Student Affairs or his/her designee must approve the opening of said hearing.

M. All formal hearings conducted by a Hearing Panel, Special Hearing Committee, or Integrity Hearing Board require a majority to find a student/student organization responsible for violating the *Code*.

N. All determinations by a hearing officer, hearing panel or committee, or integrity hearing board shall be made on the basis of whether it is more likely than not that the charged student/student organization violated the *Code*.

O. The complainant and the charged student/student organization have the right to be assisted by any advisor they choose, at their own expense. However, the complainant and charged student/student organization are responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any formal hearing without the expressed permission of the Hearing Panel Chair or Individual Hearing Officer.

P. The complainant, the charged student/student organization , and hearing officer, panel, committee, or board are the only individuals in a hearing who have the right to present information and question witnesses.

Q. The charged student/student organization has the right to appear at a hearing to hear the evidence, offer explanatory and clarifying information and evidence, and question any witnesses. The charged student/student organization may choose not to attend the hearing. If a charged student/student organization, with notice, does not appear for a formal hearing, the information in support of the charges shall still be presented and considered. In such cases, failure to respond or appear will not create a presumption of either responsibility or non-responsibility.

R. All findings of fact, recommendations, and decisions must be based solely on the information made available for use at the hearing. This includes, but is not limited to, all information made available to the charged student/student organization as part of the conduct hearing file.

S. Minor technical departures or errors in the procedures established by the *Code* or applicable rulings will not necessarily be grounds to withhold conduct action. The Vice President for Student Affairs or his/her designee shall determine whether such errors were substantial and egregious enough to prevent a fair hearing.

T. A single hearing may be held for more than one person/student organization charged in cases arising out of a single or multiple occurrences. The Office of Student Conduct makes such determinations, subject to review by the Vice President for Student Affairs or his/her designee. Each charged student/student organization, however, retains the right to request that his/her or its case be heard individually.

U. A recording will be made of the hearing for the purpose of review by an appeal panel. The recording shall be the property of UNLV and will be maintained as such for a period of two (2) calendar years after the hearing. However, it shall be maintained for a longer period if the matter is subject to a litigation hold and/or pending in a court of law. Upon the written request of the charged student/student organization, a copy of the recording shall be made available to the student/student organization at his/her or its expense, by the Office of Student Conduct, within fifteen (15) college working days of the request. Confidentiality of recordings from closed hearings shall be maintained by all parties and their representatives.

V. Findings of fact and recommended sanction(s), if any, shall be made in writing by the Hearing Officer or Hearing Panel/Committee/Board Chair to the Vice President for Student Affairs or his/her designee within five (5) college working days after the close of the hearing.

W. The Vice President for Student Affairs or his/her designee shall review the findings of fact and recommended sanctions reported by the Hearing Officer or Hearing Panel/Committee Chair, and may:

1. Dismiss the charge or charges, in any combination;
2. Affirm the recommended sanctions;

3. Impose a greater or lesser sanction than recommended; or

4. Order a new hearing.

X. The Vice President for Student Affairs or his/her designee shall submit a written decision within five (5) college working days after receipt of the findings and recommended sanctions. Also within five (5) college working days, the Vice President for Student Affairs or his/her designee shall provide notice and copies of the decision to the charged student/student organization and to the Office of Student Conduct. The notice shall also contain a notice of appeal rights and procedures and shall be in accordance with delivery methods and conditions as described in Sections 3, Article III., B. and C. above. An additional five (5) college working days will be added in cases of suspension or expulsion. When a student under the age of eighteen years is suspended or expelled, the student's parent(s) or legal guardian(s) shall be notified by certified mail, return receipt requested, sent to the parent's/parents' or legal guardian's/guardians' last known address.

Y. If the charged student/student organization does not appeal the decision of the Vice President for Student Affairs or his/her designee within the time specified in Article VI below, such decision shall be final.

VI. APPEAL RIGHTS

A. A charged student/student organization found responsible for a violation of the *Code* has the right to appeal that decision and any sanctions imposed to the Vice President for Student Affairs or his/her designee. A request for appeal must be filed within five (5) college working days from the charged student's/student organization's receipt of findings.

