

# UNLV | DIVISION OF STUDENT AFFAIRS

## Student Conduct Code

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# Section 1: General Provisions

## Philosophy

The aim of education is the intellectual, personal, social, and ethical development of the individual. The educational process is ideally conducted in an environment that encourages reasoned discourse, intellectual honesty, openness to constructive change and respect for the rights of all individuals. Values which undergird this purpose include civility, dignity, diversity, education, equality, equity, freedom, honesty, and safety. Self-discipline and a respect for the rights of others within the University of Nevada, Las Vegas (“University” or “UNLV”) community are necessary for the fulfillment of such goals.

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

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

## Governance

The behavior of all students/student organizations, as members of the University community, is governed by the *Code*. Students/student organizations may also be members of other University-based communities that impose additional standards of conduct, including but not limited to honor codes, standards of professional/ethical conduct, housing standards, Residence and Dining Hall License Contract, intercollegiate athletic teams’ expectations, and student organizations’ expectations. This *Code* is intended to incorporate these other specific UNLV policies by reference. Policy adjudicators may take intermediate action regarding a complaint as defined by their individual policy; however, final resolution will occur under the procedures outlined in the *Code*.

All University students/student organizations have access to the provisions of the Code which include conduct regulations and procedures. Copies are available on the Office of Student Rights and Responsibilities (OSRR) website, or in the Office of the Vice President for Student Affairs, and OSRR.

## I. AUTHORITY AND JURISDICTION

The Nevada System of Higher Education (NSHE) Board of Regents designates the authority and responsibility for matters of student discipline to the President of the University. This authority is delegated by the President to the Vice President for Student Affairs or their designee for the processing of conduct matters, hearings, and appeals. The *Code* is published and administered by OSRR and is the product of a representative process. The ultimate authority for determining procedures for hearings, however, rests with the institutional President or their designee.

Pursuant to Title 2, Chapter 10, Section 10.1.1 of the NSHE Code, Section 10.1.1., “Except as expressly provided in Section 10.4.12, the System institutions and professional schools may establish written policies, procedures and sanctions for the discipline of its students that may be used in lieu of the policies, procedures and sanctions of this chapter, including but not limited to the establishment of student conduct councils, subject to the prior review by the institution’s general counsel and to the approval of the President of the institution.”

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

The term “student” means any person who has accepted admittance to UNLV, is or was enrolled in courses, either full-time or part-time, including correspondence study, electronic means, study abroad, auditing, or courses offered through any UNLV satellite campuses or auxiliary means. Students are subject to disciplinary action for conduct that occurs during any period under the *Code*’s authority and jurisdiction as defined above. Students who leave the

University before a conduct matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students". This includes individuals who have applied for admission to the University or have been notified of their acceptance for admission.

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

Persons found in violation may be accountable to both civil and criminal authorities and to the University for actions that constitute violations of the *Code*. The University has a commitment to provide students with a balanced and fair system of dispute resolution. Accordingly, this *Code* will not deprive students of appropriate due process protections to which they are entitled. This *Code* is one of the University's administrative procedures and should not be equated with procedures used in civil or criminal court. At the discretion of UNLV officials, conduct proceedings at the University may be delayed or continue to move forward while civil and/or criminal proceedings are pending or in progress.

As the UNLV Student Conduct Code is occasionally amended, the University will use the *Code* that was in effect at the time of the (a) alleged incident/violation for determination of specific alleged violations and (b) response by the student to the allegations for procedures and responses to resolve complaints.

The UNLV Student Conduct Code is not intended to be a contract or part of a contractual agreement, expressed and/or implied, between UNLV and the student. UNLV reserves the right to make changes at any time and to make them applicable to students enrolled before the changes are made. All Students are charged with the responsibility for knowing the contents of the UNLV Student Conduct Code and for complying with all of its requirements.

## **II. STUDENTS WITH DISABILITIES**

All students, regardless of disability, are responsible for adhering to the *Code*. Students must consider whether they will be able to meet all student responsibilities and program requirements including adhering to the *Code*. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act do not excuse or stop an individual from being held responsible under the *Code* for both academic and conduct code violations due to, or exacerbated by, an impairment or disability. For specific guidelines on disability accommodations at UNLV, students are encouraged to contact the Disability Resource Center at [www.unlv.edu/drc](http://www.unlv.edu/drc).

### III. EMERGENCY REMOVAL CLAUSE

When there is cause to believe a student presents an imminent threat that endangers the health, safety, or welfare of the University community or its property, the Vice President for Student Affairs or their designee may order the immediate removal of a student, with accompanying prohibition from University property and activities, for an interim period pending a conduct “Show Cause Hearing”. Examples of situations that would merit an Emergency Removal include, but are not limited to, threats of harm to other campus community members, possession and/or distribution of a controlled substance that poses an immediate threat to the campus community, or possession of a weapon or firearm as explained in Section 2, Article III, Item N. Simultaneous with such removal, the Vice President for Students Affairs or their designee shall refer the case to OSRR, who shall process the case in the manner and within the time limits required by this Code. OSRR shall be prepared to conduct a Show Cause Hearing within three college working days of this emergency removal, or on the earliest college working day thereafter jointly agreed to by OSRR and the student. The sole purpose of the Show Cause Hearing is to make a recommendation as to whether the student may return to the campus pending conclusion of the conduct process. At the Show Cause Hearing, the student will be informed of the nature of the alleged violation, presented with available information, and given the opportunity to make a statement and present information. If the emergency removal is continued, any temporary conditions (i.e., virtual participation in a class) will be clarified and given to the student in writing, and a formal hearing will be offered within fifteen (15) college working days.

## Section 2: Student Rights and Responsibilities

### I. STUDENT RIGHTS

The University is an academic community in which all persons share responsibility for its quality and wellbeing. Students at the University have the same rights and protections under the Constitutions of the United States and the State of Nevada. As members of the University community, students can reasonably expect all the guarantees and protections afforded students of public institutions, including:

- A. The right to fair and equitable process in all matters concerning the Code.
- B. The right to exercise their freedoms without fear of University interference.
- C. The right to be free from discrimination on the basis of race, color, sex, ethnicity, gender identity/gender expression, age, height, weight, religion, creed, national origin, disability, sexual orientation/identity, marital status, or veteran status.

- D. The right to engage in inquiry and discussion, to exchange thought and opinion, and to speak, write, and print freely on any subject in accordance with the guarantees of federal and state laws.
- E. The right to freedom of expression, press, religion, and assembly. UNLV supports student activism and values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, students have the right to express their own views and engage in peaceful and orderly speech, protest, demonstration, and picketing within the public forum, but must also take responsibility for according the same right to others and to the extent such activities do not disrupt the academic and/or administrative functions of the University. The University reserves the right, in accordance with federal and state law, to approve the time, place, and manner of such activities. Students are directed to the UNLV Policy of Speech and Advocacy in Public Areas.
- F. The opportunity to participate in the formulation of policy directly affecting students through membership on appropriate committees as determined by the President of the University, the student government, and other recognized groups within the University.
- G. The right to ready access to established University policies and procedures.
- H. The right to be free from unreasonable search and seizure.

## II. STUDENT RIGHTS IN THE CONDUCT CODE PROCESS

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

Note: When a student is alleged to have engaged in academic misconduct as defined in Section 2, Article III, Item J., the Student Academic Integrity Policy is used first to determine if academic misconduct occurred. Only if a student is found responsible for academic misconduct, is the matter then considered for further action and responses.

- A. The right to receive notice of the alleged violation(s), who to contact to schedule an Initial Administrative Informal Meeting, and the date by which that contact and/or meeting must occur.
- B. The right to present their or its version of the events in question.
- C. The right to be accompanied by an advisor. A student is generally limited to one advisor unless permitted otherwise by OSRR prior to any meeting or hearing. An advisor's role is limited to speaking with and assisting the student. An advisor shall not speak with and/or assist the student in a manner which disrupts the hearing and/or resolution process. Absent extenuating circumstances (i.e., DRC-approved accommodations), an advisor is not permitted to directly participate in the hearing and/or informal resolution process (i.e., act in the role of an attorney). An advisor should not be permitted to

speak on behalf of the student; ask questions of witnesses; address OSRR and/or anyone involved in the hearing process. An advisor may not be an individual associated with the case.

