



Annual Security Report



2023

University Police Services prepare this Annual Security Report. This report contains statistics for the three most recent calendar years of 2020, 2021, and 2022.



Adam Garcia
Vice President
Public Safety Services

Dear College of Southern Nevada students & colleagues,

I want to welcome both our new students, staff, and faculty and our returning community members. I'd like to take this time to remind you that University Police Services is focused on preserving an environment where you can study and work safely. It is extremely important to us that CSN students, faculty, and staff feel supported and their voices heard.

[University Police Services](#) (UPD) serves the College of Southern Nevada, Desert Research Institute, Nevada State College, and the University of Nevada, Las Vegas. A central tenet of our commitment to the campuses we serve, has been one of a cultural shift from traditional policing to a true community-oriented policing model which is based on transparency, accountability, empathy, responsiveness, and appropriate visibility. It is our mission to provide a safe and secure learning environment and we believe this can be achieved through our core values. 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.

You will see your officers [patrolling campus](#) on foot and in patrol vehicles – and I encourage you to stop and speak with them when you have the opportunity. In addition, we will soon be equipped with community service officers, who will work alongside police officers and provide supplemental resources to help keep the campus community safe.

I also want to address that we offer several proactive anti-crime and safety awareness programs including, but not limited to, [self-defense trainings](#), [bicycle registration](#), and [security escorts](#) which are accessible to all members of the campus community. We are always available to provide [specialized presentations and trainings](#) upon request for campus departments and organizations. UPD has continued to provide police services to our campuses throughout the pandemic and will continue to offer [virtual presentations](#) during this time. We look forward to hosting in-person events on campus and engaging with our community – so be sure to follow us on [social media](#), @UPDSouth, for any updates and future [events](#).

Our department strives to constantly engage our community and improve safety on campus. UPD's Public Safety Advisory Board, which consists of representative student leaders, classified employees, administrative faculty, and academic faculty from each of the institutions UPD serves, seeks to support a community-based public safety approach that fosters and enhances communication channels and relationships. Together, we are stronger. We encourage you to [send in any comments, concerns, or suggestions](#) on ways you think we can improve or reach out to [your campus PSAB representatives](#).

As partners, University Police Services stands ready to service the needs of our campus communities. We will always operate with a high level of integrity and respect, and bring forward the best interest of all our institutions. We encourage you to practice "See Something, Say Something" as well as [reporting any suspicious activity](#). UPD is available 24/7; via phone or through the [CSN MobileSAFETY App](#), or refer back to our [website](#) for further information on how to [file a police report](#) or take advantage of our [other services offered](#) such as fingerprinting, notary, crime logs, and report copies.

Sincerely,

Adam Garcia
Vice president for Public Safety
Services Director University Police
Services Southern Command
702.895.2634
adam.garcia@csn.edu

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 on behalf of the College of Southern Nevada (CSN) 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, designated campus officials known as Campus Security Authorities, Office of Institutional Equity & Title IX, Student Conduct and local law enforcement agencies. Statistics are included in this Annual Security Report for all CSN campuses, public property within or immediately adjacent to the campuses, and non-campus property owned or controlled by CSN. Our branch campuses follow the same policies as our three main campuses (Charleston Campus, North Las Vegas Campus, and Henderson Campus) except where otherwise noted.

Our branch campuses include the following: Summerlin High Tech Advanced Learning Center (ALC,) Debra Center March of Excellence, Western High Tech ALC, Green Valley High Tech ALC, Mesquite Center ALC, Moapa Valley Center ALC, Nellis AFB ALC, Sahara West Center ALC, 311 Water Street ALC, Desert Rose High School ALC, SECTA High School ALC, and Historic Westside School ALC.

An e-mail 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. University Police Services officers have full police and arrest powers; certified by the Nevada Peace Officer Standards 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 its services 24 hours a day, 365 days a year.

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

Interlocal Agreement

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 Highway Patrol, 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 the jurisdiction of University Police Services.

Monitoring of Criminal Activity of Students at Non-Campus Locations

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



Security and Access

CSN operates the following:

Charleston Campus:

Located at 6375 West Charleston Boulevard in Las Vegas. The President, senior administrators, and Human Resources for CSN are housed on this campus. Programs supported at Charleston include: the Veterans' Educational Center, a Dental Clinic, Mojave Mental Health Services, cardio-respiratory, nursing, and many other health-related programs. This campus is also home to Nevada Public Radio station KNPR.

Charleston Campus Main Number:

(702) 651-5000

Hours of Operation:

Monday – Thursday	8:00am–11:00pm
Friday	8:00am–9:30pm
Saturday	8:00am–5:00pm
Sunday	Closed

North Las Vegas Campus:

Located at 3200 East Cheyenne Avenue in North Las Vegas. The centralized student services provide easy access to critical support areas. Major programs supported at North Las Vegas include: Transportation Technology, Cisco Systems, Culinary Arts (producing gold and silver medal winners in numerous nation competitions), Automotive Service Education, Planetarium, and the Nicholas Horn Performing Arts Center (hosting hundreds of college and community events each year).

North Las Vegas Campus Main Number:

(702) 651-4000

Hours of Operation:

Monday – Friday	8:00am–10:30pm
Saturday	8:00am–5:00pm
Sunday	Closed

Henderson Campus:

Located at 700 College Drive in Henderson. Students can take general education courses and specialized classes in fields such as air conditioning technology, aviation, welding, police training and horticulture. This campus is home to the Southern Desert Regional Police Academy, the Morse Stadium and Lied Baseball Complex used by CSN's national championship baseball and softball teams, and the award winning horticulture program supported by experimental gardens and four greenhouses.

Henderson Campus Main Number:

(702) 651-3000

Hours of Operation:

Monday – Thursday	7:30am–10:30pm
Friday	7:30am–9:00pm
Saturday	8:00am–6:00pm
Sunday	Closed

Bob and Sandy Miller High Tech Center at Summerlin:

Located at 333 Pavilion Center Drive in Las Vegas. Programs supported by this campus include: PC and Mac labs, several smart classrooms, a computer interactive learning center, faculty offices, student services, and the Nevada Promise Scholarship office. We also offer a variety of Community Programs and Personal Enrichment fee-based, non-credit classes.

Bob and Sandy Miller High Tech Center at Summerlin Main Number:

(702) 651-4920

Hours of Operation:

Monday - Thursday	7:30 a.m. - 9 p.m.
Friday	7:30 a.m. - 4 p.m.

Western High Tech Center

Located at 4601 W. Bonanza Road in Las Vegas. Programs supported by this campus include: provides smart classrooms, computer classrooms, a conference room, faculty offices, and student services. Western is the home of the Air Conditioning Technology Center of Excellence. Programs and classes offered at Western include HVACR, English as a Second Language, general education classes, and event space for scheduling. For more information about these programs and events, contact the center.

Western High Tech Center Main Number:
(702) 651-4800

Hours of Operation:
Monday - Friday
8 a.m. - 5 p.m.

Southern Desert Regional Police Academy:

Located at 311 Water Street in Henderson. The Southern Desert Regional Police Academy is a consortium between:

- The College of Southern Nevada
- The City of Las Vegas
- University Police Services

Most attendees of the Southern Desert Regional Police Academy are newly hired recruits from local area law enforcement or correctional agencies, but the academy does accept non-affiliated recruits when space allows.

Interested non-affiliated applicants wanting to be accepted as recruit students must pass a written exam, oral board, and physical fitness test. If successful with those tests, applicants then proceed to a background check, a Voice Stress Analyzer test, psychological exam, and a physical exam. Applicants must be at least 21 years old and possess a Nevada Carry Concealed Weapon (CCW) permit for one of the authorized academy firearms.

POST Category 1 recruits earn 27 transferable college credits upon successful completion of the academy; POST Category 3 recruits earn 18 transferable college credits upon successful completion of the academy. These academic credits earned are special program

requirements of the Associate of Applied Science in Criminal Justice degree and the Associate of Applied Science degree in Criminal Justice: Law Enforcement Training Academy. Student recruits take the State of Nevada certification test at the end of the academy. If certification is earned, a POST Certificate remains in effect for a period of two years.

Southern Desert Regional Police Academy Main Number:
702-651-3500

Hours of Operation:
The Academy Program is full-time, Monday through Thursday, with occasional Fridays. Hours are 0700 to 1730 hours for approximately 22 weeks. There may be occasional swing shift days for training.

Green Valley Center

Located at 1560 W. Warm Springs Rd. in Henderson.

Green Valley Center Main Number:
(702) 651-5000

Hours of Operation:
Monday – Thursday 7:00 am – 9:00 pm
Friday 7:00 am – 7:00 pm

Mesquite Center:

Located at 140 N. Yucca Street in Mesquite, Nevada.

Mesquite Center Main Number:
702-651-3000

Hours of Operation:
Building is staffed as events are planned.

Moapa Valley Center:

Located at 2400 N. St. Joseph St. in Logandale, Nevada.

Moapa Valley Center Main Number:
(702) 651-4000

Hours of Operation:

Debra March Center of Excellence

Located at 2200 via Inspirada in Henderson.
Provides training for high skilled advanced manufacturing.

Historic Westside School

Located at 330 W. Washington Ave., Suite 118 in Las Vegas, Nevada.

At night and during times when the campuses are officially closed, College buildings are locked. Faculty, staff and students with proper authorization are permitted into the buildings. The general public can attend cultural and recreational events on campus with access limited to the facilities in which the events are held. Authorization for use of campus grounds for assembly purposes must be obtained in advance from the Campus Administration Office's located at the campus of interest. The college campuses are closed on Sundays. The college has attempted to provide campus safety in and around the buildings by installing closed circuit television cameras and exterior lighting, as well as, University Police Services personnel making regular patrols throughout the buildings and the college perimeter.

As with any urban setting, everyone is encouraged to remain alert for potential problems and dangerous situations. Security is everyone's responsibility. Your assistance is needed. CSN does not have campus residences. The college facilities all have external locking devices. The facilities are locked whenever classes or events are not scheduled. The President of the College, or their designee, must authorize access to the college during non- regular hours. Faculty and staff members are issued keys or access cards for their respective offices with the approval from the head of the Department. University Police Services personnel, facilities personnel and appropriate college administrators are the only persons issued keys for building entrances and exits. Keys may not be loaned to other staff members or students. Unauthorized duplication and illegal possession of keys is a misdemeanor.

Maintenance of Campus Facilities

University Police Services personnel and other college employees, routinely perform checks of lights on all campuses that need repair. This information is submitted to The Facilities Management Department for maintenance and repair. University Police Service and facilities personnel periodically take notice of shrubbery, doors, and locks that require maintenance and submit the information to the appropriate department to ensure safety and access to facilities is maintained.

College of Southern Nevada and University Police Services Encourages the Accurate and Prompt reporting of Criminal Offenses

When the victim of a crime elects to make a report, or is unable to make a report themselves, the appropriate 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. If University Police Services is not the appropriate jurisdictional agency, a member of the department will assist victims in contacting their local agency with jurisdiction over where the crime occurred.

Crimes should be reported immediately to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the campus community when appropriate. Any suspicious activity should be reported to University Police Services.

To report crimes or request officer assistance dial 911, or (702) 895-3669 from a cell phone (emergencies only), or (702) 895-3668 to reach University Police Services Dispatch for non-emergencies.



Voluntary Confidential Reporting

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

To make a confidential report for statistical inclusion purposes, dial 3-1-1 from any on campus phone or (702) 895-3668. A University Police Services dispatcher will take any information the caller is willing to report without requiring any identifying information.

Counselors and Confidential Reporting

It is the Mission of Counseling and Psychological Services (CAPS) to offer a variety of free and confidential psychological services aimed to help students in their emotional, relational and behavioral growth.

Our Vision is to promote the personal and emotional growth, coping ability, problem-solving ability, and self-management of CSN student services. We believe that education is not limited solely to academic knowledge and that academic success is not only dependent on study and test-taking skills. Academic and career success can be facilitated by developing students' appreciation of the integration of behaviors, belief systems, emotions, interpersonal interactions and even their own health issues. Counseling and Psychological Services strives to help students to pursue their academic, personal and career goals. **Any CSN Student currently enrolled is eligible for CAPS Services.**

Reports made to CAPS counselors are confidential and will only be reported to University Police Services or local authorities with the reporting parties consent. CSN does not have a policy requiring or suggesting counselors to inform patients or reporting options or for counselors to report for them.

Legal Exceptions:

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.
- ☐ There is reasonable concern of abuse or neglect of a child or vulnerable adult.
- ☐ There is a court order for release of information.

How to Report a Crime

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

For Emergencies:

- Dial 9-1-1,
- Give your name and location to the dispatcher,
- Briefly describe the activity you are reporting,
- Request medical attention if needed,
- Remain calm and speak slowly,
- Stay on the phone until the dispatcher ends the call,
- If possible, give a description of the person (s) and/or vehicle involved, location or direction of travel, and presence of weapons if known.

