POLICY ON HATE CRIMES

RESPONSIBLE ADMINISTRATOR: CHIEF OF POLICE, DEPARTMENT OF POLICE SERVICES

RELATED OFFICES: OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS
OFFICE OF THE VICE PRESIDENT FOR DIVERSITY AND INCLUSION
EEO/AA OFFICER
ADMINISTRATIVE CODE OFFICER
OFFICE OF HUMAN RESOURCES
OFFICE OF STUDENT CONDUCT

AUTHORITY: N.R.S. SECS. 41.690, 207.185, 193.1675, AND 193.169
N.S.H.E. CODE, CHAPTERS 2 AND 6
N.S.H.E. BOARD OF REGENTS HANDBOOK, TITLE 4, CHAPTER 1, SECTION 30
N.S.H.E. BOARD OF REGENTS HANDBOOK, TITLE 4, CHAPTER 8

REFERENCES: TITLE 18, U.S.C., SECS. 241, 242, AND 245
TITLE 42, U.S.C., SEC. 3631
UNLV REAFFIRMATION OF COMMITMENT TO EQUAL EDUCATIONAL AND
EMPLOYMENT OPPORTUNITY
UNLV STATEMENT ON UNLAWFUL HARASSMENT, PERSONAL DISCRIMINATION
AND RETALIATION

APPROVAL:

RECOMMENDED BY:

DR. JUANITA P. FAIN, VICE PRESIDENT FOR STUDENT AFFAIRS

DR. CHRISTINE CLARK, VICE PRESIDENT FOR DIVERSITY AND INCLUSION

APPROVED AS TO LEGAL FORM BY:

RICHARD C. LINSTROM, VICE PRESIDENT AND GENERAL COUNSEL

APPROVED BY:

DR. DAVID B. ASHLEY, PRESIDENT

ISSUED: JULY 1, 2009
RULE OF CONSTRUCTION

Nothing in this policy shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution of the United States, Article 1 of the Constitution of the State of Nevada, or the provisions relating to Academic Freedom in Chapter 2 of the Code of the Nevada System of Higher Education (NSHE).

STATEMENT OF PURPOSE

While hate itself is not a crime, hate crimes are particularly repugnant to the mission of the University of Nevada, Las Vegas (UNLV) and detrimental relative to the responsibility of UNLV to provide a safe environment for education, research and service for the University community because they are more likely to provoke retaliatory crimes, inflict distinct emotional harm on their victims, and incite community unrest. This policy is intended to equip UNLV to deter, respond to and investigate hate crimes that may be committed within the University community.

DEFINITION

For purposes of this policy, a “hate crime” means violation of a local, state or federal criminal law motivated by reason of the actual or perceived race, sex, age, color, national origin, ethnicity, creed, religion, disability, sexual orientation, gender, marital status, pregnancy, veteran status, or political affiliation of another person or group of persons. In some, but not all, such cases, conviction may subject a perpetrator to an enhanced sentence under state or federal law. Similarly, some, but not all, such cases may be subject to state or federal reporting requirements.

ENTITIES AFFECTED BY THIS POLICY

This policy impacts all members of, and visitors to, the campus community.

WHO SHOULD READ THIS POLICY

This policy should be available to all members of the campus community, all entities that do business with the University, as well as visitors to UNLV.

STATEMENT OF POLICY

1. All reports of suspected crimes made to UNLV Police Services shall be initially responded to by a UNLV police officer.
2. Generally, the UNLV police officer shall be dispatched either to the person making the report and/or to the reported location of an alleged crime.

3. A UNLV Police field supervisor shall be notified by the officer whenever there is evidence that an alleged crime may have been motivated by reason of the actual or perceived race, sex, age, color, national origin, ethnicity, creed, religion, disability, sexual orientation, gender, marital status, pregnancy, veteran status, or political affiliation of another person or group of persons. The field supervisor shall immediately thereafter notify the UNLV Chief of Police, or designee.

4. The UNLV Police responding officer shall complete and file her or his report for approval by the shift supervisor.

5. The UNLV Police shift supervisor will determine if the report indicates conduct motivated by "hate," as described in paragraph "3" herein.

   - If the alleged conduct appears to be criminal in nature, the UNLV Police shall investigate the apparent crime(s) consistent with all regular departmental policies and procedures, including those involving victims' rights. Upon closure of the police case, either by referral for prosecution or otherwise, the matter shall be referred by the UNLV Police to the Office of Student Conduct if any alleged perpetrator is a student, to the Administrative Code Officer if any alleged perpetrator is an instructional, administrative or executive faculty member, or to the Office of Human Resources for coordination with any alleged perpetrator's supervisor who is a member of the classified staff of the University.

   - If the alleged conduct does not appear to be criminal in nature, but nevertheless may indicate occurrence of conduct prohibited by the NSHE Code or by other applicable stated policies, procedures, rules, regulations or bylaws of UNLV, the matter shall be referred by the UNLV Police to the Office of Student Conduct if any alleged perpetrator is a student, to the Administrative Code Officer if any alleged perpetrator is an instructional, administrative or executive faculty member, or to the Office of Human Resources for coordination with any alleged perpetrator's supervisor who is a member of the classified staff of the University.

6. The respective offices to which such referrals are made by the UNLV Police shall be responsible for re-referral of such matters to the Institutional EEO/AA Officer when appropriate, as described by NSHE and UNLV policies relating to unlawful discrimination and sexual harassment. Where discrimination or sexual harassment is found to have occurred, UNLV will act to stop it, to prevent its recurrence, and to educate, remediate, and/or discipline those involved, up to and including exclusion from the University or termination of employment, as is appropriate depending on the circumstances, of those responsible in accordance with the NSHE Code or, in the case of classified employees, the Nevada Administrative Code (NAC).

7. Procedures in regard to educational or employment discipline shall go forward, in the discretion of the University, regardless of other possible or pending administrative or criminal proceedings arising out of the same or other events.
8. Because hate crimes may involve interactions between persons that are not witnessed by others, reports of such crimes cannot always be substantiated by additional evidence. Lack of corroborating evidence or witnesses should not discourage individuals from reporting any crime. 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 criminal charges or disciplinary action under the applicable NSHE or UNLV student or employee disciplinary processes. This provision would not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by subsequent investigation.

9. Unlawful retaliation against an individual who in good faith reports an alleged hate crime or provides information in an investigation about such conduct will not be tolerated, and may be grounds for criminal charges or administrative discipline, up to and including exclusion from the University or termination of employment.

10. In order to facilitate deterrence and prevention of hate crimes in the UNLV community, the UNLV Police shall, in addition to any legally required reporting of sub-sets of crime reports described in this policy, provide to the Vice President for Student Affairs, the Vice President for Diversity and Inclusion, the Office of Human Resources, and to the Vice President and General Counsel, as well as the President, a monthly report digesting all reports of alleged hate crimes under this policy, describing them in detail, consistent with applicable privacy laws and privacy regulations of the NSHE and UNLV.

11. To further facilitate deterrence and prevention of such crimes, this policy shall be published on the University’s Police, Diversity and Inclusion, Human Resources, and policy websites, and, on a regular basis, in printed employee and student orientation manuals, catalogues, and other major information dissemination vehicles. It may also be posted on kiosks, bulletin boards, and in graffiti-prone locations across campus as appropriate.