- D. The right to have witnesses present information on their or its behalf, provided that a 24-hour notice is given to OSRR or designee.
- E. With the exception of required attendance for the Initial Administrative Informal Meeting, the student\student organization has the right to not participate or answer questions in a hearing.
- F. The right to question any statements or witnesses presented. (Note: Special provisions may be made in hearings involving Title IX or safety-related issues).
- G. The right to challenge the objectivity of the hearing body for cause if they believe that an OSRR staff member/hearing officer/board member may be biased or have a conflict of interest.
- H. The right to appeal the outcome of the hearing on the following grounds as listed in Section 3, Article VIII, Item E.:
  - i. The procedures under which the student/student organization is charged are invalid; or if valid, were not followed.
  - ii. That relevant new evidence exists that was not available at the time of the initial hearing given that the evidence is discovered and provided within the timeframe of the appeal.
  - iii. The sanction imposed was not in keeping with the gravity of the violation.

### III. STUDENT RESPONSIBILITIES

Members of the UNLV community are strongly encouraged to participate in any conduct proceedings and to appear as witnesses when reasonably notified (participation can be in person, virtual, or via written statement). This is not intended to limit the right against self-incrimination.

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

#### Responsible Action Protocol

At UNLV, the health, safety, and wellbeing of our students and community are paramount concerns. As such, all UNLV students are expected to alert appropriate officials in the event of

any health or safety emergency – specifically including those involving the abuse of alcohol or drugs.

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

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

A student/student organization's failure to take any action and/or irresponsible actions in an emergency situation, however, may void all protections under this provision, may constitute an aggravating factor for purposes of administrative and educational responses, and may lead to further disciplinary actions when such failure to act otherwise constitutes a violation of University rules, regulations, or policies.

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

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

## Prohibited Conduct

The following acts are prohibited and may result in any conduct Administrative and/or Educational response listed in Section Three: Student Conduct Code Administration, Article IX below.: Bias-motivated misconduct is listed as a separate violation to ensure that this *Code* governs acts of misconduct that occur as a result of bias or prejudice held against another group's or individual's identity.

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

- B. Any act or conduct that obstructs or hinders the application and enforcement of the *Code*.
- C. Trespassing, entering and/or occupying University-owned, leased, or controlled premises without authorization.
- D. Damaging, destroying, defacing, removing, or vandalizing personal and/or public property; unauthorized, mischievous and/or inappropriate use of such property.
- E. Unauthorized use or abuse of a computer system, access code[s], keys, or similar device to access controlled data, UNLV's property, or a restricted area of any of the University's campuses.
- F. Theft or unauthorized use of property or services of the University, its members, or its visitors, whether attempted or completed.
- G. Knowingly providing false information to a University official who is performing their official duties or engaging in other similar forms of dishonesty, including making a wrongful accusation against any member of the University community.
- H. Failing to comply with reasonable directions of University officials (i.e., faculty, staff, graduate assistants, resident assistants, student employees), or law enforcement officers who have identified themselves as such and are performing their duties; and/or failing to identify oneself to such persons when requested to do so (i.e., producing a UNLV Student ID Card).
- I. Falsifying or withholding required information in any format from a University official or on a University document.
- J. Committing academic misconduct; including cheating, plagiarism, and any other form of academic misconduct. The UNLV Student Conduct Code and the Student Academic Integrity Policy set forth the process when a student is alleged to have engaged in academic misconduct as defined in this section of the *Code*. The Student Academic Integrity Policy is used first to determine if academic misconduct occurred. Only if a student is responsible for committing academic misconduct is the matter referred to the UNLV Student Conduct Code process for administrative/educational response sanctions.
- K. Obstructing or disrupting classroom activity, research projects, University functions, and/or the facilities, property, programs and operations of the University by an action or combination of actions that unreasonably interfere with, hinder, obstruct, or prevent the right of others to freely participate in an activity, program, or service of the University.
- L. Violating any institutional safety regulation, including, but not limited to:
  - 1. Falsely reporting a fire, bomb, or any other emergency by any means, including activation of an alarm;
  - 2. Engaging in the unauthorized possession, use, or alteration or tampering of any University-owned emergency or safety equipment, or setting unauthorized fires;

3. Failing to evacuate a building or other structure during an emergency or an emergency drill; and
4. Taking any action that creates a substantial risk that potentially compromises the safety of an individual or the community.

M. Operating a vehicle, including a motorized cart, in any manner that endangers any person or property; or without the appropriate authorization.

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

O. Using, selling, possessing, distributing, or being under the influence of an alcoholic beverage, except as permitted by law and University policy. Members of the University community are accountable for their decisions regarding their use of alcohol, as well as their behavior which occurs as a result of those decisions.

P. Using, possessing, distributing, selling, or being under the influence of an illegal controlled substance; manufacturing, growing, or synthesizing an illegal controlled substance; possessing drug paraphernalia; or setting up or possessing laboratory equipment or materials for the purpose of making or distributing an illegal controlled substance.

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

1. words or actions that would cause a reasonable person to fear for their physical safety;
2. the use of physical force against an individual; and
3. repeatedly contacting another person when the contact is unwanted.

R. Hazing, which is any method of recruitment, admission, initiation into, affiliation with, or maintenance of continued participation in the University community, a student organization, a sports team, an academic association, or other group engaged in, whether on or off campus, that intentionally, knowingly, or recklessly endangers

another individual, that destroys or removes public or private property, that subjects any person to any psychological, physical, or emotional harm, request, or obligation that could cause discomfort, pain, fright, disgrace, injury, that is personally degrading or that violates any federal, state, or local law(s), or University policy. Such hazing activities include, but are not limited to;

1. blindfolding, branding or burning, kidnapping or bondage, abandonment, whipping, beating, or other forms of assault, paddling in any form, physical or psychological shocks, placing of a harmful substance on someone's body,
2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, deception (lies, tricks, or dishonesty) or verbal abuse, confinement in a small space, imprisonment or social isolation, late work sessions which interfere with scholastic activities,
3. causing, advocating, promoting, forcing, or coercing sexual acts, illegal alcohol, controlled substance use, or any substance, extreme calisthenics, tests of endurance, line-ups, drills, or tests on meaningless information,
4. forced consumption of any food or liquid substance, expecting certain items to always be in one's possession, silence periods, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a reasonably foreseeable potential for resulting in personal injury,
5. compromising of moral or religious values, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.

The willingness of an individual to participate in such activity or allow oneself to be submitted to such hazing activity does not make the conduct acceptable or legitimate. Hazing can be performed by any individual within an organization, with or without permission of the organization as a whole. An organization may be held accountable for the conduct of individuals in regards to hazing. For the purposes of this definition, an activity shall be deemed "forced" if initiation into or affiliation with a student organization, academic association, or athletic team is directly or indirectly conditioned upon participation in the activity.

- S. Harassment, which is any verbal, visual, electronic, or physical conduct that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victim's educational experience, that the victim-student is effectively denied equal access to the institution's resources and opportunities. Harassment can include, but is not limited to, the above behaviors when they are part of a pattern of conduct that rises to the level of the standard set forth above towards any person because of race,

ethnicity, religion, gender, sexual orientation/identity, age, creed, national origin, disability, veteran status, or on any other basis.

- T. Sexually harassing any person, by engaging in unwelcome sexual advances, requests for sexual favors, and/or other visual, verbal or physical conduct of a sexual or gender bias nature when the 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. Even one incident, if it is sufficiently serious, may constitute sexual harassment.  
([www.unlv.edu/compliance](http://www.unlv.edu/compliance))
- U. Engaging in sexual misconduct, including any physical act which is sexual in nature that is committed under pressure, force, threat, intimidation, or without the full and informed consent of all persons involved. For the purposes of this policy, consent must be freely and actively given through mutually understandable terms or actions. A person is deemed incapable of giving consent when that person is a minor, mentally disabled, mentally incapacitated, physically helpless, under the influence of drugs or alcohol to the point of being unable to make a rational decision, unconscious, or asleep. A person always has the right to revoke consent at any time during a sexual act. Failure to say "no" does not imply consent.
- V. Abusing the *Code* system, including but not limited to:
  - 1. Knowingly filing a false, inaccurate, or misleading statement or accusation against another person;
  - 2. Knowingly providing false, inaccurate, or misleading information to a conduct officer or body;
  - 3. Disrupting or interfering with the orderly business of a conduct proceeding;
  - 4. Failing to attend an Initial Administrative Informal Meeting as required by OSRR or a designee;
  - 5. Discouraging, or attempting to discourage, an individual's participation in, or access to the student conduct process;
  - 6. Influencing, or attempting to influence, the impartiality of any conduct officer or member of a conduct body prior to, during, and/or after a conduct proceeding;
  - 7. Intimidating or harassing, or attempting to intimidate or harass, any participant of a conduct process prior to, during, and/or after a conduct proceeding;
  - 8. Failing to comply with administrative or educational responses imposed under the *Code*;
  - 9. Violating the terms of an administrative or educational response, including failure to complete an item by the specified deadline; and
  - 10. Influencing, or attempting to influence, another person to commit an abuse of the conduct system.