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

Reports can be filed online at www.updsouth.nevada.edu. Once on the page, select the File a Police Report tab to complete the report. Once filed, an officer will make contact to obtain any additional information as necessary.

Crime reports can be made in person at University Police Services Headquarters 24 hours a day, 365 days a year located at:

University Gateway Complex building
1280 Dorothy Ave
Las Vegas, NV 89119

University Police Services maintain substations on the College of Southern Nevada and Nevada State University campuses at the following locations:

College of Southern Nevada Substations:

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

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

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

Nevada State University Substation:

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

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 these locations, call University Police Services dispatch at (702) 895-3668 and an officer will be dispatched to your location.



Campus Security Authorities

Henderson Campus Vice President
(702) 651-3000

A campus security Authority is defined under the Clery Act as anyone who falls into the following four categories:

For a complete list of CSA's please visit University Police Services Website and select the View [CSN Campus Security Authorities](#) tab.

- University Police Services;
- Any individual who has responsibility for campus security but who does not constitute the campus police department;
- Any individual specified in the college's annual security report as being designated a campus security authority; and
- Official with significant responsibility for student and campus activities.

Campus security authorities are required to report crimes they become aware of. Campus security authorities are generally only required to report for statistical purposes that an incident has occurred without revealing any personally identifiable information. 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.

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

University Police Services
(702) 895-3668

Clery Compliance Coordinator
(702) 895-5575

Office of Institutional Equity & Title IX
(702) 651-7481

West Charleston Campus Vice President
(702) 651-5000

North Las Vegas Campus Vice President
(702) 651-4000

Daily Crime Log

In accordance with the Clery Act, 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 business days of receipt of a report of a crime. The crime log can be viewed online at www.csn.edu/csn-police-department.



Timely Warnings

A Timely Warning is an alert that is issued by either University Police Services or the College of Southern Nevada 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 any college property. 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, 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 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 Vice President of Public Safety Services & 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 Vice President of Public Safety Services & Director of University Police Services Southern Command, or in his/her absence their designee, to cause immediate notification to the College 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 will occur through various platforms including but not limited to, CSN Official e-mail notification systems, text messages, University Police Services website and social media sites, and CSN's main social media sites

Emergency Notification

An emergency notification is an alert that is issued by either University Police Services or the College of Southern Nevada President's Office in the event that an emergency or dangerous situation presents an immediate threat to 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. 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 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 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 threat or dangerous situation is contained to a particular aspect of the campus (e.g. a particular building, or group, 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 College 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 Vice President of Public Safety Services & Director of University Police Services Southern Command, and the College 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 in this situation 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 occurs, dissemination of an emergency notification may come from either University Police Services or the College 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:

- Confirmation may be reached 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 Vice President of Public Safety Services & Director of University Police Services Southern Command, or in his/her absence, their designee, will confer with the College 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 College 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.

Dissemination of an emergency notification may occur through various platforms, including but not limited to, CSN's public announcement system and alerts such as text messages, digital signage, CSN's website banner activation, email notification to all students, faculty and staff, University Police Services website and social media sites, and CSN'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 College 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,
- Vice President of Public Safety Services & Director of University Police Services Southern Command,
- College of Southern Nevada Office of the President,
- University Police Services Assistant Director(s),
- University Police Services Lieutenant(s),
- Clery Compliance Coordinator,

If 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 Service, the Office of Emergency Management, the College public information officer, or in some cases the Office of the College President. Follow up information may be

distributed through any of the previously mentioned modes of communication or through website updates when appropriate.

Emergency Response and Evacuation Procedures and Testing

Each building has an emergency evacuation plan which includes egress routes and exterior areas of assembly. These evacuation plans are posted at all elevator locations within the buildings. In addition, emergency procedures posters are displayed in the public areas of offices and on the police and emergency management websites. All occupants of a building are made aware of routes of egress through the assistance of assigned fire/evacuation floor wardens. University Police Services officers are trained on evacuation procedures as are selected civilian staff members.

Before an emergency, you should:

Familiarize yourself with the Emergency Management & Preparedness Guide located on the college's website at <https://www.csn.edu/emergencypreparedness>.

Emergency Evacuation and Fire Drills

Each building has assigned fire/evacuation floor wardens who provide training and direction to the college community during drills and actual emergency events.

Fire Prevention and Safety:

Fire prevention is the shared responsibility of all members of the college community. We work closely with the State Fire Marshal and Fire Departments to provide fire prevention information to the college community. Awareness is probably the best weapon in maintaining a safe, fire-free environment. You should take the following precautions to protect yourself and others while on campus.

Report any conditions, which create a fire hazard (trash in the corridors or stairwells, missing fire extinguishers, blocked floor exits or stairwells,

etc.) to campus police.

Know where the fire extinguishers are located. University Police Services and public safety staff have been trained to operate fire extinguishers.

Know the location of the fire alarms and how to activate them.

Know where the nearest fire exit is. Also, be prepared to use an alternate exit if necessary. Plan how you would escape in case of a fire.

Know the location of fire stairwells. Treat fire drills as real emergencies. During fire drills or a real fire, follow the instructions of University Police Services and public safety personnel. **NEVER USE AN ELEVATOR WHEN A FIRE ALARM IS ACTIVATED TO EVACUATE THE BUILDING.**

Personal Safety Tips

Campus safety is a shared community responsibility. If you see something, say something. Awareness, avoidance and risk reduction steps are key to safety. If you are the victim of a crime, please report it to the police immediately. Contact University Police Services at (702) 895-3669.

The following tips can be used on a daily basis:

When walking on/off campus:

If possible, avoid traveling alone.

Walk in well-lit areas. Do not take short cuts.

Be alert while walking.

Observe your surroundings.

When walking to your vehicle have your keys ready in your hand.

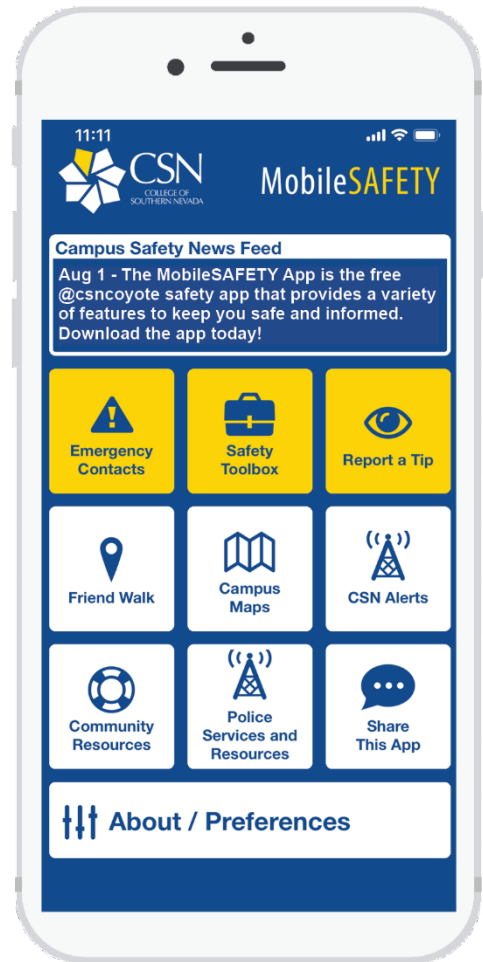
Keep purses tucked closely under your arm.

In the Office:

If you are working alone during off-hours, keep your doors locked.

Lock your door when leaving the office unattended no matter how long you plan to be gone.

Download the CSN Mobile Safety App!



Security Awareness and Crime Prevention Programs

Throughout the year security awareness programs are offered and presented by University Police Services members. University Police Services provides security awareness presentations 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.

Presentations outline ways to maintain personal safety. Students, faculty and staff are provided with information regarding crime on-campus, in the surrounding neighborhoods, and ways to stay vigilant and aware of their surroundings. These presentations encourage members of the campus community to “see something, say something.”

Sexual Assault Prevention: This program focuses on security awareness and is provided upon request (usually a few times a year.) This program is open to faculty, staff, and students. The class is designed to educate attendees to recognize the dangers of sexual assault, provide information on how to protect oneself, to provide tips for a safe campus, and assist with information on how to report a crime if one becomes a victim.

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 College community (meaning faculty, staff, and students). The information is primarily mentioned in all active shooter safety presentations and general safety presentations. Approximately 40 presentations are made per year. The presentations inform members of the College community and encourage them to "see something, say something" when they detect suspicious situations and/or individuals.

Possession and Use of Weapons: This is a collection of presentations focusing on security awareness, addressing what qualifies as a weapon, and what is and is not legally allowed on campus. The audience is the entire College community. While the information included in these presentations is primarily mentioned in all orientations on campus, University Police Services also conducts approximately 35 to 40 presentations per year.

University Police Services offers various personal safety and crime prevention programs throughout the year. Police Services personnel facilitate programs for students, parents, faculty and new employees, and student organizations. Available programs include:

classes regarding warning signs, prevention methods, and steps that should be taken if employees find themselves in a workplace violence or active shooter situation. These classes are available on an ongoing basis throughout the year and include, but are not limited to, the following:

Tips for a Safe Campus: This program focuses on both security awareness and crime prevention. This program is offered throughout the year. The audience for this program is intended to be all members of the College community. The purpose of the program is to inform members of the campus what to look for to avoid dangerous and illegal situations.

Robbery and Theft Prevention: This program focuses on crime prevention. The audience for the program is the College community. The goal is to inform members of the campus community what to look for to avoid becoming a victim of crime.

Jane Jitsu, is a shorter class, yet still includes both education and hands-on training techniques for participant

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 CSN premises or as part of any College 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

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

Any student or employee who violates federal or state law or College 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

Notice to Students & Employees Regarding Illicit Drugs and Alcohol

The College of Southern Nevada (CSN) believes that the unlawful possession or abuse of drugs and alcohol by students and employees presents multilevel risks to the individual, the learning environment and the college community as a whole. Substance abuse impedes the process of learning, teaching, personal development and the overall exercise of a person's true talents and abilities. There are also serious

criminal and disciplinary sanctions that can be imposed on students and employees which will disrupt their studies or careers.

CSN provides this notice in compliance with federal law as part of CSN's program to prevent the possession, use, and distribution of illicit drugs and alcohol by students and employees. The information provided here includes campus rules and regulations pertaining to drugs and alcohol, possible health and social effects, the legal sanctions, and contact information for services and programs that can provide further information and assistance. Additionally, this notice informs students of the implications for eligibility of financial aid when students are convicted of possession or sale of illegal drugs.

Illegal Drugs

CSN is a drug free institution. Nevada state law and the Nevada System of Higher Education (NSHE) regulations prohibit the manufacture, distribution, possession or use of illegal or unauthorized drugs or drug paraphernalia on CSN property or at a CSN-sponsored activity.

The possession or use of prescription drugs without a proper prescription is a crime in the State of Nevada. A student's possession of a "medical marijuana card" or similar documentation supporting the use of illegal drugs will not excuse or permit the manufacture, distribution, or use of illegal or unauthorized drugs or drug paraphernalia on CSN property or at a CSN-sponsored activity.

Violations of the law or NSHE regulations will result in disciplinary action for students and employees, up to and including, expulsion of students and/or termination of employment pursuant to Nevada state law, the CSN Student Conduct Code and the NSHE Code, and referral for criminal prosecution. Nevada law requires CSN to immediately terminate the employment of any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance regardless of where the incident occurred. 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.

These violations are serious matters and can significantly impact education and employment.

Alcohol

CSN does not permit possession of alcohol on its property except for limited situations. The legal age for drinking alcohol in the State of Nevada is 21 years of age. Moreover, alcohol abuse or excessive drinking by those of lawful age has become more prevalent with tragic cases reported of death or serious impairment. This includes the forced consumption of alcohol in conjunction with initiations or affiliation with any organization. CSN prohibits any type of initiation requiring the consumption of alcohol.

NSHE regulations allow the use or consumption of alcohol on CSN property only in the following limited situations:

Upon receipt of a timely advance application, the CSN President may grant permission in writing for the sale or distribution of alcoholic beverages at a CSN sponsored event (including student organizations) and guest organizations approved to use CSN facilities. Such consideration will be based upon, but not limited to, such factors as number and ages of people in attendance, purpose of the event, supervision, security provisions, location, date and time of the function. The President's decision to allow alcohol is discretionary, and the decision is final. No other CSN officer, manager, or employee may approve the use of alcohol on campus or at a CSN-related event/function.

Alcohol may be procured and used in association with approved CSN academic classes (e.g. culinary classes).

Impairment in the Workplace and Classroom

It is the policy of the State of Nevada to ensure that its employees do not report for work in an impaired condition resulting from the use of alcohol or illegal drugs, or consume alcohol or use illegal drugs while on duty (including driving a personal vehicle while on college business or driving a state vehicle). Alcohol and drug-abuse and the use of alcohol and drugs in the workplace are issues of concern to the State of Nevada. Any employee who appears to be in an impaired condition at work is subject to a screening test for alcohol or drugs, and disciplinary action up to and including termination of employment. Referral to an employee assistance program is also possible.