B. The right of appeal is the right to seek review of a formal hearing decision or other action by an impartial panel granted higher University authority; it is not a right to a new hearing.

C. To prepare the appeal request, the charged student/student organization and the advisor have the right to review the student's/student organization's conduct file, including any recording of the hearing.

D. Any sanction imposed as a result of a hearing shall not become effective during the five (5) college working days during which an appeal may be filed, or until any such appeal has been decided, except that the Vice President for Student Affairs or his/her designee has the authority, in his/her absolute discretion that extenuating circumstances exist, to immediately impose the sanction.

VII. APPEAL PROCEDURES

A. The Vice-President for Student Affairs or his/her designee shall appoint an appeal panel which shall hear all appeals from formal hearings and from decisions pursuant to Section 3, Article V., E. and Article VI., D.

B. The appeal panel shall consist of three (3) members, and shall include at least one (1) faculty or professional staff person, and one (1) student.

1. Members of the appeal panel shall be drawn from a pool of faculty, professional staff, and students who have completed the approved conduct hearing training.

2. Members of the appeal panel shall not have served in the original formal hearing, and shall elect their own chair.

C. Time for Appeal:

1. All appeals shall be filed by the student/student organization within five (5) college working days from receipt of the written decision.

2. The Vice President for Student Affairs or his/her designee shall direct the appeal to the appeal panel within five (5) college working days of receipt of the appeal.

D. Procedures for appeals from formal hearing decisions:

1. All appeals shall be submitted electronically or in writing and filed with the Office of Student Conduct.
2. The student/student organization who is appealing must include the following in the letter of appeal:
    a. The specific grounds for the appeal (See Sections E.1. through 4. below);
    b. Supporting arguments and documentation; and
    c. All other relevant information the student/student organization wishes to include for consideration.
3. The appeal panel may request a personal appearance of the student/student organization charged for the sole purpose of addressing issues raised by the appeal. The student/student organization is not required to appear, and the fact that a student/student organization does not appear upon request will not prejudice the appeal.

E. Grounds for appeals from formal hearing decisions:
An appeal from a decision following a formal hearing and/or the sanctions imposed must be based on at least one (1) of the following:

1. That the procedures under which the student/student organization was charged are invalid, or if valid, were not followed;
2. That the student/student organization charged did not have an adequate opportunity to prepare and present a defense to the charge(s);
3. That the information presented at the hearing was not sufficiently substantial to justify the decision; or
4. That the sanction imposed was not in keeping with the gravity of the violation.

F. Student/Student Organization Appeal Record
In considering the appeal, the Appeal Panel will conduct a review of the existing record of the case, which will include, but is not limited to:

1. The original statement sent to the student/student organization as written notice of the charges;
2. The written decision of the formal hearing officer or body;
3. The recording of the formal hearing; and
4. The letter of appeal.

G. Appeal Result

1. The Appeal Panel shall recommend whether to:
    a. Affirm the charge;
    b. Impose greater or lesser sanctions; or
    c. Order a new hearing.

2. The Appeal Panel's decision shall constitute a recommendation to the Vice President for Student Affairs or his/her designee and must be made within five (5) college working days following the Appeal Panel's receipt of the appeal from the Vice President for Student Affairs or his/her designee.

3. In all cases, except those that recommend suspension or expulsion, the Vice President for Student Affairs or his/her designee shall have the final authority. In cases resulting in suspension, the Vice President for Student Affairs shall have final authority. In cases resulting in expulsion, the Appeal Panel's decision shall constitute a recommendation to the President, who shall have the final authority.

H. The Vice President for Student Affairs or his/her designee shall send copies of the Appeal Panel recommendation, as well as copies of his/her decision, within five (5) college working days of receipt of the decision, to:

1. The student/student organization charged;

2. The Hearing Officer or Chair of the Hearing Panel or Committee; and

3. The Office of Student Conduct.

I. New Hearing
When the appeal results in a new hearing for the student/student organization charged, a new hearing officer or body not involved in the initial hearing will conduct the new hearing. The charged student/student organization retains the right to appeal a new hearing decision as if it were an original hearing.