- W. Making, possessing, or using any falsified University document or record; misusing, falsely representing, defacing, mutilating, or stealing a University document.
- X. Assisting in or inciting others into violating any provision of the *Code*.
- Y. Attempting to violate any provision of the *Code*.
- Z. Possessing, manufacturing, or using any falsified or altered University document, record, or form of identification; improperly using any identification card or meal card; knowingly altering or mutilating a UNLV student identification card or meal card; using the identification card of another; or allowing use of one's own card by another.
- AA. Littering and/or inappropriate disposal of refuse, including ejecting any objects from vehicles or from windows in residence halls, balconies, or other University buildings.
- BB. Being present during any violation of the *Code* in such a way as to condone, support, or encourage such violation. Students who anticipate or observe a violation of University policy are expected to remove themselves from participation and are encouraged to report the violation.
- CC. Retaliation against an individual 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.

Note: For any alleged violation(s) applicable to the Office of Equal Employment and Title IX, the Policy Against Unlawful Discrimination and Harassment is used first to determine if a policy violation occurred. Only if a student is responsible for a policy violation is the matter referred to the UNLV Student Conduct Code process for the educational response sanctions. The Hearing Officer or Title IX Coordinator may consult with OSRR regarding responses in the case that a student is found responsible for a violation under EE/TIX cases.

## IV. STUDENT RECORDS

1. Student records will be maintained in accordance with the Family Educational Rights and Privacy Act (“FERPA”) of 1974 and applicable federal, state and University guidelines for implementation. Academic and conduct records shall be maintained separately.
2. Transcripts of academic records shall contain information concerning academic status, including disqualification for academic reasons, expulsion, suspension, revocation of admission for conduct reasons, intentional and egregious academic dishonesty, or leaving the University without resolving an OSRR case.
3. Conduct Records will be kept in accordance with the NSHE Procedures and Guidelines Manual, Chapter 15, as may be revised.
4. In accordance with UNLV policy and FERPA, UNLV vigorously protects the privacy of student education records.

## V. STUDENT ORGANIZATIONS

- A. Any University-recognized student group or organization may be held accountable for the actions of any of its members if the violation of the *Code* is in any way related to the group or organization. Group misconduct need not be officially approved by the entire membership in order to be considered grounds for possible conduct action towards the organization. There is no minimum number of organization members who must be involved in an incident before conduct action may be taken towards the entire organization. In some instances, the conduct of a single member may provide sufficient grounds for action towards the entire organization. An appropriate inquiry to determine whether an organization may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals would have been involved in the incident if they were not members of the organization or if, by group action, the incident was encouraged, fostered, or might have been prevented.
- B. UNLV officials may direct the officers, leaders, or specified individuals of a student organization to take action designed to prevent or end such violations by the organization or by any persons associated with the organization who can reasonably be deemed to be acting on its behalf. Failure to make reasonable efforts to comply with such a directive shall be considered a violation of this *Code*, by the officers, leaders, specified individuals of the organization, and/or by the organization itself.
- C. Educational or Administrative Responses for organizational misconduct may include, but are not limited to:
  - a. revocation of the use of University facilities or privileges for a definite period of time,
  - b. denial of University recognition or registration,
  - c. suspension of participation in or sponsorship of social or intramural activities or events;
  - d. as well as other appropriate responses permitted under this *Code* or other codes, standards, and/or governing documents of the University.

## Section 3: Student Conduct Code Administration

### I. AUTHORITY

The President of the University has the responsibility for student conduct and discipline and shall exercise this responsibility through established procedures as prescribed in the *Code*, which is authorized by Title 2, Chapter 10 of the NSHE Code. The President of UNLV delegates such authority to the Vice President for Student Affairs who, in turn, appoints OSRR to administer the *Code*.

- A. OSRR may be designated by the Vice President for Student Affairs to administer selected conduct issues for specific campus populations who violate published rules for their specific populations (e.g. residence halls). In turn, OSRR may designate specific individuals and offices to administer selected conduct issues within a specific population.
- B. The procedures established by any University-based community (including but not limited to. Recognized Student Organizations, Professional Schools, Graduate Department/Discipline-specific Professional Standards, Fraternity & Sorority Life, Athletics, Housing & Residential Life) may govern violations of the standards of conduct set forth by that specific community so long as it does not contradict the *UNLV Code*. However, in cases in which such violations also may have violated the *Code*, the Office of the Vice President for Student Affairs or designee will have concurrent jurisdiction over the matter. Responsible individuals within a University-based community must notify OSRR when they become aware of the alleged violation.
- C. The Vice President for Student Affairs or their designee shall appoint Hearing Officers and Hearing Boards as required.
- D. Consistent with the requirements of Title IX and the Jeanne Clery Campus Safety Act, both parties to an alleged sexual misconduct offense will be notified of the outcome of any conduct proceedings.

## II. FILING A REPORT

A report alleging a violation of the *Code* shall be filed with OSRR; consultations with the individual filing the report may be facilitated before filing. Any report must meet the following criteria:

- A. The report may be submitted either via hard-copy or electronic form, and dated;
- B. The report must clearly indicate the name of the person filing the report, except in specific cases (see II.G. below). If necessary, follow-up documentation may be requested before a report is acted upon;
- C. To the extent possible; the date, time, place, name of person(s) involved, and the circumstances of the alleged violation(s) should be specified; and
- D. The name(s) of any person(s) who may have witnessed or have knowledge of the alleged violation(s) should be listed. OSRR may follow up with those individuals for further information/clarification.
- E. The report must be filed no later than twenty (20) college working days after discovery of the incident which is the topic of the report. OSRR may waive the twenty-day limitation upon demonstration of good cause.

- F. Students who believe that they have been subjected to retaliation for filing a complaint of sex discrimination under Title IX by students, the University or any of its officials may also file a complaint with the appropriate governmental agency.
- G. Anonymous reports will be received/reviewed but the inability to follow up with the individual filing the report for additional information may impede proper and timely resolutions. In the case that an individual believes their health or safety to be at risk, they are welcome to confer with OSRR to discuss their options, including OSRR's ability to file on their behalf.

### III. NOTIFICATION AND INFORMATION GATHERING

- A. Reports of alleged violations of the *Code* shall be reviewed by OSRR for possible administrative action. OSRR may appoint a designee to review the incident and assess the information provided.
- B. OSRR will notify the student(s)/student organization(s) named in the report, as well as other witnesses or involved individuals, of the alleged violation(s), who to contact to schedule an Initial Administrative Informal Meeting with an OSRR staff member, and the date/time by which that contact and/or meeting must occur. The primary notice shall be sent to the student's official University issued RebelMail account, which shall serve as official notice. Primary notice for student organizations will be sent to the RebelMail account of the student identified as the leader of the organization. In the event OSSR becomes aware that the primary notice is not successful, then a secondary notice will also be sent either by (a) email to any addresses supplied by the student to UNLV, (b) mail to the student's primary mailing address, or (c) by hand-delivery to the student. If the student(s)/student organization(s) named in the report, as well as other witnesses or individuals discovered during initial information gathering, are not enrolled or available, OSRR may elect to put the process on hold. This may entail placing a transcript and/or enrollment hold(s) until the matter is resolved.
- C. All communications sent by OSRR are considered received when sent, provided:
  1. One (1) additional college working day shall be added to notice sent by UNLV official electronic mail; or
  2. Three (3) additional college working days shall be added to notices sent off-campus by U.S. Mail; or
  3. Immediately, when hand-delivered and signed for by the addressee.
- D. Such notification will identify the alleged violation(s) and notify the student that an administrative transcript/enrollment or degree hold may be placed on the student's academic records pending resolution of the case. The notice will include the OSRR website address where the *Code* is posted, as well as electronic addresses where any other relevant University policies and/or procedures are posted. The notice may include

instructions that failure to appear or make alternative arrangements for the Initial Administrative Informal Meeting may result in further action, including, but not limited to, a No Show/No Call administrative fee, additional *Code* charges, the case proceeding to a formal hearing, and an administrative hold placement.