Any State employee convicted of driving under the influence in violation of NRS 484.379 or 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 private vehicle while on CSN business, is subject to discipline up to and including termination.

Any CSN student who comes to campus in an impaired condition resulting from the use or consumption of alcohol, non-prescribed drugs or illegal drugs may be referred for discipline under the CSN Student Conduct Code, especially if their impaired condition causes the student to act out in a particular manner.

Sanctions

Violations of the law or NSHE regulations will result in disciplinary action for students and employees, up to and including, expulsion of students and/or termination of employment pursuant to the CSN Student Conduct Code and the NSHE Code, and referral for criminal prosecution.

Sanctions for student organizations may include, but are not limited to, warning, probation, denial of use of CSN facilities, and withdrawal of organization recognition. A disciplinary sanction may include the completion of an appropriate educational or rehabilitation program. Guests of the college will be subject to denial of permission to come to a CSN campus and for future use of its facilities. These

violations are serious matters and can significantly impact education and employment.

Services and Programs for the CSN Community That Address Substance Abuse:

CSN's Counseling and Psychological Services (CAPS) department offers a variety of free and confidential services that include: prevention, crisis intervention, assessments and evaluations, and treatment via on-campus services and/or community referrals.

For CSN employees, an Employee Assistance Program is also available. CSN currently contracts EAP services through ComPsych. ComPsych consultants are available 24 hours a day, 7 days a week, 365 days a year. Employees may contact ComPsych via:

Telephone: 800-890-1466

TTY (800) 697-0353 www.guidanceresources.com

Other Resources available through toll-free telephone contacts: Federal Substance Abuse and Mental Health Services Administration's Treatment Routing Services: 1-800- 662-4357 (HELP) refers callers to local drug treatment centers and support groups.

Al-Anon: 1-800-344-2666 will refer families of substance abusers to group meeting in their local area.

Cocaine Hotline: 1-866-236-1651 24/7 drug helpline

Local Groups/Groups for Families

Las Vegas Recovery Center: (702) 515-1373

Salvation Army Adult Rehabilitation Program: (702) 399-2769

WestCare Detox: (702) 383-4044

Alcoholics Anonymous Las Vegas Central Office: (702) 598-1888; <http://www.lvcentraloffice.org/>

Region 51 Narcotics Anonymous: (888) 495-3222; <http://www.region51na.org/>

Valley View Family Counseling Service: (702) 320-3180.

<https://www.valleyviewfamilycounseling.com/>

Community Counseling Center: (702) 369-8700; www.cccofsn.org

State and Federal Criminal Statutes

In addition to the CSN student conduct code, a student will be subjected to all local, state, and federal laws related to substance abuse or the possession/use of alcohol. The following state laws apply to any student conduct, whether on or off campus. In these instances, the student is being regarded as a resident of the state of Nevada.

NRS 202.020

Purchase, consumption or possession of alcoholic beverage by a minor: Any person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor.

NRS 202.040

False representation by a minor to obtain intoxicating liquor: Every minor who shall falsely represent him/herself to be 21 years of age in order to obtain any intoxicating liquor shall be guilty of a misdemeanor.

NRS 202.055

Sale or furnishing of alcoholic beverage to a minor: aiding a minor to purchase or procure alcoholic beverage. Every person who knowingly sells, gives, or otherwise furnishes an alcoholic beverage to any person under 21 years of age...is guilty of a misdemeanor.

NRS 205.460

Preparation, transfer, or use of false identification regarding persons under 21 years of age; (1) Every person who counterfeits, forges, alters, erases, or obliterates, or...(2) Every person under the age of 21 years who uses or attempts to use or proffers any counterfeited, forged, erased or obliterated card, writing paper, document, or any photocopy print, Photostat, or other replica thereof...for the purpose and with the intention of purchasing alcoholic liquor or being served alcoholic liquor...or entering gambling establishments...shall be guilty of a misdemeanor.

NRS 453.146

The board may adopt a regulation with respect to a substance, to include steroids and other enhancement products without medical necessity, if it is found that the substance has potential for abuse.

Federal criminal laws can also apply depending on the circumstances.

Applicable Laws and Regulations:

The NSHE regulations apply to all CSN employees. NSHE Code Title 2, Section 6.2.1(h) prohibits any employee to be under the influence of intoxicants, or, without a valid medical excuse, being under the influence of controlled substances while on duty. NSHE Code Title 2, Section 6.2.2(aa) prohibits any employee or student while on NSHE property or at a NSHE function to engage in any act prohibited by local, state or federal law. Everyone on NSHE property is subject to all local, state, and federal laws related to substance abuse or the possession or use of alcohol.

NEVADA STATE BOARD OF REGENTS HANDBOOK Title 4, Chapter 3. Section 40.

The NSHE Anti-Drug Policy Statement

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.

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.

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.

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.

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.

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. Employees desiring more information concerning substance abuse, or seeking information on counseling may contact the designated Employee Assistance Representative for their institution.

IMPACT ON FEDERAL STUDENT AID ELIGIBILITY:

Drug convictions while enrolled as a student at CSN may affect a student's eligibility for federal student aid. "Drug convictions during a period of enrollment in which the student is receiving Title IV, HEA program funds, under any federal or state law involving the possession or sale of illegal drugs will result in the loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance." [HEA Sec. 484(r)(1); 20 U. S. C. 1091].

This annual notice is sent to all College of Southern Nevada students and employees as part of its drug prevention program in compliance with the Drug-free Schools and Communities Act as further articulated in the Dept. of Education General Administrative Regulations, 34 C.F.R. Subtitle A, Part 86.

Disciplinary and Legal Sanctions:

Any act prohibited by NSHE regulations or by local, state or federal law which occurs on NSHE property or NSHE functions shall constitute cause for which students can be disciplined, including by warning, reprimand, restitution, probation, suspension or expulsion. Sanctions for employees can include any of the above plus termination of employment. Any act that is prohibited by local, state, or federal law will be referred for criminal prosecution by the appropriate jurisdictional authorities.

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.

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.

Any state employee who is convicted of driving under the influence in violation of NRS 484.379 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.

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.

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.

Each state employee is required to inform his or her employer within five 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.

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 days after receiving notice that an employee of the agency was convicted within the means used in paragraph 7, above.

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:

- a. In the educational environment:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
 - ii. 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:

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

- b. "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.

- c. "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:

- a. Issuing mutual no contact directives;
- 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. 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 disciplined¹;
- j. Requiring the parties to report any violations of these restrictions; and
- k. Taking a leave of absence.

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"²

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 disciplined³; 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 requirements of
the Governor Guinn
Millenium 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

Persons of Organizations that can assist victims

The following support services are available should victims want to access them:

- Office of Institutional Equity & Inclusion and Title IX (702) 651-5587.
- To notify and report the crime off-campus, contact the Las Vegas Metropolitan Police Department call (702) 828-3421, for the Henderson Police Department call (702) 267-5000, for the North Las Vegas Police Department Call (702) 633-1390, for the City of Mesquite Police Department call (702) 346-6911, or the appropriate jurisdiction, or 9-1-1.
- University Police Services at (702) 895-3669 or file an online report at www.updsouth.nevada.edu.
- In the case of an emergency, dial 9-1-1.

Options about the Involvement of Law Enforcement

You have options to report to, or decline to report to, the college and local law enforcement. Although the college 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 college, 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 college 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 college 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 college. To report directly to the Las Vegas Metropolitan Police Department call (702) 828-3421, for the Henderson Police Department call (702) 267-5000, or for the North Las Vegas Police Department Call (702) 633-1390. For assistance in contacting any of these departments, 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, the restrictions imposed by the court and will also facilitate on-campus compliance order.

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 college. If a court order is issued the college 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 college 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 college 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. 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 CSN 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 employee's rights and options.

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

CSN 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. CSN prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It is the practice of CSN's Title IX and Office of Compliance 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. Sanctions may include: exclusion/restriction from participation in privileges, extracurricular activities, holding office, or representing the College, loss of use privileges for designated College 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 College 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 College-sponsored activity and shall be barred from all College campuses and properties. The student will be notified in writing of the suspension. The official transcript of the student shall be marked "Not In Good Standing". 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 College. The expelled student shall not participate in any College-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.

This status is documented in the Registrar's official file and precludes the student from registering for classes and/ or accessing official transcripts until clearance is received from. .

INTAKE/ASSESSMENT/TREATMENT

REFERRALS. A student may be referred to CSN All About You Counseling 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 College'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.

Range of Protective Measures Available

These measures may include, but are not limited to: the implementation of a CSN-issued no-contact order, academic accommodations, residential accommodations, transportation accommodations, employment accommodations, safety consultations with University Police Services, personal protection devices, or on-campus escorts.

SANCTIONS FOR EMPLOYEES:

Nevada Administrative Code

NAC 284.480 Letters of Instruction

NAC 284.638 Warnings and written reprimands

NAC 284.642 Suspension and Demotion

NAC 284.646 Dismissal

NSHE Prohibitions and Penalties

Warning

Written

Reprimand

Suspension

Demotion

Dismissal

For part-time employees of CSN, prohibited conduct may result in the immediate termination of the employment agreement. Part-time employees are considered at-will, and the College may terminate employment at any time, for any lawful reason.

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

CSN's Office of Institutional Equity (OIE) oversees training on Title IX, Sexual Harassment, and the Campus SaVE Act. OIE provides training for both employees and students throughout the year.

Sexual Harassment and Campus SaVE Act training is required of all new employees and student workers. This training is required to be completed upon initial hire and is provided in person.

Campus SaVE Act/Clery training is assigned to all new students at the time of enrollment. This course is provided online for all students.

Sexual Harassment follow up training is required of all employees every two years. This course is offered online throughout the year.

OIE hosts a booth at Student Connections events at all three main CSN campuses during fall and spring semesters where OIE staff members can answer questions and provide information regarding Sexual Harassment, discrimination, and Campus SaVE related topics.

OIE hosts a booth at Convocation and the Adjunct Faculty Conference where information is provided regarding sexual harassment, discrimination and Campus SaVE.

Training regarding sexual harassment and campus SaVE are provided by OIE to CSN student government, academic programs, and club advisors annually.

Sex Offender Registration

In compliance with the Campus Sex Crimes Prevention Act and Nevada State Statute (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 at University Police Services Headquarters.

College of Southern Nevada, Charleston Campus

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	2	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	1	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	3	0	0	0
	2021	2	0	0	0
	2020	1	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	3	0	0	0

*The College of Southern Nevada does not have any residential facilities.

College of Southern Nevada, Charleston Campus

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	1	0
	2020	1	0	0	0
Stalking	2022	3	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: One report of vandalism categorized by sexual orientation bias was reported on campus.

2021: No Hate Crimes reported.

2020: No Hate Crimes reported

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes. 2020:

Zero unfounded crimes.

College of Southern Nevada, Charleston Campus

Clery Act Arrests and Disciplinary Referrals

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	2	0	1	0
Weapons Law Violation Arrests	2022	1	0	0	0
	2021	1	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

College of Southern Nevada, North Las Vegas Campus

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	13	0	0	0
	2021	1	0	0	0
	2020	2	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

College of Southern Nevada, North Las Vegas Campus

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	2	0	0	0
	2020	2	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported. 2021:

No Hate Crimes reported. 2020: No

Hate Crimes reported. **Unfounded**

Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

College of Southern Nevada, North Las Vegas Campus

Clery Act Arrests and Disciplinary Referrals*

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	4	0	0	0
Weapons Law Violation Arrests	2022	3	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

College of Southern Nevada, Henderson Campus

Crime Statistics*

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	1	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

College of Southern Nevada, Henderson Campus

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported. 2021:

No Hate Crimes reported. 2020: No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

College of Southern Nevada, Henderson Campus
Clery Act Arrests and Disciplinary Referrals

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	1
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Bob and Sandy Miller High Tech Center at Summerlin

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Bob and Sandy Miller High Tech Center at Summerlin

Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

Bob and Sandy Miller High Tech Center at Summerlin

Clery Act Arrests and Disciplinary Referrals

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Western High Tech Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Western High Tech Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

**Western High Tech Center
Clery Act Arrests and Disciplinary Referrals**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

**Southern Desert Regional Police Academy
Crime Statistics**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

**Southern Desert Regional Police Academy
Crime Statistics**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

**Southern Desert Regional Police Academy
Clery Act Arrests and Disciplinary Referrals**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Green Valley Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Green Valley Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

**Green Valley Center
Clery Act Arrests and Disciplinary Referrals**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Mesquite Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Mesquite Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

Mesquite Center
Clery Act Arrests and Disciplinary Referrals

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Moapa Valley Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Moapa Valley Center Crime Statistics

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

**Moapa Valley Center
Clery Act Arrests and Disciplinary Referrals**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

**Historic Westside School Center
Crime Statistics**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

**Historic Westside School Center
Crime Statistics**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

Hate Crimes:

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020 No Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.

**Historic Westside School Center
Clery Act Arrests and Disciplinary Referrals**

Offense	Year	On Campus	Student Housing*	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*The College of Southern Nevada does not have any residential facilities.