VIII. SANCTIONS

Depending upon the severity of the violation, and whether a repeat or multiple violations are involved, sanctions may be imposed by the Hearing Coordinator, Hearing Panel or Committee, Office of Student Conduct, the Vice President for Student Affairs or his/her designee, or the President of the University in any order or combination.

In addition to the disciplinary, educational, community, and health initiative sanctions identified below, and in the University's sole discretion, a student/student organization may be required to perform specific restitution service, to complete counseling or other specialized treatment or support services, and/or be required to participate in an activity or program whose purpose is to redirect behavior.

Any violation of the *Code* that is motivated by race, ethnicity, religion, gender, sexual orientation, age, creed, national origin, disability, or veteran status may subject the student/student organization to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

A sanction may have an accompanying administrative fee, in which case the student will be notified at the time the sanction is assigned. Payment of an administrative fee will be considered part of the successful completion of the sanction.

Failure to comply with any such sanction or requirements will constitute an additional violation of the *Code*, and may result in additional and increased sanctions in accordance with the procedures set forth in this *Code*.

SANCTIONS:

A. WARNING. Notice, oral or written, that continued or repeated violations of UNLV policies and/or regulations may be cause for further conduct action. These actions would normally be in the form of censure, loss of privileges, exclusion from activities, probation, suspension, or expulsion.

B. 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.

C. RESTITUTION PAYMENT OR SERVICE. The requirement to provide restoration/restitution for a loss due to violations including, but not limited to: defacement, damage, fraud, theft, and/or misappropriation of property. Restitution may be imposed either exclusively or in combination with other sanctions. Restitution may take the form of monetary payment or appropriate services to repair or otherwise compensate for damages.

D. 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.

E. DEFERRED SUSPENSION. If a student/student organization is found in any further violation(s) of the *Code* for the duration of a deferred suspension period, a recommendation for conduct suspension takes effect immediately. Additional *Code* sanctions appropriate to the new violation also may be taken. A student/student organization that has been issued a sanction of Deferred Suspension is deemed "not in good standing" involving conduct with the University.

F. 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.

G. 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.

H. PARENT/GUARDIAN NOTIFICATION OF DRUG AND ALCOHOL-RELATED VIOLATIONS. UNLV may notify the parent(s) or legal guardian(s) of any student under 21 years of age who is found responsible for violating the Alcohol and/or Controlled Substance policy.

I. REQUIRED EDUCATIONAL/RESTITUTION ACTIVITIES. Mandatory participation in educational activities or programs of community restitution service on campus or in the community, as approved.

J. 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 Conduct or the Vice President for Student Affairs or his/her designee.

K. PROOF OF PAYMENT/RESOLUTION OF UNLV CITATIONS. A student/student organization may need to provide proof that a citation for parking and/or other issues have been resolved.

L. 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.

M. 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 Conduct.

N. ALCOHOL/CONTROLLED SUBSTANCE EDUCATION RESPONSES. A student/student organization will complete an on-line alcohol and/or controlled substance tutorial, attend an Alcohol Awareness Intervention Workshop, or attend an identified off-campus education/intervention resource.

O. ACADEMIC MISCONDUCT. Potential sanctions for academic misconduct include, but are not limited to, the following, either singularly or in any combination:

1. Academic Sanctions
    a. Resubmitting an assignment
    b. Reduction of points/letter grade for the assignment
    c. Dropping a class
    d. Reduction of points/letter grade for class
    e. Failing grade for assignment
    f. Failing grade for class
2. Conduct Sanctions
    a. Reflection Letter of Understanding
    b. Skill Remediation
    c. Academic Integrity Seminar
    d. Conduct Warning or Probation
    e. Loss of Privileges
    f. Transcript notation
    g. Suspension or removal from program, school, or college
    h. Suspension from the University
    i. Expulsion
    j. Withdrawal of credit for previously accepted course or requirement
    k. Revocation of a degree or certificate
    l. Referral to the appropriate legal authorities