- E. OSRR will gather information relevant to any report indicating that a *Code* violation may have occurred. OSRR or its designee responsible for gathering that information has the authority to contact and meet with any persons, who are listed in the initial report or are identified during the information gathering process, believed to have information relevant to the report and encourage them to discuss the allegations in the report. In the absence of compelling circumstances, the information gathering process shall be completed within ninety (90) college working days after the Initial Administrative Informal Hearing. OSRR has the discretion to extend the information gathering timeline for good-cause.
- F. During the information gathering process, a “No Contact Order” may be issued by OSRR if it is determined to be in the best interest of the investigation or protection of individuals involved. A “No Contact Order” is a mutual administrative action that prohibits a student/student organization from initiating or contributing to any verbal, physical, written, electronic, or third-party contact with a specifically-identified individual(s), and such individual’s/individuals’ immediate families or physical possessions. A “No Contact Order” may also prohibit a student from entering specific University owned or controlled properties and/or attending University-sponsored activities. Failure to comply with an OSRR “No Contact Order” may result in further conduct proceedings and may result in an emergency removal from the University.
  - 1. The Title IX Coordinator or designee may request OSRR to issue No Contact Orders as an interim or supportive measure in cases held by the Office of Equal Employment and Title IX. There is no requirement that a formal complaint be filed in order to receive a No Contact Order.
  - 2. A No Contact Order remains in effect until OSRR removes order, or a student is no longer associated with the University.
- G. Based on the information gathered, OSRR will decide whether to dismiss the alleged violation, or make a recommendation to the Vice President for Student Affairs or their designee for conduct action.
  - 1. OSRR may dismiss the report at any stage if it finds that the report is baseless or otherwise unsupported by the available information, or that the underlying grievance or problem is better resolved in a different manner. If the report is dismissed, OSRR will notify the responding student/student organization either verbally at the Initial Administrative Informal Meeting, or in accordance with the conditions set forth in Sections III. B. and C. above.

2. If the alleged prohibited conduct (either as presented or modified) are to be forwarded for resolution, OSRR will notify the responding student/student organization, the reporter, and any witnesses in the manner and conditions set forth in Sections III. B. and C. above; and will clearly outline the appropriate procedures to be followed.
- H. If the proposed resolution against the responding student may lead, in the opinion of OSRR, to suspension or expulsion and the responding student is under the age of eighteen (18) years, the identified appropriate contact of the responding student may be notified of the charges and of the pending hearing at least ten (10) college working days in advance of the Formal Student Conduct Hearing. Notification shall be sent by certified or registered mail, return receipt requested, to the identified appropriate contact's last known address.

## IV. ALTERNATIVE CONFLICT RESOLUTION (ACR)

UNLV's commitment to providing students appropriate dispute resolution avenues means that in addition to formal conflict resolution processes the University also provides informal, Alternative Conflict Resolution and opportunities for collaborative resolution.

In the event a situation arises that may not necessarily merit full disciplinary measures as defined in the student conduct code, alternative conflict resolutions may be considered as appropriate. They include collaborative opportunities for student engagement and personal growth that will enhance life-long learning, encourage personal accountability, and provide individuals with tangible experiences for self-awareness and continued development.

The Executive Director of OSRR or their designee will decide if ACR is appropriate for each case based on the receipt of the initial report. OSRR will work collaboratively with each student on a case-by-case basis to determine which may be the best course of action.

Campus partners that can assist students in facilitating alternative conflict resolutions include but are not limited to:

- A. Jean Nidetch Care Center (<https://www.unlv.edu/carecenter>)
- B. Office of Equal Opportunity and Title IX (<https://www.unlv.edu/compliance>)
- C. Ombuds Office (<https://www.unlv.edu/ombuds>)
- D. Saltman Center for Conflict Resolution (<https://law.unlv.edu/centers-programs/saltman-center>)
- E. The Intersection (<https://www.unlv.edu/intersection>)

Some examples of alternative resolutions and collaborative capstone projects have included: mediation with a trained facilitator approved by OSRR, volunteer/internships in campus and/or

community based environments that work with targeted populations or address targeted issues, research projects that provide information/resources/support on relative topics to the resolution (i.e. alcoholism in college students, food insecurity at university campuses, best practices for serving first year students, conflict resolution in college students), class presentations/speaking engagements with pre-collegiate populations and entering college freshmen, providing service hours at various locations on campus (tutoring, mentoring, tabling, office support).

If (1) all person(s) personally and directly affected by the conflict agree to resolve the complaint through an alternative conflict resolution process, and (2) OSRR believes that the alternative conflict resolution process is an appropriate form of resolution, then OSRR will arrange for the alternative conflict resolution to occur. Alternative conflict resolution is a voluntary process that may or may not result in an agreement. When an agreement is reached by the parties involved, the case is resolved and parties are encouraged to use OSRR as a resource for future questions. Alternative conflict resolution agreements may not be appealed.

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

## **V. INFORMAL RESOLUTION**

In all cases, responding students/student organizations have the right to request a formal hearing. A charged student /student organization, however, may request that OSRR resolve the complaint informally.

- A. OSRR may informally resolve the case with the consent of the student/ student organization charged by:
  1. Reaching agreement with the responding student/student organization;
  2. Permitting the reporter to voluntarily drop the complaint; or
  3. Permitting the student /student organization charged to voluntarily accept responsibility and any accompanying administrative/educational responses.
- B. In all informal resolutions, OSRR will conduct a resolution discussion in person, by phone, or electronically. A student is generally limited to one advisor unless permitted otherwise prior to any meeting or hearing. An advisor's role is limited to speaking with and assisting the student. An advisor shall not speak with and/or assist the student in a manner which disrupts the hearing and/or resolution process. Absent extenuating circumstances (i.e., DRC-approved accommodations), an advisor is not permitted to directly participate in the hearing and/or informal resolution process (i.e., act in the role of an attorney). Advisors should not be permitted to speak on behalf of the student, ask questions of witnesses, or address OSRR and/or anyone involved in the hearing process.

1. All relevant information-gathering shall be completed before the conclusion of the informal resolution process.
2. The responding student/student organization has the right to request a formal hearing at any time during the informal resolution process. This formal hearing may be based on responsibility or, when responsibility is already accepted, strictly on acceptance of administrative/educational responses.
3. After the information gathering and resolution discussion, OSRR will provide the responding student/student organization with a letter containing a complete accounting of the proposed administrative/educational responses within five (5) college working days of the date of the resolution meeting at which the responses were outlined. If the responses contained in the written report differ from what was presented at the resolution discussion, OSRR must note and explain those differences.
4. In addition, the letter will inform the responding student/student organization that they may accept or reject the administrative/educational responses. If the responding student/student organization rejects the administrative/educational responses in whole or in part, the informal resolution process ends, and a formal hearing will be scheduled.
5. The informal resolution process does not provide for an appeal other than to opt for a formal hearing.
6. The responding student/student organization has the responsibility to notify OSRR in writing or email of the student's/student organization's choice to accept or reject the responses within five (5) college working days of the date the charged student/student organization received the notice of the proposed administrative/educational responses. If the responding student/student organization rejects the proposed administrative/educational responses, OSRR will notify the responding student/student organization that the informal resolution process has ended and the formal hearing process will begin. If the responding student/student organization does not notify OSRR within this timeframe, the informal resolution will stand.
7. If a student/student organization is not currently enrolled, or the case adjudication process is entering a non-college working day period, the student/student organization and OSRR may agree to continue to resolve the case in as timely a manner as possible with the completion of the appropriate waivers.