The College of Southern Nevada 2023
Annual Security Report
was prepared by University Police Services.



For more information about University Police Services, visit our web- site
at:

www.updsouth.nevada.edu

Follow us on Twitter and Instagram or like us on Facebook at: @UPDSouth



Annual Security & Fire Safety Report

2023

University Police Services prepares this Annual Security and Fire Safety Report. This report was published in September 2023, and contains statistics for the three most recent calendar years of 2020, 2021, and 2022. Note that the institution completed a name change during the course of this report, changing from Nevada State College to Nevada State University on July 1, 2023.



Adam Garcia
Vice President
Public Safety Services

Dear Nevada State University Students and Colleagues,

I want to welcome both our new and our returning students, staff, and faculty community members to campus. I'd like to take this time to remind you that University Police Services is focused on preserving an environment where you can study, live, and work safely. It is extremely important to us that NSU students, faculty, and staff feel supported and their voices heard

[University Police Services](#) (UPD) serves the University of Nevada, Las Vegas, the College of Southern Nevada, Desert Research Institute, and Nevada State University. A central tenet of our commitment to the campuses we serve is a true community-oriented policing model which is based on transparency, accountability, empathy, responsiveness, and appropriate visibility. It is our mission to provide a safe and secure learning environment and we believe this can be achieved through our core values. 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.

You will see your officers [patrolling campus](#) on foot, bicycle, and in patrol vehicles – and I encourage you to stop and speak with them when you have the opportunity. In addition, our department is equipped with student cadets who serve as the “eyes and ears” for our officers. They are to help out with evening safety escorts, room openings, and emergency notifications. We are always eager to recruit mature and responsible students to join the cadet program, so if you are interested, please fill out the [appropriate application](#).

Our proactive anti-crime, safety awareness, [self-defense](#), [bicycle registration](#), and [security escort programs](#) are accessible to all members of the campus community and we are available to provide [specialized presentations and trainings](#) upon request. Be sure to follow us on [social media](#), @UPDSouth, for any updates and future [events](#).

Our department strives to constantly engage our community and improve safety on campus. UPD's Public Safety Advisory Board, which consists of representative student leaders, classified employees, administrative faculty, and academic faculty from each of the institutions UPD serves, seeks to support a community-based public safety approach that fosters and enhances communication channels and relationships. Together, we are stronger. We encourage you to [send in any comments, concerns, or suggestions](#) on ways you think we can improve or reach out to [your campus PSAB representatives](#).

As partners, University Police Services stands ready to service the needs of our campus communities. We will always operate with a high level of integrity and respect, and bring forward the best interest of all our institutions. We encourage you to practice “See Something, Say Something” as well as [reporting any suspicious activity](#). UPD is available 24/7; via phone or through the [NSU StateSAFE app](#), or refer back to our [website](#) for further information on how to [file a police report](#) or take advantage of our [other services offered](#) such as fingerprinting, notary, crime logs, and report copies.

Sincerely,

Adam Garcia
Vice president & Director
University Police Services Southern
Command 702.895.2634
adam.garcia@NSU.edu

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 on behalf of Nevada State University (NS) prepares this report to comply with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This report is produced in cooperation with various departments across our campus. Each office provides updated information regarding their educational efforts, programs, policies, and crime statistics if applicable.

Statistics contained within this report regarding campus crime, arrests, and discipline referrals include those reported to University Police Services, designated campus officials known as Campus Security Authorities, student conduct, Title IX, and local law enforcement agencies. Statistics are included in this Annual Security Report for the Nevada State University campus, public property within or immediately adjacent to the campus, and non-campus property owned or controlled by NS.

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. University Police Services officers have full police and arrest powers, certified by the Nevada Peace Officer Standards 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 its services 24 hours a day, 365 days a year.

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



Interlocal Agreement

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 Highway Patrol, 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 the jurisdiction of University Police Services.

Monitoring of Criminal Activity of Students at Non-Campus Locations

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 student organizations.

Security and Access

Building security and access is maintained through a combination of key card and a secondary hard key system. Classroom buildings with scheduled classes are accessible generally from 7:00 a.m. to 10:00 p.m. with alternate hours during summer and winter sessions. 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 expected to swipe their card upon exiting the room to re-secure and lock the room.

Access cards are issued to faculty and staff through the Office of Information Technology. Keys are controlled through Facilities Management.

Access to Nevada State Housing is through Key FOB access. All residents and housing staff have key FOBs. Residents are issued FOBs by housing staff upon move in which grants residents access to their unit and the community building.

Nevada State University engages in proactive property maintenance through a variety of channels. Nevada State engages the services of UNLV Risk Management and Safety who conduct regular inspections related to Fire and Life Safety as well as Occupational Safety. These inspections identify any deficiencies on campus through comprehensive reports that are translated into repair orders. The premises are re-inspected to ensure that the identified issues have been resolved. The College also effectively uses its Campus Safety Committee as a means of recognizing and correcting campus safety concerns.

The following steps are taken proactively to maintain campus safety and security:

1. Monthly checks for all external lighting.
2. Daily equipment room rounds including all fire pump rooms, fire alarm rooms, and all building entrances.
3. Coordinate with University Police Services for all internal and external events.

4. Quarterly and annual inspections of all fire sprinkler (standpipe) systems.
5. Quarterly and annual inspections of all fire alarm systems.
6. Annual inspections of all elevators.
7. Bi-annual inspections of all pressure vessels both boilers and chillers.
8. Two times per year (after leaves have fallen and after spring's burst growth from dormancy) landscape trimming of all walkways.
9. Fig palm pruning prior to fruit falling creating hazards.
10. Annual testing of emergency lighting (performed six months after UNLV's Risk Management's annual audit).

Furthermore, all campus operated buildings are covered by an integrated automatic fire sprinkler and fire alarm system, which is monitored 24 hours a day. The buildings are equipped with either emergency generators and/or batteries that provide backup power for emergency lighting. All campus operated facilities fire safety equipment and systems are inspected, tested, and maintained regularly by examiners approved by the State of Nevada and as required by local municipal codes. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions.



Nevada State University the Accurate and Prompt Reporting of Criminal Offenses

When the victim of a crime elects to make a report, or a third party if the victim is unable to make a report themselves, the appropriate 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. If University Police Services is not the appropriate jurisdictional agency, a member of the department will assist victims in contacting their local agency with jurisdiction over where the crime occurred.

Crimes should be reported immediately to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the campus community when appropriate. Any suspicious activity should be reported to University Police Services.

To report crimes or request officer assistance, dial 911 (emergencies only), 311 for non-emergencies, or (702) 895-3668 to reach University Police Services Dispatch.

How to Report a Crime

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

For Emergencies:

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

For Non-Emergencies:

From a campus phone, dial 311 or from a non-campus phone dial (702) 895-3669 to reach University Police Services Dispatch.

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

Reports can be filed online at updsouth.nevada.edu. Once on the page, select the File a Police Report tab to complete the report. Once filed, an officer will make contact to obtain any additional information if necessary.

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

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

University Police Services maintains substations in the following locations:

University Police Services NS Substation

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

University Police Services CSN Substations

- Charleston Campus, Building M, Room 102
- North Las Vegas Campus, Building P
- Henderson Campus, Building C, Room 131,

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 these locations, call University Police Services dispatch at (702) 895-3668 and an officer will be dispatched to your location.

Voluntary Confidential Reporting

Victims or witnesses may wish to report crimes on a voluntary, confidential basis for inclusion in the crime statistics published in the Annual Security Report. Voluntary, confidential reports do not require the reporting party to disclose their name or contact information, or the name or contact information of the victim. Reports filed in this manner aid Nevada State's ability to identify crime patterns and address safety concerns. Reports filed in this manner, while valuable, may limit Nevada State'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 documented for Clery purposes.

Counselors and Confidential Reporting

Nevada State offers free, short-term mental health counseling sessions to current enrolled Nevada State Students with Therapist, Annise Prewitt. Students have access to 5 mental health counseling sessions every Spring and Fall semester. In addition, students enrolled in summer term can access 4 mental health counseling sessions.

After students complete a short-term therapy program, they can request to be referred to Nevada State's Student Wellness Manager or Case Manager, to assist in connecting students with longer term counseling in the community or provide campus and community resources as needed.

Participation in counseling is private and confidential. All information gathered in counseling, including the fact that a student has accessed services with Nevada State Counseling, is held in strict confidence. In accordance with state and federal regulations under the Health Insurance Portability and Accountability Act (HIPAA), information about students in counseling is not released to anyone or any entity, including Nevada State officials, faculty, staff, parents, or outside agencies without written prior authorization from the student. There are limitations to confidentiality, which include:

- Imminent, life-threatening danger to self or others
- Concerns of abuse of a child, elderly or dependent adult
- A court order for the release of client records

Privacy practices for minors (anyone under the age of 18) differ in some ways and can be discussed with the counselor when services are accessed.

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 who has responsibility for campus security but who does not constitute the campus police department;
 - Any individual designated in Nevada State's annual security report as a campus security authority; and
 - Official with significant responsibility for student and campus activities.
- The following list are examples of CSAs with whom crimes may be reported. For a complete list of Nevada State's CSAs please contact the Clery Compliance Coordinator at (702) 895-3833.

- ◇ Vice President of Student Affairs (702) 992-2511
- ◇ Associate Dean of Students (702) 992-2182
- ◇ Student Wellness (702) 992-2514
- ◇ Vice President for Culture, Planning, and Policy (702) 992-2358

In most cases it is possible for a CSA to fulfill their responsibilities while maintaining victim 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 party's wishes, except in certain circumstances that pose an immediate or ongoing threat to campus safety.

Daily Crime Log

In accordance with the Clery Act, 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 business days of receipt of a report of a crime. The crime log can be viewed online at <https://nsc.edu/campus-emergency/>. Once on the page, select the crime log tab. Additionally, the daily crime log can be accessed through the State Safe app.

Timely Warnings

A Timely Warning is an alert that is issued by either University Police Services or the Nevada State University President's Office or their designee to the entire campus community whenever a Clery Act crime poses a serious or continuing threat to the students, faculty, staff, or visitors to any campus property. 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, 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 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 Vice President Public of Safety Services & Director of University Police Services Southern Command or in their absence their designee, may make the final determination if a Timely Warning is issued.

If a Timely Warning is to be issued, it is the responsibility of the Vice President Public of Safety Services & Director of University Police Services Southern Command or in his/her absence their designee, to cause immediate notification to the 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 various platforms including but not limited to, Nevada State's public announcement system and alerts such as text messages; digital signage; Nevada State's website banner activation; email notification to all students,

faculty, and staff; University Police Services website and social media sites; and Nevada State's main social media sites.

Emergency Notifications

An emergency notification is an alert that is issued by either University Police Services or the Nevada State Office of the President, or their designee, in the event that an emergency or dangerous situation presents an immediate threat to 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. 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 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 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 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 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 their absence their designee, to cause immediate notification to the Vice President of Public Safety Services & Director of University Police Services Southern Command, and the 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 regarding an immediate or active threat 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 occurs, dissemination of an emergency notification may come from either University Police Services or the 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:

- ☐ Confirmation may be reached 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
- ☐ 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 Vice President of Public Safety Services & Director of University Police Services Southern Command or in their absence their designee will confer with the 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 President's Office regarding the emergency occurring. The message may include a short description of the emergency incident or crime involved. It will include 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 will include personal safety information to aid members of the community in protecting themselves.

Dissemination of an emergency notification may occur

through various platforms including but not limited to, Nevada State's public announcement system and alerts media sites, and Nevada State's main social media sites. Notification to 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.

such as text messages, digital signage, Nevada State's website banner activation, email notification to all students, faculty and staff, University Police Services website and social media sites.

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
- ☐ Vice President Public Safety Services & Director of University Police Services Southern Command
- ☐ Nevada State University Office of the President
- ☐ University Police Services Assistant Director(s)
- ☐ University Police Services Lieutenant(s)
- ☐ Clery Compliance Coordinator
- ☐ Special Assistant to the VP & Director of University Police Services
- ☐ University Police Services Support Services Director

If 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 Office of Emergency Management, Nevada State's public information officer, or in some cases the Office of the President. Follow-up information may be distributed through any of the previously mentioned modes of communication or through website updates when appropriate.

Emergency Response and Evacuation Procedures & Testing

NS's Emergency Operations Plan includes information about Incident Teams, campus operating status parameters, incident priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. Campus departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. Nevada State conducts emergency response exercises each year, such as tabletop exercises and tests of the emergency notification system on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

University Police Services officers and supervisors have received training in the Incident Command System and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually University Police Services, Henderson Police Department, Las Vegas Metro Police Department, Henderson Fire Department, and the Clark County Fire Department and Emergency Medical Services. They typically respond and work together to manage the incident; other Nevada State University departments and other local or federal agencies could also be involved in responding to the incident.

Circumstances surrounding the nature of the emergency will dictate what instructions members of the campus community are given and how they are advised to respond. Community members may be told to shelter in place and secure doors, or to evacuate immediately to a designated meeting location. Guidance on how to react during a particular emergency will be communicated via multiple messaging systems immediately upon confirmation of the emergency occurrence.

General information about the emergency response and evacuation procedures for Nevada State University are publicized each year as part of the institution's Clery Act compliance efforts. More detailed information is available at www.nsc.edu/campus-emergency/

EMERGENCY/NON-EMERGENCY RESOURCES

**FOR ALL EMERGENCIES,
CALL 911 from a campus phone or
University Police Services at (702) 895-
3669.**

**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 9 first to get a line out. In the event of a fire, activate the building's fire alarm system and call 911 from a safe location. Evacuate the building immediately!

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.

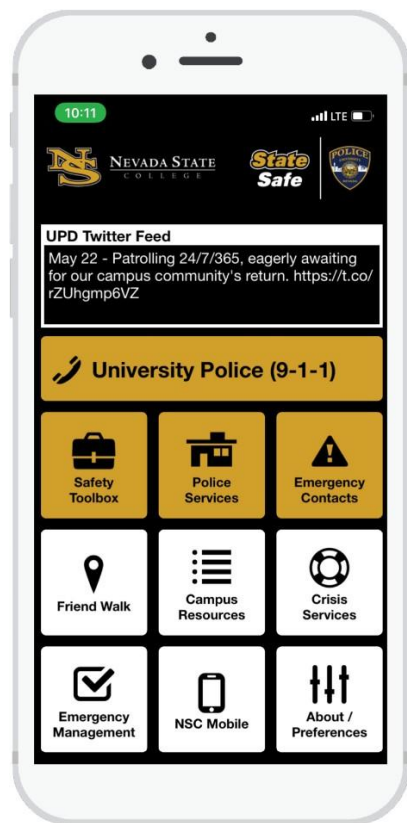
Emergency Telephone System (ETS):

Emergency telephones are placed throughout campus to use in the event of an emergency, when in need for University Police Services officers, to report a fire, or when in need of an ambulance. The ETS boxes are red and have a blue light on top and are marked "EMERGENCY."

For emergencies, use the ETS in the following manner:

1. Push the red "Emergency" button
2. In a few seconds, the University Police Services Dispatch Center personnel will answer and send help.

Be State Safe! Download the NS Safety App!



The State Safe safety app includes the following features:

UPD Twitter Feed

- University Police Department Twitter with the most recent posts from the UPD Twitter

COVID-19 Information

- Information: NS COVID-19 Updates
- Daily COVID-19 Self-Assessment Tool
- NS COVID-19 Self-Report Form

Safety Toolbox

- Chat with University Police
- Report a Tip

- Security Escort
- Lost & Found
- Annual Security Report
- NS Crime Log

Friend Walk

- Send your location real-time to a friend so they can watch you as you walk to your destination! They'll watch you and can trigger a call to emergency services if necessary.

Campus Resources

- Ride Services
- Campus Maps
- Building & Services Hours
- Be Engaged
- Disability Resource Center

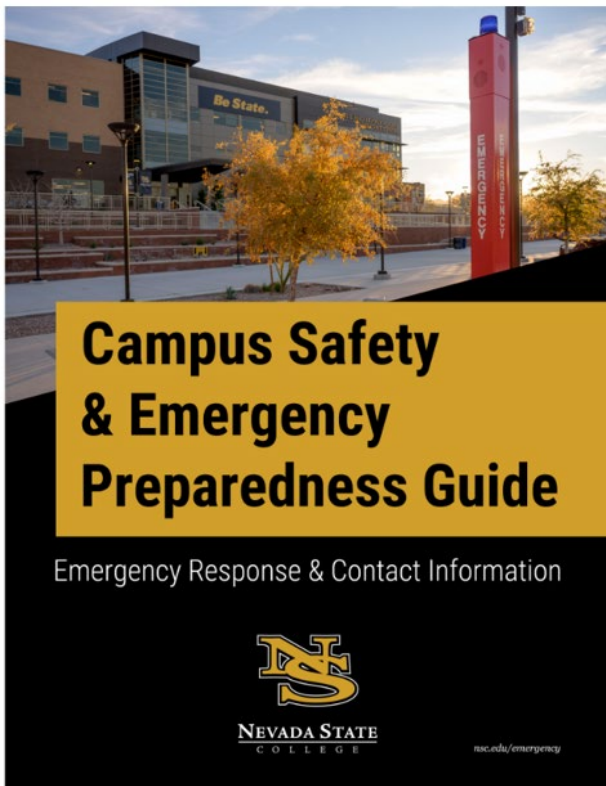
Emergency Management

- Be Informed
- Develop an Emergency Plan
- Build an Emergency Supply Kit
- Get Involved with UPS (University Police Services)
- Emergency Operations Plan
- Campus Map

Crisis Services

- Mental Health Screening
- Suicide Prevention Lifeline
- Case Management
- Medical
- Rape Crisis Center

- LGBTQIA+ The Center
- Community Resources
- Domestic Violence
- Mental Health
- Immigration
- CARE Team
- Nevada State Counseling Services
- Homelessness
- Student Emergency Financial Support



Be sure to check out the Campus Safety & Emergency Preparedness Guide. This guide provides valuable information on what to do in the event of an emergency. The guide can be found at <https://nsc.edu/campus-emergency/>.

Security Awareness and Crime Prevention Programs

Throughout the year security awareness programs are offered and presented by University Police Services members. University Police Services provides security awareness presentations 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.

Presentations outline ways to maintain personal safety. Students, faculty and staff are provided with information regarding crime on campus and in the surrounding neighborhoods and ways to be vigilant and aware of their surroundings. These presentations encourage members of the campus community to “see something, say something.”

Sexual Assault Prevention: This program focuses on security awareness and is provided upon request (usually a few times a year.) This program is open to faculty, staff, and students. The class is designed to educate attendees to recognize the dangers of sexual assault, provide information on how to protect oneself, provide tips for a safe campus, and assist with information on how to report a crime if one becomes a victim.

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 campus community (meaning faculty, staff, and students). The information is primarily mentioned in all active shooter safety presentations and general safety presentations. Approximately 40 presentations are made per year. The presentations inform members of the campus community and encourage them to "see something, say something" when they detect suspicious situations and/or individuals.

Possession and Use of Weapons: This is a collection of presentations focusing on security awareness, addressing what qualifies as a weapon and what is

and is not legally allowed on campus. The audience is the entire campus community.

Tips for a Safe Campus: This program focuses on both security awareness and crime prevention. This program is offered throughout the year. The audience for this program is intended to be all members of the campus community. The purpose of the program is to inform members of the campus of what to look for to avoid dangerous and illegal situations.

Robbery and Theft Prevention: This program focuses on crime prevention. The audience for the program is the campus community. The goal is to inform members of the campus community of what to look for to avoid becoming a victim of crime.

In addition to personal safety presentations, University Police Services provides whistles for students and staff who wish to carry one with them.

The NS State Safe Mobile application is available for download on smart phones. This app provides users with emergency contact numbers and various safety related services including the ability to report non-emergencies in addition to crimes on campus.



Missing Student Notification Policy

Reporting a Missing Student

If a person has reason to believe that an on-campus resident student is missing, he/she should immediately notify a Resident Assistant or the Director of Housing. The Director of Housing will then notify the NS Vice President of Student Affairs. The NS Vice President of Student Affairs will contact University Police Services at 702-895-3668. University Police Services is the local law enforcement agency and they will begin an investigation immediately.

Should University Police Services determine that the student has been missing for more than 24 hours they will follow up with the Vice President of Student Affairs. The Vice President of Student Affairs will request the Missing Person Contact data from American Campus Communities. University Police Services will work with the Vice President of Student Affairs to notify any appropriate outside jurisdictional agency and the student's Missing Person Contact.

If the student is under 18 years of age and is not an emancipated individual, University Police Services will notify the student's parent or legal guardian and Missing Person Contact as designated in the form maintained by American Campus Communities, immediately after determining that the student has been missing for 24 hours.

Regardless of whether the student has identified a Missing Person Contact, if the student is above the age of 18, or is an emancipated minor, the Vice President of Student Affairs will inform University Police Services within 24 hours that the student is missing.

The reporting party should provide the following information:

- ☐ Name of missing student
- ☐ Contact information for the student
- ☐ If there is a reason to believe the student might be in distress or if there is a threat of imminent harm
- ☐ Background and descriptive information
- ☐ Time and date last seen
- ☐ Location last seen
- ☐ Last known destination
- ☐ Names of acquaintances

- ☐ Any additional information that may be important in helping to locate the missing person

If contact is made with the student, University Police Services will notify the Vice President of Student Affairs and the student will be encouraged to notify the Reporting Party.

Missing Person Contact

All on-campus resident students have the option to designate a Missing Person Contact strictly for the event that the student becomes a missing person. This contact information will be confidential and accessible only to authorized campus officials and law enforcement personnel involved in an emergency response. The missing person contact information may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. The Missing Person Contact will be notified within 24 hours of University Police Services determining that the student is missing.

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 Nevada State premises or as part of any campus 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

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

Any student or employee who violates federal or state law or campus 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

Nevada State University has joined other colleges and universities across the nation in encouraging the elimination of alcohol and other drug abuse on our campus and in our community. This policy supports the belief that the unlawful possession or use of drugs, including alcohol, and the abuse of alcohol and any drug by students constitutes a grave threat to their physical and mental well-being, and significantly impedes the processes of learning and personal development. While the majority of adults who drink alcohol do so in an acceptable and responsible manner, there is a substantial number who misuse and abuse alcohol, with resulting problems in health, academic, and vocational performance, social and personal relationships, and financial and legal areas.

Alcoholic Beverages

1. In compliance with state law, no student may possess or consume alcohol if under 21 years of age; neither may a student offer alcoholic beverages to a minor (under 21 years).
2. The President has the authority to designate the time and place for special events where alcoholic beverages may be served on the campus (for student groups as well as the entire campus community and guests). Students who are of legal age may consume alcohol at these events.
3. Except as provided above, the storage, possession, or use of alcoholic beverages shall not be permitted on campus-owned or campus-supervised property. In addition, any student who exhibits offensive behavior on campus-owned or campus-supervised property, or while attending a campus-sponsored event while under the influence of alcoholic beverages, shall be subject to campus disciplinary action.

Other Substances

The use or possession of illegal and/or unauthorized drugs and drug paraphernalia is strictly prohibited.

Campus Disciplinary Sanctions for Violations of Alcohol and Illegal Substance Policies

A student involved in violations of the standards of conduct will be required (unless expelled from the institution) to participate in an education and assessment process as a condition of continued association with the institution. The following sanctions are presented as guidelines, indicating the range and progression of sanctions from educational programs through expulsion. These sanctions are applied on a case-by-case basis, depending on the specific nature of the alcohol and drug violation. Each student's case is evaluated in terms of that student's level of risk posed (health or danger to self and others) by their substance abuse.

For violations involving alcohol, sanctions might include:

- three-hour education seminar.
- counseling and assessment
- campus disciplinary probation
- extended probation with counseling
- suspension
- expulsion

For violations involving the possession or use of drugs, sanctions might include:

- disciplinary probation and referral to assessment/treatment
- suspension
- expulsion

For violations involving the sale of drugs, sanctions might include:

- suspension
- expulsion

Legal Standards

In addition to student conduct standards, a student will be subjected to all local, state, and federal laws related to substance abuse or the possession/use of alcohol.

The following state laws are presented which apply to any student conduct on or in the vicinity of the campus.

In these instances, the student is being regarded as a resident of the state of Nevada:

Legal Sanctions

Legal action provides for sanctions ranging from the imposition of fines to incarceration. These sanctions are imposed after due process is pursued. Legal sanctions are governed by the Nevada Revised

Statutes (NRS). Such sanctions result from the referral of an alcohol or other drug violation which comes to the attention of the campus Police Department and is referred to the District Attorney's Office. Legal action may take place concurrently with campus disciplinary action.

NRS 202.055 - Sale or furnishing of alcoholic beverage to a minor; aiding a minor to purchase or procure alcoholic beverage. Every person who knowingly sells, gives, or otherwise furnishes an alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor.

NRS 205.460 - Preparation, transfer, or use of false identification regarding persons under 21 years of age;

(1) Every person who counterfeits, forges, alters, erases, or obliterates, or... (3) Every person under the age of 21 years who uses or attempts to use or proffers any counterfeited, forged, erased or obliterated card, writing paper, document, or any photocopy print, Photostat, or other replica thereof for the purpose and with the intention of purchasing alcoholic liquor or being served alcoholic liquor entering gambling establishments shall be guilty of a misdemeanor.

NRS 202.020 - Purchase, consumption or possession of alcoholic beverage by a minor. Any person under 21 years of age who, for any reason, possesses any alcoholic beverage in public is guilty of a misdemeanor.

NRS 202.040 - False representation by a minor to obtain intoxicating liquor. Every minor who shall falsely represent himself to be 21 years of age in order to obtain any intoxicating liquor shall be guilty of a misdemeanor.