## VI. FORMAL RESOLUTION

- A. Within five (5) college working days of the completion of the initial information gathering process, or the informal resolution process set forth in Article V above, OSRR shall determine whether to proceed to a formal hearing.
- B. Once OSRR determines that the matter should proceed to a formal hearing, any additional investigation by OSRR must be concluded within five (5) college working days, absent compelling circumstances.
- C. The Vice President for Student Affairs or their designee may determine that the matter should not proceed to a formal hearing. Unless new evidence sufficient in the opinion of the Vice President for Student Affairs or their designee to reopen the case is discovered, the conduct procedures shall be closed.
- D. Within five (5) college working days after the decision of OSRR to conduct a formal hearing, OSRR shall notify the responding student/student organization of which of the following type of hearing will be held:
  1. Individual Hearing Officer: A formal hearing held individually with a Hearing Officer who is appointed by the Vice President for Student Affairs or their designee. The Hearing Officer's role is to be an impartial and objective party, aware of and knowledgeable about the *Code* and hearing procedures.
  2. Student Conduct Hearing Board (SCHB): A formal hearing, administered by OSRR, with members drawn from a pool of academic and administrative faculty, classified staff, and students who have completed the OSRR approved Academic Integrity Appeal Board/Student Conduct Hearing Board training. The SCHB shall be composed of a chair and at least three (3) additional members, at least one of whom is a student. The chair shall serve without a vote and preside over the hearing. In the event of an unplanned absence, a representative from OSRR may serve as the non-voting chair of a Hearing Board. The Student/Student Organization is notified of the specific individuals serving on their Student Conduct Hearing Board when the hearing file is shared five (5) college working days prior to the hearing.
- E. A responding student may petition the Vice President for Student Affairs or their designee to request, or the Vice President for Student Affairs or their designee may choose, to hold a hearing before a Special Hearing Officer or a Special Hearing Committee. The decision rests with the Vice President for Student Affairs or their designee.
  1. Special Hearing Officer: A formal hearing held before a hearing officer, appointed by the Vice President for Student Affairs or their designee, who has the professional experience in presiding at conduct proceedings and who holds no

contractual relationship with UNLV or any other NSHE institution during the term of the appointment as a Special Hearing Officer.

2. Special Hearing Committee: A formal hearing committee, administered by a Hearing Officer, appointed by the Vice President for Student Affairs or their designee and an elected hearing committee. The composition of the panels and method of election shall be consistent with the NSHE Code, Title 2, Chapter 10.
- F. The responding student/student organization may challenge any hearing officer, board member(s), or committee member(s) for cause, and may challenge a decision by the Vice President for Student Affairs or their designee to appoint a Special Hearing officer or Special Hearing Committee in accordance with Article VI, Item E above by following the appeal process outlined in Article VII below.

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

- G. OSRR shall provide a notice of hearing to the responding student/student organization at least ten (10) college working days prior to any hearing. That notice of hearing shall include the following information:
  1. Date, time, location (physical or virtual) of hearing;
  2. Specific violations of the *Code* that the student/student organization is charged with;
  3. Name of reporter and/or University department submitting complaint [in cases involving need for anonymity due to safety concerns, OSRR may serve as the reporter];
  4. Specification, to the extent possible, of the time, place, person(s) involved, circumstances of alleged prohibited conduct, and name(s) of possible witness(es);
  5. Notification that an advisor selected by the responding student/student organization may accompany the responding student/student organization to the hearing. A student is generally limited to one advisor unless permitted otherwise prior to any meeting or hearing. An advisor's role is limited to speaking with and assisting the student. An advisor shall not speak with and/or assist the student in a manner which disrupts the hearing and/or resolution process. Absent extenuating circumstances (i.e. DRC-approved accommodations), an advisor is not permitted to directly participate in the hearing and/or informal resolution process (i.e. act in the role of an attorney). They should not be permitted to speak on behalf of the student; ask questions of witnesses; address OSRR and/or anyone involved in the hearing process;
  6. A statement of the applicable type of conduct hearing; and
  7. Such other information as OSRR may wish to include.

- H. Notices shall be delivered to the student/student organization charged the manner and according to the timelines set forth in Section 3, Article III, B. and C. above.
- I. If the responding student/student organization intends to have an advisor or other representative present, they must notify OSRR at least five (5) college working days in advance of the hearing and specify the name and address of the advisor, and whether the advisor is an attorney. If, at any time during the proceeding, the student desires to obtain a representative or change their representative, the student may invoke such a right. Under such circumstances, the proceeding may be stayed for a period of no fewer than five (5) and no more than ten (10) college working days as determined by OSRR. The student may invoke the right to obtain or change their representative only once in any conduct proceeding, unless OSRR agrees to any additional requests for such changes.
- J. OSRR is responsible for providing a hearing file packet and verbal presentation of the conduct case, including all relevant information that resulted from the investigation process, to the hearing officer or board or committee members and the responding student/student organization. This role is assumed by OSRR in all formal hearings, whether the original reporter is present or not. The summary of charges and supporting information will provide the basis of the formal hearing proceedings.
- K. Upon request, the student/student organization charged, the advisor, if any, and OSRR have the right to examine any supporting documentation to be presented at the hearing, five (5) college working days prior to the hearing during regular business hours. Thus, all documentation for the hearing file must be submitted by the reporter(s), charged student/student organization, witnesses, and OSRR by this deadline.
- L. All hearings are closed. A responding student/student organization may request an open hearing. Such requests must be in writing or email and specify the rationale of the request for the hearing to be open. The Vice President for Student Affairs or their designee must approve the opening of said hearing.
- M. All formal hearings conducted by a Hearing Board or Special Hearing Committee require a simple majority to find a student/student organization responsible for alleged violations of the *Code*.
- N. All determinations by a hearing officer, student conduct hearing board or committee, or academic integrity hearing board shall be made on the basis of whether it is more likely than not that the responding student/student organization violated the *Code*.
- O. The reporter and the responding student/student organization have the right to be assisted by any advisor they choose, at their own expense. A student is generally limited to one advisor unless permitted otherwise prior to any meeting or hearing. An advisor's role is limited to speaking with and assisting the student. An advisor shall not speak with and/or assist the student in a manner which disrupts the hearing and/or resolution

process. Absent extenuating circumstances (i.e. DRC-approved accommodations), an advisor is not permitted to directly participate in the hearing and/or informal resolution process (i.e. act in the role of an attorney). They should not be permitted to speak on behalf of the student; ask questions of witnesses; address OSRR and/or anyone involved in the hearing process

- P. The reporter and/or OSRR, the responding student/student organization, and hearing officer, committee, or board are the only individuals in a hearing who have the right to present information and question witnesses.
- Q. The responding student/student organization has the right to appear at a hearing to hear the evidence, offer explanatory and clarifying information and evidence, and question any witnesses. The responding student/student organization may choose not to attend the hearing. If a charged student/student organization, with notice, does not appear for a formal hearing, the information in support of the charges shall still be presented and considered. In such cases, failure to respond or appear will not create a presumption of either responsibility or non-responsibility.
- R. All findings of fact, recommendations, and decisions must be based solely on the information made available for use at the hearing. This includes, but is not limited to, all information made available to the responding student/student organization as part of the conduct hearing file.
- S. Minor technical departures or errors in the procedures established by the *Code* or applicable rulings will not necessarily be grounds to withhold conduct action. The Vice President for Student Affairs or their designee shall determine whether such errors were substantial and egregious enough to prevent a fair hearing.
- T. A single hearing may be held for more than one person/student organization charged in cases arising out of single or multiple occurrences, or multiple cases. OSRR makes such determinations, subject to review by the Vice President for Student Affairs or their designee. However, each responding student/student organization may request, with accompanying rationale, that their case be heard individually.
- U. A recording will be made of the hearing for the purpose of review by an appeal panel. The recording shall be the property of UNLV and will be maintained as such for a period of two (2) calendar years after the hearing. However, it shall be maintained for a longer period if the matter is subject to a litigation hold and/or pending in a court of law. Upon the written request of the responding student/student organization, a copy of the recording shall be made available to the student/student organization at their expense, by OSRR, within fifteen (15) college working days of the request. Confidentiality of recordings from closed hearings shall be maintained by all parties and their representatives.