Resources:

SUBJECT	CONTACT	PHONE	WEBSITE / STATE SAFE / SOCIAL MEDIA
For students, NS provides a variety of free services and assistance through on-campus appointments	Nevada State Counseling Services Annise Prewitt, MSW, LCSW, CCTP	702-992-2509	www.nsc.edu/studentwells Facebook & Instagram @NSCCARECORNER State Safe Crisis Services
NS's Student Wellness		702-992-2514	https://nsc.edu/current-students/care-team/ IG: @CareCorner State Safe: Crisis Services
For NS employees: Employee Assistance Program (EAP)	LifeWorks	Telephone: 877-234-5151 En Español, llame al 888-732-9020 TTY/TDD: 800-999-3004	www.lifeworks.com
Federal Substance Abuse and Mental Health Services Administration's Treatment Routing Services	Substance Abuse and Mental Health Services Administration (SAMHSA)	1-800-662-4357 (HELP)	https://www.samhsa.gov/find-help/national-helpline State Safe: Crisis Services
Al-Anon	Al-Anon Family Groups Al-Anon/Alateen	1-800-344-2666	https://al-anon.org/ https://www.nevadaal-anon.org/
Cocaine Hotline: 24/7 drug helpline	Our Lead Family	1-866-236-1651	https://www.ourleadfamily.com/help-is-available
Las Vegas Recovery Center	Las Vegas Recovery Center (LVRC)	702-515-1373	https://www.lasvegasrecovery.com/
Salvation Army Adult Rehabilitation Program	Salvation Army	702-399-2769	https://www.salvationarmyusa.org/usn/combat-addiction/

WestCare Detox	West Care	702-383-4044	https://westcare.com/
Alcoholics Anonymous Las Vegas Central Office	AA Las Vegas Central	702-595-1888	www.lvcentraloffice.org State Safe: Crisis Services

Region 51 Narcotics Anonymous	NA	888-495-3222	www.region51na.org
Valley View Family Counseling Service	Valley View	702-320-3180	https://www.valleyviewfamilycounseling.com/
Community Counseling Center	Community Counseling Center	702-369-8700	www.cccofsn.org
Mental Health Screening	Laura Hinojosa Care Team	702-992-2514	https://nsc.edu/statesafe/ State Safe: Crisis Services
National Suicide Prevention Lifeline	24/7 Lifeline	800-273-8255	https://suicidepreventionlifeline.org/ State Safe: Crisis Services
First Person Care Clinic	First Person Care Clinic	702-380-8118	http://www.firstpersoncc.org/ State Safe: Crisis Services
Rape Crisis Center	24/7 hotline	702-366-1640	https://rccnv.org/ State Safe: Crisis Services
LGBTQIA+ The Center	The Center	702-733-9800	https://thecenterlv.org/ State Safe: Crisis Services
Community Resources	PDF	PDF	State Safe: Crisis Services
Domestic Violence	24/7 hotline	800-799-7233	https://www.thehotline.org/ State Safe: Crisis Services
Anxiety & Depression Association of America	ADAA	240-485-1001	https://adaa.org/ State Safe: Crisis Services
Boys Town	24/7 hotline	800-448-3000	https://www.boystown.org/Pages/default.aspx State Safe: Crisis Services
Depression & Bipolar Support Alliance	DBSA	800-826-3632	https://www.dbsalliance.org/ State Safe: Crisis Services
National Alliance of Mental Health	NAMI	800-950-6264	https://www.nami.org/Home State Safe: Crisis Services
National Association of Anorexia Nervosa and Associated Disorders	ANAD	630-577-1330	https://anad.org/ State Safe: Crisis Services
			https://www.nationaleatingdisorders.org/

National Eating Disorders Association	NEDA Helpline	800-931-2237	rs.org/ State Safe: Crisis Services
National Center of Excellence for Eating Disorders	NCEED	800-931-2237	https://www.nceedus.org/ State Safe: Crisis Services

National Council on Problem Gambling	NCPG	800-522-4700	https://www.ncpgambling.org/ State Safe: Crisis Services
National Drug Helpline	National Drug Helpline	844-289-0879	https://drughelpline.org/ State Safe: Crisis Services
University Legal Services	UNLV	702-895-2080	https://law.unlv.edu/clinics/immigration/university-legal-services State Safe: Crisis Services

Notice to Students and Employees Regarding Illicit Drugs and Alcohol

Nevada State University (NS) believes that the unlawful possession or abuse of drugs and alcohol by students and employees presents multilevel risks to the individual, the learning and working environments, and the campus community. Substance abuse impedes the process of learning, teaching, and personal development and the overall exercise of a person's true talents and abilities. There are also serious criminal and disciplinary sanctions that can be imposed on students and employees which will disrupt their studies or careers.

NS provides this notice in compliance with federal law as part of NS's program to prevent the possession, use, and distribution of illicit drugs and alcohol by students and employees. The information provided here includes campus rules and regulations pertaining to drugs and alcohol, possible health and social effects, legal sanctions, and contact information for services and programs that can provide further information and assistance. Additionally, this notice informs students of the implications for eligibility of financial aid when students are convicted of possession or sale of illegal drugs.

Illegal Drugs

NS is a drug-free institution. Nevada state law and Nevada System of Higher Education (NSHE) regulations prohibit the manufacture, distribution, possession, or use of illegal or unauthorized drugs or drug paraphernalia on NS property or at NS-sponsored activities.

The possession or use of prescription drugs without a proper prescription is a crime in the State of Nevada. A student's or employee's possession of a "medical marijuana card" or similar documentation supporting the use of illegal drugs will not excuse or permit the manufacture, distribution, or use of illegal or unauthorized drugs or drug paraphernalia on NS property or at NS-sponsored activities.

Violations of the law or NSHE regulations will result in disciplinary action for students and employees up to and including expulsion of students and/or termination of employment pursuant to Nevada state law, the NS Student Code of Conduct, and the NSHE Code, and referral for criminal prosecution. Nevada law requires NS to immediately terminate employment of any employee who is convicted of violating a federal or state law prohibiting the sale of a controlled substance regardless of where the incident occurred. The term, controlled substance, means any drug defined as such under the regulations adopted pursuant to NRS453.146. 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.

These violations are serious matters and can significantly impact education and employment.

Alcohol

NS does not permit possession of alcohol on its property except for limited situations. The legal age for drinking alcohol in Nevada is 21 years. Alcohol abuse or excessive drinking by those of lawful age has become more prevalent, with tragic cases reported of death or serious injury. This includes forced consumption of alcohol in conjunction with initiations or affiliation with any organization; NS prohibits any type of initiations requiring the consumption of alcohol.

NSHE regulations allow the use or consumption of alcohol on NS property only in the following limited situations:

- Upon receipt of a timely advance application, the NS President may grant permission in writing for the sale or distribution of alcoholic beverages at a NS-sponsored event (including those sponsored by student organizations) and by guest organizations approved to use NS facilities. Such consideration will be based upon, but not limited to, such factors as number and ages of people in

attendance, purpose of the event, supervision, security provisions, location, and the date and time of the function. The President's decision to allow alcohol is discretionary and the decision is final. No other NS officer, manager, or employee may approve the use of alcohol on campus or at an NS-related event/function.

- Alcohol procured and used in association with approved NS academic classes.

Impairment in the Workplace and Classroom

It is the policy of the State of Nevada to ensure that its employees do not report for work in an impaired condition resulting from the use of alcohol or illegal drugs, or consume alcohol or use illegal drugs while on duty (including driving a personal vehicle while on institution business or driving a state vehicle).

Alcohol and drug abuse and the use of alcohol and drugs in the workplace are issues of concern to the State of Nevada. Any employee who appears to be in an impaired condition at work is subject to a screening test for alcohol or drugs, and disciplinary action up to and including termination of employment. Referral to an employee assistance program is also possible.

Any State employee convicted of driving under the influence in violation of NRS 484C.110 or 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 private vehicle while on NS business, is subject to discipline up to and including termination.

Any NS student who comes to campus in an impaired condition resulting from the use or consumption of alcohol, non-prescribed drugs, or illegal drugs may be referred for discipline under the NS Student Code of Conduct, especially if their impaired condition causes the student to act out in a disruptive manner.

Sanctions

Violation of the law or NSHE regulations will result in disciplinary action for students and employees up to and including expulsion of students and/or termination of employment, pursuant to the NS Student Code of Conduct, Nevada Administrative Code, and the NSHE Code, and referral for criminal prosecution. Sanctions for student organizations may include, but are not limited to, warning, probation, denial of use of NS facilities, and withdrawal of the organization's recognition and charter. A disciplinary sanction may include the completion of an appropriate educational or rehabilitation program. Guests of Nevada State will be subject to denial of permission to come to any NS campus and for future use of its facilities. These violations are serious matters and can significantly impact education and employment.

Health Risks Associated with Drug Abuse and Alcohol Use

1. Depressants (e.g. alcohol, tranquilizers, benzodiazepines such as Xanax or Valium)
 - a. poor concentration, coordination, and judgment
 - b. inability to reason and make decisions
 - c. mood swings
 - d. fatigue
 - e. liver diseases
 - f. ulcers
 - g. birth defects
 - h. depression
 - i. malnutrition
 - j. heart disease and stroke
 - k. certain cancers
 - l. brain damage
 - m. drowsiness
 - n. poor attention span, memory, and coordination
 - o. confusion
 - p. birth defects
 - q. possible liver disease

2. Stimulants (e.g. cocaine, crack, amphetamines such as Ritalin, meth)

- a. nervousness, short attention span, poor judgment, mood swings, paranoia, hallucinations
- b. depression caused by withdrawal
- c. death from heart or respiratory failure
- d. stroke or seizures
- e. lung and voice damage
- f. hepatitis or AIDS

3. Opioids & Morphine Derivatives (e.g. heroin, OxyContin)

- a. drowsiness, confusion, and disorientation
- b. slowed breathing, sometimes to point of death
- c. coma
- d. hepatitis or AIDS

4. Cannabinoids (e.g. marijuana, hashish)

- a. poor short-term memory
- b. slowed reflexes
- c. problems judging time, depths, and distance
- d. lung damage
- e. may harm immune system or fertility

5. Hallucinogens (e.g. LSD, psilocybin mushrooms, PCP/Angel Dust)

- a. disorganization
- b. hostile feelings toward others
- c. short attention span
- d. poor motor skills
- e. self-inflicted injury
- f. brain hemorrhage
- g. high blood pressure
- h. increased heart rate
- i. heart failure
- j. convulsions, coma, and death

6. Inhalants (e.g. glue, nitrous oxide, aerosol sprays)

- a. confusion
- b. difficulty walking
- c. rapid heart rate
- d. sudden brain damage
- e. damaged sense of smell
- f. liver damage
- g. lung damage

h. kidney problems

7. Anabolic Steroids

- a. aggressive behavior
- b. mood swings
- c. depression due to withdrawal
- d. liver disease
- e. heart attack
- f. stroke
- g. high cholesterol levels
- h. in men, breast development, small testicles, and sterility
- i. in women, deep voice, acne, hair growth, and decrease in breast size

Services and Programs for the NS Community that Address Substance Abuse

A. For students, NS provides a variety of free services and assistance through on-campus appointments. To connect with NS Counseling Services, email: COUNSELING@NSC.EDU or call 702.992.2509. Students may also contact NS's Student Wellness Manager at 702-992-2514 for information about other campus and community resources that may assist them.

B. For NS employees, an Employee Assistance Program (EAP) is also available. NS currently contracts EAP services through LifeWorks. LifeWorks consultants are available 24 hours a day, 7 days a week, 365 days a year. Employees may contact LifeWorks via:

- Telephone: 877-234-5151
- En Español, llame al 888-732-9020
- TTY/TDD: 800-999-3004
- www.lifeworks.com

C. Other Resources available through toll-free telephone contacts:

1. Federal Substance Abuse and Mental Health Services Administration's Treatment Routing Services:

1-800-662-4357 (HELP)

- Refers callers to local drug treatment

centers and support

groups

2. Al-Anon: 1-800-344-2666

- Will refer families of substance abusers to group meetings in their local area

3. Cocaine Hotline: 1-866-236-1651

- 24/7 drug helpline

D. Local Groups/Groups for Families

1. Las Vegas Recovery Center:
702-515-1373

2. Salvation Army Adult Rehabilitation
Program: 702-399-2769

3. WestCare Detox: 702-383-4044

4. Alcoholics Anonymous Las Vegas Central
Office: 702-595-1888; www.lvcentraloffice.org

5. Region 51 Narcotics Anonymous: 888-495-3222; www.region51na.org

6. Valley View Family Counseling Service: 702-320-3180

7. Community Counseling Center: 702-369-8700;
www.cccofsn.org

Policy Against Unlawful Discrimination And Harassment; Complaint Procedure, Nevada System Of Higher Education Title 4, Chapter 8, Section 13.