V. Findings of fact and recommended Administrative and/or Education Responses, if any, shall be made in writing or Email by the Hearing Officer/Board Chair to the Vice President for Student Affairs or their designee within five (5) college working days after the close of the hearing.

W. The Vice President for Student Affairs or their designee shall review the findings of fact and recommended Administrative and/or Educational Responses reported by the Hearing Officer /Board Chair, and may:

1. Dismiss the charge or charges, in any combination;
2. Affirm the recommended administrative and/or educational responses;
3. Impose a greater or lesser Administrative and/or Educational Response than recommended; or
4. Order a new hearing.

X. The Vice President for Student Affairs or their designee shall submit a written decision within five (5) college working days after receipt of the findings and recommended administrative and/or educational responses. Also, within five (5) college working days, the Vice President for Student Affairs or their designee shall provide notice and copies of the decision to the responding student/student organization and to OSRR. The notice shall contain a notice of appeal rights and procedures and shall be in accordance with delivery methods and conditions as described in Section 3, Article III., B. and C. above. An additional five (5) college working days will be added to the timeline for the written decision issued by the Vice President for Student Affairs or their designee in cases of suspension or expulsion. When a student under the age of eighteen (18) years is suspended or expelled, the student's parent(s) or legal guardian(s) shall be notified by certified mail, return receipt requested, sent to the parent(s)' or legal guardian(s)' last known address.

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

Z. If a student/student organization is not currently enrolled, or the case adjudication process is entering a non-college working day period, the student/student organization and OSRR may agree to continue to resolve the case in as timely a manner as possible with the completion of the appropriate waivers.

## VII. APPEAL RIGHTS

A. A responding student/student organization found responsible for a violation of the *Code* has the right to appeal that decision and any Administrative and/or Educational Response imposed to the Vice President for Student Affairs or their designee. A request

for appeal must be filed within five (5) college working days from the responding student's/student organization's receipt of findings.

- B. The right of appeal is the right to seek review of a formal hearing decision or other action by an impartial Appeal Board granted higher University authority; it is not a right to a new hearing.
- C. To prepare the appeal request, the responding student/student organization and the advisor have the right to review the student's/student organization's conduct file, including any recording of the hearing.
- D. Any Administrative and/or Educational response imposed as a result of a hearing shall not become effective during the five (5) college working days during which an appeal may be filed, or until any such appeal has been decided, except that the Vice President for Student Affairs or their designee has the authority, in their absolute discretion that extenuating circumstances exist, to immediately impose an Administrative and/or Educational Response.

## VIII. APPEAL PROCEDURES

- A. The Vice President for Student Affairs or their designee shall appoint an appeal board which shall hear all appeals from formal hearings and from decisions pursuant to Section 3, Article VI., E. and Article VII., D.
- B. The appeal board shall consist of three (3) members, and shall include at least one (1) academic or administrative faculty, and one (1) student.
  - 1. Members of the appeal board shall be drawn from a pool of academic and administrative faculty, classified staff, and students who have completed the approved conduct hearing training.
  - 2. Members of the appeal board shall not have served in the original formal hearing, and shall elect their own chair.
- C. Time for Appeal:
  - 1. All appeals shall be filed by the student/student organization within five (5) college working days from receipt of the written decision.
  - 2. The Vice President for Student Affairs or their designee shall direct the appeal to the appeal board within ten (10) college working days of receipt of the appeal.
- D. Procedures for appeals from formal hearing decisions:
  - 1. All appeals shall be submitted electronically or in writing and filed with the Office of Student Rights & Responsibilities.
  - 2. The student/student organization who is appealing must include the following in the letter of appeal:
    - a. The specific grounds for the appeal (See Sections E.1. through 3. below);

- b. Supporting arguments and documentation; and
  - c. All other relevant information the student/student organization wishes to include for consideration.
- 3. The appeal board, at its discretion, may request a personal appearance of the student/student organization charged for the sole purpose of addressing issues raised by the appeal. The student/student organization is not required to appear, and the fact that a student/student organization does not appear upon request will not prejudice the appeal.

E. Grounds for appeals from formal hearing decisions:

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

- 1. That the procedures under which the student/student organization was charged are invalid, or if valid, were not followed;
- 2. That relevant new information exists that was not available at the time of the original hearing; or
- 3. That the Administrative and/or Educational Response(s) imposed was not in keeping with the gravity of the violation.

F. Student/Student Organization Appeal Record

In considering the appeal, the Appeal Board will conduct a review of the existing record of the case, which will include, but is not limited to:

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

G. Appeal Result

- 1. The Appeal Board shall recommend whether to:
  - a. Affirm the charge;
  - b. Impose greater or lesser Administrative and/or Educational Responses; or
  - c. Order a new hearing.
- 2. The Appeal Board's decision shall constitute a recommendation to the Vice President for Student Affairs or their designee and must be made within five (5) college working days following the Appeal Board's hearing.
- 3. In all cases, except those that recommend disciplinary suspension or expulsion, the Vice President for Student Affairs or their designee shall have the final authority. In cases resulting in disciplinary suspension, the Vice President for Student Affairs shall have final authority. In cases resulting in expulsion, the

Appeal Board's decision shall constitute a recommendation to the President, who shall have the final authority.

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

1. The student/student organization charged;
2. The Hearing Officer or Chair of the Hearing Board or Committee; and
3. OSRR.

I. New Hearing

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

## IX. ADMINISTRATIVE AND EDUCATIONAL RESPONSES

Depending upon the severity of the violation, and whether repeat or multiple violations are involved, Administrative/Educational Responses may be imposed by the Hearing Coordinator, Hearing Board, OSRR, the Vice President for Student Affairs or their designee, or the President of the University in any order or combination.

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

Any violation of the Code that is motivated by bias or prejudice; including behavior motivated on the basis of any person's identity as protected by NSHE's Nondiscrimination Policy Against Discrimination and Harassment including, but not limited to age (40 or older), disability, whether actual or perceived by others (including service-connected disabilities), gender (including pregnancy related conditions), marital status, 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 may result in enhanced responses for any misconduct listed in "Prohibited Conduct" that is determined to be motivated on the basis of the above classifications.

An Administrative/Educational response may have an accompanying administrative fee, in which case the student will be notified at the time the Administrative/Educational response is

assigned. Payment of an administrative fee will be considered part of the successful completion of the Administrative/Educational response.

Failure to comply with any such Administrative/Educational response or requirements will constitute an additional violation of the *Code*, and may result in additional and increased Administrative/Educational responses in accordance with the procedures set forth in this *Code*, including enrollment holds placed on the student's account.

For any alleged violation(s) applicable to the Office of Equal Employment and Title IX, the Policy Against Unlawful Discrimination and Harassment is used first to determine if a policy violation occurred. Only if a student is responsible for a policy violation is the matter referred to the UNLV Student Conduct Code process for the Educational response sanctions. The Hearing Officer or Title IX Coordinator may consult with OSRR regarding responses in the case that a student is found responsible for a violation under EE/TIX cases.

### **Administrative Responses:**

- A. LETTER OF WARNING.** Notice that continued or repeated violations of UNLV policies and/or regulations may be cause for further conduct action. These actions would normally be in the form of censure, loss of privileges, exclusion from activities, probation, suspension, or expulsion.
- B. RESTRICTIONS, LOSS OF PRIVILEGES, AND EXCLUSION FROM ACTIVITIES.**  
Exclusion/restriction from participation in privileges, extracurricular activities, holding office, or representing the University. Including, but not limited to trespass from University property, removal from a University-living environment, loss of use privileges for designated University facilities, denial of the use of a vehicle on campus, and/or other restrictions consistent with the violation committed.
- C. RESTITUTION PAYMENT OR SERVICE.** The requirement to provide restoration/restitution for a loss due to violations including, but not limited to: defacement, damage, fraud, theft, and/or misappropriation of property. Restitution may be imposed either exclusively or in combination with other sanctions. Restitution may take the form of monetary payment or appropriate services to repair or otherwise compensate for damages.
- D. CONDUCT PROBATION.** The terms of probation will be determined at the time the probation is imposed. The student/student organization placed on probation shall be notified in writing that the commission of additional or similar prohibited acts will lead to additional and/or increased educational and/or administrative responses.
- E. CONDUCT SUSPENSION.** This is the temporary separation of the student/student organization from the University for a specified period of time and/or until specific conditions, if imposed, have been met. A suspended student/student organization shall

not participate in any University-sponsored activity and shall be barred from all University campuses and properties. The student/student organization 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. Upon reentering campus, the student/student organization will be classified as being in "good standing" provided that no further *Code* violations have occurred. The student/student organization must have a meeting with OSRR as a condition of return to campus or enrollment to ensure that the student/student organization has a better understanding of their personal, professional, and academic expectations and prepare them for success.

F. **EXPULSION OR TERMINATION.** Permanent separation of the student/student organization from the University. The expelled student/student organization shall not participate in any University-sponsored activity and shall be barred from all University 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.

## Educational Responses

G. **NOTIFICATION OF ALCOHOL AND CONTROLLED SUBSTANCE-RELATED VIOLATIONS.** In cases where students are deemed to be at risk of harm to self or others, UNLV may, in consultation with the student, notify a trusted identified individual of any student under 21 years of age who is found responsible for violating the Alcohol and/or Controlled Substance protocols.

H. **REQUIRED EDUCATIONAL AND/OR RESTITUTION ACTIVITIES.** Mandatory participation in educational activities and/or programs of community restitution service on campus or in the community, as approved.

I. **ADMINISTRATIVE CONDUCT HOLD.** A status documented in the files of the Office of the Registrar that prevents the student from registering for classes, accessing official transcripts, and/or receipt of diploma until clearance from the Vice President for Student Affairs or their designee.

J. **PROOF OF PAYMENT/RESOLUTION OF UNLV CITATIONS.** A student/student organization may need to provide proof that an UNLV citation and/or other issues have been resolved with the appropriate entity.

K. **INTAKE/CONSULTATION/TREATMENT REFERRALS.** A student may be referred to UNLV Student Counseling and Psychological Services (CAPS) or a community mental health care provider to complete an intake and consultation involving alcohol, controlled substance, or other identified issues arising from a violation.

- L. RETURN TO CAMPUS CLEARANCE FORM. At the University's discretion, proof of participation or completion of treatment may be required. When appropriate, a student may request to utilize an off-campus provider for such services at the student's expense.
- M. REFLECTION LETTER OF UNDERSTANDING. A student/student organization will reflect on what has been learned from the experience and responses. The length and structure of such a letter will be specifically assigned to the student/student organization by OSRR.
- N. ALCOHOL/CONTROLLED SUBSTANCE/HAZING EDUCATIONAL RESPONSES. A student/student organization will complete an on-line alcohol, controlled substance AND/OR HAZING tutorial, attend an Alcohol, Controlled Substance and/or Hazing Intervention Workshop, or attend an identified off-campus education/intervention resource.
- O. ACADEMIC MISCONDUCT. Potential Academic, Administrative and/or Educational Responses for academic misconduct include, but are not limited to, the following, either singularly or in any combination.
  - 1. Academic Responses
    - a. Resubmitting an assignment
    - b. Reduction of points/letter grade for the assignment
    - c. Dropping a class
    - d. Reduction of points/letter grade for a class
    - e. Failing grade for an assignment
    - f. Failing grade for a class
  - 2. Administrative/Educational Responses
    - a. Reflection Letter of Understanding - A student/student organization will reflect on what has been learned from the experience and accompanying responses. The length and structure of such a letter will be specifically assigned to the student/student organization by OSRR.
    - b. Skill Remediation
    - c. Academic Integrity Seminar
    - d. Letter of Warning - Notice that continued or repeated violations of UNLV policies and/or regulations may be cause for further conduct action. These actions would normally be in the form of censure, loss of privileges, exclusion from activities, probation, suspension, or expulsion.
    - e. Restrictions, Loss of Privileges and Exclusion from Activities - Exclusion / restriction from participation in academic-based privileges, extracurricular activities and/or representing the University in academic-based situations. This includes, but is not limited to, restriction from evaluating a reporting instructor, participating in

departmental and/or university academic-based competitions or exhibitions, and serving as an ambassador for an academic-based department or college.

- f. Conduct Probation - The terms of probation will be determined at the time the probation is imposed. The student/student organization placed on probation shall be notified in writing that the commission of additional similar prohibited acts of academic misconduct will lead to additional and/or increased Administrative and/or Educational Responses.
- g. Transcript Notation - An Administrative Response recorded on the student's official and unofficial transcript. The transcript Notation shall read, "Disciplinary Notation due to Academic Dishonesty in (class) during (semester/term).
- h. Suspension or Removal from a Program, School, or College - Temporary (Suspension) or permanent (Expulsion) separation of the student from an academic program, school or college. For a suspension, this is for a specified period of time and/or until specific conditions, if imposed, have been met. Students assigned this response shall not participate in any program/school/college activities during that time. The student will be notified in writing, with their official and unofficial transcript shall be marked "Suspension/Removal from (Program/school/College) effective date). Upon reentering the Program, School or College, the student will be classified as being in "good standing" provided that no further *Code* violations have occurred. A Re-Entry Meeting with OSRR and/or designee from the program/school/college will be a condition of return to campus or enrollment to ensure that the student has a better understanding of their personal, professional, and academic expectations and prepare them for success.
- i. Suspension from the University - This is the temporary separation of the student/student organization 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. Upon reentering campus, the student will be classified as being in “good standing” provided that no further Code violations have occurred. A Re-Entry Meeting with OSRR will be a condition of return to campus or enrollment to ensure that the student has a better understanding of their personal, professional, and academic expectations and prepare them for success.

- j. 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 UNLV 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.
- k. Withdrawal of previously accepted credit for a course or requirement. - If a student is found responsible for academic misconduct in a course that has already concluded and assigned credit, and the assigned response is a failing grade for the course or requirement, the university reserves the right to rescind that credit at the conclusion of the OSRR process.
- l. Revocation of a degree or certificate - If a student who has graduated from the university (or one of its certificate programs) is found responsible for academic misconduct that occurred while they were enrolled, and the assigned response would negate their ability (temporarily or permanently) to achieve a degree and/or certificate, the university reserves the right to revoke such degree or certificate.
- m. Referral to the appropriate legal authorities - If the commitment of an act of academic misconduct is found to also include violations of local, state or federal law, the university will provide notification to the appropriate entity that has jurisdiction over the alleged violation of law. Examples of this include, but are not limited to, threatening another individual involved in the case adjudication process, theft, extortion, or creating a safety violation as a means to avoid an academic exercise.

# Section 4: Processing of Student Government Reports

## I. AUTHORITY

NRS 241.017 requires the Board of Regents to establish requirements equivalent to the Nevada Open Meeting Law (NRS Chapter 241) for student governments and to provide for their enforcement. Under Title 4, Chapter 20, Section 3 of the Board of Regents Handbook, "The meetings of any multi-member executive or legislative body, committee, subcommittee, commission or subsidiary thereof of a student government shall be held in accordance with the provisions of the Nevada Open Meeting Law, Chapter 241 of the Nevada Revised Statutes, as amended." This Section outlines the process of reports alleging a violation of the Open Meeting Law.

## II. FILING A REPORT

A report alleging a violation of the Open Meeting Law by a student government (CSUN or GPSA) shall be filed with OSRR within 120 calendar days of the alleged violation. OSRR may, in its discretion, investigate and process a report more than 120 calendar days after the alleged violation if the alleged violation was not discoverable at the time that the alleged violation occurred and the report is filed not more than 1 year after the alleged violation. OSRR is not required to investigate or process any alleged violation of the Open Meeting Law if OSRR determines that the interests of the person who filed the report are not significantly affected by the action of the student government that is alleged to violate the Open Meeting Law.

Any report must meet the following criteria:

- A. The report may be submitted either via hard-copy or electronic form, and dated;
- B. The report must clearly indicate the name of the person filing the report;
- C. To the extent possible; the date, time, place, name of person(s) involved, and the circumstances of the alleged violation(s) should be specified; and
- D. The name(s) of any person(s) who may have witnessed or have knowledge of the alleged violation(s) should be listed. OSRR may follow up with those individuals for further information/clarification.

## III. NOTIFICATION AND INFORMATION GATHERING

OSRR will notify the head administrative officer of the student government of the body identified in a report of the alleged violation not more than 14 days after the report is filed.