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:

a. In the educational environment:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
- ii. 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:

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

b. “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.

c. “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:

- a. Issuing mutual no contact directives;
- 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. 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 disciplined¹;
- j. Requiring the parties to report any violations of these restrictions; and
- k. Taking a leave of absence.

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. 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).

vi. 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.

vii. 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"²

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, Associate Vice President of Human Resources, 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.

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.

e. 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.

i. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- 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;
- 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
- 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.

d. "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.

e. "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.

f. "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, Associate Vice President of Human Resources, 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.

g. "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.

h. "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 disciplined³; and

k. Requiring the parties to report any violations of these restrictions.

For Employees:

l. Providing an escort to ensure safe movement between work area and/or parking lots/other campus locations;

m. Issuing a mutual no-contact directive(s);

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 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; 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;

j. 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.);

k. 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;

l. 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;

m. Include the procedures and permissible bases for the complainant and respondent to appeal a written determination;

n. Describe the range of supportive measures available to complainants and respondents;

o. 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

p. 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 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; 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
- v. 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

Evidence Preservation:

Although in the immediate aftermath of an incident an individual may not be interested in reporting the incident to the University or in pressing charges, preserving evidence immediately can be vital to a successful investigation if, in the future, an individual decides to move forward with a civil, criminal, or university conduct case, or seeks a protective order.

Tips for preserving evidence:

- Avoid showering, bathing, douching, brushing teeth, going to the bathroom, drinking, and/or changing clothing before seeking medical attention
- Any clothing, towels, or bedding should remain untouched pending collection by law enforcement. Whether or not an individual has chosen how to proceed at the time of a medical examination, taking steps to gather evidence will preserve the full range of options to seek resolution through the pursuit of criminal investigation or through the University's complaint process.
- If an individual has bruising or injuries, they should take photos of the bruising with a camera and document the date and time of the photography (cell phones automatically do this). If an individual goes to the hospital, they can do this as it is deemed necessary.

Medical attention is also strongly encouraged. If a survivor of sexual assault would prefer to remain anonymous, they can receive an evidentiary exam at no cost at an area hospital without filing a police report. These exams are filed under a Jane/John Doe name. If a survivor chooses to file a police report, it should be noted that a police report states what happened and does not require the survivor to press charges. The choice remains with individual whether to press charges.

Persons of Organizations that can assist victims

The following support services are available should

victims want to access them:

- The following support services are available should victims want to access them:
- Vice President of Student Affairs at (702) 992-2511.
- Title IX and the Office of Compliance at (702) 992-2322.
- To notify and report the crime off-campus, contact the Henderson Police Department at (702) 267-5000 or the appropriate jurisdiction, or 911.
- University Police Services at (702) 895-3669 or file an online report at www.updsouth.nevada.edu, and
- In the case of an emergency, dial 911.

Options about the Involvement of Law Enforcement

You have options to report to, or decline to report to, the institution and local law enforcement. Although Nevada State 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 College, 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 campus 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 institution 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 campus. To report directly to the Henderson Police Department call (702) 267-5000. For assistance in contacting the Henderson Police Department, 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 institution. If a court order is issued the institution 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 institution 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 campus 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. 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 requested by the victim and if such accommodations are reasonably available.

The institution is obligated to honor this request, if the accommodation is reasonable 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 NS 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

NS 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. NS prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It is the practice of NS's Title IX and Office of Compliance 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 institution. Loss of use privileges for designated campus 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 institution 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 campus-sponsored activity and shall be barred from all campus properties. The student will be notified in writing of the suspension. The official transcript of the student shall be marked "Not In Good Standing". 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. This is permanent separation of the student from Nevada State University. The expelled student shall not participate in any campus-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. 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 Vice President of Student Affairs .

INTAKE/ASSESSMENT/TREATMENT REFERRALS. A student may be referred to Nevada State Counseling Services 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 Nevada State'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.

Range of Protective Measures Available

These measures may include, but are not limited to: the implementation of a NS-issued no-contact order, academic accommodations, residential accommodations, transportation accommodations, employment accommodations, safety consultations with University Police Services, personal protection devices, on-campus escorts,

SANCTIONS FOR EMPLOYEES:

Nevada Administrative Code

NAC 284.480 Letters of Instruction

NAC 284.638 Warnings and written reprimands NAC

284.642 Suspension and Demotion

NAC 284.646 Dismissal

NSHE Prohibitions and Penalties

Warning

Written Reprimand

Suspension

Demotion

Dismissal

For part-time employees of Nevada State University, prohibited conduct may result in the immediate termination of the employment agreement. Part-time employees are considered at-will, and the institution may terminate employment at any time, for any lawful reason.

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

NS promotes awareness and prevention of Dating Violence, Domestic Violence, Sexual Assault and Stalking through a variety of programs such as the Tunnel of Awareness, an interactive experience where students walk through a tunnel of rooms created to bring awareness to social justice issues such as violence against women, black bodies, immigrants, human trafficking, and more. The campus provides additional information on sexual harassment and sexual violence trainings. New faculty, staff, and student workers will be notified of sexual harassment and sexual violence prevention training during orientation.

Nevada State's Office of Human Resources also provides training on Title IX and Sexual Harassment and oversees the Nevada State's web-based training programs. Current faculty, staff, student workers, and students are assigned and can access training through the Vector Solutions training system. All employees and students receive email notification and reminders when assigned to the training. These notifications include specific instructions for accessing the training modules.

Students and staff may report a student conduct incident to the Vice President of Student Affairs via the NS Portal. In addition, any staff member who is concerned about the health, safety, and/or well-being of a student can make a referral to the CARE Team.

NS's Vector Solutions Training Library includes:

STUDENT TRAINING LIBRARY	STAFF/FACULTY TRAINING LIBRARY
Sexual Assault and Prevention for Undergraduates	Preventing Harassment & Discrimination + Clery Act and Title IX – for supervisors
Sexual Assault and Prevention for Graduate Students	Preventing Harassment & Discrimination + Clery Act and Title IX – for non-supervisors
	Family Educational Rights and Privacy Act
STUDENT TRAINING LIBRARY	STAFF/FACULTY TRAINING LIBRARY
Alcohol, Drugs, Sexual Assault harm-reduction Training – Title IX and Campus SaVE Act (main course)	Overview of Title IX and Campus SaVE Act.
Title IX and Campus SaVE Act training (main course)	Prevent harassment, discrimination & retaliation
	Family Educational Rights and Privacy Act

In addition, Nevada State has also partnered with UNLV's Care Center. The Care Center offers confidential virtual support services to members of the NS community through the Care Line, a crisis hotline staffed by volunteer trained victim advocates, (702) 895-0602. They also provide direct services, holistic healing workshops, campus education & awareness events to students, faculty, and staff impacted by power-based violence, which include sexual violence, relationship violence, family violence, and stalking. The programs offered by the Care Center include:

Direct Services

- Holding space
 - We validate emotions & experience. Together, we explore support networks and healing options
- Ensure personal safety
 - We can help you assess your physical, emotional, psychological & spiritual health & safety
- Create a plan together
 - We work with the client to identify needs, explore potential resources to meet those needs, and put together a plan for moving forward.
- Self-care
 - We provide tools that can help you discover what nourishes & supports overall well-being
- Academic
 - Help to identify academic needs, and connect with the right resources to request adjustments, accommodations, and other support.
- Medical
 - We can give information about forensic exams, referrals for STI testing, referrals for CAPS, student health center, or urgent care
- Financial
 - We can help find funding for housing, food, legal, off-campus therapy, holistic healing services & other financial resources
- Reporting
 - We respect and honor our client's right to not report to systems that can potentially cause harm. If they choose to report we can help them navigate the process of reporting & we can assist you with no contact/stay away orders & protective orders
- Training & Development Program
 - The Care Advocate Training Institute: Designed to prepare students for the role of the confidential campus advocate: Hold Space for clients, Ensure Personal Safety, Identify Needs & Possible Resources, Create Plans Together, and Educate Peers.
- Annual awareness month events
 - *Healing through Connections*
 - *Domestic Violence Awareness Month (October)*
 - *Sexual Assault Awareness Month (April)*

Sex Offender Registration

In compliance with the **Campus Sex Crimes Prevention Act** (and Nevada State statute (NRS 179D), University Police Services must register employees and students of Nevada State who are convicted of a sexual offense and deemed a sexual offender by law. These registrations are kept by University Police Services Records Custodian. Persons interested in accessing this information may contact University Police Services at (702) 895-5575.

Nevada State University Crime Statistics

Offense	Year	On Campus	*On Campus Housing	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Fondling	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	1	0	0	0
	2021	1	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2022	1	1	0	0
	2021	2	2	0	0
	2020	0	0	0	0
Stalking	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

*Nevada State University residential facilities opened October 2020.

Nevada State University

Arrests and Disciplinary Referrals

Offense	Year	On Campus	*On Campus Housing	Non-Campus	Public Property
Liquor Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Arrests	2022	1	1	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Arrests	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

* residential facilities opened October 2020

Data is reported by calendar year.

Hate Crimes:

2022: Zero Hate Crimes reported.

2021: Zero Hate Crimes reported.

2020: Zero Hate Crimes reported.

Unfounded Crimes:

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: Zero unfounded crimes.



2023 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
Building 1	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 2	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 3	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 4	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 5	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 6	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester
Building 7	1300 Nevada State Dr. Henderson, NV 89002	Yes	Yes	Yes In building breezeways.	Yes In each unit.	No	1 per semester

Nevada State Housing opened in October 2020.

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

Appliances

Small appliances such as radios, televisions, and irons that do not exceed four cubic feet are permitted. Space heaters and similar heating devices are a potential fire hazard and are prohibited. Violation of this may be subjected to a fine. Fire code prohibits storage or use of barbecue grills in or on any building, stairway, balcony, or walkway. Grills found will be disposed of by the landlord. Community grills are available for resident use only.

Candles

The use of candles is not permitted. Violation may result in a fine.

Smoking

Smoking is prohibited in NEVADA STATE HOUSING. This includes any public areas, e.g. hallways, lounges, laundry room, etc. Tenants who possess a medical marijuana card must notify NEVADA STATE HOUSING to make arrangements to terminate their lease, in which case Tenants will be entitled to the full refund of their deposit.

Procedures for Student Housing Evacuation

Fire warning devices and safety equipment are to be used only in case of emergency. The sounding of a fire alarm should be taken seriously. In the event of an alarm, tenants should proceed in accordance with the instructions posted in and about Nevada State Housing. The intentional sounding of an alarm outside of an emergency is a criminal offense and a material breach of the housing lease.

Policies Regarding Fire Safety Education and Training Programs

Community management and residential assistance go through emergency response training where the fire drill policies and procedures are reviewed. Residential students are given information regarding fire evacuation procedures upon move in.

Where to report a fire

To report a fire after the fact for inclusion in the annual fire statistics, contact any of the following individuals:

Vice President of Student Affairs (702) 992-2511
Vice President for Culture, Planning, and Policy (702) 992-2358
Clery Compliance Coordinator (702) 895-3833
Director of Facilities, Facilities Management and Planning (702) 992-2253

Plans for future Fire Safety Improvements

There are no plans for future fire safety improvements at this time.

**Nevada State
University 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
Building 1 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 2 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 3 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 4 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 5 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 6 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 7 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A

*Nevada State Housing opened in October 2020.

**Nevada State
University 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
Building 1 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 2 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 3 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 4 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 5 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 6 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 7 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A

*Nevada State Housing opened in October 2020

**Nevada State
University Fire
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Building 2 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 3 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 4 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 5 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 6 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A
Building 7 1300 Nevada State Dr. Henderson, NV 89002	0	0	N/A	N/A	N/A	N/A

*Nevada State Housing opened in October 2020

The Nevada State University
2023 Annual Security Report
was prepared by University Police Services



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

www.updsouth.nevada.edu

Follow us on Twitter and Instagram or like us on Facebook at:

@UPDSouth

UNLV Annual Security and Fire Safety Report



2023

University Police Services prepare this Annual Security and Fire Safety Report. This report, which was published in September 29, 2023 and contains statistics for the three most recent calendar years of 2020, 2021, and 2022.



Adam Garcia
Vice President
Public Safety Services

Dear Campus Community,

I want to welcome both our new and our returning students, staff, and faculty community members to campus. I'd like to take this time to remind you that University Police Services is focused on preserving an environment where you can study, live, and work safely. It is extremely important to us that UNLV students, faculty, and staff feel supported and their voices heard

[University Police Services](#) (UPD) serves the University of Nevada, Las Vegas, the College of Southern Nevada, Desert Research Institute, and Nevada State University. A central tenet of our commitment to the campuses we serve is a true community-oriented policing model which is based on transparency, accountability, empathy, responsiveness, and appropriate visibility. It is our mission to provide a safe and secure learning environment and we believe this can be achieved through our core values. 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.

You will see your officers [patrolling campus](#) on foot, bicycle, and in patrol vehicles – and I encourage you to stop and speak with them when you have the opportunity. In addition, our department is equipped with student cadets who serve as the “eyes and ears” for our officers. They are to help out with evening safety escorts, room openings, and emergency notifications. We are always eager to recruit mature and responsible students to join the cadet program, so if you are interested, please fill out the [appropriate application](#).