OSRR will gather information relevant to the report. OSRR or its designee responsible for gathering that information has the authority to contact and meet with any persons, who are listed in the initial report or are identified during the information gathering process, believed to

have information relevant to the report and encourage them to discuss the allegations in the report. In the absence of compelling circumstances, the information gathering process shall be completed within ninety (90) college working days after the filing of a report. OSRR has the discretion to extend the information gathering timeline for good-cause.

## IV. RESOLUTION

Upon completion of the information gathering process, OSRR will issue either a finding that no violation occurred or a finding that a violation of the Open Meeting Law occurred together with findings of fact and conclusions of law that support the finding that violation occurred by a preponderance of the evidence.

## V. REMEDIES

If OSRR determines that a violation of the Open Meeting Law occurred, then, per Title 4, Chapter 20, Section 3(5) of the Board of Regents Handbook, a violation shall be treated as follows:

- A. Any action taken in violation of the provisions of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook is void.
- B. Each official of a student government who attends a student government meeting covered by the provisions of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook where action is taken in violation of any provision of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook with knowledge of the fact that the meeting is in violation thereof has engaged in conduct which violates an applicable stated policy of the Board of Regents of the NSHE, and such conduct constitutes a violation of Section 6.2.2(t) of the NSHE Code.
- C. The wrongful exclusion of any person or persons from a student government meeting covered by of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook is conduct in violation of Section 6.2.2(t) of the NSHE Code.
- D. An official of a student government who attends a student government meeting covered by Title 4, Chapter 20, Section 3 of the Board of Regents Handbook at which action is taken in violation of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook is not the accomplice of any other member so attending insofar as violation of the NSHE Code is concerned.
- E. Any violation of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook constitutes a violation of Title 2, Chapter 10, Section 10.2.1(u) of the NSHE Code and shall be processed procedurally in accordance with Sections 1 to 3 of this Code.
- F. The office of every student government official found to have engaged in conduct in violation of Title 4, Chapter 20, Section 3 of the Board of Regents Handbook shall

become vacant upon a final determination being made under the Code that such violation has occurred.

In addition, the student government body must include an item on the next agenda posted for a meeting of the student government which acknowledges the existence of the findings of fact and conclusions of law with the findings of OSRR attached as supporting material for the agenda item.

## Glossary of Terms for this *Code*

Academic Faculty	Employees whose primary functions involve instructional teaching and/or research.
Accommodation	Any requested and approved change or adjustment to an environment or process that makes it possible for an individual with a disability to participate in the process or environment.
Administrative Faculty	Employees whose primary functions are administrative/professional in nature and not primarily academic instructional work.
Administrative Response	A response related to the status or standing of an individual following a responsible outcome of the conduct process (i.e. Warning, Probation, Suspension, Expulsion)
Adversely Affects	Influence or change in a negative or harmful way
Advisor	An individual who is there to assist a respondent through the Student Conduct Process at the request of the respondent. This individual does not participate in the student conduct process directly
Alternative Conflict Resolution	An option provided to address a student or organization's violation of the student conduct code. This option may allow collaborative learning opportunities for personal, academic, and professional development or growth.
Appeal	The process of challenging the outcome of an informal or formal resolution to an appellate body or officer
Board of Regents	The elected governing body for the NSHE
Challenge	To dispute especially as being unjust, invalid, or outmoded
Classified Staff	Employees of the Nevada System of Higher Education (NSHE) working in positions defined in accordance with the state classified system
Code	Informal or shortened language to refer to the UNLV Student Conduct Code
College Working Day	Calendar days in which an academic term is in session, excluding University Holidays, weekends, and study and finals week, in which a student is enrolled at the University. If a student is not enrolled, but residing in University-operated housing, those days may also count as College Working Days.
Continuing Relationship	A continuing relationship refers to a time frame in which the University or student is maintaining their connection to one another, this includes times in which a student is not currently enrolled in University Courses but may enroll at a later date (from application to course enrollment,

	University breaks, time away from the University through suspension, withdrawal for personal reasons, a periodic lapse in enrollment, study abroad, auditing of courses, etc.) or has unfinished business with the University (an open student conduct case, fines or fees with offices at the university, an incomplete grade, etc.)
Controlled Substance	A drug that the United States DEA regulates to ensure safety, facilitate medical use, and prevent misuse within legal guidelines.
Disability	A physical or mental impairment that substantially limits one or more major life activity
Dispute	To call into question or cast doubt upon
Educational Response	A response related that exists to educate an individual following a responsible outcome of the conduct process
First Amendment	The United States First Amendment under the Constitution of the United States
Formal Resolution	The outcome of the formal resolution process by the <i>Code</i>
Free Speech	Speech generally protected by the First Amendment
Guest	Any individual(s) who is on university property or at a university sponsored or affiliated event that they would not have prior access to at the explicit invitation of a member of the university community
Hazing	<p>Any method of recruitment, admission, initiation into, affiliation with, or maintenance of continued participation in the University community, a student organization, a sports team, an academic association, or other group engaged in, whether on or off campus, that intentionally, knowingly, or recklessly endangers another individual, that destroys or removes public or private property, that subjects any person to any psychological, physical, or emotional harm, request, or obligation that could cause discomfort, pain, fright, disgrace, injury, that is personally degrading or that violates any federal, state, or local law(s), or University policy. Such activities include, but are not limited to;</p> <ol style="list-style-type: none"> <li>1. blindfolding, branding or burning, kidnapping or bondage, abandonment, whipping, beating, or other forms of assault, paddling in any form, physical or psychological shocks, placing of a harmful substance on someone's body,</li> <li>2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements,</li> </ol>

	<p>deception (lies, tricks, or dishonesty) or verbal abuse, confinement in a small space, imprisonment or social isolation, late work sessions which interfere with scholastic activities,</p> <p>3. causing, advocating, promoting, forcing, or coercing sexual acts, illegal alcohol, controlled substance use, or any substance, extreme calisthenics, tests of endurance, line-ups, drills, or tests on meaningless information,</p> <p>4. forced consumption of any food or liquid substance, expecting certain items to always be in one's possession, silence periods, submission of members or prospective members to potentially dangerous or hazardous circumstances or activities which have a reasonably foreseeable potential for resulting in personal injury,</p> <p>5. compromising of moral or religious values, or any activity which by its nature may have a potential to cause mental distress, panic, human degradation, or embarrassment.</p> <p>The willingness of an individual to participate in such activity or allow oneself to be submitted to such hazing activity does not make the conduct acceptable or legitimate. Hazing can be performed by any individual within an organization, with or without permission of the organization as a whole. An organization may be held accountable for the conduct of individuals in regards to hazing. For the purposes of this definition, an activity shall be deemed "forced" if initiation into or affiliation with a student organization, academic association or athletic team is directly or indirectly conditioned upon participation in the activity.</p>
Hearing	The formal gathering of individuals to hear a case and decide the outcomes of that case
Informal Resolution	The outcome of the informal resolution process by the <i>Code</i>
No Contact Order	A non-disciplinary order set in place by OSRR that bars any contact (direct, indirect, or third party) between individuals
NSHE	Informal or shortened language for the Nevada System of Higher Education

Probation	A warning period set in place through the informal or formal resolution process in which a student or student organization is expected to abide by all rules and regulations set forth by the university or have their status as a student or student organization reviewed
RebelMail	This refers to the email service provided by the University. All students are required to check this email by university policy.
Reporter	An individual or entity that files or submits a report with an official office (OSRR, Equal Employment and Title IX, etc.) at UNLV
Respondent	A student or student organization responding to allegations based on a submitted report
Student	An individual who is currently enrolled in University courses, was previously enrolled in University courses, or who has a continuing relationship with the University.
Student ID	The RebelCard and associated NSHE ID number associate with a student. The RebelCard is property of the University and is non-transferable. As noted, the card holder agrees to produce and/or surrender the card upon demand of a University Official.
Suspension	A defined period of time that a student or student organization ceases their membership with the university as a result of an informal or formal resolution process under the code.
Trespass	A process where an individual is not authorized to be within a specific physical area for a specific period of time
University	Informal or shortened language for the University of Nevada, Las Vegas
Written Notice	A formal notification provided to an individual in writing
Student Organization	A group of students or an entity that has been recognized as a student organization through UNLV Student Involvement and Activities