Our proactive anti-crime, safety awareness, [self-defense](#), [bicycle registration](#), and [security escort programs](#) are accessible to all members of the campus community and we are available to provide [specialized presentations and trainings](#) upon request. Be sure to follow us on [social media](#), @UPDSouth, for any updates and future [events](#).

Our department strives to constantly engage our community and improve safety on campus. UPD's Public Safety Advisory Board, which consists of representative student leaders, classified employees, administrative faculty, and academic faculty from each of the institutions UPD serves, seeks to support a community-based public safety approach that fosters and enhances communication channels and relationships. Together, we are stronger. We encourage you to [send in any comments, concerns, or suggestions](#) on ways you think we can improve or reach out to [your campus PSAB representatives](#).

As partners, University Police Services stands ready to service the needs of our campus communities. We will always operate with a high level of integrity and respect, and bring forward the best interest of all our institutions. We encourage you to practice “See Something, Say Something” as well as [reporting any suspicious activity](#). UPD is available 24/7; via phone or through the [UNLV RebelSAFE app](#), or refer back to our [website](#) for further information on how to [file a police report](#) or take advantage of our [other services offered](#) such as fingerprinting, notary, crime logs, and report copies.

Sincerely,

Adam Garcia
Vice president for Public Safety Services
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 Conduct, 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 Highway Patrol, 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 6:00 a.m. to 10:00 p.m. Access cards and keys are issued to faculty and staff through the university lock shop upon receipt of the appropriate request form. 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 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 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 warning notifications to the campus community when appropriate, and to ensure inclusion in the annual crime statistics.

To report crimes or request officer assistance dial 911 (emergencies only), 311 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:

- Dial 911,
- 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. 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 individual identified in the institution's security policies,
- Any institutional individual/office 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 Conduct
(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 CSAs 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 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.

– 6:00 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 encourage 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 parties 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,
- There is reasonable concern of abuse or neglect of a child or vulnerable adult,
- There is a court order for 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.

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 any 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, 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 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 Vice President for Public Safety Services & 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 Vice President for Public Safety Services & 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 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. 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 threat or dangerous situation is located 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 Vice President for Public Safety Services & 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 Vice President for Public Safety Services & 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,
- Vice President Public Safety Services & 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 Office of Emergency Management, 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.

Testing Emergency Response Evacuation Procedures

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. Test 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 test 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.

University Police Services Non-Emergency	(702) 895-3668
UNLV Emergency Management	(702) 895-5766
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 Conduct	(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 app. 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 beRebelSAFE, visit www.unlv.edu/police.rebelsafe.



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 Shooter: 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 shooter 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.

Rape Aggression Defense (RAD): this is a physical self-defense program for women. University Police Services has certified instructors who teach these classes on a regular basis.

Girls on Guard: this is an alternative class to RAD. It is a shorter self-defense class for women and 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 Conduct 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 Conduct (OSC)

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 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)

OSC 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 OSC 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. OSC staff also present each semester during Greek 101 and in the Spring for Greek Leadership Day. The presentations we are typically involved in are related to Hazing and/or Title IX. OSC 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.

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

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 distributed free non-alcoholic "mocktails" to UNLV students and educated 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. We also offer materials on alcohol poisoning, alternative ways to connect socially, drunk driving prevention, and on-campus health resources.

(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 4th, 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 OSC
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
and 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.

UNLVAOD 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 Ceridian Lifeworks.
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 Ceridian
Lifeworks website ([https://www.lifeworks.co m/us](https://www.lifeworks.com/us)), employees have access to
various seminars/articles
/workshops/videos (over 20 resources)
related to alcohol or other drug addictions.
Ceridian Lifeworks provides an entire
catalog of resources and the following is a
brief listing of options related to AOD:

**A. Addictive Behavior -
Recorded Webinar:**
Responsible for the
coordination of administrative
functions within the Library. May be
in charge of the Library in the absence
of the Chief Librarian. Common job
titles include Associate or Assistant
Dean, Assistant or Associate Director,
Assistant or Associate Chief Library,
Assistant or Associate University
Librarian. Degree requirement: ALA
Accredited Masters.

When Someone You Love Has a Drinking Problem - CD Recording:

When someone you love has a drinking problem, you may feel alone, angry, or afraid. A loved one's problem drinking touches everyone close -- spouses and partners, children, extended family, and friends. You may be caught up in patterns of denial; covering up for a loved one's drinking, or wondering how to find help. No matter what you're going through, it's important to remember that help is available for both you and the person you love who drinks. On this recording, addiction and recovery expert Robert Ackerman, PhD, offers valuable information and reassuring advice about alcoholism and the road to recovery. He talks about how problem drinking affects family, friends, and loved ones, breaking unhealthy patterns, finding support, and helping a problem drinker. The recording also features stories and advice from people who know what it is like to love an alcoholic.

- B. 12-Step Programs for Alcohol and Drug Addiction - Article:** Twelve-step programs provide a systematic set of principles to practice as a way of life to manage the alcohol or drug problem. These programs offer support in helping the person abstain from alcohol and drugs for life. Because lifelong abstinence is a big challenge, the programs encourage people to take it "one day at a time." Twelve-step programs encourage members to attend regular meetings at which they talk about their challenges without revealing their last names (a practice known as "anonymity"). It is understood that members may have an occasional relapse, or slip, where they

temporarily go back to using alcohol or drugs. Following the 12 steps programs can help individuals get their life back on track. Two of the most helpful aspects of 12-step programs are the support members provide to one another and the confidence in their ability to succeed that this support builds, according to a study by John F. Kelly, a specialist in addiction medicine at Harvard Medical School.

C. Alternatives to 12-Step Programs for Alcohol and Drug Addition – Article:

Alternatives to 12-step programs are national self-help organizations that can help you end your addiction without having to view your recovery in moral terms. These alternatives have eliminated controversial principles of 12-step programs. For example, they make no mention of a "higher power" and do not encourage members to "improve [their] conscious contact with God." These programs do not have as extensive of a track record as 12-step programs, but they offer an alternative for individuals seeking help for a drug or alcohol addiction.

Drug and Alcohol Abuse Warning Signs – Article:

If you are concerned that you may have an alcohol- or a drug-abuse problem, you aren't alone. Substance abuse affects all kinds of people, from preteens to the elderly, in every income level and occupation. But alcohol and drug abuse are treatable, and more options are available today than ever before.

D. 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 Ceridian Lifeworks. 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 [Ceridian's website](#).

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 13.

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:

a. In the educational environment:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic status ("quid pro quo"); or
- ii. 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:

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

b. "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.

c. "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:

- a. Issuing mutual no contact directives;
- 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. 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 disciplined¹;
- j. Requiring the parties to report any violations of these restrictions; and
- k. Taking a leave of absence.

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"²

- 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 College; 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 disciplined³; and
- k. Requiring the parties to report any violations of these restrictions.

For Employees:

- l. Providing an escort to ensure safe movement between work area and/or parking lots/other campus locations;
- m. Issuing a mutual no-contact directive(s);
- 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 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 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 Conduct 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 Conduct.

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

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 rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking through CARE Advocated. They also provide bystander intervention education to all first year seminar courses, which further highlights the fact that the University prohibits the offenses of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

UNLV LawRoom/Campus Clarity training library primary and ongoing training includes:

Student Training Courses

- Alcohol, Drugs, Sexual Assault harm-reduction Training (main course)
- Title IX and Campus SaVE Act (main course)
- Title IX and Campus SaVE Act for graduate students (main course)
- Safe and positive bystander intervention (main course & follow up courses)
- Prevent stalking and relationship violence, and support survivors of sexual assault (main and follow up courses)

Staff/Faculty Training Courses:

- Overview of Title IX and Campus SaVE Act (main course & follow up courses)
- Prevent harassment, discrimination and retaliation (main course)
- Recognize and report child abuse, mandated reporters (main course)
- Workplace health and safety (main course)
- Ethical values in an academic environment (main course)
- Family Educational Rights and Privacy Act

- Overview of workers with disability laws
- Blood and other potential infectious materials
- Recognize and prevent workplace bullying
- HIPAA definitions, rules, and requirements
- Social media inside/outside the workplace, minimize the legal risks posed by social media

UNLV Care Center

The UNLV CARE Center (the CARE Center) promotes awareness and prevention of sexual assault and other forms of interpersonal violence, including the co-occurrence of sexual assault with domestic violence and stalking, through a variety of activities and services.

The CARE Center offers direct advocate support and referrals to campus and community agencies through the CARE Line, a 24-hour crisis hotline staffed by volunteer trained victim advocates, (702) 895-0602. This was coordinated via the ASERTAV coalition (Advocacy, Support, Education, and Response Team Against Violence), a collaboration of on and off campus organizations, social services, administrative offices, and police.

The CARE Center is on campus and located in room 255 on the 2nd floor of the Student Services Complex-A, (702) 895-4475. The Center's office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

The CARE Center offers ongoing prevention and awareness campaigns in the areas of interpersonal violence (IPV), 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	2022	0	0	0	1
	2021	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	1	1	1	0
	2021	3	1	0	0
	2020	0	0	0	0
Fondling	2022	1	0	0	0
	2021	2	0	0	0
	2020	7	3	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	5	2	0	0
	2021	2	0	1	0
	2020	1	0	0	0
Aggravated Assault	2022	4	1	0	1
	2021	2	0	1	1
	2020	2	0	0	0
Burglary	2022	53	11	8	0
	2021	21	13	0	0
	2020	5	2	1	0
Motor Vehicle Theft	2022	21	0	1	0
	2021	7	0	0	1
	2020	11	0	0	2
Arson	2022	2	0	0	0
	2021	4	0	0	0
	2020	1	1	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	2022	4	3	0	0
	2021	2	2	0	0
	2020	0	0	0	0
Domestic Violence	2022	9	3	0	2
	2021	11	5	0	1
	2020	5	4	0	1
Stalking	2022	2	0	0	0
	2021	3	2	0	0
	2020	4	1	0	0

*Data is reported by calendar year.

University of Nevada, Las Vegas Main Campus Hate Crimes

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

2021: Zero reported

2020: One report of Intimidation on campus characterized by sexual orientation bias.

University of Nevada, Las Vegas Main Campus Unfounded Crimes:

2022: Zero unfounded crimes reported.

2021: Zero unfounded crimes reported.

2020: One unfounded crime.

**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	2022	7	7	0	0
	2021	48	46	0	0
	2020	9	9	0	0
Drug Law Violation Arrests	2022	24	6	1	2
	2021	34	10	1	5
	2020	17	2	0	3
Weapons Law Violation Arrests	2022	10	2	1	1
	2021	6	0	0	0
	2020	2	1	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	69	69	0	0
	2021	31	31	0	0
	2020	125	122	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	21	19	0	0
	2021	4	4	0	0
	2020	26	23	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0	0
	2021	0	0	0	0
	2020	1	1	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	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Manslaughter by Negligence	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Rape	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Fondling	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Incest	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Statutory Rape	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Robbery	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Aggravated Assault	2022	0	0	0
	2021	1	0	0
	2020	0	0	0
Burglary	2022	4	1	0
	2021	5	0	0
	2020	1	0	0
Motor Vehicle Theft	2022	1	3	0
	2021	1	1	0
	2020	0	0	0
Arson	2022	0	0	0
	2021	2	0	0
	2020	1	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	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Domestic Violence	2022	1	0	0
	2021	1	0	0
	2020	0	0	0
Stalking	2022	0	0	0
	2021	0	0	0
	2020	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

2022: No Hate Crimes reported.

2021: No Hate Crimes reported.

2020: No Hate Crimes reported.

University of Nevada, Las Vegas Shadow Lane Unfounded Crimes

2022: Zero unfounded crimes.

2021: Zero unfounded crimes.

2020: 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	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Drug Law Violation Arrests	2022	1	0	0
	2021	2	0	1
	2020	1	0	0
Weapons Law Violation Arrests	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Liquor Law Violation Referrals for Disciplinary Action	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Drug Law Violation Referrals for Disciplinary Action	2022	0	0	0
	2021	0	0	0
	2020	0	0	0
Weapons Law Violation Referrals for Disciplinary Action	2022	0	0	0
	2021	0	0	0
	2020	0	0	0

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



2023 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 Conduct.

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 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 Vegas, 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

**University of Nevada, Las Vegas
Fire Statistics 2020**

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	Unintentional /Electrical – Fire in dryer	0	0	\$10-999
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	0	0	N/A	N/A	N/A	N/A
Legacy Apartments 4247 Claymont St. Las Vegas, NV 89119	2	1	Unintentional /Electrical – Fire in dryer	0	0	\$100-999
		2	Intentional/Arson	0	0	\$0-99
The Degree Apartments 4259 S Maryland Pkwy Las Vegas, NV 89119	0	0	N/A	N/A	N/A	N/A

The University of Nevada, Las Vegas
2022 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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